

ENROLLED HOUSE
BILL NO. 2964

By: Seikel of the House

and

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An Act relating to public health and safety; amending 63 O.S. 1991, Sections 1-818.1 and 1-818.2, as amended by Sections 1 and 2 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.3, 1-818.4 and 1-818.5, as last amended by Sections 3, 4 and 5 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.6, as amended by Section 6 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.7, as last amended by Section 7 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.8 and 1-818.9, as amended by Sections 8 and 9 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.10 and 1-818.11, as last amended by Sections 10 and 11 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.12 and 1-818.13, as amended by Sections 12 and 13 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.14, as last amended by Section 14 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.15 and 1-818.16, as amended by Sections 15 and 16 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.17, as last amended by Section 17 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.18 and 1-818.19, as amended by Sections 18 and 19 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.20 and 1-818.21, as last amended by Sections 20 and 21 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.22, 1-818.23 and 1-818.24, as amended by Sections 22, 23 and 24 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.25, as last amended by Section 25 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.26, as amended by Section 26 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.27, as last amended by Section 27 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.28, as amended by Section 28 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.29, as last amended by

Section 29 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.30, 1-818.31, 1-818.32, 1-818.33 and 1-818.34, as amended by Sections 30, 31, 32, 33 and 34 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.35, as last amended by Section 35 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, 1-818.36, 1-818.37, 1-818.39, 1-818.40 and 1-818.41, as amended by Sections 36, 37, 38, 39 and 40 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, which relate to the Group Homes for Persons with Developmental Disabilities Act; renaming act; clarifying and updating language; directing certain access to group homes by certain persons and entities; establishing conditions; amending 60 O.S. 1991, Sections 860, 861, 862, 863, 864, 865, 866 and 867, which relate to the Developmentally or Physically Disabled Persons Community Residential Living Act; changing name of act to Community Residential Living for Persons with Developmental or Physical Disabilities Act; modifying legislative intent; modifying terms; providing for transfer of jurisdiction from the Oklahoma State Department of Health; providing for effect of certain rules; requiring promulgation of rules; updating and clarifying language; providing for prior licensed group homes; amending 63 O.S. 1991, Section 1-702, which relates to community-based structured crisis centers; requiring community-based structured crisis centers to obtain a license; requiring certification of certain emergency services; providing for rules; requiring compliance; defining term; directing the Commissioner of Mental Health and Substance Abuse Services to establish certain regional boards for certain purposes; specifying duties of the boards; providing for membership, terms and travel reimbursement; amending 43A O.S. 1991, Sections 3-601, 3-602 and 3-603, which relate to mental health; providing for narcotic treatment programs; establishing qualifications for treatment; requiring establishment of a central registry; requiring participation in certain narcotic treatment registries of certain adjoining states; requiring notification of closures; modifying procedures and requirements for certain treatment programs; providing for certain contents of programs; requiring certain approvals of programs; requiring drug approval; requiring guidelines; requiring certain recommendations; requiring certain pregnancy tests for pregnancy; changing date for progress reviews; using certain federal regulations as basis for certain program requirements; requiring approval of a standard medication fee; updating language; authorizing exceptions; authorizing recertification; repealing 43A O.S. 1991, Sections 3-303, 3-304 and 3-305, which relate to the Alcohol, Drug Abuse and Community Mental Health Planning and Coordination

Boards and the community mental health plan, and Sections 3-411, 3-412 and 3-413, which relate to regional drug and alcohol service plans and planning body; providing for codification; providing for recodification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-818.1, as amended by Section 1 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.1 Sections 1 through 40 of this act shall be known and may be cited as the "Group Homes for Persons with Developmental or Physical Disabilities Act".

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-818.2, as amended by Section 2 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.2 As used in the Group Homes for Persons with Developmental or Physical Disabilities Act:

1. "Abuse" means any intentional infliction of physical pain, injury or mental anguish, or the deprivation of food, clothing, shelter or medical care by a person responsible for providing these services, as defined by the Protective Services for the Elderly and for Incapacitated Adults Act, and any sexual assault inflicted on a resident of a group home;

2. "Access" means the right of a person to enter a group home to communicate privately and without unreasonable restriction;

3. "Administrator" means the person designated by the provider who has authority and responsibility for the programs and operation of a group home;

4. "Advisory Board" means the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board established by Section ~~1-818.4~~ 4 of this ~~title~~ act;

5. "Advocate" means an adult designated in writing by the resident to assist the resident in exercising the rights of such resident;

6. "Applicant" means a person, corporation, partnership, association, or other entity which is being considered by the Department of Human Services for a license with the Department to provide group home services;

7. "Commission" means the Commission for Human Services;

8. "Contract" means the binding legal agreement to provide group home services, entered into between the provider and the Developmental Disabilities Services Division of the Department of Human Services;

9. "DDSD" means the Developmental Disabilities Services Division of the Department of Human Services;

10. "Department" means the Department of Human Services;

11. "Developmental disability" means a severely chronic disability of a person, five (5) years of age or older, which:

- a. is attributable to a physical or mental impairment or a combination of physical and mental impairments,
- b. is manifested before the person attains the age of twenty-two (22) years,

- c. is likely to continue indefinitely,
- d. results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) self-care,
 - (2) receptive and expressive language,
 - (3) learning,
 - (4) mobility,
 - (5) self-direction,
 - (6) capacity for independent living, or
 - (7) economic self-sufficiency, and
- e. reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are lifelong or of extended duration and are individually planned and coordinated;

12. "Director" means the Director of Human Services;

13. "Exploitation" means the unjust or improper use of the personal resources of a resident for the profit or advantage, pecuniary or otherwise, of another person, as defined by the Protective Services for the Elderly and for Incapacitated Adults Act;

14. "Group home for persons with developmental or physical disabilities" means any establishment or institution, other than a hotel, motel, fraternity or sorority house, college or university dormitory, for not more than twelve ~~(12)~~ residents who are eighteen (18) years of age or older and who have developmental or physical disabilities, which offers or provides supervision, residential accommodations, food service, and training and skill development opportunities designed to lead to increased independence of the residents and which offers or provides supportive assistance to any of its residents requiring supportive assistance. Such residents shall not require intermediate care facility services;

15. "Guardian" means a court-appointed representative or conservator;

16. "Habilitation" means procedures and interventions designed to assist an individual with developmental or physical disabilities achieve greater physical, mental and social development by enhancing the well-being of the person and teaching skills which increase the possibility that such individual will make progressively independent and responsible decisions about social behavior, quality of life, job satisfaction and personal relationships;

17. "Home" or "group home" means a group home for persons with developmental or physical disabilities;

18. "House manager" means the person who is not the administrator of a group home but who manages the group home;

19. "Interdisciplinary team" means a group of people, including, at a minimum, the resident and the resident's family, guardian or advocate, who develop a plan to encourage and enhance habilitation of the resident;

20. "Licensee" means a person, corporation, partnership, or association who is the owner of a home which is licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

21. "Neglect" means a failure to provide protection for a resident who is unable to protect one's own interests; or the failure to provide adequate shelter or clothing; or the harming or threatening with harm through action or inaction by either another individual or through the person's own action or inaction because of such person's lack of awareness, incompetence or incapacity, which has resulted or may result in physical or mental injury, as defined

by the Protective Services for the Elderly and for Incapacitated Adults Act;

22. "Personal care" means assistance with meals, dressing, movement, bathing or other personal needs, or general supervision of the physical and mental well-being of a person, who is currently unable to maintain a private, independent residence, or who has limited abilities in the managing of his or her person, whether or not a guardian has been appointed for such person;

23. "Physical disability" means a condition which causes the restricted use of the extremities by an individual or affects other bodily functions of an individual and which requires the specialized training, habilitation or rehabilitation services provided by a group home;

24. "Program certification" means certification by the Department that a group home meets and is in compliance with the rules adopted by the Commission for Human Services as standards for the training, habilitation or rehabilitation of residents of a group home;

25. "Provider" means a person, corporation, partnership, association, or other entity which operates a group home for persons with developmental or physical disabilities;

26. "Resident" means a person residing in a group home for persons with developmental or physical disabilities due to a developmental disability;

27. "Sexual assault" means rape, incest, lewd and indecent acts or proposals, as defined by law, by a person responsible for the resident's welfare and includes the allowing, permitting, or encouraging a resident to engage in prostitution or the lewd, obscene, or pornographic photographing, filming or depiction of a resident;

28. "Supervision" means the provision of on-site staffing in the group home or on the premises of the group home when residents are present who require on-site staffing, as determined by an assessment by an interdisciplinary team. Supervision includes, but is not limited to, training, assistance with housekeeping, assistance with preparation of meals, assistance with safe storage, distribution and administration of medications, and assistance with personal care as necessary for the health and comfort of such person;

29. "Supportive assistance" means the service rendered to any person which is sufficient to enable the person to meet an adequate level of daily living; and

30. "Transfer" means a change in location of living arrangements of a resident from one group home to another group home.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-818.3, as last amended by Section 3 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.3 The Department of Human Services shall have the power and duty to:

1. Enforce any provision and prosecute any violation of the Group Homes for Persons with Developmental or Physical Disabilities Act;

2. Issue, renew, deny, modify, suspend, and revoke licenses for group homes pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act; provided, however, providers of group home services that have a current contract with the Developmental Disabilities Services Division shall be deemed to be licensed;

3. Establish and enforce standards and requirements for licensure and program certification of group homes which are subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and require the submission of, and to review, reports from any person establishing or operating a group home;

4. Enter upon any public or private property for the purpose of inspecting and investigating conditions of the residents in the group home or for the purpose of inspecting and investigating the home for compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or the standards or requirements for licensure and program certification developed by the Department pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

5. Employ or designate personnel to conduct investigations and inspections, to make reports of the condition of group homes and the residents of such homes, and to take necessary action pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act to protect and safeguard the health, safety, and welfare of residents of homes;

6. Establish a procedure for receipt and investigation of complaints regarding a group home or concerning the condition, care, and treatment of a resident of a home, a copy of which procedure shall be distributed to all providers of group home services;

7. Report to the district attorney having jurisdiction or the Attorney General any act committed by a provider, administrator, operator, or employee of a group home which may constitute a misdemeanor pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

8. Advise, consult, and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

9. Develop and enforce rules subject to the approval of the Commission for Human Services to implement the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. Such rules shall include, but not be limited to, physical conditions which shall protect the health, safety, and welfare of the residents in a group home as outlined in the Group Homes for Persons with Developmental or Physical Disabilities Act;

10. Investigate, request or otherwise obtain the information necessary to determine the qualifications and background of an applicant for licensure;

11. Establish civil penalties for violations of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act as authorized by the Commission pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

12. Institute and maintain or intervene in any action or proceeding where deemed necessary by the Department to protect the health, safety, and welfare of any resident of a group home;

13. Transfer or discharge a resident or otherwise protect the health, safety, and welfare of any resident of a group home; and

14. Exercise all incidental powers as necessary and proper for the administration of the Group Homes for Persons with Developmental or Physical Disabilities Act.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 1-818.4, as last amended by Section 4 of Enrolled Senate Bill No. 1097 of the

2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.4 A. There is hereby re-created to continue until July 1, 2000, in accordance with the provisions of the Oklahoma Sunset Law, the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board.

