

1 ENGROSSED SENATE  
2 BILL NO. 1450

By: Griffin of the Senate

3 and

4 Thomsen of the House

5  
6 An Act relating to nursing homes; amending 63 O.S.  
7 2011, Section 1-1912, as amended by Section 3,  
8 Chapter 379, O.S.L. 2013 (63 O.S. Supp. 2013, Section  
9 1-1912), which relates to violations; requiring  
nursing facilities to conduct exit conferences for  
certain violations; requiring facilities to keep  
certain records; and providing an effective date.

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

13 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1912, as  
14 amended by Section 3, Chapter 379, O.S.L. 2013 (63 O.S. Supp. 2013,  
15 Section 1-1912), is amended to read as follows:

16 Section 1-1912. A. The State Department of Health shall  
17 promptly serve a notice of violation upon a licensee whenever upon  
18 inspection or investigation, the Department determines that:

19 1. The facility is in violation of the Nursing Home Care Act,  
20 any rule promulgated thereunder, or applicable federal certification  
21 criteria; or

22 2. The financial condition of the facility poses an immediate  
23 risk to the proper operation of the facility or to the health,  
24 safety or welfare of the residents of the facility.

1 B. Each notice of violation shall be prepared in writing and  
2 shall specify the nature of the violation, and the statutory  
3 provision, rule or standard alleged to have been violated. The  
4 notice of violation shall inform the licensee of its obligation to  
5 file a plan of correction within ten (10) working days of receipt of  
6 the notice of violation. In the case of a specialized facility for  
7 persons with mental retardation, the Department shall offer the  
8 licensee an informal opportunity comparable to the process offered  
9 to Medicaid-certified nursing facilities pursuant to 42 CFR 488.331,  
10 in order to dispute the alleged violations.

11 C. The Department shall notify the licensee of its intent to  
12 take any remedial action, impose administrative penalties, place a  
13 monitor or temporary manager in the facility, issue a conditional  
14 license, or suspend or revoke a license. The Department shall also  
15 inform the licensee of the right to an informal dispute resolution,  
16 hearing, or both.

17 D. Whenever the Department finds that an emergency exists  
18 requiring immediate action to protect the health, safety or welfare  
19 of any resident of a facility licensed pursuant to the provisions of  
20 ~~this act~~ the Nursing Home Care Act, the Department may, without  
21 notice of hearing, issue an order stating the existence of such an  
22 emergency and requiring that action be taken as deemed necessary by  
23 the Department to meet the emergency. The order shall be effective  
24 immediately. Any person to whom such an order is directed shall

1 comply with such order immediately but, upon application to the  
2 Department, shall be afforded a hearing within ten (10) business  
3 days of receipt of the application. On the basis of such hearing,  
4 the Department may continue the order in effect, revoke it, or  
5 modify it. Any person aggrieved by such order continued after the  
6 hearing provided in this subsection may appeal to the district court  
7 in Oklahoma County within thirty (30) days. Such appeal when  
8 docketed shall have priority over all cases pending on the docket,  
9 except criminal cases. For purposes of this subsection, the State  
10 Board of Health shall define by rule the term "emergency" to  
11 include, but not be limited to, a life-endangering situation.

12 E. Within thirty (30) days of receipt of a plan of correction  
13 by the State Department of Health from any facility operated by the  
14 Oklahoma Department of Veterans Affairs, the State Department of  
15 Health shall submit the results of the inspection, including a list  
16 of deficiencies in the condition or operation of the facility and  
17 recommendations for corrective measures in the form of a written  
18 report to the person immediately responsible for the administration  
19 of the facility inspected, to the Oklahoma Department of Veterans  
20 Affairs, to the Governor, to the Speaker of the House of  
21 Representatives, and to the President Pro Tempore of the Senate.

22 F. At the conclusion of an inspection, survey, or  
23 investigation, the inspector shall review and discuss any violations  
24 in an exit conference with the facility management. The facility

1 may provide additional information regarding any alleged violations.  
2 The following shall be provided to the facility: a written summary  
3 of the violations shall be left with the facility at the time of the  
4 exit conference.

5 SECTION 2. This act shall become effective November 1, 2014.

6 Passed the Senate the 11th day of March, 2014.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
11 2014.

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Presiding Officer of the House  
of Representatives

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