

SHORT TITLE: Re-creating the Oklahoma State Board of Examiners for Nursing Home Administrators and creating the Advisory Task Force on Professional Standards for Nursing Home Administrators; codification; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 379

By: Long (Ed) of the Senate

and

Hager of the House

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 330.52, which relates to nursing home administrators; re-creating the Oklahoma State Board of Examiners for Nursing Home Administrators; clarifying statutory reference; conforming outline; modifying Board membership; providing qualifications and restrictions for members of the Oklahoma State Board of Examiners for Nursing Home Administrators; creating the Advisory Task Force on Professional Standards for Nursing Home Administrators and stating purpose; providing for appointment of members, selection of officers, convening of first meeting, conduct of meetings, quorum, reimbursement of members and staffing; requiring submission of certain report by certain date; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 330.52, is amended to read as follows:

Section 330.52 ~~(a)~~ A. There is hereby re-created, to continue until July 1, ~~1994~~ 2000, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Oklahoma State Board of Examiners for Nursing Home Administrators. The Oklahoma State Board of Examiners for Nursing Home Administrators shall consist of fifteen (15) members, eleven of whom shall be voting members representative of the professions and institutions concerned with the care and treatment of critically ill or infirm elderly patients, two of whom shall be voting members representing the general public, and two of whom shall be ex officio nonvoting members, who shall be the State Commissioner of Health and the Director of the Department of Human Services, or their designees. The thirteen voting members shall be appointed by the Governor, with the advice and consent of the Senate.

~~(b)~~ ~~(1)~~ B. 1. Six of the thirteen appointive members shall each be presently an owner and a licensed administrator and shall have had five (5) years' experience in the nursing home profession as an owner and administrator. At least one such member of the Board shall be associated with and a representative of a nonproprietary nursing facility; provided, if no such member currently serving on the Board meets this qualification, then the position of the member whose term first expires after the effective date of this act shall be filled with a person who meets this qualification.

2. Two members shall be representatives of the general public ~~and shall not have any direct or indirect financial interest in nursing homes;~~ provided, however, one such member shall be selected from a list of three names submitted by a statewide organization listed as an exempt organization pursuant to Section 501(c)(3) of

the Internal Revenue Code, 26 U.S.C., Section 501(c)(3), such statewide organization being comprised of organizations or individuals advocating on behalf of critically ill or infirm elderly patients. Provided further, the position of the member representative of the general public whose term first expires after the effective date of this act shall be filled by a person selected pursuant to the provisions of this paragraph. A member of the Board who represents the general public may not have a financial interest, other than as a consumer, in a nursing facility as an officer, director, partner, owner, employee, attorney, or paid consultant or be related within the second degree by affinity or within the third degree by consanguinity to a person who has a financial interest, other than as a consumer, in a nursing facility as an officer, director, partner, owner, employee, attorney, or paid consultant of such facility.

3. The other members shall not be nursing home owners or administrators and shall not have ~~no direct~~ a financial interest, other than as a consumer, in a nursing ~~homes~~ facility as an officer, director, partner, owner, employee, attorney, or paid consultant of such facility or be related within the second degree by affinity or within the third degree by consanguinity to a person who has a financial interest, other than as a consumer, in a nursing facility as an officer, director, partner, owner, employee, attorney, or paid consultant of such facility.

~~(2)~~ C. The terms of all appointive members shall be three (3) years. Any vacancy occurring in the position of an appointive member shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 330.52A of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until January 1, 1996, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Advisory Task Force on Professional Standards for Nursing Home Administrators, which shall consist of fourteen (14) members. The Task Force shall advise the Oklahoma State Board of Examiners for Nursing Home Administrators concerning the development of standards and procedures to assure the qualifications of nursing home administrators and the implementation and enforcement of those standards and procedures by the state.

B. The Governor, the President Pro Tempore of the Oklahoma State Senate and the Speaker of the Oklahoma House of Representatives shall each appoint members to the Task Force as follows:

1. The Governor shall appoint five members as follows:

- a. a representative of the comprehensive universities within this state,
- b. a representative of the regional universities within this state,
- c. a representative of a health-related profession,
- d. a nursing home administrator, and
- e. a representative of the general public;

2. The President Pro Tempore of the Senate shall appoint four members as follows:

- a. a member of the Oklahoma State Senate,
- b. a representative of institutions and higher education centers within this state, and
- c. two nursing home administrators; and

3. The Speaker of the House of Representatives shall appoint four members as follows:

- a. a member of the Oklahoma House of Representatives,

b. a representative of two-year colleges within this state, and

c. two nursing home administrators.

C. The Chancellor for Higher Education or a designee, shall serve as an ex officio nonvoting member.

D. The Task Force shall select a chair and a vice-chair from among its membership. The Chancellor for Higher Education shall convene the first meeting of the Task Force by September 1, 1995. Thereafter, the Task Force shall meet monthly on a day and at a site to be determined by the members. The proceedings of all meetings of the Task Force shall comply with the provisions of the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. A majority of the members of the Task Force shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Task Force. Staffing for the Task Force shall be provided by the Oklahoma State Regents for Higher Education as required.

E. Members of the Task Force shall receive no compensation for serving on the Task Force, but shall receive travel reimbursement as follows:

1. Legislative members of the Task Force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes;

2. Nonlegislative members of the Task Force shall be reimbursed by their respective agencies for their necessary travel expenses incurred in the performance of their duties in accordance with the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes; and

3. Members of the Task Force who are not otherwise officers or employees of the state shall be reimbursed by the Oklahoma State

Regents for Higher Education in accordance with the provisions of the State Travel Reimbursement Act.

F. The Task Force shall submit a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairs of the Education Committees of the Senate and the House of Representatives, and the State Commissioner of Health by December 31, 1995. Such report shall include all recommendations made by the Task Force to the Oklahoma State Board of Examiners for Nursing Home Administrators.

SECTION 3. This act shall become effective July 1, 1995.

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.

45-1-0269

CJ