

An Act relating to the Residential Care Act; amending 63 O.S. 1991, Sections 1-820, as last amended by Section 4, Chapter 230, O.S.L. 1995, 1-821, 1-822, 1-823, 1-824, 1-825, 1-826, 1-827, 1-828, 1-829, 1-830, 1-831, 1-832, 1-833, 1-834, 1-836, as amended by Section 1, Chapter 110, O.S.L. 1998, 1-837, 1-839 and Section 3, Chapter 230, O.S.L. 1995 (63 O.S. Supp. 2000, Sections 1-820, 1-836 and 1-841), which relate to definitions, powers and duties, application for license, transfer of ownership, probationary license, penalties, revocation of license, effective date of revocation of license, fire safety inspections, prohibition of placement of persons in unlicensed homes, inspections and investigations, complaints, report of correction, prohibited acts, prosecution of violations, standards for homes, insuring life of resident, disposition of monies and accounting of clients' financial records; modifying definitions; requiring promulgation of specific rules; modifying powers and duties; removing certain requirement of an application; modifying applicant requirements; prohibiting certain persons from eligibility for licensure or participation in the management or operation of a home; modifying time limit for notification of specified change; allowing issuance and renewal of specified licenses; requiring plan of correction be submitted and accepted by parties prior to licensure; modifying penalties and liabilities; allowing opportunity for hearing; allowing denial of license when requirements are not met for licensure pursuant to rules; allowing denial, refusal to renew, suspension or revocation of license if specified persons have been convicted of a felony; allowing suspension of license if licensee or home is subject to suspension; allowing suspension of license if licensee failed to submit a plan of correction; setting time period after which certain conditions may be considered corrected; deleting denial of license as ground for such consideration; removing condition on effective date of nonrenewal, suspension or revocation of license; specifying time when license surrendered in lieu of revocation may be considered; deleting language relating to granting of new license; deleting obsolete language; modifying time period between inspections; requiring inspections, investigations, surveys or evaluations be conducted without prior notice; providing that operator of any unlicensed facility shall be deemed to have given specified consent; providing that refusal to permit entry shall constitute grounds for emergency transfer of all residents; making disclosure of unannounced residential care inspections a misdemeanor, misuse of office and a violation of Ethics Commission rules; modifying conditions under which written notice of violation shall be given; modifying time frame for giving notice; setting time frame for requesting hearing; allowing the adoption of rules establishing specified criteria; deleting language relating to transmission of record of hearing and order of the Department; deleting definition; deleting language related to service and proof of service; deleting language related to the conducting of hearings; modifying time frame for hearing and notice of rejection; modifying procedures relating to correction of violations; allowing extension of specified period; deleting language related to request for extended correction time and contest of Department action; requiring home to follow a directed plan under specified circumstances; declaring operation of a residential care home without a license to be a public health emergency and specifying warranted action; requiring promulgation of specified rules instead of standards; clarifying language; allowing State Department of health to bring specified action; prohibiting residential care owners, administrators or operators from being entitled to or assigned benefits of specified insurance, with exception; requiring monies to be placed in specified fund; requiring accounting of clients' financial records; authorizing the State Department of Health to create a specified volunteer program

and allowing specific activities related thereto; repealing 63 O.S. 1991, Section 1-838, which relates to receivers; and providing an effective date.