

THE HOUSE OF REPRESENTATIVES
Thursday, April 9, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 479

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 479 - By: CRAIN AND LAMB of the Senate and JACKSON of the House.

(public health and safety - long-term care administrators – Oklahoma Plan for Comprehensive Treatment of Chronic Obstructive Pulmonary Disease Act – codification - effective date)

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

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

4 Section 330.51 For the purposes of this act, and as used herein:

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

7 2. "Long-term care administrator" means a person licensed by the State of
8 Oklahoma pursuant to this act. A long-term care administrator must devote at least one-
9 half (1/2) of such person’s working time to on-the-job supervision of a long-term care
10 facility; provided that this requirement shall not apply to an administrator of an

1 intermediate care facility for the mentally retarded ~~with sixteen or fewer beds (ICF-~~
2 ~~MR/16), in which case the person licensed by the state may be in charge of more than one~~
3 ~~ICF-MR/16, if such facilities are located within a circle that has a radius of not more than~~
4 ~~fifteen (15) miles, and the total number of facilities and beds does not exceed six facilities~~
5 ~~and sixty-four beds. The facilities may be free-standing in a community or may be on~~
6 ~~campus with a parent institution. The ICF-MR/16 may be independently owned and~~
7 ~~operated or may be part of a larger institutional ownership and operation~~ or a specialized
8 home serving the developmentally disabled. Administrators serving specialized facilities
9 providing health or habilitation services for the mentally retarded or developmentally
10 disabled persons shall not be required to meet current license requirements issued by the
11 Oklahoma State Board of Examiners for Long-Term Care Administrators but shall either
12 be the holder of a current license as a Nursing Home Administrator issued by the
13 Oklahoma State Board of Examiners for Long-Term Care Administrators, be a qualified
14 mental retardation professional, or be qualified by education and/or experience in
15 management under rules promulgated by the State Department of Health;

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

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

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

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

- 7 1. Protecting the health, welfare and safety of residents;
- 8 2. Assuring the accountability for reimbursed care provided in certified facilities
9 participating in a federal or state health program as provided by or through the
10 Oklahoma Health Care Authority; and
- 11 3. Assuring consistent application of uniform inspection protocols.

12 B. The licensing and certification procedures and standards provided in this act, or
13 by rules of the State Board of Health, shall be no less than provided in statute and rules
14 currently governing nursing facilities.

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

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

- 20 1. An application on a form provided by the Department containing, at a minimum,
21 the following information:

- 1 a. the name and address of the applicant, if an individual, and that the
2 applicant is not less than twenty-one (21) years of age, of reputable
3 and responsible character, and in sound physical and mental health;
4 and if a firm, partnership, or association, of every member thereof; and
5 in the case of a corporation, the name and address thereof and of its
6 officers and its registered agent and like evidence for officers, as
7 submitted for an individual,
8 b. the name and location of the facility for which a license is sought,
9 c. the name and address of the person or persons under whose
10 management or supervision the facility will be conducted, and a copy of
11 the written agreement between the manager and the applicant,
12 d. the name and address of any other person holding an interest of at
13 least five percent (5%) in the ownership, operation or management of
14 the facility,
15 e. the number and type of residents for which maintenance, personal
16 care, specialized or nursing facility services are to be provided, and
17 f. a projected staffing pattern for providing patient care;

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

21 3. Documentation that the administrator is the holder of a current license as a
22 Nursing Home Administrator issued by the Oklahoma State Board of Examiners for

1 ~~Nursing Home Administrators~~ Long-Term Care Administrators. Administrators serving
2 specialized facilities providing health or habilitation services for mentally retarded or
3 developmentally disabled persons shall not be required to meet current license
4 requirements issued by the Oklahoma State Board of Examiners for Long-Term Care
5 Administrators but shall either be the holder of a current license as a Nursing Home
6 Administrator issued by the Oklahoma State Board of Examiners for Long-Term Care
7 Administrators, be a qualified mental retardation professional, or be qualified by
8 education and/or experience in management under rules promulgated by the
9 Department.

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

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

1 A. This act shall be known and may be cited as the “Oklahoma Plan for
2 Comprehensive Treatment of Chronic Obstructive Pulmonary Disease Act”.

3 B. The State Department of Health shall create a comprehensive chronic
4 obstructive pulmonary disease (COPD) state plan that outlines sustainable solutions for
5 reducing the burden of COPD in Oklahoma through the coordinated implementation of
6 multiple strategies. These strategies shall include, without limitation, recommendations
7 for:

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-08-09 - DO
19 PASS, As Amended.