

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 HOUSE BILL 1504

                                  By: Schwartz

7                                   AS INTRODUCED

8                   An Act relating to public health and safety; amending  
9                   63 O.S. 2001, Section 1-1963, which relates to the  
10                  powers and duties of the State Department of Health;  
11                  permitting home care agency to receive license if  
12                  accredited by certain organization; and providing an  
13                  effective date.

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

15           SECTION 1.           AMENDATORY           63 O.S. 2001, Section 1-1963, is  
16 amended to read as follows:

17           Section 1-1963. A. The State Department of Health shall have  
18 the power and duty to:

19           1. Issue, renew, deny, modify, suspend and revoke licenses and  
20 deny renewal of licenses for agencies, and issue, renew, deny,  
21 modify, suspend and revoke certificates and deny renewal of  
22 certificates for home health aides pursuant to the provisions of the  
23 Home Care Act;

1           2. Establish and enforce qualifications, standards and  
2 requirements for licensure of home care agencies and certification  
3 of home health aides;

4           3. Issue or renew a license to establish or operate a home care  
5 agency if the Department determines that the agency meets the  
6 requirements of or is accredited or certified by one of the  
7 following accrediting or certifying organizations or programs. In  
8 addition, the accredited home care agency through this paragraph  
9 will not be subject to an inspection or examination by the  
10 Department unless necessary to investigate complaints under  
11 subsection B of this section:

- 12           a. Title XVIII or XIX of the federal Social Security Act,
- 13           b. the Joint Commission on Accreditation of Healthcare  
14           Organizations/Home Care Accreditation Services  
15           (JCAHO), ~~or~~
- 16           c. the Community Health Accreditation Program of the  
17           National League for Nursing (CHAP), or
- 18           d. the Accreditation Commission for Health Care (ACHC);

19           4. Establish and maintain a registry of certified home health  
20 aides;

21           5. Enter any home care agency when reasonably necessary for the  
22 sole purpose of inspecting and investigating conditions of the  
23 agency for compliance with the provisions of the Home Care Act, or

1 compliance with the standards and requirements for licensure or  
2 certification developed by the Department pursuant to the provisions  
3 of the Home Care Act;

4 6. Establish administrative penalties for violations of the  
5 provisions of the Home Care Act; and

6 7. Exercise all incidental powers as necessary and proper for  
7 the administration of the Home Care Act.

8 B. 1. The State Board of Health shall promulgate rules  
9 necessary for the investigation and hearing of complaints regarding  
10 a home care agency or home health aide.

11 2. The Department shall establish procedures for receipt and  
12 investigation of complaints regarding a home care agency or home  
13 health aide.

14 3. A complaint regarding a home care agency or home health aide  
15 shall not be made public unless a completed investigation  
16 substantiates the violations alleged in the complaint.

17 SECTION 2. This act shall become effective November 1, 2011.

18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-16-2011 -  
19 DO PASS.

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