1. The Advisory Board shall be composed of nine (9) members as follows:

- a. eight members, appointed by the Director of Human Services, one of whom shall be a representative of the Oklahoma Community Based Providers Association, one a representative of United Cerebral Palsy of Oklahoma, one a representative of the State Council on Developmental Disabilities who is not a state employee, two who shall be group home directors having a minimum of two (2) years of experience as a group home director, and three who shall be consumers or consumer advocates, one of whom is the parent of a person having a developmental disability. These appointed members shall each serve a three-year term and may be reappointed, and
- b. one member shall be the State Fire Marshal, or a designee who shall serve at the pleasure of the State Fire Marshal.

2. The Advisory Board shall annually elect a chair, a vice-chair and a secretary and shall meet at least quarterly and at such other times as may be necessary. All meetings of the Advisory Board shall be subject to the provisions of the Oklahoma Open Meeting Act. Members of the Advisory Board shall not receive compensation for their services but shall be reimbursed pursuant to the provisions of the State Travel Reimbursement Act.

3. The Department of Human Services shall appoint an employee to serve as a resource person and provide assistance to the Advisory Board.

B. The Advisory Board shall have the power and duty to:

1. Serve as an advisory body to the Department for the development and improvement of services to and care and treatment of residents of group homes subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

2. Review, make recommendations regarding, and approve in its advisory capacity the system of standards developed by the Department;

3. Evaluate and review the standards, practices, and procedures of the Department regarding the administration and enforcement of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and the quality of services and care and treatment provided to residents of group homes, and may make recommendations to the Department as necessary and appropriate; and

4. Serve as an advisory body to the Department regarding the implementation of any nationally recognized accreditation standards, as they apply to community-based facilities and services adopted by the Commission for Human Services as standards for the provision of services to persons with developmental or physical disabilities who receive services through the Department of Human Services.

C. The Department shall, with regard to the meetings and duties of the Advisory Board which pertain to the Department, provide clerical staff support to assist the Advisory Board and space for meetings.

SECTION 5. AMENDATORY 63 O.S. 1991, Section 1-818.5, as last amended by Section 5 of Enrolled Senate Bill No. 1097 of the

2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.5 It shall be the duty of the Director of the Oklahoma State Bureau of Investigation to assist the Director of Human Services in carrying out the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, insofar as the functions of the respective offices and departments are concerned with the health, welfare and safety of any person or persons cared for in group homes for persons with developmental or physical disabilities.

SECTION 6. AMENDATORY 63 O.S. 1991, Section 1-818.6, as amended by Section 6 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.6 A. Enforcement of any action for an injunction or recovery of any administrative or civil penalty assessed pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act may be brought by:

1. The district attorney of the appropriate district court of the State of Oklahoma;
2. The Attorney General on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma; or
3. The Department on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma; or as otherwise authorized by law.

B. The Department may bring an action in a court of competent jurisdiction for equitable relief to redress or restrain a violation by any person of a provision of the Group Homes for Persons with Developmental or Physical Disabilities Act or any rule or order issued pursuant thereto. Said court has jurisdiction to determine said action, and to grant the necessary or appropriate relief, including, but not limited to, mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

SECTION 7. AMENDATORY 63 O.S. 1991, Section 1-818.7, as last amended by Section 7 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.7 A. The operation or maintenance of a group home in violation of the Group Homes for Persons with Developmental or Physical Disabilities Act, or of the rules promulgated by the Commission for Human Services, is declared a public nuisance inimical to the public welfare. The Director of Human Services, in the name of the people of the state, or through the Attorney General or the district attorney of the county in which the group home is located may, in addition to other remedies herein provided, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such group home.

B. 1. Any person with personal knowledge or substantial specific information who believes that the Group Homes for Persons with Developmental or Physical Disabilities Act, a rule promulgated pursuant thereto, or a federal certification rule applying to a group home may have been violated, may request an investigation. The request may be submitted to the Department of Human Services in writing, by telephone, or personally. An oral complaint shall be reduced to writing by the Department. Provided that any person who willfully or recklessly makes a false complaint without a reasonable basis in fact for such a complaint under the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall be liable in a civil suit for any actual damages, including attorneys' fees and costs, suffered by a group home so requested to

be investigated, and for any punitive damages set by the court or jury which may be allowed in the discretion of the court or jury when deemed proper by the court or jury.

2. The substance of the complaint shall be provided to the provider no earlier than at the commencement of the on-site inspection of the group home which takes place pursuant to the complaint.

3. The Commission shall promulgate rules to protect the identity of the complainant, provided that such complainant is presently a resident or resident's representative or such complainant is presently an employee of the group home.

4. Upon receipt of a complaint, the Department shall determine whether the Group Homes for Persons with Developmental or Physical Disabilities Act, a rule promulgated pursuant thereto, or a federal certification rule for facilities has been or is being violated. A determination about a complaint which alleges a violation shall be made in writing, within thirty (30) days after receipt of the complaint. The determination shall state the reasons therefor.

5. In all cases, the Department shall inform the group home and the complainant, unless otherwise indicated by the complainant, of its findings within ten (10) days of its determination. The complainant may direct the Department to send a copy of such findings to one other person. The notice of such findings shall include a copy of the written determination, the correction order, if any, the warning notice, if any, and the state licensure of federal certification for, or both, on which the violation is listed.

6. A written determination, correction order or warning notice concerning a complaint shall be available for public inspection.

7. The Department shall issue a written determination signed by the Director which shall serve as a final appealable order subject to trial de novo in the appropriate district court.

8. The Commission shall establish any additional rules necessary for the investigation and hearing of complaints as provided herein, and is authorized to employ hearing officers.

SECTION 8. AMENDATORY 63 O.S. 1991, Section 1-818.8, as amended by Section 8 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.8 A. The provider is liable to a resident for any intentional or negligent act or omission of their agents or employees which injures the resident. Also, any state employee that aids, abets, assists, or conspires with a provider to perform an act that causes injury to a resident shall be individually liable.

B. A resident may maintain an action under this act for any other type of relief, including injunctive and declaratory relief, permitted by law.

C. Any damages recoverable under this section, including minimum damages as provided by this section, may be recovered in any action which a court may authorize to be brought as a class action. The remedies provided in this section, are in addition to and cumulative with any other legal remedies available to a resident. Exhaustion of any available administrative remedies shall not be required prior to commencement of suit hereunder.

D. Any waiver by a resident or the resident's guardian or advocate of the right to commence an action under this section, whether oral or in writing, shall be null and void, and without legal force or effect.

E. Any party to an action brought under this section shall be entitled to a trial by jury and any waiver of the right to a trial

by a jury, whether oral or in writing, prior to the commencement of an action, shall be null and void, and without legal force or effect.

F. A provider or its agents or employees shall not transfer, discharge, evict, harass, dismiss or retaliate against a resident, a resident's guardian or advocate, or an employee or agent who makes a report, brings, or testifies in, an action under this section, or files a complaint because of a report, testimony or complaint.

G. Any person, institution or agency, under this act, participating in good faith in the making of a report, or in the investigation of such a report shall not be deemed to have violated any privileged communication and shall have immunity from any liability, civil or criminal, or any other proceedings, civil or criminal, as a consequence of making such report. The good faith of any persons required or permitted to report cases of suspected resident abuse, neglect or exploitation pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act shall be a rebuttable presumption.

H. An employee or agent of a provider who becomes aware of abuse, neglect or exploitation of a resident as prohibited by the Group Homes for Persons with Developmental or Physical Disabilities Act shall immediately report the matter to the group home administrator. A group home administrator who becomes aware of abuse, neglect or exploitation of a resident shall take immediate action to ensure the health and safety of the resident, and shall make a report of the incident and any action taken to the Department.

SECTION 9. AMENDATORY 63 O.S. 1991, Section 1-818.9, as amended by Section 9 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.9 Any person who violates any of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or any order or determination of the Department promulgated pursuant thereto, or who fails to perform any duty imposed upon such person by the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, shall be subject to any of the following penalties and liabilities as authorized by the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act:

1. License revocation, suspension, or nonrenewal;
2. Conditional license;
3. Transfer of residents;
4. Receivership;
5. Injunctive proceedings, including prohibiting the admission of new residents to the group home;
6. Civil fines; and
7. Criminal penalties.

SECTION 10. AMENDATORY 63 O.S. 1991, Section 1-818.10, as last amended by Section 10 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.10 After notice and hearing pursuant to the provisions of Section ~~1-818.28~~ 28 of this ~~title~~ act, the Department of Human Services may:

1. Deny or refuse to renew, suspend, or revoke a license to an applicant who is not in compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;
2. Deny, refuse to renew, suspend, or revoke a license to an applicant or licensee:

- a. who has a history of noncompliance or incomplete or partial compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or with the standards or rules promulgated by the Commission for Human Services pursuant thereto, or
- b. based on other satisfactory evidence which demonstrates that the applicant or licensee is unlikely to manage or operate a group home or to provide care or treatment to the residents of a group home in a manner which warrants public trust;

3. Deny, refuse to renew, suspend, or revoke a license to an applicant or licensee who has insufficient financial or other resources to the extent that the applicant or licensee is incapable of assuring or providing adequate care or treatment to the residents of the group home;

4. Deny, refuse to renew, suspend, or revoke a license to an applicant or licensee who has been convicted of a misdemeanor or felony in connection with the management or operation of a group home as defined in Section 1-1902 of this title or the care or treatment of a resident of a group home as defined in Section 1-1902 of this title. If the applicant or licensee is a corporation, the provisions of this paragraph shall apply to the principal corporate officers and the principal members and the executive committee of the board of directors of the corporation;

5. Deny, refuse to renew, suspend, or revoke a license if an administrator or house manager of a group home has been convicted of a misdemeanor or felony in connection with the management or operation of a group home as defined in Section 1-1902 of this title or care or treatment of a resident of a group home as defined in Section 1-1902 of this title;

6. Deny, refuse to renew, suspend, or revoke a license to an applicant or licensee who has permitted, aided, or abetted the commission of any illegal act in connection with the management or operation of a group home or the care or treatment of a resident of a group home;

7. Refuse to renew a license if at the time application is made for the renewal of the license, the licensee is subject to a plan of correction. The license may be renewed at such time the required corrections are completed in the manner and time specified in the plan of corrections; or

8. Revoke a license if the licensee has failed to correct conditions as required in a plan of correction pursuant to the provisions of Section ~~1-818.30~~ 30 of this ~~title act~~.

