

ENROLLED SENATE
BILL NO. 1314

By: Monson of the Senate
and

Anthony of the House

An Act relating to public health and safety; amending Section 4, Chapter 139, O.S.L. 1992 (63 O.S. Supp. 1995, Section 1-1962), which relates to the licensure of home health care agencies and the certification of home health aides; authorizing the granting of home health aide certification for certain individuals and certain circumstances; providing for convening of a task force for developing levels of certification for home health aides; providing for certain requirements; specifying certain membership; providing for appointment, meetings and staffing; requiring certain report; providing for termination; providing for noncodification; providing an effective date; and declaring an emergency.

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

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

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

B. On and after July 1, 1993:

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

2. a. Any person in the employment of a home care agency as a home health aide on June 30, 1992, with continuous employment through June 30, 1993, shall be granted home health aide certification by the Department on July 1, 1993. The home care agency shall maintain responsibility for assurance of specific competencies of the home health aide and shall only assign the home health aide to tasks for which the aide has been determined to be competent.
- b. Any home health aide employed between the dates of July 1, 1992, and June 30, 1993, shall be eligible for certification by passing a competency evaluation and testing as required by the Department.
- c. Any home health aide employed on and after July 1, 1996, shall complete any specified training, competency evaluation and testing required by the Department. The Department in conjunction with the Department of Human Services shall, until July 1, 1997, provide for competency certification for individuals under contract with the state Medicaid agency for the provision of personal care services prior to July 1, 1997, and who have not already been certified pursuant to this subsection.

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

1. A person acting alone who provides services in the home of a relative, neighbor or friend;
2. A person who provides maid services only;
3. A nurse service or home aide service conducted by and for the adherents to any religious denomination, the tenets of which include reliance on spiritual means through prayer alone for healing;
4. A person providing hospice services pursuant to the Oklahoma Hospice Licensing Act; or
5. A nurse-midwife.

SECTION 2. A. The State Department of Health shall convene a task force to study the feasibility of and make recommendations for developing levels of certification for home health aides. Such levels of certification shall be determined based upon the knowledge, skills and abilities necessary to provide home health services to persons who have:

1. Acute illnesses or conditions; or
2. Chronic illnesses or conditions.

B. 1. Except as otherwise provided, the task force shall be comprised of no more than four representatives from each of the following entities:

- a. the State Department of Health,
- b. the Oklahoma Health Care Authority,
- c. the Department of Human Services,
- d. the State Department of Vocational and Technical Education,
- e. a long-term care authority; provided, however, if more than one such authority exists, then each authority shall appoint an equal number of representatives; provided further, a total of no fewer than four representatives shall be appointed, and
- f. a state association of home health care agencies; provided, however, if more than one such association exists, then each association shall appoint an equal number of representatives; provided further, a total of no fewer than four representatives shall be appointed.

2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives of the Oklahoma Legislature shall each

appoint to the task force two people who presently utilize the services of a home health care agency, or a family member of such persons.

C. The State Commissioner of Health shall convene the first meeting of the task force not later than July 15, 1996, and shall provide such staff support as is required by the task force. Members shall not receive any compensation for their service.

D. The task force shall issue a report of its findings and recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than December 31, 1996, at which time the task force shall cease to exist.

SECTION 3. NONCODIFICATION The provisions of Section 2 of this act shall not be codified in the Oklahoma Statutes.

SECTION 4. This act shall become effective July 1, 1996.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.