

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1697

By: Hamilton

AS INTRODUCED

An Act relating to public health and safety; creating the Long-term Care Security Act; providing short title; defining terms; providing for Department of Corrections to provide certain notifications; requiring State Department of Health to promulgate certain rules; providing for removal of certain persons from long-term care facilities; providing for specialized facility for sexual offenders or sexual predators; requiring Department of Corrections to provide certain notice and certain placement; requiring State Department of Health to perform certain background checks; prohibiting employment of certain persons; requiring State Long-Term Care Ombudsman to perform certain background checks; prohibiting employment of certain persons; requiring certain recommendations from the State Long-Term Care Advisory Board; requiring ombudspersons to perform certain actions; requiring certain documentation and reports; 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 1-1944 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Long-term Care Security Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1945 of Title 63, unless there is created a duplication in numbering, reads as follows:

For purposes of the Long-term Care Security Act:

1. "Long-term care facility" means:

- a. a nursing facility or a specialized facility, as defined by Section 1-1902 of Title 63 of the Oklahoma Statutes,
- b. skilled nursing care provided in a distinct part of a hospital as defined by Section 1-701 of Title 63 of the Oklahoma Statutes,
- c. the nursing care component of a continuum of care facility, as defined under the Continuum of Care and Assisted Living Act, or
- d. the nursing care component of a life care community as defined by the Long-term Care Insurance Act; and

2. "Ombudsman" means the individual employed by the Department of Human Services as the State Long-Term Care Ombudsman.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1946 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. The Department of Corrections shall notify the Oklahoma State Department of Health of any person that is required to register pursuant to the Sex Offender Registration Act who is seeking placement from a Department of Corrections facility to any long-term care facility in the state. When the State Department of Health receives such notification, it must notify the long-term care facility in which the sexual offender is seeking placement.

2. The State Department of Health shall promulgate rules requiring long-term care facilities to determine from local law enforcement or the Department of Corrections:

- a. the status of any applicants for admission to the facility who are required to register pursuant to the Sex Offender Registration Act,
- b. the status of any residents of a long-term care facility who are required to register pursuant to the Sex Offender Registration Act, and

c. the status of any employees of a long-term care facility who are required to register pursuant to the Sex Offender Registration Act.

3. Once a long-term care facility is notified that individuals who are required to register pursuant to the Sex Offender Registration Act are residing at their facility, the facility shall immediately in writing notify the Oklahoma State Department of Health.

B. Within two (2) weeks of notification by a long-term care facility that a person who is required to register pursuant to the Sex Offender Registration Act is residing in a state long-term care facility, the State Department of Health shall remove such individual and place the resident in the specialized facility provided for in this section.

C. The State Department of Health, in cooperation with the Department of Mental Health and Substance Abuse Services, shall develop a specialized facility for sexual offenders or sexual predators by either:

1. Licensing with a current long-term care facility; or
2. Developing a state-sponsored facility for sex offenders or sexual predators.

D. Upon the effective date of this act, when the Department of Corrections knows of a sexual offender being released from Department of Corrections jurisdiction, the Department of Corrections shall immediately notify the State Health Department and such individual shall immediately be placed in the specialized facility.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1947 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall conduct criminal background checks on all current and future employees of the State

Department of Health whose responsibilities include working inside long-term care facilities on behalf of the State Department of Health. Such background checks shall follow the requirements of Section 1-1950.1 of Title 63 of the Oklahoma Statutes.

1. The State Department of Health shall also submit a list of all employees of the State Department of Health who work inside long-term care facilities to the Department of Corrections. The Department of Corrections shall promptly notify the State Department of Health of any employee who is required to register pursuant to the Sex Offender Registration Act.

2. The State Department of Health is prohibited from employing persons who are required to register pursuant to the Sex Offender Registration Act to work inside a state-owned long-term care facility.

B. The State Department of Health is prohibited from employing as a surveyor of nursing homes any person who has received deficiencies while working for a private or public long-term care facility.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1948 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Long-Term Care Ombudsman shall conduct criminal background checks on all current and future employees and volunteer ombudspersons whose responsibilities include working inside long-term care facilities on behalf of the State Ombudsman Program. Such background checks shall follow the requirements of Section 1-1950.1 of Title 63 of the Oklahoma Statutes.

B. The Ombudsman shall also submit a list of all current and future employees and volunteer ombudspersons who work inside long-term care facilities to the Department of Corrections. The Department of Corrections shall promptly notify the Ombudsman of any

employee who is required to register pursuant to the Sex Offender Registration Act.

C. The Ombudsman is prohibited from employing any individual to work inside a long-term care facility who is registered pursuant to the Sex Offender Registration Act.

D. The State Long-Term Care Ombudsman Advisory Board shall submit recommendations to the Department of Human Services, Aging Services Division no later than sixty (60) days after the enactment of this act, which shall provide for a minimum of eighteen (18) hours of continuing education per year for all state long-term care employees and volunteers.

E. All long-term care ombudspersons shall visit their assigned long-term care facilities at least three times quarterly each year in order to remain active long-term care ombudspersons.

F. The Ombudsman shall document the required visits to facilities by the state long-term care ombudspersons and submit such documentation to the Commissioner of Health, the Legislature and Governor by February 1 of each year.

SECTION 6. This act shall become effective November 1, 2005.

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