

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 479

By: Crain and Lamb of the
Senate

6 and

7 Jackson of the House

8
9 COMMITTEE SUBSTITUTE

10 (public health and safety - long-term care

11 administrators - Oklahoma Plan for Comprehensive

12 Treatment of Chronic Obstructive Pulmonary Disease

13 Act - codification -

14 effective date)

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

19 SECTION 1. AMENDATORY 63 O.S. 2001, Section 330.51, as
20 last amended by Section 1, Chapter 291, O.S.L. 2006 (63 O.S. Supp.
21 2008, Section 330.51), is amended to read as follows:

22 Section 330.51 For the purposes of this act, and as used
23 herein:
24

1 1. "Board" means the Oklahoma State Board of Examiners for
2 Long-Term Care Administrators;

3 2. "Long-term care administrator" means a person licensed by
4 the State of Oklahoma pursuant to this act. A long-term care
5 administrator must devote at least one-half (1/2) of such person's
6 working time to on-the-job supervision of a long-term care facility;
7 provided that this requirement shall not apply to an administrator
8 of an intermediate care facility for the mentally retarded with
9 ~~sixteen or fewer beds (ICF-MR/16), in which case the person licensed~~
10 ~~by the state may be in charge of more than one ICF-MR/16, if such~~
11 ~~facilities are located within a circle that has a radius of not more~~
12 ~~than fifteen (15) miles, and the total number of facilities and beds~~
13 ~~does not exceed six facilities and sixty-four beds. The facilities~~
14 ~~may be free standing in a community or may be on campus with a~~
15 ~~parent institution. The ICF-MR/16 may be independently owned and~~
16 ~~operated or may be part of a larger institutional ownership and~~
17 ~~operation or a specialized home serving the developmentally~~
18 disabled. Administrators serving specialized facilities providing
19 health or habilitation services for the mentally retarded or
20 developmentally disabled persons shall not be required to meet
21 current license requirements issued by the Oklahoma State Board of
22 Examiners for Long-Term Care Administrators but shall either be the
23 holder of a current license as a Nursing Home Administrator issued
24 by the Oklahoma State Board of Examiners for Long-Term Care

1 Administrators, be a qualified mental retardation professional, or
2 be qualified by education and/or experience in management under
3 rules promulgated by the State Department of Health;

4 3. "Nursing home", "rest home" and "specialized home" shall
5 have the same meaning as the term "nursing facility" as such term is
6 defined in the Nursing Home Care Act; and

7 4. "Administrator" and "owner" shall have the same meanings as
8 such terms are defined in the Nursing Home Care Act.

9 SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-1904, as
10 amended by Section 3, Chapter 230, O.S.L. 2002 (63 O.S. Supp. 2008,
11 Section 1-1904), is amended to read as follows:

12 Section 1-1904. A. The State Department of Health shall
13 establish a comprehensive system of licensure and certification for
14 facilities in accordance with the Nursing Home Care Act for the
15 purposes of:

16 1. Protecting the health, welfare and safety of residents;

17 2. Assuring the accountability for reimbursed care provided in
18 certified facilities participating in a federal or state health
19 program as provided by or through the Oklahoma Health Care
20 Authority; and

21 3. Assuring consistent application of uniform inspection
22 protocols.

23 B. The licensing and certification procedures and standards
24 provided in this act, or by rules of the State Board of Health,

1 shall be no less than provided in statute and rules currently
2 governing nursing facilities.

3 C. It shall be unlawful and upon conviction thereof, punishable
4 as a misdemeanor for any person to operate, manage or open a
5 facility unless such operation and management shall have been
6 approved and regularly licensed as hereinafter provided.

7 D. Before an initial license shall be issued pursuant to the
8 Nursing Home Care Act to operate and manage a facility, the
9 applicant shall provide the following:

10 1. An application on a form provided by the Department
11 containing, at a minimum, the following information:

12 a. the name and address of the applicant, if an
13 individual, and that the applicant is not less than
14 twenty-one (21) years of age, of reputable and
15 responsible character, and in sound physical and
16 mental health; and if a firm, partnership, or
17 association, of every member thereof; and in the case
18 of a corporation, the name and address thereof and of
19 its officers and its registered agent and like
20 evidence for officers, as submitted for an individual,

21 b. the name and location of the facility for which a
22 license is sought,

23 c. the name and address of the person or persons under
24 whose management or supervision the facility will be

1 conducted, and a copy of the written agreement between
2 the manager and the applicant,

3 d. the name and address of any other person holding an
4 interest of at least five percent (5%) in the
5 ownership, operation or management of the facility,

6 e. the number and type of residents for which
7 maintenance, personal care, specialized or nursing
8 facility services are to be provided, and

9 f. a projected staffing pattern for providing patient
10 care;

11 2. A statement from the unit of local government having zoning
12 jurisdiction over the facility's location stating that the location
13 of the facility is not in violation of a zoning ordinance; and

14 3. Documentation that the administrator is the holder of a
15 current license as a Nursing Home Administrator issued by the
16 Oklahoma State Board of Examiners for ~~Nursing Home Administrators~~
17 Long-Term Care Administrators. Administrators serving specialized
18 facilities providing health or habilitation services for mentally
19 retarded or developmentally disabled persons shall not be required
20 to meet current license requirements issued by the Oklahoma State
21 Board of Examiners for Long-Term Care Administrators but shall
22 either be the holder of a current license as a Nursing Home
23 Administrator issued by the Oklahoma State Board of Examiners for
24 Long-Term Care Administrators, be a qualified mental retardation

1 professional, or be qualified by education and/or experience in
2 management under rules promulgated by the Department.

3 E. Before issuing an initial license, the Department shall find
4 that the individual applicant, or the corporation, partnership or
5 other entity, if the applicant is not an individual, is a person
6 responsible and suitable to operate or to direct or participate in
7 the operation of a facility by virtue of financial capacity,
8 appropriate business or professional experience, a record of
9 compliance with lawful orders of the Department and lack of
10 revocation of a license during the previous five (5) years. In
11 determining the applicant's responsibility and suitability to
12 operate or to direct or participate in the operation of a facility,
13 the Department may also consider the applicant's record of
14 suspensions, receivership, administrative penalties, or
15 noncompliance with lawful orders of this Department or of other
16 departments of other states with similar responsibilities.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-450 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 A. This act shall be known and may be cited as the "Oklahoma
21 Plan for Comprehensive Treatment of Chronic Obstructive Pulmonary
22 Disease Act".

23 B. The State Department of Health shall create a comprehensive
24 chronic obstructive pulmonary disease (COPD) state plan that

1 outlines sustainable solutions for reducing the burden of COPD in
2 Oklahoma through the coordinated implementation of multiple
3 strategies. These strategies shall include, without limitation,
4 recommendations for:

5 1. The prevention and early detection of COPD to reduce the
6 incidence of disease;

7 2. The treatment and management of COPD to ensure that health
8 care providers offer state-of-the-art care, including increased
9 access to nonpharmacologic therapies for COPD;

10 3. Increasing public awareness, patient education and proper
11 medical management of COPD among the general public and those living
12 with COPD; and

13 4. Improving COPD outcomes in Oklahoma through increases in
14 COPD funding and resources as well as ongoing effective advocacy by
15 government leaders and people with COPD.

16 SECTION 4. This act shall become effective November 1, 2009.

17

18 52-1-7725 SAB 04/07/09

19

20

21

22

23

24