

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1971

By: Riley

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-860.9, as amended by Section 5, Chapter 282, O.S.L. 2005 (63 O.S. Supp. 2005, Section 1-860.9), which relates to hospice licensing; updating statutory cite; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-860.9, as amended by Section 5, Chapter 282, O.S.L. 2005 (63 O.S. Supp. 2005, Section 1-860.9), is amended to read as follows:

Section 1-860.9 A. After notice and hearing pursuant to the provisions of Section 1-860.10 of this title, the State Department of Health may:

1. Deny a first-year or permanent license to an applicant who does not meet the requirements for licensure pursuant to the provisions of the Oklahoma Hospice Licensing Act;

2. Refuse to renew, suspend or revoke a first-year or permanent license to a hospice which is not in compliance with the provisions of the Oklahoma Hospice Licensing Act or with the rules promulgated by the State Board of Health pursuant to the provisions of the Oklahoma Hospice Licensing Act;

3. Deny, refuse to renew, suspend or revoke a first-year or permanent license to an applicant or hospice which has a history of noncompliance or incomplete or partial compliance with the provisions of the Oklahoma Hospice Licensing Act or with the rules promulgated by the Board pursuant to the Oklahoma Hospice Licensing Act, or for which there is other satisfactory evidence which

demonstrates that the applicant or hospice is unlikely to provide care or treatment to the patients in the care of the hospice in a manner which warrants public trust;

4. Deny, refuse to renew, suspend or revoke a first-year or permanent license to an applicant or hospice which has insufficient financial or other resources to the extent that the applicant or hospice is incapable of ensuring or providing adequate care or treatment to the patients; or

5. Assess administrative penalties pursuant to ~~Article II of the Administrative Procedures Act~~ Section 308a et seq. of Title 75 of the Oklahoma Statutes.

B. Any of the following actions by a hospice or any of its employees shall be grounds for action by the Department against a hospice:

1. A violation of the provisions of the Oklahoma Hospice Licensing Act or of any of the rules promulgated thereto; or

2. An intentional or negligent act materially affecting the health or safety of a patient.

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

50-2-3184

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