

1 ENGROSSED HOUSE
2 BILL NO. 2641

By: Peters of the House

3 and

4 Ford of the Senate

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6
7 An Act relating to public health and safety; amending
8 Section 1, Chapter 255, O.S.L. 2007 (63 O.S. Supp.
9 2007, Section 1-1972), which relates to companion and
10 sitter service licensure; providing for consultation
11 with the Home Health Advisory Board to promulgate
12 rules; modifying rule requirement; eliminating
13 multiple and overlapping licensures; and declaring an
14 emergency.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 255, O.S.L.
17 2007 (63 O.S. Supp. 2007, Section 1-1972), is amended to read as
18 follows:

19 Section 1-1972. A. As used in this section:

20 1. "Companion" or "sitter" means assistance with household
21 tasks, shopping, meal preparation or planning, and provision of
22 fellowship and other nonpersonal care for the individual including
23 transportation, letter writing, socialization, and is intended to
24 enable the individual to remain safely and comfortably in their
place of residence in exchange for consideration; and

1 2. "Agency" means any partnership, firm, corporation,
2 association, limited liability company, and any other legal entity
3 authorized to do business in Oklahoma.

4 B. The State Board of Health, with the advice and consent of
5 the Home Health Advisory Board, is authorized to ~~create a second~~
6 ~~level of licensure with the advice and consent of the Home Health~~
7 ~~Advisory Board under the Home Care Act~~ and promulgate rules in
8 accordance with the Home Care Act to cover agencies providing
9 companion and sitter services that at a minimum require:

10 1. ~~Supervision by a licensed practical nurse or medical social~~
11 ~~worker~~ An individual to be designated by the legal entity to provide
12 supervision of the companion or sitter services;

13 2. Criminal background checks;

14 3. Workers' compensation coverage;

15 4. ~~Bonding;~~

16 5- A nonrefundable application fee of One Thousand Dollars
17 (\$1,000.00) for an initial license;

18 6- 5. A nonrefundable renewal application fee of Five Hundred
19 (\$500.00);

20 7- 6. Liability insurance in amounts determined by the
21 Department; and

22 8- 7. A system of record keeping that shall include:

23 a. the name, address, and services provided for all
24 clients,

1 b. duties performed for each day of service,

2 c. criminal background checks of ~~agency employees~~

3 companions or sitters which shall meet the criteria

4 established for certified nurse aides as provided for

5 in Section 1-1950.1 of ~~Title 63 of the Oklahoma~~

6 ~~Statutes~~ this title, and

7 d. any other related information.

8 C. The State Department of Health shall investigate complaints

9 of noncompliance with the requirements provided in subsection B of

10 this section concerning agencies that provide companion or sitter

11 services in this state. Any agency, employer, employee, or

12 designated agent thereof that provides, offers, or advertises

13 companion or sitter services shall become licensed with the State

14 Department of Health pursuant to the Home Care Act.

15 D. Any agency that:

16 1. Is represented by the title "home care agency", without
17 having first complied with the provisions of the Home Care Act;

18 2. Otherwise offers to perform personal care or home care
19 services, as defined in Section 1-1961 of ~~Title 63 of the Oklahoma~~
20 ~~Statutes~~ this title;

21 3. Uses any other name, style, or description denoting that the
22 agency is licensed to provide personal care or home care services;

23 or

24 4. Is in violation of subsection C of this section,

1 upon conviction, shall be guilty of a misdemeanor and shall be
2 punished by a fine of not less than Five Hundred Dollars (\$500.00)
3 nor more than Five Thousand Dollars (\$5,000.00) for each offense, by
4 imprisonment for a term not to exceed six (6) months in the county
5 jail, or by both fine and imprisonment.

6 E. It shall be unlawful for any agency not licensed in
7 accordance with the Home Care Act to advertise or otherwise offer
8 personal care, companion or sitter services, home care services, to
9 use the title "home care agency", "home health agency", or "senior
10 care agency", or to provide personal care, companion or sitter
11 services, or home care services. Such action shall be subject to
12 equitable relief in accordance with Section 1-1967 of ~~Title 63 of~~
13 ~~the Oklahoma Statutes~~ this title.

14 F. The provisions of this section shall not apply to those
15 persons exempted under subsection C of Section 1-1962 of ~~Title 63 of~~
16 ~~the Oklahoma Statutes~~ this title and any individual not employed by
17 an agency.

18 G. The State Board of Health shall promulgate rules necessary
19 for the investigation and hearing of complaints regarding a
20 companion or sitter service. The rules shall include provisions for
21 a review process to be presided over by a mediator or arbitrator,
22 acceptable to all parties, and who is not an employee of the State
23 Department of Health.

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