

ENGROSSED HOUSE
BILL NO. 2078

By: Adkins of the House

and

Shurden of the Senate

(state government - exempting certain health
facilities from fire inspections - amending 63
O.S., Sections 1-828 and 1-1908 - Nursing Home Care
Act - codification -
effective date)

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 317.2 of Title 74, unless there
is created a duplication in numbering, reads as follows:

A. Any health facility licensed and inspected by the State
Commissioner of Health or the State Department of Health for
conformity to building, health and safety standards provided
pursuant to applicable licensure laws or pursuant to rules
promulgated by the State Board of Health shall be exempt from
standards adopted by the State Fire Marshal Commission.

B. A health facility licensed and inspected by the State
Commissioner of Health or the State Department of Health for
conformity to building, health and safety standards shall not be
subject to additional examination or inspection by the State Fire
Marshal, nor shall such health facility be required to obtain a
permit from the State Fire Marshal prior to construction or major
alteration but shall comply with rules and standards of the State
Board of Health for such health facilities.

C. Nothing in this section shall be construed to limit the State Fire Marshal's authority pursuant to Chapter 11 of Title 74 of the Oklahoma Statutes to investigate any fire, arson, or suspected arson in a health facility or in any building or property adjacent to a health facility.

D. For purposes of this section, "health facility" means:

1. A hospital or other institution licensed pursuant to Article 7 of the Public Health Code;

2. A residential care home licensed pursuant to the Residential Care Act;

3. An adult day care center licensed pursuant to the Adult Day Care Act;

4. An assisted living center or continuum of care facility licensed pursuant to the Continuum of Care and Assisted Living Act;
or

5. A nursing facility or specialized nursing facility licensed pursuant to the Nursing Home Care Act.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-828, is amended to read as follows:

Section 1-828. A. ~~The State Fire Marshal or his designee~~ State Department of Health shall conduct fire safety inspections on a regular basis at residential care homes ~~and report his findings of said inspections to the Department.~~

B. ~~In addition, the State Fire Marshal~~ The State Board of Health shall ~~develop, adopt, and~~ promulgate the rules ~~and regulations, or specifications~~ consistent with nationally recognized standards or practices necessary for the safeguarding of life and property of residents of residential care homes from the hazards of fire and smoke.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-1908, as amended by Section 8, Chapter 223, O.S.L. 1997 (63 O.S. Supp. 1999, Section 1-1908), is amended to read as follows:

Section 1-1908. A. No facility shall be licensed to operate or continue to operate unless, in addition to compliance with other current licensure requirements, the building is of one-hour fire resistant construction and approved by the Department ~~and the State Fire Marshal~~. If the building is not of one-hour fire resistant construction in addition to the other current licensure requirements, it must be approved by the Department ~~and the State Fire Marshal~~ and must have an approved automatic sprinkler system, as rated and approved by the National Fire Protection Association Standards; ~~provided further, the~~.

B. The Department of Human Services and the Oklahoma Health Care Authority shall not make a vendor payment to any individual or facility on behalf of any person for medical care rendered in the form of nursing service outside such person's home, unless such individual or facility holds a current nursing facility, continuum of care facility, assisted living, or adult day care license issued by the Commissioner or other state agency authorized to issue such license.

SECTION 4. This act shall become effective November 1, 2000.

Passed the House of Representatives the 6th day of March, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate