

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2386

By: Adkins

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-1904, which relates to the Nursing Home Care Act; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1904, is amended to read as follows:

Section 1-1904. A. The State Department of Health shall establish a comprehensive system of licensure and certification for facilities in accordance with ~~this act~~ the Nursing Home Care Act for the purposes of:

1. Protecting the health, welfare and safety of residents; and
2. Assuring the accountability for reimbursed care provided in certified facilities participating in a federal or state health program as provided by or through the Department of Human Services.

B. The licensing and certification procedures and standards provided in this act, or by rules and regulations of the Department, shall be no less than provided in statute and rules currently governing nursing homes.

C. It shall be unlawful for any person to operate or open a facility as defined in ~~this act~~ the Nursing Home Care Act unless such operation shall have been approved and regularly licensed as hereinafter provided.

D. Before an initial license shall be issued under this act to operate a facility the following shall be provided before an application is approved and a license issued:

1. An application shall be under oath and shall contain, at a minimum, the following information:

- a. the name and address of the applicant, if an individual, and that he is not less than twenty-one (21) years of age, of reputable and responsible character, and in sound physical and mental health; and if a firm, partnership, or association, of every member thereof; and in the case of a corporation, the name and address thereof and of its officers and its registered agent and like evidence for officers, as submitted for an individual,
- b. the name and location of the facility for which a license is sought,
- c. the name and address of the person or persons under whose management or supervision the facility will be conducted,
- d. the name and address of any other person holding an interest of at least five percent (5%) in the ownership, operation or management of the facility,
- e. the number and type of residents for which maintenance, personal care, specialized or nursing facility services are to be provided, and
- f. a projected staffing pattern for providing patient care;

2. Each initial application shall be accompanied by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance;

3. The Commissioner shall determine that the administrator of a facility other than a residential care home is the holder of a current license as a Nursing Home Administrator issued by the State Board of Nursing Homes; and

4. That the individual applicant, or the corporation, partnership or other entity, if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of a facility by virtue of financial capacity, appropriate business or professional experience, a record of compliance with lawful orders of the Department and lack of revocation of a license during the previous five (5) years. In determining the applicant's responsibility and suitability to operate or to direct or participate in the operation of a facility, the Department may also consider the following factors; the applicant's record of suspensions, receivership, administrative penalties, or noncompliance of lawful orders of this Department or of other departments of other states with similar responsibilities.

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

46-2-8282

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