

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1850

By: Cain

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2001, Section 330.58, as amended by Section 3, Chapter 168, O.S.L. 2005 (63 O.S. Supp. 2005, Section 330.58), which relates to the Oklahoma State Board of Examiners for Nursing Home Administrators; requiring the Board to assess certain fines; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 330.58, as amended by Section 3, Chapter 168, O.S.L. 2005 (63 O.S. Supp. 2005, Section 330.58), is amended to read as follows:

Section 330.58 The Oklahoma State Board of Examiners for Nursing Home Administrators shall:

1. Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;
2. Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;
3. Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the Board in any case where

the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

4. Establish and carry out procedures designed to ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

5. Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards. The long-term care ombudsman program of the Aging Services Division of the Department of Human Services shall be notified of all complaint investigations of the Board so that they may be present at any such complaint investigation for the purpose of representing nursing home consumers;

6. Receive, investigate, and take appropriate action on any complaint received by the Board from the Department of Human Services or any other regulatory agency. The Board shall promulgate rules that include, but are not limited to, provisions for:

- a. establishing a complaint review process, and
- b. creating a formal complaint file;

7. Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view toward the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed;

8. Cooperate with and provide assistance when necessary to state regulatory agencies in investigations of complaints;

9. Develop a code of ethics for nursing home administrators which includes, but is not limited to, a statement that administrators have a fiduciary duty to the facility and cannot

serve as guardian of the person or of the estate, or hold a durable power of attorney or power of attorney for any resident of a facility of which they are an administrator;

10. Report a final adverse action against a nursing home administrator to the Healthcare Integrity and Protection Data Bank pursuant to federal regulatory requirements; ~~and~~

11. Refer completed investigations to the proper law enforcement authorities for prosecution of criminal activities~~;~~ and

12. Assess fines, in an amount to be determined by the Board, against persons who do not comply with the provisions of this act.

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

50-2-2864

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