SECTION 11. AMENDATORY 63 O.S. 1991, Section 1-818.11, as last amended by Section 11 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.11 A. The Department of Human Services shall develop and annually review rules establishing minimum standards for group homes. These standards shall be promulgated by the Commission for Human Services and submitted to the Legislature no later than January of each year. These standards shall regulate:

1. Location and construction of the home, including plumbing, heating, lighting, ventilation, and other physical conditions which shall ensure the health, safety, and comfort of residents and protection from fire hazards;

2. All sanitary conditions within the group home and its surroundings, including water supply, sewage disposal, food

handling, and general hygiene, which shall ensure the health and comfort of residents;

3. Diet related to the needs of each resident based on sound nutritional practice and on recommendations which may be made by the physicians attending the resident; and

4. Equipment essential to the health and welfare of the residents.

B. The Department may, as necessary and appropriate, establish a system of classification for group homes based upon the level of care or treatment, training, habilitation or rehabilitation services required by residents of the group home, and establish minimum program certification standards for each classification.

C. The Commission shall promulgate rules establishing minimum standards for certification of the programs and services of a group home provided to or obtained on behalf of the residents for the specialized care, treatment, training, habilitation or rehabilitation of the residents. The certification standards shall provide for:

1. Number and qualifications of all personnel, including management and supervisory, direct care, specialized professional or para-professional and other personnel, having responsibility for any part of the care given to residents. The Department shall establish staffing requirements for homes which shall specify the supervision, continued education and training requirements that are needed for care of the residents of the various types of group homes or areas within group homes;

2. An individualized written plan for the training, habilitation or rehabilitation for each resident of the group home specifying the training, habilitation or rehabilitation objectives and activities for the resident. The plan shall be prepared by an interdisciplinary team of professional, para-professional and direct care personnel of the group home and with the participation of the resident and the resident's guardian or advocate, if any;

3. Training for the safe administration of medication to a resident;

4. Accountability for the management and safekeeping of any resident's funds which the group home manages; and

5. Conditions and procedures for the involuntary transfer or discharge of a resident from a group home.

D. 1. The certification standards for programs and services shall be developed jointly by the Department and the Advisory Board for presentation to the Commission for Human Services for its approval. The standards shall be reviewed at least annually for any necessary modifications by the Department and the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board, and any necessary modifications shall be presented to the Commission for its approval.

2. Any provider of group home services that has a current contract with the Developmental Disabilities Services Division of the Department of Human Services shall be deemed to be licensed.

SECTION 12. AMENDATORY 63 O.S. 1991, Section 1-818.12, as amended by Section 12 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.12 The State Fire Marshal or a designee shall conduct fire safety inspections on a regular basis at group homes subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and report findings of such inspections to the Department of Human Services. In addition, the State Fire Marshal shall develop, adopt, and promulgate rules or

specifications consistent with nationally recognized standards or practices necessary for the safeguarding of life and property of residents of group homes from the hazards of fire and smoke.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 1-818.13, as amended by Section 13 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.13 The following information is subject to disclosure to the public from the Department of Human Services:

1. Information submitted under Section ~~1-818.14~~ 14 of this ~~title act~~, except information concerning the remuneration of personnel licensed, registered or certified by the Department, and monthly charges for an individual private resident; and

2. Records of license, certification and program certification inspections, surveys and evaluations of group homes, other reports of inspections, surveys and evaluations of resident care, and reports concerning a group home prepared pursuant to Titles XVIII and XIX of the Social Security Act, 42 U.S.C., Section 1301 et seq., subject to the provisions of the Social Security Act; and

3. Complaints filed against a group home and complaint investigation reports, except that a complaint or complaint investigation report shall not be disclosed to a person other than the complainant or complainant's representative before it is disclosed to a group home as provided in Section ~~1-818.7~~ 7 of this ~~title act~~ and, further, except that a complainant or resident's name shall not be disclosed except as provided in Section ~~1-818.7~~ 7 of this ~~title act~~.

SECTION 14. AMENDATORY 63 O.S. 1991, Section 1-818.14, as last amended by Section 14 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.14 A. Except as provided for in Section ~~1-818.16~~ 16 of this ~~title act~~, a license shall expire twelve (12) months from the date of issuance, unless sooner revoked, and may be renewed annually by the Department of Human Services pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. All licenses shall be on a form prescribed by the Director of Human Services, and shall include, but not be limited to, the maximum bed capacity for which the license is granted, the kind of program the licensee is certified to operate, the date the license was issued, and the expiration date of the license. The provisions of the license shall require that the license shall:

1. Not be transferable or assignable except as authorized by the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

2. Be available on the licensed premises; and

3. Be issued only for the premises named in the application, and may be renewed for twelve-month periods upon application and inspection, pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act.

B. An application shall be under oath and shall contain the following information:

1. The name and address of the applicant or licensee. If the applicant or licensee is a firm or partnership, the name and address of each member thereof shall be included in the application. If the applicant or licensee is a corporation, the name and address of the corporation and the name and address of each officer and registered agent of the corporation shall be included in the application;

2. The name and address of the applicant or licensee if the applicant or licensee is not the provider and is acting as agent for the provider of group home services;

3. The name and location of the group home for which a license is sought;

4. The name of the administrator of the home;

5. The number and type of residents for whom services are to be provided;

6. A description of the program and the staffing pattern for providing resident care. In the case of an application for an initial license, such description may be shown as the projected program and staffing pattern; and

7. Information or records required by the Department pursuant to the rules adopted by the Commission for Human Services for program certification.

C. Each initial application shall be accompanied by a statement from the unit of local government having zoning jurisdiction over the location of the group home stating that the location is not in violation of a zoning ordinance.

D. 1. An applicant or licensee shall be twenty-one (21) years of age or older and of reputable and responsible character. In addition, the applicant or licensee shall have appropriate business or professional experience.

2. No person who has been convicted of a felony in connection with the management or operation of a group home as defined in Section 1-1902 of this title, or in the care and treatment of the residents of a group home pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, as defined in Section 1-1902 of this title, shall be eligible to be licensed. If the applicant or licensee is a firm, partnership, or corporation, the applicant shall not be eligible to be licensed if any member of the firm or partnership or any officer or major stockholder of the corporation has been convicted of a felony in connection with the operation or management of a group home pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act or the care and treatment of the residents of a group home as defined in Section 1-1902 of this title.

E. 1. The application for a license or renewal of a license shall be accompanied by a statement of ownership which shall include the following:

- a. the name, address, telephone number, occupation or business activity, business address, and business telephone number of the owner of the group home and of every person who owns the building in which the group home is located. If the owner is a partnership or corporation, the name and address of each partner and stockholder with an ownership interest of five percent (5%) or more shall be included in the statement, and
- b. the name and address of any other group home in which the owner has a full or partial financial interest or, if the applicant or licensee is a partnership or corporation, any other group home as defined in Section 1-1902 of this title in which the partnership or corporation has a full or partial financial interest. The statement shall indicate whether or not any other group home wherein a full or partial financial interest is held would, if located in this state, be required to be licensed.

2. The applicant or licensee shall agree in writing, prior to the issuance of a license, to notify the Department if there is any change in the information required to be included in the statement of ownership within six (6) months of such change. The information contained in the statement of ownership shall be public information and shall be available upon request from the Department.

F. Upon application of a licensee, a license may be modified in accordance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act.

G. The Director shall issue and renew licenses for group homes which comply with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and the standards and rules promulgated by the Commission pursuant thereto.

SECTION 15. AMENDATORY 63 O.S. 1991, Section 1-818.15, as amended by Section 15 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.15 A. A license to operate a group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act is not transferrable. Whenever operation of a group home is transferred from the provider named in the application to another provider who does not have a current group home license for the home, the transferee must obtain a probationary license as provided in Section ~~1-818.16~~ 16 of this ~~title~~ act.

B. The transferee shall notify the Department of Human Services of the transfer and apply for a license no less than thirty (30) days prior to final transfer.

The transferor shall remain responsible for the operation of the group home until such time as a probationary license is issued to the transferee. The transferor shall remain liable for all penalties assessed which are imposed for violations occurring prior to transfer of operation.

SECTION 16. AMENDATORY 63 O.S. 1991, Section 1-818.16, as amended by Section 16 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.16 If the applicant has not been previously licensed or if the group home is not in operation at the time application is made, the Department of Human Services shall issue a probationary license. A probationary license shall be valid for one hundred twenty (120) days unless sooner suspended or revoked pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act.

1. Prior to the issuance of a probationary license, the Department shall:

- a. ascertain whether or not the applicant is qualified to be licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, and
- b. inspect the group home and inform the applicant of any conditions which require correction prior to the issuance of a license. If the group home is a new home the Department shall also inform the applicant of any condition which requires correction prior to the acceptance of residents into the home. If the home is an existing group home whose ownership is being transferred, the probationary license issued to the transferee, in addition to any corrections required as a result of the inspection, shall be subject to any

plan of correction submitted by the previous provider and approved by the Department.

2. Within thirty (30) days prior to the termination of a probationary license, the Department shall completely inspect the group home and, if the home meets the applicable requirements for licensure and program certification, shall issue a license pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. If the home is not in substantial compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, the license shall be denied and the Department shall take such action as necessary and as authorized pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act for the protection of the health, safety, and welfare of the residents of the group home.

SECTION 17. AMENDATORY 63 O.S. 1991, Section 1-818.17, as last amended by Section 17 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.17 A. The Department of Human Services may issue a conditional license to any group home if the Department finds that a violation exists in such group home. The issuance of a conditional license shall revoke any license held by the group home issued pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act.

