

EHB 1034

THE STATE SENATE
Monday, April 7, 2003

ENGROSSED

House Bill No. 1034

ENGROSSED HOUSE BILL NO. 1034 - By: LERBLANCE of the House and HELTON and GUMM of the Senate.

[public health and safety - amending 63 O.S., Section 1-1903 - Nursing Home Care Act - amending 72 O.S., Section 223 - veterans - War Veterans Commission - emergency]

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1903, is amended to read as follows:

Section 1-1903. A. No person shall establish, operate, or maintain in this state any nursing facility without first obtaining a license as required by the Nursing Home Care Act, ~~Section 1-1901 et seq.~~ of this title.

B. The Nursing Home Care Act shall not apply to any facility operated by the Oklahoma Department of Veterans Affairs under control of the Oklahoma War Veterans Commission residential care homes, assisted living facilities or adult companion homes, ~~domiciliary care units operated by the Department of Veterans Affairs which are operated as a separate facility or~~ which are operated in conjunction with a nursing facility, or to hotels, motels, boarding houses, rooming houses, or other places that furnish board or room to their residents.

1 C. ~~Unless otherwise prohibited by federal law or unless the~~
2 ~~enactment of the provisions of this subsection would result in the~~
3 ~~loss of federal funds to the state, the following licensing and~~
4 ~~regulation provisions concerning Oklahoma Veterans Center nursing~~
5 ~~facilities shall be in effect:~~

6 1. ~~Regardless of a licensee's previous state licensure category~~
7 ~~as Oklahoma Veterans Center nursing facilities, the State Department~~
8 ~~of Health shall issue licenses to all previously state-licensed~~
9 ~~Oklahoma Veterans Centers who surrendered their licenses to the~~
10 ~~State Department of Health;~~

11 2. ~~On and after July 1, 1993, the State Department of Health~~
12 ~~may accept for purposes of continuation or denial of licensure for~~
13 ~~such nursing facilities:~~

14 a. ~~the findings of the annual inspection reports~~
15 ~~conducted by the United States Department of Veterans~~
16 ~~Affairs State Homes Program Station of Jurisdiction,~~
17 ~~or~~

18 b. ~~the findings of a licensure inspection by the State~~
19 ~~Department of Health;~~

20 3. ~~Each Oklahoma Veterans Center nursing facility licensed~~
21 ~~pursuant to the provisions of this section shall be regulated as an~~
22 ~~existing nursing facility for the purposes of meeting state and~~
23 ~~federal standards;~~

1 ~~4. The physical plants of these existing facilities shall not~~
2 ~~be required to comply with the Life Safety Code Standards adopted by~~
3 ~~the State of Oklahoma for new construction unless the State Health~~
4 ~~Department finds that:~~

5 ~~a. the physical plant or life safety conditions pose an~~
6 ~~imminent threat to the residents of the facility,~~

7 ~~b. a major renovation project is undertaken within the~~
8 ~~existing facility, or~~

9 ~~c. new attached construction is added; and~~

10 ~~5.~~ Certificate of need review shall not be required for any
11 addition, deletion, modification or new construction of current or
12 future State Veterans Center nursing facilities.

13 D. The Nursing Home Care Act shall not authorize any person to
14 engage in any manner in the practice of the healing arts or the
15 practice of medicine, as defined by law.

16 E. The Nursing Home Care Act shall not apply to a facility
17 which is not charging or receiving periodic compensation for
18 services rendered, and not receiving any county, state, or federal
19 assistance.

20 SECTION 2. AMENDATORY 72 O.S. 2001, Section 223, is
21 amended to read as follows:

22 Section 223. A. The State of Oklahoma accepts the provisions
23 of the Act of Congress of August 27, 1888, as amended, 1934 Edition

1 U.S. Code, Title 24, Section 134, and of any other federal law or
2 Act of Congress providing for the payment of funds to states for the
3 care of, or support of, disabled soldiers and sailors in state
4 homes, and it shall be the duty of the War Veterans Commission of
5 Oklahoma to obtain such federal aid and assistance as is available
6 under the aforementioned Act of Congress, or otherwise. All such funds
7 received from the United States or any federal agency, for such
8 care, shall be deposited in a federal fund created by the Office of
9 State Finance as provided by law.

10 B. All Oklahoma veterans nursing facilities shall participate
11 in the state veterans homes per diem grant program administered by
12 the United States Department of Veterans Affairs. Upon approval by
13 the United States Department of Veterans Affairs of a nursing
14 facility to participate in the per diem program, the Oklahoma War
15 Veterans Commission shall issue a license to operate such facility
16 as an Oklahoma veterans home.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-03 - DO
22 PASS, As Coauthored.