

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3222

By: Hoskin

4
5 AS INTRODUCED

6 An Act relating to public health and safety; amending
7 63 O.S. 2001, Section 1-833, which relates to
8 penalties for violation of the Residential Care Act;
9 providing that penalty not be assessed until plan of
10 correction is submitted by home, approved by State
Department of Health and reinspection made; providing
for certain calculation relating to fine; and
providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-833, is
15 amended to read as follows:

16 Section 1-833. A. Any person who has been determined by the
17 State Department of Health to have violated any provision of the
18 Residential Care Act or any rule promulgated pursuant thereto may be
19 liable for a civil penalty of not more than One Hundred Dollars
20 (\$100.00) for each day that the violation continues. Such penalty
21 shall not be assessed until after a plan of correction has been
22 submitted by the home, approved by the Department, and a
23 reinspection made by the Department to determine whether the plan of
24 correction was properly implemented, pursuant to the provisions of

1 Section 1-831 of this title. The maximum civil penalty shall not
2 exceed Ten Thousand Dollars (\$10,000.00) for any related series of
3 violations. In assessing the penalty for the violations, no days
4 prior to the date of the reinspection by the Department to determine
5 whether the plan of correction was properly implemented may be
6 included when calculating the total fine assessed.

7 B. The amount of the penalty shall be assessed by the
8 Department pursuant to the provisions of subsection A of this
9 section, after notice and hearing. In determining the amount of the
10 penalty, the Department shall include, but not be limited to,
11 consideration of the nature, circumstances, and gravity of the
12 violation and, with respect to the person found to have committed
13 the violation, the degree of culpability, the effect on ability of
14 the person to continue to do business, and any show of good faith in
15 attempting to achieve compliance with the provisions of the
16 Residential Care Act.

17 C. Any license holder may elect to surrender his or her license
18 in lieu of the fine but shall be forever barred from obtaining a
19 reissuance of the license.

20 SECTION 2. This act shall become effective November 1, 2010.

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22 52-2-8399 AM 01/13/10

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