ENGROSSED HOUSE
BILL NO. 1880

By: Thomas of the House

and

Cain of the Senate

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-873, as amended by Section 2, Chapter 104, O.S.L. 1996 (63 O.S. Supp. 1999, Section 1-873), which relates to Adult Day Care Act facilities; modifying licensure requirements and licensing provisions; providing for expiration of licenses; providing clarification and intent of issuance of new or renewal licenses; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-873, as amended by Section 2, Chapter 104, O.S.L. 1996 (63 O.S. Supp. 1999, Section 1-873), is amended to read as follows:

Section 1-873. A. The State Board of Health, with the advice of the Long-Term Care Facility Advisory Board, created pursuant to Section 1-1923 of Title 63 of the Oklahoma Statutes, shall define minimum <u>adult day care</u> licensure requirements and rules including standards for:

1. Health and social services which may be provided to participants;

2. The range of services to be provided by a center based on the type of participants to be served;

3. Staff to participant ratios;

4. Staff and volunteer qualifications;

5. Staff training;

6. Food services;

7. Participant records and care plans;

8. Antidiscrimination policies;

9. Sanitary and fire standards; and

10. Any other requirements necessary to ensure the safety and well-being of frail elderly and disabled adults.

B. Centers to be licensed shall include all adult day care centers~~, with the exception of sheltered~~. Sheltered workshops and senior recreational centers~~,~~ which do not receive participant fees for services are not required to be licensed. It shall be unlawful to operate a center without first obtaining a license for such operation as required by the Adult Day Care Act, regardless of other licenses held by the operator. Organizations operating more than one center shall obtain a license for each site.

C. The license for operation of a center shall be issued by the State Department of Health~~, and shall be subject to annual renewal. The current license issued pursuant to the provisions of the Adult Day Care Act shall be posted in a prominent place at the center~~. The license shall:

1. Not be transferable or assignable;

2. Be posted in a conspicuous place on the licensed premises;

3. Be issued only for the premises named in the application; and

4. Expire on July 31 of each year, provided an initial license shall expire one hundred eighty (180) days after the date of issuance.

D. A center shall meet the safety, sanitation and food service standards of the State Department of Health.

E. Local health, fire and building codes relating to adult day care centers shall be classified as an education use group.

F. The issuance or renewal of a license after notice of a violation has been sent shall not constitute a waiver by the State Department of Health of its power to subsequently revoke the license or take other enforcement action for any violations of the Adult Day Care Act committed prior to issuance or renewal of the license.

SECTION 2. 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 14th day of March, 2000.

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Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 2000.

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President of the Senate