

ENGROSSED HOUSE  
BILL NO. 3133

By: Mitchell of the House  
and  
Weedn of the Senate

( public health and safety - Home Care Act - certification  
of alternate home care agency administrator - emergency  
)

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

SECTION 1. AMENDATORY Section 3, Chapter 139, O.S.L.  
1992, as last amended by Section 1, Chapter 349, O.S.L. 1996 (63  
O.S. Supp. 1997, Section 1-1961), is amended to read as follows:

Section 1-1961. As used in the Home Care Act:

1. "Alternate home care agency administrator" means a qualified  
person authorized in writing by the governing body of a home care  
agency to act in absence of the administrator. An alternate home  
care agency administrator shall be certified as required by the  
rules of the State Department of Health pursuant to the Home Care  
Act;

2. "Board" means the State Board of Health;

~~2.~~ 3. "Certification" means verification of appropriate  
training and competence established by the State Board of Health by  
rules promulgated pursuant to the Home Care Act for home health  
aides and home care agency administrators;

~~3.~~ 4. "Department" means the State Department of Health;

~~4.~~ 5. "Home care agency" means any sole proprietorship, partnership, association, corporation or other organization which administers, offers or provides home care services, for a fee or pursuant to a contract for such services, to clients in their place of residence. The term "home care agency" shall not include individuals who contract with the Department of Human Services to provide personal care services, provided such individuals shall not be exempt from certification as home health aides;

~~5.~~ 6. "Home care services" means skilled or personal care services provided to clients in their place of residence for a fee;

~~6.~~ 7. "Home health aide" means an individual who provides personal care to clients in their temporary or permanent place of residence for a fee;

~~7.~~ 8. "Home care agency administrator" means a person who operates, manages, or supervises, or is in charge of a home care agency;

~~8.~~ 9. "Personal care" means assistance with dressing, bathing, ambulation, exercise or other personal needs; and

~~9.~~ 10. "Skilled care" means home care services performed on a regular basis by a trained Respiratory Therapist/Technician or by a person currently licensed by this state, including but not limited to a Licensed Practical Nurse, Registered Nurse, Physical Therapist, Occupational Therapist, Speech Therapist, or Social Worker.

SECTION 2. AMENDATORY Section 4, Chapter 349, O.S.L. 1996 (63 O.S. Supp. 1997, Section 1-1962a), is amended to read as follows:

Section 1-1962a. A. 1. The State Board of Health shall have authority to determine the qualifications, skill and fitness of any person employed to serve as an administrator or alternate home care agency administrator of a home care agency. The State Board of Health in promulgating rules pursuant to this section may consider advice and comments from representatives of home care agencies, home

care agency administrators and representatives of statewide organizations for home care agency clients.

2. The State Board of Health shall develop standards which must be met by individuals in order to receive certification as a home ~~health~~ care agency administrator and alternate home care agency administrator, which standards shall be designed to ensure that home ~~health~~ care agency administrators and alternate home care agency administrators will be individuals who are of good character and are suitable, and who, by training or experience, are qualified to serve as home ~~health~~ care agency administrators and alternate home care agency administrators.

B. The State Department of Health, pursuant to rules promulgated by the Board, shall:

1. Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards as established in paragraph 2 of subsection A of this section;

2. Certify individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend certification previously issued by the Department in any case where the individual holding any such certification is determined substantially to have failed to conform to the requirements of such standards;

3. Establish and carry out procedures designed to ensure that individuals certified as home ~~health~~ care agency administrators or alternate home care agency administrators will, during any period that they serve as such, comply with the requirements of such standards; and

4. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Department to the effect that any individual certified as a home care agency

administrator or alternate home care agency administrator has failed to comply with the requirements of such standards.

C. 1. In order to further ensure minimum standards for certification, the Board shall require a home care agency administrator to receive education or training which shall include, but not be limited to, training in administration, supervision, fiscal management, ethics, community relations, public information and human relations, concerning the issues associated with the operation of home care agencies and programs. Any person employed as an administrator after November 1, 1996, shall have completed the education or training specified by this subsection.

2. On and after August 1, 1997, proof of successful completion of the education, training or continuing education, as applicable, for the home care agency administrator shall be required prior to issuance or renewal of a license for a home care agency pursuant to the provisions of the Home Care Act.

D. The Department shall require, by rule, that any individual designated as an alternate home care agency administrator meet specified qualification standards; provided, such standards shall not require any alternate home care agency administrator to meet or exceed those qualification requirements for a home care agency administrator.

E. It shall be unlawful and a misdemeanor for any person to act or serve in the capacity as a home care agency administrator unless such individual is the holder of a certification as a home care agency administrator, issued in accordance with the provisions of the Home Care Act.

~~E.~~ F. Each person certified as a home care agency administrator pursuant to the provisions of this section shall be required to pay an annual certification fee in an amount to be determined by the State Board of Health not to exceed Two Hundred Dollars (\$200.00). Each such certificate shall expire on the 31st day of July following

its issuance and shall be renewable for twelve (12) months beginning August 1, upon payment of the annual certification fee.

~~F.~~ G. In addition to the annual certification fees, the State Board of Health may impose fees for training or education programs conducted or approved by the Board.

~~G.~~ H. All revenues collected as a result of fees authorized in this section and imposed by the Board shall be deposited into the Public Health Special Fund.

SECTION 3. 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.

Passed the House of Representatives the 10th day of March, 1998.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1998.

President of the Senate