

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1438

By: Easley

AS INTRODUCED

An Act relating to public health and safety; amending Section 4, Chapter 139, O.S.L. 1992, as amended by Section 1, Chapter 157, O.S.L. 1996 (63 O.S. Supp. 1996, Section 1-1962), which relates to the Home Care Act; updating and clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 4, Chapter 139, O.S.L. 1992, as amended by Section 1, Chapter 157, O.S.L. 1996 (63 O.S. Supp. 1996, Section 1-1962), is amended to read as follows:

Section 1-1962. A. On and after July 1, 1993, no home care agency ~~as such term is defined by this act~~ shall operate without first obtaining a license as required by the Home Care Act.

B. On and after July 1, 1993:

1. No employer or contractor, except as otherwise provided by this subsection, shall employ or contract with any individual as a home health aide for more than four (4) months, on a full-time, temporary, per diem or other basis, unless such individual is a licensed health professional or unless such individual has satisfied

the requirements for certification and placement on the home health aide registry maintained by the State Department of Health; and

2. a. Any person in the employment of a home care agency as a home health aide on June 30, 1992, with continuous employment through June 30, 1993, shall be granted home health aide certification by the Department on July 1, 1993. The home care agency shall maintain responsibility for assurance of specific competencies of the home health aide and shall only assign the home health aide to tasks for which the aide has been determined to be competent.

b. Any home health aide employed between the dates of July 1, 1992, and June 30, 1993, shall be eligible for certification by passing a competency evaluation and testing as required by the Department.

c. Any home health aide employed on and after July 1, 1996, shall complete any specified training, competency evaluation and testing required by the Department. The Department in conjunction with the Department of Human Services shall, until July 1, 1997, provide for competency certification for individuals under contract with the state Medicaid agency for the provision of personal care services prior to July 1, 1997, and who have not already been certified pursuant to this subsection.

C. The provisions of the Home Care Act shall not apply to:

1. A person acting alone who provides services in the home of a relative, neighbor or friend;

2. A person who provides maid services only;

3. A nurse service or home aide service conducted by and for the adherents to any religious denomination, the tenets of which

include reliance on spiritual means through prayer alone for healing;

4. A person providing hospice services pursuant to the Oklahoma Hospice Licensing Act; or

5. A nurse-midwife.

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

46-1-5298

KSM