

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE JOINT
RESOLUTION NO. 1101

By: Eddins and Adair

AS INTRODUCED

A Joint Resolution relating to certain rules of the Department of Mental Health and Substance Abuse Services; disapproving certain rules; directing adoption of certain rules; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to determine that a rule is not consistent with legislative intent and disapprove such rule or any portion thereof. The Legislature also reserves the right to establish policy and the right to designate the method for rule promulgation; and

WHEREAS, the Department of Mental Health and Substance Abuse Services adopted permanent rules OAC 450:12-1-1 through OAC 450:12-1-5; OAC 450:12-3-1; OAC 450:12-5-1 and OAC 450:12-5-2; OAC 450:12-7-1 through OAC 450:12-7-4; OAC 450:12-9-1; OAC 450:12-11-1; OAC 450:12-13-1 through OAC 450:12-13-4; OAC 450:12-15-1 and OAC 450:12-15-2; OAC 450:12-17-2 through OAC 450:12-17-7; OAC 450:12-19-2 through OAC 450:12-19-4; OAC 450:12-21-2 and OAC 450:12-21-3; OAC 450:12-23-1; OAC 450:12-25-4 and OAC 450:12-25-6; OAC 450:12-27-1; OAC 450:12-29-1 and OAC 450:12-29-7, on March 8, 1996, regarding the revocation of current standards and criteria for Residential Care Facilities;

WHEREAS, the Department of Mental Health and Substance Abuse Services adopted permanent rules OAC 450:16-1-1 through OAC 450:16-

1-6; OAC 450:16-3-1; OAC 450:16-5-1 through OAC 450:16-5-3; OAC 450:16-7-1 and OAC 450:16-7-2; OAC 450:16-9-1; OAC 450:16-11-1; OAC 450:16-13-1 through OAC 450:16-13-49; OAC 450:16-15-1 through OAC 450:16-15-4; OAC 450:16-17-1 through OAC 450:16-17-5; OAC 450:16-19-1 and OAC 450:16-19-2; OAC 450:16-21-1 through OAC 450:16-21-5; OAC 450:16-23-1; OAC 450:16-25-1 through OAC 450:16-25-3; OAC 450:16-27-1 through OAC 450:16-27-4; OAC 450:16-29-1 through OAC 450:16-29-8 on March 8, 1996, regarding new standards and criteria for Residential Care Facilities; and

WHEREAS, the Legislature believes that the standards and criteria for Residential Care Facilities should be increased, but the proposed rules of the Department of Mental Health and Substance Abuse Services are not practical at the present time and inconsistent with legislative intent in that the proposed rules require One Hundred Percent (100%) compliance with the standards and criteria in order to qualify for certification as a Residential Care Facility.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed permanent rules OAC 450:12-1-1 through OAC 450:12-1-5; OAC 450:12-3-1; OAC 450:12-5-1 and OAC 450:12-5-2; OAC 450:12-7-1 through OAC 450:12-7-4; OAC 450:12-9-1; OAC 450:12-11-1; OAC 450:12-13-1 through OAC 450:12-13-4; OAC 450:12-15-1 and OAC 450:12-15-2; OAC 450:12-17-2 through OAC 450:12-17-7; OAC 450:12-19-2 through OAC 450:12-19-4; OAC 450:12-21-2 and OAC 450:12-21-3; OAC 450:12-23-1; OAC 450:12-25-4 and OAC 450:12-25-6; OAC 450:12-27-1; OAC 450:12-29-1 and OAC 450:12-29-7; OAC 450:16-1-1 through OAC 450:16-1-6; OAC 450:16-3-1; OAC 450:16-5-1 through OAC 450:16-5-3; OAC 450:16-7-1 and OAC 450:16-7-2; OAC 450:16-9-1; OAC 450:16-11-1; OAC 450:16-13-1 through OAC 450:16-13-49; OAC 450:16-15-1 through OAC 450:16-15-4; OAC 450:16-17-1 through OAC 450:16-17-5; OAC 450:16-19-1 and OAC 450:16-

19-2; OAC 450:16-21-1 through OAC 450:16-21-5; OAC 450:16-23-1; OAC 450:16-25-1 through OAC 450:16-25-3; OAC 450:16-27-1 through OAC 450:16-27-4; OAC 450:16-29-1 through OAC 450:16-29-8, adopted by the Department of Mental Health and Substance Abuse Services on March 8, 1996, regarding standards and criteria for Residential Care Facilities.

SECTION 2. The Legislature hereby directs the Department of Mental Health and Substance Abuse Services to adopt and promulgate replacement rules establishing standards and criteria for Residential Care Facilities that include a phase in period of not less than two (2) years in order for the Residential Care Facilities to reach the heightened One Hundred Percent (100%) compliance requirement with the standards and criteria.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Commissioner of Mental Health and Substance Abuse Services and the Editor of "The Oklahoma Register".

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-9954

TK