

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1447

6 By: Renegar

7 COMMITTEE SUBSTITUTE

8 An Act relating to care facilities; amending 10 O.S.
9 2001, Section 404, as amended by Section 2, Chapter
10 187, O.S.L. 2004 (10 O.S. Supp. 2006, Section 404),
11 which relates to the Oklahoma Child Care Facilities
12 Licensing Act; adding requirement for certain
13 facilities; amending 63 O.S. 2001, Section 1-821, as
14 amended by Section 21, Chapter 22, O.S.L. 2002 (63
15 O.S. Supp. 2006, Section 404), which relates to the
16 Residential Care Act; providing for carbon monoxide
17 detectors in facilities; amending 63 O.S. 2001,
18 Section 1-1925, as amended by Section 9, Chapter 230
19 O.S.L. 2002 (63 O.S. Supp. 2006, Section 1-1925),
20 which relates to the Nursing Home Care Act; providing
21 for carbon monoxide detectors in facilities; and
22 providing an effective date.

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

24 SECTION 1. AMENDATORY 10 O.S. 2001, Section 404, as
amended by Section 2, Chapter 187, O.S.L. 2004 (10 O.S. Supp. 2006,
Section 404), is amended to read as follows:

Section 404. A. The Department of Human Services shall appoint
advisory committees of representatives of child care facilities and
others to prepare minimum requirements and desirable standards for

1 promulgation by the Commission for Human Services. A majority of
2 any committee appointed to prepare requirements and standards for
3 child care facilities shall be representatives of child care
4 facilities.

5 B. Standards promulgated for residential child care facilities
6 shall include, but not be limited to, requirements for:

7 1. A constructive program and services to meet the needs of
8 each child and family;

9 2. Staff of good moral character and ability for child care;

10 3. Adequate and safe housing, sanitation, and equipment;

11 4. Good health care;

12 5. Full educational and religious opportunities;

13 6. Good community relationships;

14 7. Essential records and administrative methods; and

15 8. Sufficient funds for sound operation.

16 C. A child care center and part-day child care program, as
17 defined in Section 402 of this title, shall install and maintain a
18 carbon monoxide detector in a room closest to an open flame in each
19 building of the facility.

20 D. The Commission shall promulgate rules establishing minimum
21 requirements and desirable standards as may be deemed necessary or
22 advisable to carry out the provisions of the Oklahoma Child Care
23 Facilities Licensing Act.

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1 ~~D.~~ E. Such rules shall not be promulgated until after
2 consultation with the State Department of Health, the State
3 Department of Education, the Oklahoma State Bureau of Investigation,
4 the State Fire Marshal, and any other agency deemed necessary by the
5 Commission. Not less than sixty (60) days' notice, by regular mail,
6 shall be given to all current licensees before any changes are made
7 in such rules.

8 ~~E.~~ F. In order to improve the standards of child care, the
9 Department shall also advise and cooperate with the governing bodies
10 and staffs of child care facilities and assist the staffs thereof
11 through advice of progressive methods and procedures and suggestions
12 for the improvement of services.

13 ~~F.~~ G. The Department may participate in federal programs for
14 day care services, and enter into agreements or plans on behalf of
15 the state for such purpose, in accordance with federal laws and
16 regulations.

17 ~~G.~~ H. Foster family homes, group homes, and day care homes that
18 have been selected and are supervised by a licensed child care
19 facility, and that meet the standards established for licensing
20 pursuant to the provisions of the Oklahoma Child Care Facilities
21 Licensing Act, may be maintained and operated on the basis of
22 permits issued by such child care facility.

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1 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-821, as
2 amended by Section 21, Chapter 22, O.S.L. 2002 (63 O.S. Supp. 2006,
3 Section 1-821), is amended to read as follows:

4 Section 1-821. A. The State Board of Health shall promulgate
5 rules to enforce the provisions of the Residential Care Act which
6 shall include, but not be limited to, provisions for temperature
7 settings, lighting, ventilation, carbon monoxide detectors, and
8 other physical conditions that affect the health, safety and welfare
9 of the residents in a home. Residential care homes that provide
10 care for three or fewer residents shall be subject to the provisions
11 of the Residential Care Act; provided, however, if such rules unduly
12 restrict operation of the home, the Board shall be authorized and
13 shall promulgate additional rules for residential care homes based
14 upon the number of residents in a home.

