

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1925.2, as amended by Section 22 of Enrolled House Bill No. 2924 of the 2nd Session of the 48th Oklahoma Legislature, which relates to the Nursing Facility Quality of Care Fund; including certain Intermediate Care Facilities for the Mentally Retarded in minimum direct-care-staff-to-resident ratio requirements; making certain requirements subject to availability of funds; providing option to ratios; allowing specified facilities to implement flexible staff scheduling, with specified provision on certain date; providing for and modifying certain minimum direct-care staffing ratio requirements; specifying conditions; defining term; requiring shift-based, staff-to-resident ratios if facility has been deficient with regard to specified criteria; requiring maintenance of shift-based, staff-to-resident ratios for specified time periods; providing for reinstatement of flexible staff-scheduling privileges upon correction of all deficiencies by a facility; requiring monitoring and evaluation of facility compliance with flexible staff-scheduling provisions; requiring certain ratios for certain facilities; requiring identification of quality-of-care problems and requiring issuance of directed plan of correction; requiring posting direct care staff; directing the State Board of Health to promulgate specified rules; allowing the right to appeal and to informal dispute resolution by facilities with regard to staffing noncompliance; specifying staffing ratios when reimbursement rate is a certain amount; directing promulgation of rules for staff-to-resident ratios for noncompliant facilities; requiring Intermediate Care Facilities for the Mentally Retarded with seventeen or more beds to submit monthly report on staffing ratios; modifying certain term; prohibiting the accrual of administrative penalties until the facility has been notified in writing that report was not timely submitted; prohibiting the assessment of administrative penalties for computational errors; requiring specified deposit and utilization of administrative penalties; requiring expansion of statewide toll-free, Senior-Info Line; removing outdated language; requiring the Oklahoma Health Care Authority to develop nursing facility cost reporting system and stating criteria; requiring utilization of most current cost report data in estimating certain costs; authorizing apportionment of certain funds for implementation of section; requiring the Oklahoma Health Care Authority to make application for specified waiver by specified date; requiring development of certain program at certain time; providing effective date for establishment of abuse registry and requirements of criminal arrest check provision; defining terms; requiring creation of an abuse registry; requiring promulgation of rules to establish and maintain nontechnical services worker abuse registry and providing for contents; allowing specified persons to seek judicial review; allowing appeal of specified finding to district court within specified time period; requiring service of copy of petition to general counsel of Department; stating specification before any nursing facility makes an offer to employ a nontechnical services worker; authorizing the obtaining of specified records; requiring nursing facility to request a criminal history records search of nontechnical services workers; requiring the Oklahoma State Bureau of Investigation to conduct criminal history records search on specified applicants; allowing the offer of temporary employment to nontechnical services worker pending results of search and registry review; requiring provision of certain information to Bureau within certain time period; prohibiting permanent employment before receipt of search and registry review; requiring completion of search and report of results within specified time period; specifying requirements of certain applicants for employment before making offer of permanent employment; prohibiting the hiring of or contracting with and immediate termination of persons with specified criminal history records; specifying exclusive use of criminal history records; prohibiting release or disclosure of records, with exception; providing penalty for unauthorized disclosure of records; requiring Department to review employment records to ensure compliance with criminal history records provision; providing penalties; providing an effective date; and declaring an emergency.