

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1314

By: Monson

COMMITTEE SUBSTITUTE

(Public health and safety - amending Section 4, Chapter
139, O.S.L. 1992 - licensing of home care agencies and
home health aides -
effective date -

emergency)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 4, Chapter 139, O.S.L.
1992 (63 O.S. Supp. 1995, Section 1-1962), is amended to read as
follows:

Section 1-1962. A. On and after July 1, 1993, no home care
agency as such term is defined by this act shall operate without
first obtaining a license as required by the Home Care Act, Section
1-1960 et seq. of this title.

B. On and after July 1, 1993:

1. No employer or contractor, except as otherwise provided by
this subsection, shall employ or contract with any individual as a
home health aide for more than four (4) months, on a full-time,
temporary, per diem or other basis, unless such individual is a
licensed health professional or unless such individual has satisfied
the requirements for certification and placement on the home health
aide registry maintained by the State Department of Health; and

2. a. Any person in the employment of a home care agency as
a home health aide on June 30, 1992, with continuous

employment through June 30, 1993, shall be granted home health aide certification by the Department on July 1, 1993. The home care agency shall maintain responsibility for assurance of specific competencies of the home health aide and shall only assign the home health aide to tasks for which the aide has been determined to be competent.

b. Any home health aide employed between the dates of July 1, 1992, and June 30, 1993, shall be eligible for certification by passing a competency evaluation and testing as required by the Department.

c. Any home health aide employed on and after July 1, ~~1993~~ 1996, shall complete any specified training, competency evaluation and testing required by the Department; provided, that the Department shall develop and implement alternative certification methods for individuals employed prior to July 1, 1996, who have two (2) or more years of prior experience as a home health aide and who have not already been certified pursuant to this subsection.

C. The provisions of the Home Care Act shall not apply to:

1. A person acting alone who provides services in the home of a relative, neighbor or friend;

2. A person who provides maid services only;

3. A nurse service or home aide service conducted by and for the adherents to any religious denomination, the tenets of which include reliance on spiritual means through prayer alone for healing;

4. A person providing hospice services pursuant to the Oklahoma Hospice Licensing Act, Section 1-860.1 et seq. of this title; or

5. A nurse-midwife.

SECTION 2. This act shall become effective July 1, 1996.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-2494

CJ