

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3223

By: Hoskin

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2001, Section 1-821, as amended by Section  
9 21, Chapter 22, O.S.L. 2002 (63 O.S. Supp. 2009,  
10 Section 1-821), which relates to the enforcement of  
11 the provision of the Residential Care Act; clarifying  
12 language; and providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-821, as  
15 amended by Section 21, Chapter 22, O.S.L. 2002 (63 O.S. Supp. 2009,  
16 Section 1-821), is amended to read as follows:

17 Section 1-821. A. The State Board of Health shall promulgate  
18 rules to enforce the provisions of the Residential Care Act which  
19 shall include, but not be limited to, provisions for temperature  
20 settings, lighting, ventilation, and other physical conditions that  
21 affect the health, safety and welfare of the residents in a home.  
22 Residential care homes that provide care for three or fewer  
23 residents shall be subject to the provisions of the Residential Care  
24 Act; provided, however, if such rules unduly restrict operation of

1 the home, the State Board of Health shall be authorized and shall  
2 promulgate additional rules for residential care homes based upon  
3 the number of residents in a home.

4 B. The State Department of Health shall have the power and duty  
5 to:

6 1. Issue, renew, deny, modify, suspend, and revoke licenses for  
7 homes pursuant to the provisions of the Residential Care Act;

8 2. Enforce the provisions of the Residential Care Act and any  
9 rules promulgated pursuant thereto by the State Board of Health, and  
10 require the submission and review of reports from any person  
11 establishing or operating a home;

12 3. Enter upon any public or private property for the purpose  
13 of:

14 a. inspecting and investigating conditions of the  
15 residents in the home,

16 b. inspecting and investigating the home for compliance  
17 with the provisions of the Residential Care Act or  
18 rules promulgated pursuant thereto, or

19 c. determining if services are being provided without a  
20 license;

21 4. Employ or designate personnel to conduct investigations and  
22 inspections, to make reports of the condition of homes and the  
23 residents of such homes, and to take necessary action pursuant to  
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1 the provisions of the Residential Care Act to protect and safeguard  
2 the health, safety, and welfare of residents of homes;

3 5. Establish a procedure for receipt ~~and~~, investigation and  
4 resolution of complaints regarding a home or concerning the  
5 condition, care, and treatment of a resident of a home;

6 6. Report to the district attorney having jurisdiction or the  
7 Attorney General any act committed by an owner, administrator,  
8 operator, or employee of a home which may constitute a misdemeanor  
9 pursuant to the provisions of the Residential Care Act;

10 7. Advise, consult, and cooperate with other agencies of this  
11 state, the federal government, other states and interstate agencies,  
12 and with affected groups and political subdivisions to further the  
13 purposes of the provisions of the Residential Care Act;

14 8. Investigate, request or otherwise obtain the information  
15 necessary to determine the qualifications and background of an  
16 applicant for licensure;

17 9. Establish civil penalties for violations of the provisions  
18 of the Residential Care Act as authorized by the State Board of  
19 Health pursuant to the provisions of the Residential Care Act;

20 10. Institute and maintain or intervene in any action or  
21 proceeding where deemed necessary by the Department to protect the  
22 health, safety, and welfare of any resident of a home;

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1 11. Assure the accountability for reimbursed care provided in  
2 certified homes participating in a federal or state health program  
3 as provided by or through the Department of Human Services;

4 12. Advise, consult, cooperate and assist with technology  
5 center schools or institutions of higher education in this state in  
6 providing the training of persons to distribute and administer  
7 medication to a resident of a home;

8 13. Transfer or discharge a resident or otherwise protect the  
9 health, safety, and welfare of any resident of a home; and

10 14. Exercise all incidental powers as necessary and proper for  
11 the administration of the Residential Care Act.

12 C. To improve patient care, the Department shall hold a public  
13 meeting at least once every four (4) years in each of the licensed  
14 homes to advise and to facilitate communication and cooperation  
15 between personnel of the home and the residents. Administrators,  
16 employees of the home, residents, friends and relatives of the  
17 residents, representatives of the residents, and employees from  
18 appropriate state and federal agencies shall be invited and  
19 encouraged to attend such meetings.

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

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