

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1535

By: Holland

4  
5 AS INTRODUCED

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7 An Act relating to public health and safety;  
8 requiring the Oklahoma Health Care Authority to study  
9 funding mechanisms for portable generators in certain  
10 facilities; requiring the development of a certain  
11 funding plan to be submitted to the Governor and  
12 Legislature by certain date; providing nursing and  
13 specialized facilities immunity from liability in  
14 certain circumstances; providing for codification;  
15 and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 5025.1 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Health Care Authority shall study the use of  
21 federal and state funding to retrofit nursing and specialized  
22 facilities, as those terms are defined in Section 1-1902 of Title 63  
23 of the Oklahoma Statutes, for portable generators to be utilized  
24 during emergency situations.

B. The Authority shall submit a funding plan to the Governor  
and the Legislature by September 30, 2010, that provides for  
incentives for nursing and specialized facilities to purchase or

1 retrofit generators for use during emergency situations. Facilities  
2 that have purchased or made improvements for emergency power  
3 capabilities within the previous eight (8) years shall be included  
4 in any incentive program.

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-843 of Title 63, unless there  
7 is created a duplication in numbering, reads as follows:

8 Nursing and specialized facilities shall be immune from  
9 liability for civil damages on the basis of any act or omission when  
10 providing assistance to individuals seeking shelter during times of  
11 natural and manmade disasters, including but not limited to extended  
12 heat spells, electrical blackouts, tornados, and ice storms if:

- 13 1. The facility was acting in good faith; and
- 14 2. The acts or omissions were not caused from gross, willful,  
15 or wanton acts of negligence.

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

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