

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1514

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to veteran facilities; creating a  
8 Citizens' Advisory Committee; providing membership  
9 makeup and purpose; amending 63 O.S. 2011, Section 1-  
10 1903, as amended by Section 3, Chapter 12, O.S.L.  
11 2012 (63 O.S. Supp. 2012, Section 1-1903), which  
12 relates to nursing home licensure; modifying  
13 exemptions; providing licensing and regulation  
14 requirements for certain veteran facilities; amending  
15 72 O.S. 2011, Section 223, as amended by Section 654,  
16 Chapter 304, O.S.L. 2012 (72 O.S. Supp. 2012, Section  
17 223), which relates to soldiers and sailors; removing  
18 requirement for certain veteran facilities to  
19 participate in certain programs; providing for  
20 codification; and providing an effective date.

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1 reimbursement pursuant to the State Travel Reimbursement Act,  
2 appointed by the War Veterans Commission of Oklahoma.

3 B. The membership of the Committee shall contain a member of an  
4 organization that provides security, protection, and empowerment to  
5 older persons, a member of an organization that represents and  
6 advocates for the needs of older Oklahomans at the State Capitol,  
7 and a veteran or immediate family member of a veteran.

8 C. The Committee shall serve in an advisory capacity to the  
9 Oklahoma Department of Human Services in carrying out the  
10 investigations of allegations of patient abuse in Oklahoma veteran  
11 centers.

12 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-1903, as  
13 amended by Section 3, Chapter 12, O.S.L. 2012 (63 O.S. Supp. 2012,  
14 Section 1-1903), is amended to read as follows:

15 Section 1-1903. A. No person shall establish, operate, or  
16 maintain in this state any nursing facility without first obtaining  
17 a license as required by the Nursing Home Care Act.

18 B. The Nursing Home Care Act shall not apply to ~~any facility~~  
19 ~~operated by the Oklahoma Department of Veterans Affairs under~~  
20 ~~control of the Oklahoma War Veterans Commission~~ residential care  
21 homes, assisted living facilities or adult companion homes which are  
22 operated in conjunction with a nursing facility, ~~a home or facility~~  
23 ~~approved and annually reviewed by the United States Department of~~  
24 ~~Veterans Affairs as a medical foster home in which care is provided~~

1 ~~exclusively to three or fewer veterans,~~ or to hotels, motels,  
2 boarding houses, rooming houses, or other places that furnish board  
3 or room to their residents.

4 C. Unless otherwise prohibited by federal law or unless the  
5 enactment of the provisions of this subsection would result in the  
6 loss of federal funds to the state, the following licensing and  
7 regulation provisions concerning Oklahoma Veterans Center nursing  
8 facilities shall be in effect:

9 1. Regardless of a licensee's previous state licensure category  
10 as an Oklahoma Veterans Center nursing facility, the State  
11 Department of Health shall issue licenses to all previously state-  
12 licensed Oklahoma Veterans Centers who surrendered their licenses to  
13 the State Department of Health;

14 2. Each Oklahoma Veterans Center nursing facility licensed  
15 pursuant to the provisions of this section shall be regulated as an  
16 existing nursing facility for the purposes of meeting state and  
17 federal standards; and

18 3. The physical plants of these existing facilities shall not  
19 be required to comply with the Life Safety Code Standards adopted by  
20 the State of Oklahoma for new construction unless the State  
21 Department of Health finds that:

22 a. the physical plant or life-safety conditions pose an  
23 imminent threat to the residents of the facility,  
24

1            b. a major renovation project is undertaken within the  
2            existing facility, or

3            c. new attached construction is added.

4            D. Certificate of need review shall not be required for any  
5 addition, deletion, modification or new construction of current or  
6 future State Veterans Center nursing facilities.

7            ~~D.~~ E. The Nursing Home Care Act shall not authorize any person  
8 to engage in any manner in the practice of the healing arts or the  
9 practice of medicine, as defined by law.

10           ~~E.~~ F. The Nursing Home Care Act shall not apply to a facility  
11 which is not charging or receiving periodic compensation for  
12 services rendered, and not receiving any county, state, or federal  
13 assistance.

14           SECTION 3.            AMENDATORY            72 O.S. 2011, Section 223, as  
15 amended by Section 654, Chapter 304, O.S.L. 2012 (72 O.S. Supp.  
16 2012, Section 223), is amended to read as follows:

17           Section 223. ~~A.~~ The State of Oklahoma accepts the provisions  
18 of the Act of Congress of August 27, 1888, as amended, 1934 Edition  
19 U.S. Code, Title 24, Section 134, and of any other federal law or  
20 Act of Congress providing for the payment of funds to states for the  
21 care of, or support of, disabled soldiers and sailors in state  
22 homes, and it shall be the duty of the War Veterans Commission of  
23 Oklahoma to obtain such federal aid and assistance as is available  
24 under the aforementioned Act of Congress, or otherwise. All such funds

1 received from the United States or any federal agency, for such  
2 care, shall be deposited in a federal fund created by the Office of  
3 Management and Enterprise Services as provided by law.

4 ~~B. All Oklahoma veterans nursing facilities shall participate~~  
5 ~~in the state veterans homes per diem grant program administered by~~  
6 ~~the United States Department of Veterans Affairs. Upon approval by~~  
7 ~~the United States Department of Veterans Affairs of a nursing~~  
8 ~~facility to participate in the per diem program, the Oklahoma War~~  
9 ~~Veterans Commission shall issue a license to operate such facility~~  
10 ~~as an Oklahoma veterans home.~~

11 SECTION 4. This act shall become effective November 1, 2013.

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13 54-1-5072 AMM 01/15/13  
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