

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1230

By: Kirby

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; providing for certain nurses-aide-to-resident ratios in nursing homes; defining terms; requiring the State Board of Health to submit certain reports; defining terms; requiring certain study; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1925.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. For purpose of the provisions of this section:

1. "Nurses aide" means any person who provides nursing or nursing-related services to residents in a nursing facility and who has been certified by the Oklahoma Department of Health. The term "nurses aide" shall not include registered nurses, licensed practical nurses, certified medication aides, dietitians, janitorial staff, therapists and therapy assistants, activity and social service directors and staff or administrative staff of the nursing facility; and

2. "Direct care nursing staff" means any nurses aide, registered nurse, licensed practical nurse, or certified medication aide who provides hands-on nursing services to residents shall be included in the direct-care-nursing-staff-to-resident ratio in any shift.

B. It is the intent of the Oklahoma Legislature that all nursing facilities subject to the staffing of nursing facilities, shall, to the extent practical and possible, maintain, as the

minimum direct-care-nursing-staff-to-resident ratio, the following:

1. From 7:00 a.m. to 3:00 p.m., one direct care nursing staff to every seven residents by July 1, 1998, and to every five patients by July 1, 2000;

2. From 3:00 p.m. to 11:00 p.m., one direct care nursing staff to every ten residents by July 1, 1998, and to every seven by July 1, 2000; and

3. From 11:00 p.m. to 7:00 a.m., one direct care nursing staff to every twelve residents by July 1, 1998, and to every ten by July 1, 2000.

C. The State Board of Health shall submit a report on January 1 of each year to the Speaker of the House of Representatives and the President Pro Tempore of the Senate detailing which nursing facilities are meeting the minimum direct-care-nursing-staff-to-resident ratio specified by this section and which nursing facilities are failing to meet such ratio. Such report shall be available to the public upon request.

1. The Department of Human Services shall study the cost savings related to hospitalization, surgery, other therapies and treatments, and workers compensation which may be achieved by mandatory increase in numbers of direct care nursing staff.

2. The Department of Human Services shall study the cost to nursing facilities of compliance with this section and establish a penalty that exceeds the cost of compliance.

SECTION 2. This act shall become effective November 1, 1997.

46-1-6772

KSM