

ENROLLED SENATE
BILL NO. 622

By: Maddox, Williams and
Helton of the Senate

and

Seikel of the House

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-1950.3, which relates to nurse aides; prohibiting employment of certain individuals as nurse aides after specified date; deleting requirement for certain evaluation program; requiring certain documentation for employment purposes; requiring certain individual to complete certain course of study and be placed on certain registry within certain time period; requiring supervision of certain individuals by certain licensed personnel; prohibiting employment of certain individual as a nurse aide for more than one hundred twenty cumulative days; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1950.3, is amended to read as follows:

Section 1-1950.3 A. ~~No~~ 1. Until November 1, 2004, no employer or contractor who is subject to the provisions of Section 1-1950.1 or 1-1950.2 of this title or Section 2 of this act shall use, on a full-time, temporary, per diem, or other basis, any individual who is not a licensed health professional as a ~~nurses~~ nurse aide for more than ~~four (4) months~~ one hundred twenty (120) days, unless such individual has satisfied all requirements for certification and placement on the nurse aide registry maintained by the ~~Oklahoma~~ State Department of Health.

2. a. Effective November 1, 2004, no nursing facility, assisted living or other long-term care facility shall employ as a nurse aide, on a full-time, temporary, per diem, or any other basis, any individual who is not certified as a nurse aide in good standing on the nurse aide registry maintained by the State Department of Health.

b. The Department may grant a temporary emergency waiver to the provisions of this paragraph to any nursing facility, assisted living or other long-term care

facility which can demonstrate that such facility has been unable to successfully meet its staffing requirements. The Department shall promulgate rules related to eligibility for receipt of such waiver, and the process and the conditions for obtaining the waiver.

B. ~~With respect to individuals used as nurses aides~~ 1. ~~Until November 1, 2004, no person shall employ an individual as a nurse aide who have has not completed the requirements for certification and placement on the nurse aide registry, the employer shall provide for a competency evaluation program approved by the Oklahoma State Department of Health and such training and preparation as may be necessary for the individual to complete such a program without written documentation of the individual's current registration in an approved course of study and training for nurse aides.~~

2. An individual employed as a nurse aide who is enrolled in an approved course of study and training for nurse aides shall successfully complete such course of study and training, obtain certification, and be placed on the nurse aide registry within one hundred twenty (120) cumulative days of such completion in order to continue employment as a nurse aide.

3. Any nursing facility, assisted living or other long-term care facility that employs an individual who is in nurse aide training, as provided in this section, shall ensure that such individual is supervised at all times by no less than a licensed practical nurse.

4. No employer may utilize an individual who is in nurse aide training for more than one hundred twenty (120) cumulative days as a nurse aide.

5. For purposes of this subsection, "cumulative days" means the number of days an individual is utilized as a nurse aide by any employer in any nursing facility, assisted living or other long-term care facility.

C. Any person convicted of violating any ~~provision~~ of the provisions of this section or ~~of~~ Section 1-1950.1 of this title shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) ~~or~~, imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 1999.

Passed the Senate the 19th day of April, 1999.

President of the Senate

Passed the House of Representatives the 30th day of March, 1999.

Speaker of the House of
Representatives