B. Prior to the issuance of a conditional license, the Department shall review and approve a written plan of correction. The Department shall specify the violations which prevent issuance of a regular license and shall establish a time schedule for correction of the deficiencies. Retention of the license shall be conditional on meeting the requirements of the plan of correction. In the alternative or in addition to a conditional license, the Director of Human Services may withhold vendor payments due to a group home under its programs until such time as the corrections are made or a plan of correction for all deficiencies is approved by the Department.

C. Written notice of the decision to issue a conditional license shall be sent to the group home together with the proposed plan of correction. The notice shall inform the group home of its right to an informal conference prior to issuance of the conditional license and its right to a full hearing.

D. If the group home desires to have an informal conference it shall, within four (4) working days of receipt of notice, send a written request for an informal conference to the Department. The Department shall, within four (4) working days from the receipt of the request, hold an informal conference. Following the conference, the Department may affirm or overrule its previous decision, or modify the terms of the conditional license and plan of correction. The conditional license may be issued after the informal conference or after the time for requesting an informal conference has expired, prior to any further hearing.

E. If after the informal conference the group home desires to contest the basis for issuance of a conditional license, or the terms of the license or plan of correction, the facility shall send a written request for hearing to the Department within ten (10) days after issuance of the conditional license and the Department shall then hold the hearing.

F. A conditional license shall be issued for a period specified by the Department, but in no event for more than one (1) year. The Department shall periodically, but not less than semiannually,

inspect any group home operating under a conditional license. If the Department finds substantial failure by the group home to follow the plan of correction, the conditional license may be revoked.

G. If the Department determines that a conditional license shall expire without renewal or replacement of the conditional license by a regular license, the Department shall so notify the provider at least thirty (30) days prior to expiration of the license. The licensee is entitled to a hearing if requested prior to expiration of the conditional license. The provider is entitled to a hearing if requested prior to expiration of the conditional license.

SECTION 18. AMENDATORY 63 O.S. 1991, Section 1-818.18, as amended by Section 18 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.18 Every provider shall make available to residents, employees and visitors the following:

1. Its current license;
2. Residents' rights as listed in Section 1-818.20 of the Group Homes for Persons with Developmental or Physical Disabilities Act;
3. A description, provided by the Department of Human Services, of complaint procedures established under the Group Homes for Persons with Developmental or Physical Disabilities Act and the name, address and telephone number of a person authorized by the Department to receive complaints. A copy of the complaint procedure shall also be given to each resident and the resident's guardian or advocate, if any;
4. A copy of any order pertaining to the group home issued by the Department or a court which is currently in effect; and
5. A list of the material available for public inspection under Section ~~1-818.19~~ 19 of this ~~title act~~.

SECTION 19. AMENDATORY 63 O.S. 1991, Section 1-818.19, as amended by Section 19 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.19 A group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall retain the following for public inspection:

1. A complete copy of every inspection report of the group home received from the Department of Human Services during the past three (3) years;
2. A copy of every order pertaining to the group home issued by the Department or a court during the past three (3) years;
3. A description of the services provided by the group home, the rates charged for those services and items for which a resident may be separately charged;
4. A copy of the statement of ownership;
5. A record of personnel who are licensed, certified or registered and employed or retained by the group home who are responsible for resident care;
6. A complete copy of the most recent inspection report of the group home received from the Department; and
7. A complete copy of any current license or agreement between the group home and the Department for the care, treatment, training, habilitation or rehabilitation of residents of the group home.

SECTION 20. AMENDATORY 63 O.S. 1991, Section 1-818.20, as last amended by Section 20 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.20 A. All principles enunciated in this section shall be available in each group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, and each resident and resident's guardian or advocate, if any, shall be provided a copy of these principles prior to or upon admission. The provider shall ensure that its staff is familiar with and observes the rights and responsibilities enumerated in this section.

B. A statement of rights and responsibilities shall include, but not be limited to, the following:

1. Every resident's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and the provider shall encourage and assist in the exercise of these rights;

2. Every resident shall have the right to have private communications and consultations with the physician, attorney or any other person of the resident's choice, and may send and promptly receive, unopened, the resident's personal mail;

3. Every resident shall have the right, without fear of reprisal, to present grievances on behalf of the resident or others to the provider's staff or administrator, to governmental officials or to any other person, and to join with other residents or individuals within or outside of the facility to work for improvements in resident care;

4. Every resident shall have the right to manage his or her own financial affairs, unless the resident delegates the responsibility, in writing, to the provider. The resident shall have at least a quarterly accounting of any personal financial transactions undertaken in the resident's behalf by the provider during any period of time the resident has delegated such responsibilities to the provider;

5. Every resident shall have the right to receive adequate and appropriate medical care consistent with established and recognized medical practice standards within the community. Every resident shall be fully informed by the resident's attending physician of the resident's own medical condition and proposed treatment in terms and language that the resident can understand, and shall have the right to refuse medication and treatment after being fully informed of and understanding the consequences of such actions;

6. Every resident shall receive respect and privacy in the resident's medical care program. Case discussion, consultation, examination and treatment shall remain confidential and shall be conducted discreetly. Personal and medical records shall be confidential;

7. Every resident shall have the right to retain and use his or her personal clothing and possessions, unless prohibited by law, and shall have the right to security in the storage and use of such clothing and possessions;

8. Every resident shall have the right to be treated courteously and respectfully and shall be furnished by the provider with a written statement of the services and related charges;

9. Every resident shall be free from mental and physical abuse, and free from physical and chemical restraints, except those physical and chemical restraints which are:

- a. authorized in writing by a physician, in accordance with rules promulgated by the Department, for a specified period of time, or
- b. necessitated by an emergency where the restraint may only be applied by a physician or a qualified licensed nurse or other personnel under the supervision of such

physician, who shall set forth in writing the circumstances requiring the use of such restraints;

10. Every resident shall receive a statement of the provider's guidelines and an explanation of the resident's responsibility to comply with all reasonable regulations of the group home and to respect the personal rights and private property of the other residents;

11. Every resident shall receive a statement that should they be adjudicated incompetent, the above rights and responsibilities shall be exercised by a court-appointed guardian;

12. No resident shall be required to perform services for a provider, except for normal, shared household tasks;

13. Every resident shall have privacy for conjugal visits. A resident may share a room with a spouse, if the spouse is residing in the same group home; and

14. A provider shall immediately notify the resident's next of kin, or guardian or advocate, of the resident's death or when the resident's death appears to be imminent, unless the resident has left instructions to the contrary.

C. No provider shall deny appropriate care on the basis of the resident's source of payment as defined in the rules.

D. Each provider shall prepare a written plan and provide appropriate staff training to implement each resident's rights as stated in this section.

E. Any person convicted of violating any provision of this section shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

F. In addition to the penalties provided in this section, an action may be brought against an individual by any resident who is injured by any violation of this section, or who shall suffer injury from any person whose threats would cause a violation of this section if carried through, may maintain an action to prevent, restrain or enjoin a violation or threatened violation. If a violation or threatened violation of this section shall be established in any action, the court shall enjoin and restrain or otherwise prohibit the violation or threatened violation and assess in favor of the plaintiff and against the defendant the cost of the suit, and the reasonable attorney fees incurred by the plaintiff. If damages are alleged and proved in the action, the plaintiff shall be entitled to recover from the defendant the actual damages sustained by the plaintiff. If it is proved in an action that the defendant's conduct was willful or in reckless disregard of the rights provided by this section, punitive damages may be assessed.

G. Any employee of the Department of Human Services who inspects any group home shall report any flagrant violations of this act or any other statute to the Director of Human Services, or a designee, who shall immediately take whatever steps are necessary to correct the situation including, when appropriate, reporting the violation to the district attorney of the county in which the violation occurred.

H. Upon the death of a resident who has no sources of payment for funeral services, the provider shall immediately notify appropriate county officials who shall be responsible for funeral and burial procedures of the deceased in the same manner as with any indigent resident of the county.

SECTION 21. AMENDATORY 63 O.S. 1991, Section 1-818.21, as last amended by Section 21 of Enrolled Senate Bill No. 1097 of

the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.21 A. Each group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall establish a residents' advisory council. The administrator shall designate a member of the group home staff to coordinate the establishment of, and render assistance to the council.

B. The composition of the residents' advisory council shall be specified by rules promulgated by the Department of Human Services, but no employee of the Department or employee or affiliate of a group home shall be a member of any such council.

C. The residents' advisory council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting as specified by rule to all residents, the administrator, and the staff.

D. Records of the residents' advisory council meetings shall be maintained in the office of the administrator.

E. The residents' advisory council shall communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing residents' rights, group home responsibilities and make recommendations for changes or additions which will strengthen the group home's policies and procedures as they affect residents' rights and group home responsibilities.

F. The residents' advisory council shall be a forum for:

1. Obtaining and disseminating information;
2. Soliciting and adopting recommendations for group home programming and improvements; and
3. Early identification and recommendation of orderly resolution of problems.

G. The residents' advisory council may present complaints as provided in Section ~~1-818.7~~ 7 of this ~~title act~~ act on behalf of a resident to the Department.

SECTION 22. AMENDATORY 63 O.S. 1991, Section 1-818.22, as amended by Section 22 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.22 A. A written contract shall be executed between a person, the resident's guardian or advocate, if any, and a group home or its agent within one hundred twenty (120) days from the time a person is admitted to a group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, and annually thereafter, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes.

B. The contract shall be executed between the provider and the resident and the resident's guardian or advocate, if any.

C. A copy of the contract shall be given to the resident and to the resident's guardian or advocate, if any, at the time of the resident's admission to the group home.

D. A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support.

E. The contract shall be written in clear and unambiguous language and shall be printed in type no smaller than standard typewriter pica or elite type.

F. The contract shall specify:

1. The term of the contract;
2. The services to be provided under the contract and the charges for the services;
3. The services that may be provided to supplement the contract and the charges for the services;
4. The sources liable for payments due under the contract;
5. The amount of deposit paid; and
6. The rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a separate document which complies with the requirements of Section ~~1-818.20~~ 20 of this ~~title~~ act.

G. The contract shall state the name of the resident's guardian or advocate, if any.

H. The contract shall provide that if the resident dies or is compelled by a change in physical or mental health to leave the group home, the contract and all obligations under it shall terminate immediately. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident or the resident's guardian or advocate, if any.