15 B. The State Department of Health shall have the power and duty
16 to:

17 1. Issue, renew, deny, modify, suspend, and revoke licenses for
18 homes pursuant to the provisions of the Residential Care Act;

19 2. Enforce the provisions of the Residential Care Act and any
20 rules promulgated pursuant thereto by the Board, and require the
21 submission and review of reports from any person establishing or
22 operating a home;

23 3. Enter upon any public or private property for the purpose
24 of:

- a. inspecting and investigating conditions of the residents in the home,
- b. inspecting and investigating the home for compliance with the provisions of the Residential Care Act or rules promulgated pursuant thereto, or
- c. determining if services are being provided without a license;

4. Employ or designate personnel to conduct investigations and inspections, to make reports of the condition of homes and the residents of such homes, and to take necessary action pursuant to the provisions of the Residential Care Act to protect and safeguard the health, safety, and welfare of residents of homes;

5. Establish a procedure for receipt and investigation of complaints regarding a home or concerning the condition, care, and treatment of a resident of a home;

6. Report to the district attorney having jurisdiction or the Attorney General any act committed by an owner, administrator, operator, or employee of a home which may constitute a misdemeanor pursuant to the provisions of the Residential Care Act;

7. Advise, consult, and cooperate with other agencies of this state, the federal government, other states and interstate agencies, and with affected groups and political subdivisions to further the purposes of the provisions of the Residential Care Act;

1 8. Investigate, request or otherwise obtain the information
2 necessary to determine the qualifications and background of an
3 applicant for licensure;

4 9. Establish civil penalties for violations of the provisions
5 of the Residential Care Act as authorized by the Board pursuant to
6 the provisions of the Residential Care Act;

7 10. Institute and maintain or intervene in any action or
8 proceeding where deemed necessary by the Department to protect the
9 health, safety, and welfare of any resident of a home;

10 11. Assure the accountability for reimbursed care provided in
11 certified homes participating in a federal or state health program
12 as provided by or through the Department of Human Services;

13 12. Advise, consult, cooperate and assist with technology
14 center schools or institutions of higher education in this state in
15 providing the training of persons to distribute and administer
16 medication to a resident of a home;

17 13. Transfer or discharge a resident or otherwise protect the
18 health, safety, and welfare of any resident of a home; and

19 14. Exercise all incidental powers as necessary and proper for
20 the administration of the Residential Care Act.

21 C. To improve patient care, the Department shall hold a public
22 meeting at least once every four (4) years in each of the licensed
23 homes to advise and to facilitate communication and cooperation
24 between personnel of the home and the residents. Administrators,

1 employees of the home, residents, friends and relatives of the
2 residents, representatives of the residents, and employees from
3 appropriate state and federal agencies shall be invited and
4 encouraged to attend such meetings.

5 SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-1925, as
6 amended by Section 9, Chapter 230, O.S.L. 2002 (63 O.S. Supp. 2006,
7 Section 1-1925), is amended to read as follows:

8 Section 1-1925. The State Department of Health shall prescribe
9 minimum standards for facilities. These standards shall regulate:

10 1. Location and construction of the facility, including
11 plumbing, heating, lighting, ventilation, carbon monoxide detectors,
12 and other physical conditions which shall ensure the health, safety
13 and comfort of residents and protection from fire hazards;

14 2. Number and qualifications of all personnel, including
15 management and nursing personnel, having responsibility for any part
16 of the care given to residents; specifically, the Department shall
17 establish staffing ratios for facilities which shall specify the
18 number of staff hours per resident of care that are needed for
19 professional nursing care for various types of facilities or areas
20 within facilities;

21 3. All sanitary conditions within the facility and its
22 surroundings, including water supply, sewage disposal, food
23 handling, and general hygiene, which shall ensure the health and
24 comfort of residents;

- 1 4. Diet related to the needs of each resident based on sound
2 nutritional practice and on recommendations which may be made by the
3 physicians attending the resident;
- 4 5. Equipment essential to the health and welfare of the
5 residents;
- 6 6. Minimum levels of supplies including, but not limited to,
7 food and other perishables;
- 8 7. Minimum financial solvency standards to ensure the operation
9 of facilities; and
- 10 8. A program of rehabilitation for those residents who would
11 benefit from such programs.

12 SECTION 4. This act shall become effective November 1, 2007.

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