

SHORT TITLE: Public health and safety; home health aide certification; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1314

By: Monson

AS INTRODUCED

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 under certain circumstances; 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, 1993, shall complete any specified training, competency evaluation and testing required by the Department.
- d. Any person who has completed the training for nontechnical medical care providers through the Department of Human Services and has continuously provided services through the nontechnical medical care program of the Department of Human Services for the two (2) years immediately preceding July 1, 1994, and has demonstrated knowledge and skill competency in home care shall be granted home health aide certification by the Department for the purpose of providing home health care services to patients:
 - (1) who have a chronic condition,
 - (2) whose condition is usually stable,
 - (3) whose plan of care is developed by a registered nurse and reviewed every one hundred eighty (180) days,
 - (4) who require services on a long-term basis, usually six (6) months or more, and

(5) for whom service provision is based upon the functional impairment of such patients.

e. Any person who has completed the training for nontechnical medical care providers through the Department of Human Services and has continuously provided services through the nontechnical medical care program of the Department of Human Services for the two (2) years immediately preceding July 1, 1994, shall be granted home health aide certification by the Department for the purpose of providing home health care services to patients:

- (1) who are recovering from an acute illness or surgery and require services pursuant to a physician's order, including physician oversight,
- (2) whose condition is usually stable,
- (3) whose plan of care is developed by a registered nurse based on a physician's orders,
- (4) whose required services are based upon the individual's medical needs,
- (5) whose plan of care is reviewed by a physician every sixty-two (62) days,
- (6) who receive supervisory visits by a registered nurse at least every fourteen (14) days, and
- (7) whose service needs are short term, usually three (3) months or less,

if such person:

- (a) completes a Department-approved nurse aide training course,
- (b) completes a competency examination, or

(c) demonstrates competency to a registered nurse.

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

1. ~~A person~~ An individual 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. 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.

45-2-2057

CJ