SECTION 23. AMENDATORY 63 O.S. 1991, Section 1-818.23, as amended by Section 23 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.23 To protect each resident's the funds of a resident of a facility subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, the group home:

1. May assist the resident in reserving a portion of the resident's monthly income for the resident's personal use;
2. Shall at the time of admission, and annually thereafter, provide each resident and the resident's guardian or advocate, if any, with a written statement explaining the resident's rights regarding personal funds and listing the services for which the resident will be charged, and obtain a signed acknowledgment from each resident and the resident's guardian or advocate, if any, that the resident has received the statement;
3. May assist the resident in safekeeping and managing the resident's funds, if the group home receives written authorization from the resident and the resident's guardian or advocate, if any;
4. Shall maintain and allow each resident and the resident's guardian or advocate, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds;
5. Shall provide each resident and the resident's guardian or advocate, if any, with a written itemized statement on request, of all financial transactions involving the resident's funds;
6. Shall keep any funds received from a resident for safekeeping in an account separate from the provider's funds;
7. Shall return to the resident, upon written request by the resident and the resident's guardian or advocate, if any, all or any part of the resident's funds given the provider for safekeeping, including the interest accrued, if any, from deposits;
8. Unless otherwise provided by state law, upon the death of a resident, shall provide the administrator or executor of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the provider; and
9. If the operation of a provider agency changes, shall provide the buyer with written verification by a public accountant of all

residents' monies and properties for which the provider is responsible, and obtain a signed receipt from the new provider.

SECTION 24. AMENDATORY 63 O.S. 1991, Section 1-818.24, as amended by Section 24 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.24 A. Residents of group homes subject to the Group Homes for Persons with Developmental or Physical Disabilities Act may receive any guest or visitor in the group home during reasonable hours ~~as~~ as long as the visit does not infringe upon the rights of other group home residents. Any guest or visitor entering a group home shall promptly notify the staff on duty of their presence and shall, upon request, produce identification to establish their identity. No such person shall enter the immediate living area of any resident without first identifying ~~one's self~~ oneself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident may terminate at any time a visit by a person having access to the resident's living area pursuant to this section.

B. Any employee or agent of a public agency or any representative of a community legal services program or any member of a nonprofit community-supported agency which provides health or social services to the developmentally disabled or physically handicapped, or any member of a church group, association of older persons or community service club which provides volunteers for service to group home residents shall be permitted access to a group home at reasonable hours, subject to the consent of a resident or residents to receive such persons as guests or visitors in accordance with the provisions of subsection A of this section.

C. This section shall not limit the power of the Department of Human Services or other public agency otherwise permitted or required by law to enter and inspect a group home.

~~C.~~ D. The provider may refuse access to the group home to any person if the presence of that person in the group home would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the group home, or if the person seeks access to the group home for commercial purposes. Any person refused access to a group home may within ten (10) days request a hearing. In that proceeding, the burden of proof as to the right of the group home to refuse access under this section shall be on the group home.

SECTION 25. AMENDATORY 63 O.S. 1991, Section 1-818.25, as last amended by Section 25 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.25 A group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall not involuntarily transfer or discharge a resident except for medical reasons, for the resident's safety or for the safety of other residents, for violations of the contract between the resident and the group home or for nonpayment for the resident's stay, unless limited by the Federal Social Security Act, 42 U.S.C., Section 301 et seq. Involuntary transfer or discharge of a resident for violations of the contract shall be subject to the conditions and procedures established by the rules adopted by the Commission for Human Services for program certification. Involuntary transfer or discharge of a resident from a group home shall be preceded by a minimum written notice of thirty (30) days. The thirty-day requirement shall not apply in any of the following instances:

1. When an emergency transfer or discharge is mandated by the resident's health care needs and is in accordance with the written orders and medical justification of the attending physician; or

2. When the transfer or discharge is necessary for the physical safety of other residents as documented in the clinical record.

SECTION 26. AMENDATORY 63 O.S. 1991, Section 1-818.26, as amended by Section 26 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.26 A. No provider, including a corporate officer or member of the board of directors when the provider is a corporation, administrator, or employee of a group home subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act shall have an insurable interest in the life of a resident of the home unless the provider, administrator, or employee is related to the resident of the home by blood or marriage.

B. No provider, including a corporate officer or member of the board of directors when the provider is a corporation, administrator, or employee of a group home shall be entitled or assigned to any benefits of a life insurance policy on the resident unless the provider, administrator, or employee is related to the resident of the home by blood or marriage.

C. No provider, including a corporate officer or member of the board of directors when the provider is a corporation, administrator, or employee of a group home shall be appointed guardian or conservator of a resident of the home unless said provider, administrator or employee is a relative of the resident and is otherwise eligible for appointment by a court as the guardian of the resident.

SECTION 27. AMENDATORY 63 O.S. 1991, Section 1-818.27, as last amended by Section 27 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.27 A. Every group home for which a license has been issued shall be periodically inspected by a duly appointed representative of the Department of Human Services pursuant to rules promulgated by the Commission for Human Services with the advice and counsel of the Group Homes for Persons with Developmental or Physical Disabilities Advisory Board established by Section ~~1-818.4~~ 4 of this ~~title act~~. Inspection reports shall be prepared on forms prescribed by the Department with the advice and counsel of the Advisory Board.

B. The Department shall at least three times a year and whenever it deems necessary inspect, survey, and evaluate each group home to determine compliance with applicable licensure and program certification requirements and standards.

1. An inspection shall occur within one hundred twenty (120) days prior to license renewal.

2. Any inspection, investigation, survey, or evaluation may be conducted without prior notice to the home. At least one inspection per group home shall be unannounced. Any licensee or applicant for a license shall be deemed to have given consent to any duly authorized employee or agent of the Department to enter and inspect the group home in accordance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. Refusal to permit such entry or inspection may constitute grounds for the denial, nonrenewal, suspension, or revocation of a license.

C. The Department shall maintain a log, updated at least monthly and available for public inspection, which shall at a minimum detail:

1. The name of the group home and date of inspection, investigation, survey, or evaluation;
2. Any deficiencies, lack of compliance, or violation noted at the inspection, investigation, survey, or evaluation;
3. The date a notice of violation, license denial, nonrenewal, suspension, or revocation was issued or other enforcement action occurred;
4. The date a plan of correction was submitted and the date the plan was approved;
5. The date corrections were completed, as verified by an inspection; and
6. If the inspection or investigation was made pursuant to the receipt of a complaint, the date such complaint was received and the date the complainant and the group home was notified of the results of the inspection or investigation.

D. The Department shall require periodic reports and shall have access to books, records and other documents maintained by the group home to the extent necessary to implement the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act and the rules promulgated by the Commission for Human Services pursuant thereto.

E. A state or local ombudsman, or a representative of the Office of Client Advocacy, or a case manager assigned monitoring responsibilities for clients residing in group homes is authorized to accompany and shall be notified of any survey or inspection conducted of any group home licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act. Any state or local ombudsman having proper identification is authorized to enter any group home licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, communicate privately and without unreasonable restriction with any resident of a group home who consents to such communication, to seek consent to communicate privately and without restriction with any resident of a group home, and to observe all areas of a group home that directly pertain to the care of a resident of a group home.

F. Following any survey or inspection pursuant to the provisions of this section, all reports relating to the survey or inspection shall be filed in the county office of the Department of Human Services in which the group home is located and with the Developmental Disabilities Services Division of the Department of Human Services.

G. All state agencies receiving complaints on, or conducting surveys or inspections of group homes shall forward complete copies of complaints or inspection or survey results to the Office of Client Advocacy of the Department of Human Services.

SECTION 28. AMENDATORY 63 O.S. 1991, Section 1-818.28, as amended by Section 28 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.28 A. If upon inspection or investigation, or whenever the Department of Human Services determines that there are reasonable grounds to believe that a provider is in violation of the Group Homes for Persons with Developmental or Physical Disabilities Act, or any standard or rule promulgated pursuant thereto which would have a direct impact upon one or more residents of the group home or of any order of the Department, the Department shall give

written notice to the alleged violator specifying the violation or violations. Such notice shall require that the violation or violations be corrected immediately or that the alleged violator appear before the Department at a time and place specified in the notice and answer the charges. The notice shall be delivered to the alleged violator in accordance with the provisions of subsection E of this section.

B. The Department shall give the notice specified by the provisions of subsection A of this section within ten (10) days of an inspection or investigation of the group home if the Department determines that the home is in violation of the Group Homes for Persons with Developmental or Physical Disabilities Act or the rules promulgated by the Commission for Human Services pursuant thereto.

C. The Department shall afford the alleged violator an opportunity for a fair hearing within fifteen (15) days of receipt of notice provided by subsection A of this section in accordance with the provisions of subsection F of this section. On the basis of the evidence produced at the hearing, the Department shall make findings of fact and conclusions of law and enter an order thereon. The Department shall give written notice of such order to the alleged violator and to such other persons as shall have appeared at the hearing and made written request for notice of the order. If the hearing is held before any person other than the Department, such person shall transmit the record of the hearing together with recommendations for findings of fact and conclusions of law to the Department which shall thereupon enter its order. The Department may enter its order on the basis of such record or, before issuing its order, require additional hearings or further evidence to be presented. The order of the Department shall become final and binding on all parties unless appealed to the district court as provided in Article II of the Administrative Procedures Act within thirty (30) days after notice has been sent to the parties.

D. Whenever the Department finds that an emergency exists requiring immediate action to protect the public health or welfare of any resident of a group home licensed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, the Department may without notice or hearing issue an order stating the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such an order is directed shall comply with the order immediately but on application to the Department shall be afforded a hearing within ten (10) days of receipt of the notice. On the basis of such hearing, the Department shall continue such order in effect, revoke it, or modify it. Any person aggrieved by such order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within thirty (30) days. Such appeal when docketed shall have priority over all cases pending on the docket, except criminal cases. For the purposes of this subsection, the term emergency shall mean a life-threatening situation.

E. Except as otherwise expressly provided by law, any notice, order, or other instrument issued by or pursuant to authority of the Department may be served on any person affected thereby personally, by publication, or by mailing a copy of the notice, order, or other instrument by registered mail directed to the person affected at such person's last-known post office address as shown by the files or records of the Department. Proof of service shall be made as in the case of service of a summons or by publication in a civil action or may be made by the affidavit of the person who did the mailing.

Such proof of service shall be filed in the office of the Department.

Every certificate or affidavit of service made and filed as provided by this section shall be prima facie evidence of the facts therein stated. A certified copy thereof shall have like force and effect.

