

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2820

By: Peterson (Pam)

COMMITTEE SUBSTITUTE

An Act relating to public health and safety;  
providing definitions; requiring certain service  
providers to register with the State Department of  
Health; requiring the keeping of certain records;  
providing for penalty; providing exemption; providing  
for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1-1972 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Companion" means a person who stays with and serves another  
in exchange for consideration;

2. "Person" includes any individual, partnership, agency, firm,  
corporation, association, limited liability company, and any other  
legal entity authorized to do business in Oklahoma; and

3. "Sitter" means a person who sits with another in exchange  
for consideration.

B. The State Department of Health shall investigate all  
complaints concerning persons who provide companion or sitter  
services to persons in the State of Oklahoma. Any persons,  
employers, employees and their agents who provide, offer, or  
advertise companion or sitter services shall register with the  
Department and shall maintain a system of record keeping, including:

1. The name, address, and services provided for all clients;
2. Duties performed on each day of service;
3. The advertising of services, including flyers, telephone directory listings, publications, and any media-related advertising;
4. Criminal background checks of employees; and
5. Any other related information.

C. Persons who represent themselves by the title "Home Care Agency", without having first complied with the provisions of the Home Care Act, or who otherwise offers to perform "Personal Care" or "Home Care Services", or who uses any other name, style, or description denoting that the person is licensed to provide Personal Care or Home Care Services, or who is in violation of subsection B of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by the imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense and in addition may be imprisoned for a term not to exceed six (6) months in the county jail or by both fine and imprisonment.

D. It shall be unlawful for any person not licensed in accordance with the Home Care Act to advertise or otherwise offer Personal Care, Home Care Services, to use the title Home Care Agency, or to provide Personal Care or Home Care Services. Such action shall be subject to equitable relief in accordance with Section 1-1967 of Title 63 of the Oklahoma Statutes.

E. The provisions of this section shall not apply to those persons exempted under subsection C of Section 1-1962 of Title 63 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2006.

50-2-9721            SAB            03/07/06