

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1054

By: Maddox, Williams and
Campbell of the Senate

and

Mitchell of the House

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending
63 O.S. 1991, Section 1-1950.3, which relates to
nursing aides employment; providing certain time
period within which certain persons shall be
certified; prohibiting employment; providing for
certain written documentation; specifying time
period for certain employed nurses aides; requiring
certain supervision; making certain actions
unlawful; defining term; prohibiting certain action
after specified date; and providing an effective
date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1950.3, is
amended to read as follows:

Section 1-1950.3 A. No employer or contractor who is subject
to the provisions of Section 1-1950.1 or 1-1950.2 of this title ~~or~~
~~Section 2 of this act~~ shall use, on a full-time, temporary, per

diem, or other basis, any individual who is not a licensed health professional as a nurses aide for more than four (4) months, unless such individual has satisfied all requirements for certification and placement on the nurse aide registry maintained by the Oklahoma State Department of Health. Provided, however, that effective November 1, 2002, no nursing facility, assisted living or other long term care facility shall employ as a nurse aide, on a full-time, temporary, per diem, or any other basis, any individual who is not certified as a nurse aide, in good standing on the nurse aide registry maintained by the State Department of Health.

B. ~~With respect to individuals used as nurses~~ The employer of nurse aides who have not completed requirements for certification and placement on the nurse aide registry, the employer shall provide for a competency evaluation program approved by the Oklahoma State Department of Health and such training and preparation as may be necessary for the individual to complete such a program not employ such individuals under any circumstances without written documentation of the individuals' current registration in an approved course of study and training for nurse aides.

C. Individuals employed as nurse aides who are enrolled in an approved course of study and training for nurse aides, must successfully complete the course, obtain certification, and be placed on the nurse aide registry within one hundred twenty-five (125) cumulative days in order to continue to be employed as nurse aides.

D. Any nursing facility, assisted living or other long term care facility employing an uncertified student in nurse aide training, as provided in this act, shall ensure that no less than a licensed practical nurse be present at all times to supervise the uncertified student.

E. No employer may retain a student who is in nurse aide training for more than one hundred twenty-five (125) cumulative days

for utilization as a nurse aide. For purposes of this section, "cumulative days" refers to the number of days a person is utilized as a nurse aide by any employer in any nursing facility, assisted living or other long term care facility.

F. Any person convicted of violating any provision of this section, ~~or of~~ Section 1-1950.1 of this title, shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00), or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 1998.

46-2-11201 KSM