

1 STATE OF OKLAHOMA

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

3 SENATE BILL 479

By: Lamb

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2001, Sections 330.51, as last amended by  
9 Section 1, Chapter 291, O.S.L. 2006 and 1-1904, as  
10 amended by Section 3, Chapter 230, O.S.L. 2002 (63 O.S.  
11 Supp. 2008, Sections 330.51 and 1-1904), which relate  
12 to long-term care administrators; modifying  
13 definition; exempting certain persons from requirement  
14 for specified license; and providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2001, Section 330.51, as  
17 last amended by Section 1, Chapter 291, O.S.L. 2006 (63 O.S. Supp.  
18 2008, Section 330.51), is amended to read as follows:

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

20 1. "Board" means the Oklahoma State Board of Examiners for Long-  
21 Term Care Administrators;

22 2. "Long-term care administrator" means a person licensed by the  
23 State of Oklahoma pursuant to this act. A long-term care  
24 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

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

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

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

23  
24

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

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

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

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

13 3. Assuring consistent application of uniform inspection  
14 protocols.

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

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

23

24

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

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

- 6 a. the name and address of the applicant, if an individual,  
7 and that the applicant is not less than twenty-one (21)  
8 years of age, of reputable and responsible character,  
9 and in sound physical and mental health; and if a firm,  
10 partnership, or association, of every member thereof;  
11 and in the case of a corporation, the name and address  
12 thereof and of its officers and its registered agent  
13 and like evidence for officers, as submitted for an  
14 individual,
- 15 b. the name and location of the facility for which a  
16 license is sought,
- 17 c. the name and address of the person or persons under  
18 whose management or supervision the facility will be  
19 conducted, and a copy of the written agreement between  
20 the manager and the applicant,
- 21 d. the name and address of any other person holding an  
22 interest of at least five percent (5%) in the ownership,  
23 operation or management of the facility,
- 24

1 e. the number and type of residents for which maintenance,  
2 personal care, specialized or nursing facility services  
3 are to be provided, and

4 f. a projected staffing pattern for providing patient  
5 care;

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

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

19 E. Before issuing an initial license, the Department shall find  
20 that the individual applicant, or the corporation, partnership or  
21 other entity, if the applicant is not an individual, is a person  
22 responsible and suitable to operate or to direct or participate in  
23 the operation of a facility by virtue of financial capacity,  
24 appropriate business or professional experience, a record of

1 compliance with lawful orders of the Department and lack of  
2 revocation of a license during the previous five (5) years. In  
3 determining the applicant's responsibility and suitability to operate  
4 or to direct or participate in the operation of a facility, the  
5 Department may also consider the applicant's record of suspensions,  
6 receivership, administrative penalties, or noncompliance with lawful  
7 orders of this Department or of other departments of other states  
8 with similar responsibilities.

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

10

11 52-1-24 JM 3/6/2009 4:48:57 AM

12

13

14

15

16

17

18

19

20

21

22

23

24