

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1819

By: Crain

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6 AS INTRODUCED

7 An Act relating to public health and safety; defining  
8 terms; creating the Direct Care Worker Advisory  
9 Council; specifying membership of certain advisory  
10 council; providing for membership and terms of  
11 office; providing for appointing authority; providing  
12 for travel reimbursement; specifying duties of  
13 certain advisory council; providing for codification;  
14 and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-1985 of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. As used in this act:

20 1. "Direct care" means environmental or chore services, health  
21 monitoring and maintenance, assistance with instrumental activities  
22 of daily living, assistance with personal care activities of daily  
23 living, personal care support, or specialty skill services; and

24 2. "Direct care worker" means an individual who directly  
provides or assists a consumer in the care of the consumer by  
providing direct care in a variety of settings which may or may not

1 require supervision of the direct care worker, depending on the  
2 setting and the skills that the direct care worker possesses and  
3 based on education and certification.

4 B. There is hereby created the Direct Care Worker Advisory  
5 Council. The Advisory Council shall include representatives of  
6 direct care workers, consumers of direct care services, educators of  
7 direct care workers, other health professionals, employers of direct  
8 care workers, and representatives of appropriate state agencies,  
9 including, but not limited to, the Department of Human Services, the  
10 Oklahoma Health Care Authority, the Department of Mental Health and  
11 Substance Abuse Services, the State Department of Education, the  
12 State Board of Career and Technology Education, and the Oklahoma  
13 State Regents for Higher Education.

14 C. Membership and terms of office shall be determined by the  
15 State Commissioner of Health. Representatives of state agencies  
16 shall be appointed by the director of the agency. All other members  
17 of the Advisory Council shall be appointed by the Commissioner.

18 D. Advisory Council members employed by the state shall be  
19 reimbursed by their respective state agency pursuant to the State  
20 Travel Reimbursement Act. All other Advisory Council members shall  
21 be reimbursed by the State Department of Health pursuant to the  
22 State Travel Reimbursement Act.

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1 E. The Advisory Council shall advise the Commissioner regarding  
2 the regulation and certification of direct care workers and shall  
3 develop recommendations that shall include, but not be limited to:  
4 1. Direct care worker classifications based on functions and  
5 services provided by direct care workers;  
6 2. Certification requirements for each direct care worker  
7 classification;  
8 3. Standards for each direct care worker classification;  
9 4. Functions for each direct care worker classification;  
10 5. Standardized requirements for supervision of each direct  
11 care worker classification, as applicable, and roles and  
12 responsibilities of supervisory positions;  
13 6. Education and training requirements for each direct care  
14 worker classification;  
15 7. The standard curriculum required for each direct care worker  
16 classification;  
17 8. Education and training equivalency standards for each direct  
18 care worker classification;  
19 9. Continuing education requirements for each direct care  
20 worker classification;  
21 10. Responsibility for maintenance of credentialing and  
22 continuing education and training;  
23 11. An education and training orientation to be provided by  
24 employers;

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12. Guidelines that allow individuals who are members of the direct care workforce prior to the date of required certification to be incorporated into the new regulatory system;

13. Protections for the title "certified direct care worker";  
and

14. Provision of information to income maintenance workers and case managers under the purview of the Department of Human Services about the education and training requirements for direct care workers to provide the care and services to meet consumer needs.

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

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