F. The hearings authorized by this section may be conducted by the Department. The Department may designate hearing officers who shall have the power and authority to conduct such hearings in the name of the Department at any time and place. Such hearings shall be conducted in conformity with and records made thereof as provided by the provisions of Article II of the Administrative Procedures Act.

SECTION 29. AMENDATORY 63 O.S. 1991, Section 1-818.29, as last amended by Section 29 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.29 A. If a hearing is not requested, the effective date of the nonrenewal, suspension, or revocation shall be as follows:

1. In cases of nonrenewal of a license the effective date shall be the expiration date of the license. The date may be extended no longer than necessary to permit the orderly removal of the residents; or

2. In cases of revocation or suspension of the license the effective date shall be the date set by the Department of Human Services in the notice of revocation or suspension. The date shall be no later than necessary to permit the orderly removal of the residents.

B. If a hearing is requested, unless otherwise ordered by a district court, the effective date of the nonrenewal, suspension, or revocation of a license shall be set upon final action after the hearing and shall be no later than necessary to permit the orderly removal of the residents.

C. A new application of the provider whose license was denied, not renewed, suspended, or revoked may be considered upon receipt of satisfactory evidence that the conditions upon which such denial, nonrenewal, suspension, or revocation was based have been corrected. A new license may be granted after a full and complete inspection or investigation and the provider and the home are in full compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, and the standards and rules promulgated by the Commission for Human Services pursuant thereto.

SECTION 30. AMENDATORY 63 O.S. 1991, Section 1-818.30, as amended by Section 30 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.30 A. If the violation specified in the notice required by Section 1-818.28 of the Group Homes for Persons with Developmental or Physical Disabilities Act has have been corrected prior to the hearing, the provider may submit a report of correction in place of a plan of correction as specified in subsection B of this section. Such report shall be signed by the authorized agent of the provider under oath.

B. A provider shall have ten (10) days after receipt of notice of violation in which to prepare and submit a plan of correction. The plan shall include a fixed time period not in excess of thirty (30) days within which violations are to be corrected. The Department of Human Services may extend this period up to thirty

(30) days where correction involves substantial capital improvement. If the Department rejects a plan of correction, it shall send notice of the rejection and the reason for the rejection within ten (10) days of receipt of the plan of correction to the group home. The provider shall have ten (10) days after receipt of the notice of rejection in which to submit a modified plan. If the modified plan is not timely submitted, or if the modified plan is rejected, the provider shall follow an approved plan of correction imposed by the Department which shall be submitted to the provider within thirty (30) days.

C. Upon a provider's petition, the Department shall determine whether to grant a request for an extended correction time. Such petition shall be served on the Department prior to expiration of the correction time originally approved. The burden of proof is on the petitioner to show good cause for not being able to comply with the original correction time approved. The extended correction time may be granted for a period of time not to exceed thirty (30) days.

D. If a provider desires to contest any Department action pursuant to this section, it shall send a written request for a hearing to the Department within ten (10) days of receipt of notice of the contested action and the Department shall commence the hearing pursuant to Section ~~1-818.28~~ 28 of this ~~title~~ act. Whenever possible, all action of the Department pursuant to the provisions of this section arising out of a violation shall be determined at a single hearing. Issues decided after a hearing may not be reheard at subsequent hearings pursuant to the provisions of this section, unless there is newly discovered evidence that was not available through due diligence during the initial hearing.

SECTION 31. AMENDATORY 63 O.S. 1991, Section 1-818.31, as amended by Section 31 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.31 A. No person shall willfully:

1. Fail to correct or interfere with the correction of a violation within the time specified on the notice or approved plan of correction pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act as the maximum period given for correction, unless an extension is granted and the corrections are made before expiration of extension;
2. Prevent, interfere with, or attempt to impede in any way the work of any duly authorized representative of the Department of Human Services in the investigation and enforcement of the Group Homes for Persons with Developmental or Physical Disabilities Act;
3. Prevent or attempt to prevent any such representative from examining any relevant books or records in the conduct of official duties pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;
4. Prevent or interfere with any such representative in the preserving of evidence of any violation of the Group Homes for Persons with Developmental or Physical Disabilities Act or the rules promulgated pursuant thereto;
5. Retaliate or discriminate against any resident or employee for contacting or providing information to any state official, or for initiating, participating in, or testifying in an action for any remedy authorized pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;
6. File any false, incomplete, or intentionally misleading information required to be filed pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or willfully fail or refuse to file any information required by

the Department pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act; or

7. Open a group home without a license or operate a group home without a license and program certification.

B. No employee of a state or unit of a local government agency shall aid, abet, assist, conceal, or conspire with any employee of a provider in a violation of any provision of the Group Homes for Persons with Developmental or Physical Disabilities Act or any rule or standard promulgated by the Commission for Human Services pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act.

C. Any person who violates any of the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, upon conviction, shall be guilty of a misdemeanor. Each day upon which such violation occurs shall constitute a separate violation.

SECTION 32. AMENDATORY 63 O.S. 1991, Section 1-818.32, as amended by Section 32 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.32 A. Any person who has been determined by the Department of Human Services to have violated any provision of the Group Homes for Persons with Developmental or Physical Disabilities Act, or any rule or order issued pursuant thereto may be liable for an administrative penalty of not more than One Hundred Dollars (\$100.00) for each day that the violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Department pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Department shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act.

C. Any license holder may elect to surrender such license in lieu of said fine but shall be forever barred from obtaining a reissuance of such license.

D. In addition to or in lieu of a fine as provided in this section, the Department may issue an administrative order prohibiting a group home which has a history of incomplete or partial compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or which has a history of failure to fully implement a plan of correction in a timely manner from admitting new or additional residents to the group home.

SECTION 33. AMENDATORY 63 O.S. 1991, Section 1-818.33, as amended by Section 33 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.33 Any provider operating under the Group Homes for Persons with Developmental or Physical Disabilities Act shall give ninety (90) days' notice prior to voluntarily closing a group home or closing any part of a group home, or prior to closing any part of a group home if closing such part will require the transfer or discharge of more than ten percent (10%) of the residents. Such notice shall be given to the Department of Human Services, to any resident who must be transferred or discharged, to the resident's

guardian or advocate, and to a member of the resident's family, where practicable. Notice shall state the proposed date of closing and the reason for closing. The provider shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternative placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The provider shall comply with all applicable laws and rules until the date of closing, including those related to transfer or discharge of residents. The Department may place a relocation team in the group home if needed. Also, the Department may promulgate rules that establish criteria for the acceleration of the notice requirement if extraordinary circumstances warrant it.

SECTION 34. AMENDATORY 63 O.S. 1991, Section 1-818.34, as amended by Section 34 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.34 A. The Department of Human Services may place an employee or agent to serve as a monitor at ~~the~~ a provider agency subject to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act or may petition the district court for appointment of a receiver for a provider, or both, when any of the following conditions exist:

1. The group home is operating without a license;
2. The Department has suspended, revoked or refused to renew the existing license of the provider;
3. The provider has closed or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least thirty (30) days prior to closure; or
4. The Department determines that an emergency exists, whether or not it has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the provider to remedy the emergency the Department believes a monitor or receiver is necessary.

B. In any situation described in subsection A of this section, the Department may place a qualified person to act as monitor at the provider agency. The monitor shall observe the operation of the provider agency, assist the provider by advising it on how to comply with the state rules promulgated by the Commission for Human Services and shall report periodically to the Department on the operation of the provider agency.

SECTION 35. AMENDATORY 63 O.S. 1991, Section 1-818.35, as last amended by Section 35 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.35 A. Where a resident of a group home subject to the Group Homes for Persons with Developmental or Physical Disabilities Act, a resident's guardian or advocate, if any, or a resident's next of kin believes that an emergency exists, each of them, collectively or separately, may file a verified statement with the Director of Human Services, or a designee, who shall immediately investigate. If the Director, or a designee, determines that proper cause exists, the Director, or a designee, shall take whatever steps are necessary to protect the health, welfare and safety of the residents including, if necessary, petitioning the court to place the group home under the control of a receiver to ensure that the residents receive adequate care.

B. The court shall hold a hearing within five (5) days of the filing of the petition. The petition and notice of the hearing

shall be served on the provider or designated agent of the provider and the petition and notice of hearing shall be posted in a conspicuous place in the group home not later than three (3) days before the time specified for the hearing, unless a different time limit is fixed by order of the court. The court shall appoint a receiver for a limited time period, not to exceed one hundred eighty (180) days, which shall automatically terminate the receivership unless extended by the court, if it finds that:

1. The group home is operating without a license;
2. The Department has suspended, revoked or refused to renew the existing license of the provider;
3. The group home is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least thirty (30) days prior to closure;
4. An emergency exists, whether or not the Department has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the provider to remedy the emergency, the appointment of a receiver is necessary; or
5. It is necessary to ensure that the residents get adequate care in a situation in which the residents' health, welfare and safety are threatened.

C. If a petition filed under this section alleges that the conditions listed in subsection B of this section exist within a group home, the court may set the matter for hearing at the earliest possible time. The petitioner shall notify the provider of the group home or registered agent of the provider more than five (5) days prior to the hearing. Any form of written notice may be used. A receivership shall not be established ex parte by the court unless the Director of Human Services, under oath, has provided a statement that such Director, or a designee, has personally determined that there is a life-endangering situation. A waiver of the five-day notice requirement may be approved by the court in life-endangering situations as determined and confirmed under oath, by the Director.

SECTION 36. AMENDATORY 63 O.S. 1991, Section 1-818.36, as amended by Section 36 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.36 A. The court may appoint any qualified person as a receiver, except it shall not appoint any employee or affiliate of the provider which is in receivership as its receiver. The Department of Human Services shall maintain a list of such persons to operate group homes which the court may consider.

B. The receiver shall make provisions for the continued health, safety and welfare of all residents of the group home.

C. A receiver appointed pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act shall exercise those powers and shall perform those duties set out by the court. These powers and duties may include those generally ascribed to receivers and receiverships and may also include the powers and duties of trustees under the current Bankruptcy Code for the State of Oklahoma. The court shall provide for the receiver to have sufficient power and duties to ensure that the residents receive adequate care.

SECTION 37. AMENDATORY 63 O.S. 1991, Section 1-818.37, as amended by Section 37 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.37 A. If funds are insufficient to meet the expenses of performing the powers and duties conferred on the

receiver appointed pursuant to the Group Homes for Persons with Developmental or Physical Disabilities Act, or if there are insufficient funds on hand to meet those expenses, the Department of Human Services may reimburse the receiver for those expenses from funds available.

