

SHORT TITLE: Public health and safety; clarifying statutory reference within the Nursing Home Care Act; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 385

By: Brown

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-1916.1, which relates to violations and penalties for the Nursing Home Care Act; clarifying statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1916.1, is amended to read as follows:

Section 1-1916.1 A. Any person who has been determined by the State Department of Health to have violated any provision of the Nursing Home Care Act, Section 1-1901 et seq. of this title, or any rule, regulation or order issued pursuant to the provisions of the Nursing Home Care Act may be liable for an administrative penalty of not more than One Hundred Dollars (\$100.00) for each day that said 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. Within ten (10) days of the inspection documenting the violation, the facility may appeal this decision pursuant to Article II of the Administrative Procedures Act, Section 309 et seq. of Title 75 of the Oklahoma Statutes. 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, the repetitive nature of the violation at this facility or others operated by the same entity, the previous degree of difficulty in obtaining compliance with the rules, 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 Nursing Home Care Act.

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

SECTION 2. This act shall become effective November 1, 1995.

45-1-0724

CJ