

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1580

By: Peters and Coody of the
House

6 and

7 Ford of the Senate

8
9 COMMITTEE SUBSTITUTE

10 (public health and safety - requiring certain

11 service providers to register with the State

12 Department of Health - penalty - codification -

13 effective date)

14
15
16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-1972 of Title 63, unless there
20 is created a duplication in numbering, reads as follows:

21 A. As used in this section:

22 1. "Companion" or "sitter" means assistance with household
23 tasks, shopping, meal preparation or planning, and provision of
24 fellowship and other nonpersonal care for the individual including

1 transportation, letter writing, socialization, and is intended to
2 enable the individual to remain safely and comfortably in their
3 place of residence in exchange for consideration; and

4 2. "Person" means any partnership, agency, firm, corporation,
5 association, limited liability company, any other legal entity
6 authorized to do business in Oklahoma, and any individual whose
7 primary source of income is from companion or sitter services.

8 B. The State Department of Health shall investigate all
9 complaints concerning persons who provide companion or sitter
10 services in this state. Any person, employer, employee, or
11 designated agent thereof that provides, offers, or advertises
12 companion or sitter services shall become licensed with the State
13 Department of Health pursuant to the Home Care Act.

14 C. The State Department of Health is authorized to create a
15 second level of licensure with the advice and consent of the Home
16 Health Advisory Board under the Home Care Act and subsequent rules
17 to cover persons acting as companions and sitters that would at a
18 minimum require:

- 19 1. Supervision by a licensed practical nurse;
- 20 2. Criminal background checks;
- 21 3. Workers compensation coverage;
- 22 4. Bonding;
- 23 5. Liability insurance in amounts determined by the Department;

24 and

1 6. A system of record keeping, including:

2 a. the name, address, and services provided for all
3 clients,

4 b. duties performed for each day of service,

5 c. the advertising of services, including flyers,
6 telephone directory listings, publications, and any
7 media related advertising,

8 d. criminal background checks of employees which shall
9 meet the criteria established for certified nurse
10 aides as provided for in Section 1-1951 of Title 63 of
11 the Oklahoma Statutes, and

12 e. any other related information.

13 D. Any person represented by the title "home care agency",
14 without having first complied with the provisions of the Home Care
15 Act, or who otherwise offers to perform personal care or home care
16 services, as defined in Section 1-1961 of Title 63 of the Oklahoma
17 Statutes, or who uses any other name, style, or description denoting
18 that the person is licensed to provide personal care or home care
19 services, or who is in violation of subsection B of this section,
20 upon conviction, shall be guilty of a misdemeanor and shall be
21 punished by a fine of not less than Five Hundred Dollars (\$500.00)
22 nor more than Five Thousand Dollars (\$5,000.00) for each offense, by
23 imprisonment for a term not to exceed six (6) months in the county
24 jail, or by both such fine and imprisonment.

1 E. It shall be unlawful for any person not licensed in
2 accordance with the Home Care Act to advertise or otherwise offer
3 personal care, home care services, to use the title "home care
4 agency" or "home health agency", or to provide personal care or home
5 care services. Such action shall be subject to equitable relief in
6 accordance with Section 1-1967 of Title 63 of the Oklahoma Statutes.

7 F. The provisions of this section shall not apply to those
8 persons exempted under subsection C of Section 1-1962 of Title 63 of
9 the Oklahoma Statutes.

10 G. The State Board of Health shall promulgate rules necessary
11 for the investigation and hearing of complaints regarding a
12 companion or sitter service. The rules shall include provisions for
13 a review process to be presided over by a mediator or arbitrator,
14 acceptable to all parties, and who is not an employee of the State
15 Department of Health.

16 SECTION 2. This act shall become effective November 1, 2007.

17

18 51-1-7496 SAB 03/05/07

19

20

21

22

23

24