

ENROLLED SENATE
BILL NO. 658

By: Robinson of the Senate

and

Nations of the House

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1950.5, which relates to caregiver compensation; permitting establishment of certain employee recognition program; stating program requirements; prohibiting inclusion of care provider in specified activities; providing for disbursements; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1950.5, is amended to read as follows:

Section 1-1950.5 A. 1. It shall be unlawful for a caregiver to solicit or accept anything of value greater than One Dollar (\$1.00) from any person in the caregiver's care; provided, however, nothing in this section shall be construed as prohibiting a group of individuals, including family members and friends of residents, from establishing an employee recognition program consisting of voluntary, anonymous and confidential donations to care providers, provided further, no care provider shall be included in the group making decisions regarding the disbursement. Such donations may be disbursed pursuant to procedures established by the group.

2. As used in this section, "caregiver" means a person who is the paid agent or employee of:

- a. an assisted living center,
- b. a nursing facility, specialized facility, or residential care home as such terms are defined in Section 1-1902 of Title 63 of the Oklahoma Statutes,
- c. an adult day care center as such term is defined in Section 1-872 of Title 63 of the Oklahoma Statutes,
- d. a home health or home care agency, or
- e. the Department of Human Services, in its capacity as an operator of any hospital or health care institution, or as a contractor with providers under the Personal Care Services Program,

but does not include a guardian, limited guardian, or conservator as such terms are defined in the Oklahoma Guardianship and Conservatorship Act.

B. Any person who violates the provisions of paragraph 1 of subsection A of this section, upon conviction, shall be guilty of a misdemeanor.

SECTION 2. This act shall become effective November 1, 2003.

Passed the Senate the 10th day of March, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 7th day of April, 2003.

Presiding Officer of the House
of Representatives