

SB 479

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THE STATE SENATE
Thursday, February 19, 2009

Senate Bill No. 479
As Amended

SENATE BILL NO. 479 - By: Crain and Lamb of the Senate and Jackson of the House.

[public health and safety - long-term care administrators - effective date]

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

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

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

- 1. "Board" means the Oklahoma State Board of Examiners for Long-Term Care Administrators;
- 2. "Long-term care administrator" means a person licensed by the State of Oklahoma pursuant to this act. A long-term care administrator must devote at least one-half (1/2) of such person's working time to on-the-job supervision of a long-term care facility; provided that this requirement shall not apply to an administrator of an intermediate care facility for the mentally retarded ~~with sixteen or fewer beds (ICF-MR/16), in which case the person licensed by the state may be in charge of more than one ICF-MR/16, if such~~

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

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

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

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

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

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

6 2. Assuring the accountability for reimbursed care provided in
7 certified facilities participating in a federal or state health
8 program as provided by or through the Oklahoma Health Care
9 Authority; and

10 3. Assuring consistent application of uniform inspection
11 protocols.

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

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

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

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

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

1 f. a projected staffing pattern for providing patient
2 care;

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

6 3. Documentation that the administrator is the holder of a
7 current license as a Nursing Home Administrator issued by the
8 Oklahoma State Board of Examiners for ~~Nursing Home Administrators~~
9 Long-Term Care Administrators. Administrators serving specialized
10 facilities providing health or habilitation services for mentally
11 retarded or developmentally disabled persons shall not be required
12 to meet current license requirements issued by the Oklahoma State
13 Board of Examiners for Long-Term Care Administrators but shall be
14 qualified by education and/or experience in management or be a
15 qualified mental retardation professional.

16 E. Before issuing an initial license, the Department shall find
17 that the individual applicant, or the corporation, partnership or
18 other entity, if the applicant is not an individual, is a person
19 responsible and suitable to operate or to direct or participate in
20 the operation of a facility by virtue of financial capacity,
21 appropriate business or professional experience, a record of
22 compliance with lawful orders of the Department and lack of
23 revocation of a license during the previous five (5) years. In

1 determining the applicant's responsibility and suitability to
2 operate or to direct or participate in the operation of a facility,
3 the Department may also consider the applicant's record of
4 suspensions, receivership, administrative penalties, or
5 noncompliance with lawful orders of this Department or of other
6 departments of other states with similar responsibilities.

7 SECTION 3. This act shall become effective November 1, 2009.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
9 PASS, As Amended and Coauthored.