

ENROLLED HOUSE  
BILL NO. 2391

By: Seikel and Boyd (Laura)  
of the House

and

Cain of the Senate

An Act relating to public health and safety;  
amending 63 O.S. 1991, Sections 1-872 and 1-873,  
which relate to the Adult Day Care Act; modifying  
definitions; classifying certain codes; and  
providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-872, is amended to read as follows:

Section 1-872. As used in ~~this act~~ the Adult Day Care Act:

1. "Adult day care center" or "center" means a facility ~~except for retirement centers and senior citizens centers,~~ which provides basic day care services to four or more unrelated impaired adults for more than four (4) hours in a twenty-four-hour period. A center shall be a distinct entity, either freestanding or a separate program of a larger organization. A ~~licensed~~ center shall have a separately verifiable staff, space, budget and participant record system. The terms "adult day care center" or "center" shall not include retirement centers and senior citizen centers;

2. "Basic day care services" means supervised health, social supportive, and recreational services in a structured daytime program which serves functionally impaired adults ~~who cannot take care of themselves~~ who continue to live in their own homes, usually with the aid of family care givers;

3. "Department" means the State Department of Health; and

4. "Participant" means any person attending an adult day care center.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-873, is amended to read as follows:

Section 1-873. A. The State ~~Department~~ Board of Health, with the advice of the Long-Term Care Facility Advisory Board, created pursuant to Section 1-1923 of Title 63 of the Oklahoma Statutes, shall define minimum licensure requirements and ~~regulations~~ rules including standards for:

1. Health and social services which may be provided to participants;

2. The range of services to be provided by a center based on the type of participants to be served;

3. Staff to participant ratios;

4. Staff and volunteer qualifications;

5. Staff training;

6. Food services;

7. Participant records and care plans;

8. Antidiscrimination policies;

9. Sanitary and fire standards; and

10. Any other requirements necessary to ensure the safety and well-being of frail elderly and disabled adults.

B. Centers to be licensed shall include all adult day care centers, with the exception of sheltered workshops and senior recreational centers, which do not receive participant fees for services. It shall be unlawful to operate a center without first obtaining a license for such operation as required by the Adult Day Care Act, regardless of other licenses held by the operator. Organizations operating more than one center shall obtain a license for each site.

C. The license for operation of a center shall be issued by the State Department of Health, and shall be subject to annual renewal. ~~A~~ The current license issued pursuant to the provisions of the Adult Day Care Act shall be posted in a prominent place at the center.

D. A center ~~must~~ shall meet the safety, sanitation and food service standards of the State Department of Health, ~~and local health, fire and building codes.~~

E. Local health, fire and building codes relating to adult day care centers shall be classified as an education use group.

SECTION 3. This act shall become effective November 1, 1996.

Passed the House of Representatives the 16th day of April, 1996.

Speaker of the House of  
Representatives

Passed the Senate the 27th day of March, 1996.

President of the Senate