

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1510

6 By: Ellis

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; stating
9 legislative intent; authorizing Commissioner of
10 Health to waive certain provisions and rules under
11 certain circumstances; requiring State Board of
12 Health to promulgate certain rules and establish
13 certain procedures; providing for codification; and
14 declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1900.2 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 A. It is the intent of the Legislature to foster the
20 development of resident autonomy, individualization and culture
21 change in nursing facilities licensed by the State Department of
22 Health.

23 B. The Commissioner of Health is authorized to waive any
24 provision of the Nursing Home Care Act and any rules promulgated
pursuant thereto, provided:

1 1. The waiver will not cause the State of Oklahoma to fail to
2 comply with any applicable requirements established by the Centers
3 for Medicare and Medicaid Services;

4 2. The waiver is granted to allow a nursing facility to satisfy
5 the spirit of a statutory or administrative requirement by
6 alternative means;

7 3. The waiver will not adversely affect the health, safety or
8 welfare of any resident of a nursing facility; and

9 4. The waiver is in support of a deinstitutionalization model
10 that restores individuals to a self-contained residence in the
11 community that is designed like a private home and houses no more
12 than twelve individuals.

13 C. The State Board of Health shall promulgate rules and
14 establish procedures necessary to implement the waiver process
15 established by this section.

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 51-1-7266 MG 02/20/07

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