

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT
RESOLUTION NO. 1053

By: Gray

AS INTRODUCED

A Joint Resolution relating to rules of the Oklahoma State Department of Health; disapproving emergency and adopted permanent rule OAC 310:662-2-1(d) (1) regarding licensure; directing adoption and promulgation of certain rule; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, the Oklahoma State Department of Health adopted emergency rule OAC 310:662-2-1(d) (1) on February 20, 1997, and the Governor approved the rule on April 7, 1997, regarding licensure relating to licensure fees; and

WHEREAS, the Oklahoma State Department of Health adopted permanent rule OAC 310:662-2-1(d) (1) on February 20, 1997, regarding licensure relating to licensure fees; and

WHEREAS, pursuant to Section 1-1965 of Title 63 of the Oklahoma Statutes, the Oklahoma State Department of Health is authorized to charge up to Three Thousand Dollars (\$3,000.00), not to exceed the reasonable costs incurred by the Department in implementing the Home Care Act, for an application for an initial license to establish or operate a new home care agency; and

WHEREAS, emergency and permanent rule OAC 310:662-2-1(d) (1) increase the application fee for an initial license to establish or operate a new home care agency or subunit from Five Hundred Dollars (\$500.00) to Three Thousand Dollars (\$3,000.00); and

WHEREAS, the Legislature strongly opposes fee increases and considers a fee increase from Five Hundred Dollars (\$500.00) to Three Thousand Dollars (\$3,000.00) excessive.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves emergency rule OAC 310:662-2-1(d) (1).

SECTION 2. The Legislature hereby disapproves adopted permanent rule OAC 310:662-2-1(d) (1).

SECTION 3. The Legislature hereby directs and authorizes, in accordance with subsection H of Section 308 of Title 75 of the Oklahoma Statutes, the Oklahoma State Department of Health to adopt and promulgate an emergency rule which charges the existing fee of Five Hundred Dollars (\$500.00) for the application for an initial license to establish or operate a new home care agency or subunit.

SECTION 4. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Commissioner of Health and the Editor of "The Oklahoma Register".

SECTION 5. 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.

46-1-7745

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