B. The court shall set the compensation of the receiver, which shall be considered a necessary expense of a receivership.

SECTION 38. AMENDATORY 63 O.S. 1991, Section 1-818.39, as amended by Section 38 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.39 Other provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act notwithstanding, the Department of Human Services may issue a conditional license to a provider placed in receivership. The duration of a license issued under this section is limited to the duration of the receivership.

SECTION 39. AMENDATORY 63 O.S. 1991, Section 1-818.40, as amended by Section 39 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.40 A. The court may terminate a receivership:

1. If the time period specified in the order appointing the receiver elapses and is not extended;

2. If the court determines that the receivership is no longer necessary because the conditions which gave rise to the receivership no longer exist; or the Department of Human Services issues the provider a new license, whether the structure of the group home, the right to operate the group home, or the land on which it is located is under the same or different ownership; or

3. If all of the residents in the group home have been transferred or discharged.

B. 1. Within thirty (30) days after termination, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected, and of the expenses of the receivership.

2. If the operating funds exceed the reasonable expenses of the receivership, the court shall order payment of the surplus to the provider, after reimbursement of funds drawn from the contingency fund provided for in Section ~~1-818.37~~ 37 of this ~~title act~~. If the operating funds are insufficient to cover the reasonable expenses of the receivership, the provider shall be liable for the deficiency. Payment recovered from the provider shall be used to reimburse the contingency fund for amounts drawn by the receiver under Section ~~1-818.37~~ 37 of this ~~title act~~.

3. The Department shall have a lien for any payment made under Section ~~1-818.37~~ 37 of this ~~title act~~ upon any beneficial interest, direct or indirect, of any owner in the following property:

- a. the building in which the group home is located,
- b. any fixtures, equipment or goods used in the operation of the group home,
- c. the land on which the group home is located, or
- d. the proceeds from any conveyance of property described in subparagraphs a, b or c above, made by the provider within one (1) year prior to the filing of the petition for receivership.

4. The receiver shall, within sixty (60) days after termination of the receivership, file a notice of any lien created under this section. If the lien is on real property, the notice shall be filed with the county clerk. If the lien is on personal property, the

notice shall be filed with the Secretary of State. The notice shall specify the name of the person against whom the lien is claimed, the name of the receiver, the dates of the petition for receivership and the termination of receivership, a description of the property involved and the amount claimed. No lien shall exist under this act against any person, on any property, or for any amount not specified in the notice filed under this paragraph.

SECTION 40. AMENDATORY 63 O.S. 1991, Section 1-818.41, as amended by Section 40 of Enrolled Senate Bill No. 1097 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 1-818.41 Notwithstanding the general rules of receiverships and trustees, nothing in the Group Homes for Persons with Developmental or Physical Disabilities Act shall be deemed to relieve any administrator or employee of a group home placed in receivership of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the administrator or employee prior to the appointment of a receiver; provided, that nothing contained in this act shall be construed to suspend during the receivership any obligation of the administrator or employee for payment of taxes or other operating and maintenance expenses of the group home or of the administrator, employee or any other person for the payment of mortgages or liens. The provider shall retain the right to sell or mortgage any group home under receivership, subject to approval of the court which ordered the receivership.

SECTION 41. AMENDATORY 60 O.S. 1991, Section 860, is amended to read as follows:

Section 860. Sections ~~±~~ 860 through ~~±~~ 867 of this ~~act~~ title shall be known and may be cited as the "~~Developmentally or Physically Disabled Persons~~ Community Residential Living for Persons with Developmental or Physical Disabilities Act".

SECTION 42. AMENDATORY 60 O.S. 1991, Section 861, is amended to read as follows:

Section 861. A. The Legislature makes the following findings ~~respecting with regard to~~ the rights of persons with developmental or physical disabilities:

1. Persons with developmental or physical disabilities have a right to appropriate treatment, services, and habilitation for such disabilities ~~;~~ ;

2. The treatment, services, and habilitation for a person with developmental or physical disabilities should be designed to maximize the developmental potential of the person and should be provided for in the setting that is least restrictive of the person's personal liberty ~~;~~ ; and

3. All programs for persons with developmental or physical disabilities should meet standards which are designed to ~~assure~~ ensure:

- a. the most favorable possible outcome for those served, ~~and~~
- b. in the case of residential programs for persons with developmental or physical disabilities, ~~assure~~ that care is appropriate to the needs of the persons being served by such programs, ~~assure~~
- c. that the persons admitted to facilities of such programs are persons whose needs can be met through services provided by such facilities, and ~~assure~~
- d. that the facilities subject to such programs provide for the humane care of the residents of the facilities and protect their rights.

B. The Legislature declares that it is the goal of the ~~Developmentally or Physically Disabled Persons~~ Community Residential Living for Persons with Developmental or Physical Disabilities Act to improve the quality of life of all ~~developmentally or physically disabled~~ persons with developmental or physical disabilities and to integrate ~~developmentally or physically disabled~~ persons with developmental or physical disabilities into the mainstream of society by ensuring them the availability of community residential opportunities in the residential areas of this state. In order to implement this goal, the ~~Developmentally or Physically Disabled Persons~~ Community Residential Living for Persons with Developmental or Physical Disabilities Act shall be liberally construed toward that end.

SECTION 43. AMENDATORY 60 O.S. 1991, Section 862, is amended to read as follows:

Section 862. As used in the ~~Developmentally or Physically Disabled Persons~~ Community Residential Living for Persons with Developmental or Physical Disabilities Act:

1. ~~"Board Commission"~~ means the ~~State Board of Health Commission for Human Services~~;

2. ~~"Commissioner"~~ means the ~~Commissioner of the State Department of Health~~;

~~3.~~ "Developmental disability" means a severe, chronic disability of a person which:

- a. is attributable to a mental or physical impairment or combination of mental and physical impairments, ~~such as mental retardation, cerebral palsy, or autism,~~
- b. is manifested before the person attains twenty-two (22) years of age,
- c. is likely to continue indefinitely,
- d. results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) self-care,
 - (2) receptive and expressive language,
 - (3) learning,
 - (4) mobility,
 - (5) self-direction,
 - (6) capacity for independent living, and
 - (7) economic self-sufficiency, and
- e. reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated;

~~4.~~ ~~"Developmentally disabled person"~~ means a person with a ~~developmental disability~~;

~~5.~~ 3. "Physical disability" means a condition which causes the restricted use of extremities by an individual or which limits other bodily functions of an individual and which requires the specialized training, habilitation or rehabilitation services provided by a group home;

~~6.~~ 4. "Director" means the Director of the Department of Human Services;

5. "Group home", ~~unless otherwise specified by law,~~ means a community-based residential facility located in a single-family zoning area that admits not more than six ~~(6)~~ developmentally or physically disabled persons requiring with developmental or physical disabilities who require specialized living arrangements, and that provides for them such persons a home that is subject to the care and supervision of a responsible adult and which is licensed by or

which has a contract with the State Department of Health Human Services;

~~7.~~ 6. "Permitted use" means a use by right which is authorized in all residential zoning districts; and

~~8.~~ 7. "Political subdivision" means a municipality or county, whichever holds primary jurisdiction.

SECTION 44. AMENDATORY 60 O.S. 1991, Section 863, is amended to read as follows:

Section 863. A. 1. A group home is a residential use of property for the purposes of zoning and shall be treated as a permitted use in all residential zones or districts, including all single-family residential zones or districts of all political subdivisions of this state. No political subdivision may require that a group home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance different from those required for other dwellings of similar density in the same zone. ~~Provided; provided, however,~~ prior to the establishment of a group home in any residential area within a political subdivision, the owner of such home shall file with the political subdivision an application for the establishment of such group home in such residential area. The political subdivision shall provide for notice to be given to all affected real property owners. The notice shall contain a legal description of the property and the street address or approximate location of the group home.

For the purposes of this section, the term "affected real property owners" shall mean all owners of real property which is located within three hundred (300) feet of the exterior boundary of the property on which the group home is to be located. The political subdivision may deny the application if the owner of the group home fails to obtain a license from the ~~State Department of Health~~ Department of Human Services or if the group home fails to comply with the spacing requirements of subsection B of this section.

2. After the initial approval process, the political subdivision shall have the right to require a rezoning application, special exception, or variance filing and a public hearing, if ~~they would~~ such procedures are normally be required for any other similar use in the zoning district.

B. 1. Any rules promulgated by the State Board of Health for purposes of implementing the Community Residential Living for Persons with Developmental or Physical Disabilities Act shall remain in effect until such rules are superseded by rules promulgated by the Commission for Human Services, pursuant to this section. At such time, rules promulgated by the State Board of Health shall terminate.

2. For the purposes of safeguarding the health and safety of developmentally or physically disabled persons with developmental or physical disabilities and avoiding an over-concentration of group homes, either along or in conjunction with similar community-based residences, within one hundred eighty (180) days of the effective date of the ~~Group Homes for Developmentally or Physically Disabled Persons Act~~ Community Residential Living for Persons with Developmental or Physical Disabilities Act, the ~~Board~~ Commission for Human Services shall promulgate rules ~~and regulations~~ which shall encompass the following matters:

- ~~1.~~ a. limitations on the number of new group homes to be permitted on blocks, block faces, and other appropriate geographic areas, to one thousand two hundred (1,200) feet between group homes, or similar community residential facilities serving persons in

drug, alcohol, juvenile, child, parole, and other programs of treatment, care, supervision, or rehabilitation in a community setting~~†, 1~~

- ~~2.~~ b. assurance that adequate arrangements are made for the residents of group homes to receive such care and habilitation as is necessary and appropriate to their needs and to further their progress towards independent living~~†, 1~~
- ~~3.~~ c. protection of the health and safety of the residents of group homes. Compliance with these ~~regulations~~ rules shall not relieve the operator of any group home of the obligation to comply with the requirements or standards of a political subdivision pertaining to building, housing, health, fire, safety, and motor vehicle parking space that generally apply to single-family residences in the zoning district. No requirements for business licenses, gross receipt taxes, environmental impact studies, or clearances may be imposed on such homes if such fees, taxes, or clearances are not imposed on all structures in the zoning district housing a like number of persons. A group home shall not be excluded from a single family zone as a result of requirements promulgated by the ~~Board~~ Commission,
- ~~4.~~ d. procedures by which a resident of a residential zoning district or the governing body of a political subdivision in which a group home is, or is to be, located may petition the ~~Commissioner~~ Department of Human Services to deny an application for a license to operate a group home on the grounds that the operation of such a home would be in violation of the limits established pursuant to the provisions of subparagraph a of paragraph 1 2 of subsection B of this section~~†, 1~~ and
- ~~5.~~ e. fees for licenses or renewal of licenses required by this section.

