

SHORT TITLE: Home health care; expanding certain rule. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1229

By: Weedn

AS INTRODUCED

An Act relating to home health care; amending Section 6, Chapter 139, O.S.L. 1992, as last amended by Section 7, Chapter 238, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-1964), which relates to promulgation of rules; expanding certain rule; and providing an effective date.

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

SECTION 1. AMENDATORY Section 6, Chapter 139, O.S.L. 1992, as last amended by Section 7, Chapter 238, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-1964), is amended to read as follows:

Section 1-1964. The State Board of Health shall promulgate rules necessary to implement the provisions of the Home Care Act. Such rules shall include, but shall not be limited to:

1. Minimum standards for home care services. In establishing such standards, the Board shall consider those standards adopted by state and national home care associations;
2. Requirements for the certification and renewal certification of home health aides and home care agency administrators;
3. Provisions for transfer of ownership of a licensed agency;
4. A requirement that each licensed agency create and disclose to its clients a statement of clients' rights and responsibilities;
5. Establishing continuing education requirements for renewal of certifications for home care agency administrators;

6. Requirements for financial resources to ensure a home care agency's ability to provide adequate home care services;

7. Standards for assessing an applicant's business and professional experience as demonstrated in prior health care provider operations including, but not limited to, nursing homes, residential care homes, and home care and in previous compliance with all lawful orders of suspension, receivership, administrative penalty or sanction issued by the State Department of Health or by other administrative agencies in other states with similar responsibilities;

8. Restrictions on any agency, agency employee, or agency contractor providing skilled care or conducting an in-home assessment of the need for skilled care unless and until the agency receives a physician's order to provide skilled care or to conduct an in-home assessment of the need for skilled care; provided, however, such restrictions shall not prevent an agency from providing personal care to a client without a physician's order;

9. Restrictions on any agency, agency employee, or agency contractor soliciting, coercing, or harassing a consumer of home care services or who may need home care services; and

10. Standards or other provisions which do not conflict with any federal requirements relating to the federal Medicaid and Medicare programs, including guidelines for full-time, part-time or contract employees who work for home health care agencies, relating to:

- a. equitable wages which may be negotiated and which shall be paid on an hourly basis at not less than minimum wage,
- b. reimbursement of out of pocket expenses, including uniforms, long distance telephone calls, office supplies and mileage reimbursement, and

c. hourly wages, in half hour increments, paid for time spent on business calls received by employees during off duty hours.

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

46-2-2487

CJ