

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1230

By: Kirby and Deutschendorf of
the House

and

Williams of the Senate

COMMITTEE SUBSTITUTE

(Health and safety - nursing homes - cost of compliance -
codification -

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. All nursing facilities subject to the Nursing Home Care Act,
in addition to other state and federal requirements related to the
staffing of nursing facilities, shall maintain the following minimum
direct care staff to resident ratios:

1. From 7:00 a.m. to 3:00 p.m., one direct care nursing staff
to every seven residents;

2. From 3:00 p.m. to 11:00 p.m., one direct care nursing staff
to every ten residents; and

3. From 11:00 p.m. to 7:00 a.m., one direct care nursing staff
to every twelve residents.

B. As used in this section:

1. "Nurse aide" means any person who provides nursing or nursing related services to residents in a nursing facility, and who has been certified as a nurse aide by the State Department of Health. The term "nurse aide" shall not include a registered nurse, a licensed practical nurse, a certified medication aide, a dietitian, janitorial staff, a therapist or therapy assistant, an activity and social service director, or staff or administrative staff of the nursing facility; and
2. "Direct care nursing staff" means any nurse aide, registered nurse, licensed practical nurse, or certified medication aide who provides hands-on nursing or hands-on nursing related services to residents in a nursing facility. Registered nurses, licensed nurses and certified medication aides who are not providing direct, hands-on nursing services to residents shall not be included in the direct care nursing staff to resident ratio in any shift.

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

D. 1. The Oklahoma Health Care Authority shall study the cost savings related to hospitalization, surgery, other therapies and treatments, and workers' compensation which may be achieved by mandatory increases in the numbers of direct care nursing staff.

2. The Oklahoma Health Care Authority shall also study the cost to nursing facilities of compliance with the provisions of this section, and shall establish a penalty that exceeds the cost of compliance.

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

46-1-1244

CJ