C. In order to facilitate the implementation of subparagraph a of paragraph 1 2 of subsection B of this section, the ~~Commissioner~~ Department shall maintain a list of the location, capacity, and current occupancy of all group homes. The ~~Commissioner~~ Department shall ensure that this list shall not contain the names or other identifiable information about any residents of such home and that copies of this list shall be available upon request to any resident of this state and any state agency or political subdivision.

SECTION 45. AMENDATORY 60 O.S. 1991, Section 864, is amended to read as follows:

Section 864. Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, plat, or other instrument of or pertaining to the transfer, sale, lease, or use of property shall not specifically prohibit the residential use of such property by a group home, provided the provisions of this section shall not otherwise prohibit any restriction, reservation, condition, exception or covenant in any such instrument effecting the occupancy, structure and use of such property.

SECTION 46. AMENDATORY 60 O.S. 1991, Section 865, is amended to read as follows:

Section 865. As used in ~~this act~~ the Community Residential Living for Persons with Developmental or Physical Disabilities Act, a group home does not include any of the following:

1. A hospital or home for ~~the mentally ill~~ persons with mental illness;

2. An establishment commonly described as an alcohol or substance abuse rehabilitation center; or

3. A residential facility for persons released from or assigned to correctional institutions.

SECTION 47. AMENDATORY 60 O.S. 1991, Section 866, is amended to read as follows:

Section 866. A political subdivision, by ordinance, may provide that a group home, ~~as defined in paragraph 6 of Section 862 of this title,~~ may consist of not more than eight ~~(8) developmentally or physically disabled~~ persons with developmental or physical disabilities.

SECTION 48. AMENDATORY 60 O.S. 1991, Section 867, is amended to read as follows:

Section 867. Group homes which ~~are~~ were licensed by the State Department of Health prior to November 1, 1989, shall not be subject to the group home size limitation of six ~~(6)~~ persons and ~~will~~ are not ~~be~~ required to meet ~~this~~ such limitation as a condition of renewal of the license of the group home by the Department of Human Services or as a condition of renewal of the contract with the Department, as long as the group home remains in the same physical facility and otherwise complies with the provisions of the license, and rules pertaining thereto.

SECTION 49. AMENDATORY 63 O.S. 1991, Section 1-702, is amended to read as follows:

Section 1-702. ~~(a)~~ A. It shall be unlawful for any person to establish, operate or maintain in the State of Oklahoma any hospital or related institution without first obtaining a license therefor in the manner hereinafter provided. Hospitals operated by the federal government ~~and all,~~ state mental hospitals, and community-based structured crisis centers, as defined in Section 3-317 of Title 43A of the Oklahoma Statutes, shall be exempt from the provisions of this article.

~~(b)~~ B. A hospital may be licensed as a general hospital with one or more specialty services or combination of specialty services in a single license.

~~(c)~~ C. Nothing in this article shall authorize any person to engage, in any manner, in the practice of the healing arts.

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-317 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Mental Health and Substance Abuse Services shall certify community-based structured crisis centers for the provision of nonhospital emergency services for mental health and substance abuse crisis intervention. The Department shall promulgate rules for the certification of community-based structured crisis centers.

B. No community based structured crisis center shall operate or continue to operate unless the facility complies with the rules promulgated by the Department and is certified by the Department as required by this section.

C. For the purposes of this section, "community-based structured crisis center" means any facility which is established and maintained for the purpose of providing community-based mental health and substance abuse crisis intervention services including, but not limited to, observation, evaluation, emergency treatment and referral, when necessary, for inpatient psychiatric or substance abuse treatment services.

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-222 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. 1. The Commissioner of Mental Health and Substance Abuse Services shall establish regional advisory boards for the purpose of planning, advocating for, and coordinating services to persons with mental illness or alcohol or drug abuse disorders, and to victims of domestic violence or sexual assault. There shall be no fewer than eight boards. The boards shall advise the Commissioner relating to long-range plans and other issues related to the development of and delivery of local services. It is the responsibility of each board to:

- a. be knowledgeable of the services rendered by agencies within its area,
- b. be sensitive to the service needs of persons within the area, and
- c. serve as advocates for needed services.

2. The membership of each board shall be composed of citizens who reside or are employed within the defined geographic area and who are not currently employed by a provider agency under contract with the Department. The membership of each board shall include clients and family members of clients, and reflect an equitable representation of service interests.

B. The Commissioner shall establish policies related to membership, terms, and other details necessary to ensure functioning of the boards established by this section.

C. Members shall be eligible for reimbursement for their travel expenses in accordance with the provisions of the State Travel Reimbursement Act.

SECTION 52. AMENDATORY 43A O.S. 1991, Section 3-601, is amended to read as follows:

Section 3-601. A. ~~Methadone~~ Any Class II controlled dangerous substance, when used in this state ~~as by a narcotic treatment for drug-dependent program for persons with a history of addiction to or physiologic dependence on controlled dangerous substances,~~ shall only be used in ~~a detoxification program not to exceed twenty-four (24) months, unless specific reasons for an extension are presented by the attending physician and approved by the case review team; provided, said extension may not exceed twenty-four (24) additional months unless specific reasons for a further extension are presented by the attending physician and approved by the case review team and by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority. Only treating persons with narcotic addictions~~ a history of addiction of two (2) years or more shall be admitted to such a program, or persons with a one-year history, as defined by Chapter 1 of Title 21 of the Code of Federal Regulations, and documentation of attempting another type of treatment.

B. Any conviction for a violation of the provisions of this section or any rules ~~or regulations~~ promulgated pursuant to the provisions of this section shall be a felony.

C. For the purposes of this section, "narcotic treatment program" means a person, private physician, or organization that administers or dispenses a narcotic drug to a narcotic addict for the purposes of detoxification or maintenance treatment or provides, when necessary and appropriate, comprehensive medical and rehabilitation services. A narcotic treatment program shall be approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority and registered with the federal Drug Enforcement Administration for the use of a narcotic drug to treat narcotic addiction.

D. The Authority shall establish a central registry of persons receiving Class II controlled dangerous substances as participants of a narcotic treatment program. Narcotic treatment programs shall participate in the registries of adjoining states when the programs are within one hundred twenty-five (125) miles of the boundaries of the adjoining state.

E. Narcotic treatment programs shall notify the Authority of plans to close or relocate within a minimum of thirty (30) days prior to closure or relocation.

SECTION 53. AMENDATORY 43A O.S. 1991, Section 3-602, is amended to read as follows:

Section 3-602. A. Each methadone dispensing narcotic treatment program shall have a case review team consisting of persons independent of the program to be appointed by the Commissioner of Mental Health and Substance Abuse Services.

~~Members of case review teams shall serve at the pleasure of the appointing authority. Case review teams shall meet as necessary to perform their duties pursuant to this section.~~

B. The team shall certify persons to a methadone program narcotic treatment after a full review of the person's record and recommendations as to a course of treatment, as defined by Chapter 1 of Title 21 of the Code of Federal Regulations, for each individual certified. A course of treatment may include but shall not be limited to short-term detoxification, interim maintenance treatment or comprehensive maintenance treatment depending on the availability of such services and the needs of the individual.

1. Upon certification of a person to the program, the case review team shall promulgate approve a medical treatment plan for the person. The medical treatment plan shall include the projected length of methadone treatment, and, a projected detoxification date. The medical treatment plan shall not be altered without the approval of the medical case review team. A person in a methadone program shall not receive more than sixty (60) milligrams of methadone per day unless specific documentation is made by the attending physician and approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority.

2. The Department of Mental Health and Substance Abuse Services shall approve any drug to be used in a narcotic treatment program and set guidelines for the maximum daily dose, not to exceed limits set by Title 21 of the Code of Federal Regulations. The attending physician shall make specific recommendations for all persons receiving a dosage above the maximum approved daily dose and receive approval of the case review team. Pregnancy tests for women shall be conducted upon admission and at least annually thereafter, unless otherwise indicated.

3. The case review team shall review the progress of each client of the facility with the medical, nursing and counseling personnel familiar with the client not less than every ninety (90) thirty (30) days the client is in the program interim maintenance treatment, every ninety (90) days the client is in long-term detoxification treatment, and not less than one hundred eighty (180) days the client is in comprehensive maintenance treatment. Additional requirements and exceptions for each type of narcotic treatment services shall apply, as required by Title 21 of the Code of Federal Regulations.

SECTION 54. AMENDATORY 43A O.S. 1991, Section 3-603, is amended to read as follows:

Section 3-603. A. Persons The Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority shall approve a standard medication fee for persons participating in a

~~methadone program shall be required to pay a fee as approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority narcotic treatment program.~~

B. A person participating in a narcotic treatment program shall be terminated from ~~a~~ the program if the person fails to participate in ~~weekly~~ counseling sessions as prescribed by the case review team or if the person fails to adhere to the program's guidelines as promulgated by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority ~~and shall be ineligible to enter another program provided, however, such person may be eligible for reentry into such program subject to recertification and.~~ Exceptions may be granted based on health or other considerations approved by the attending physician and the case review team. The case review team may recertify persons terminated from a narcotic treatment program pursuant to guidelines promulgated by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority.

C. The Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority is authorized to promulgate such rules ~~or regulations~~ as are necessary to implement this act.

SECTION 55. REPEALER 43A O.S. 1991, Sections 3-303, 3-304, 3-305, 3-411, 3-412 and 3-413, are hereby repealed.

SECTION 56. RECODIFICATION 63 O.S. 1991, Sections 1-818.1 through 1-818.37, as last amended by Sections 1 through 37 of this act, 1-818.38, and 1-818.39 through 1-818.41, as last amended by Sections 38 through 40 of this act, shall be recodified as Sections 1430.1 through 1430.41 of Title 10 of the Oklahoma Statutes, respectively, unless there is created a duplication in numbering.

SECTION 57. This act shall become effective November 1, 1996.
Passed the House of Representatives the 28th day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the 28th day of May, 1996.

President of the Senate