

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2719

By: Williams

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 1-1920, which relates to the
9 protection of resident's funds; requiring State
Auditor and Inspector to perform certain audit; 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 1-1920, is
14 amended to read as follows:

15 Section 1-1920. A. To protect each resident's funds, the
16 facility or home:

17 1. Shall reserve a portion of each resident's monthly income,
18 in an amount not less than Twenty-five Dollars (\$25.00), as a
19 personal needs allowance for use by the resident, or for use on
20 behalf of the resident by his guardian, or other representative
21 designated by the resident;

22 2. Shall at the time of admission, provide each resident, or
23 his representative, with a written statement explaining the
24 resident's rights regarding personal funds and listing the services

1 for which the resident will be charged, and obtain a signed
2 acknowledgment from each resident or his representative that he has
3 received the statement;

4 3. May accept funds from a resident for safekeeping and
5 managing, if the facility or home receives written authorization
6 from the resident or his guardian; such authorization shall be
7 attested to by a witness who has no pecuniary interest in the
8 facility or home or its operations, and who is not connected in any
9 way to facility or home personnel or the administrator in any manner
10 whatsoever;

11 4. Shall maintain and allow each resident and responsible party
12 access to a written record of all financial arrangements and
13 transactions involving the individual resident's funds;

14 5. Shall provide each resident, or his representative with a
15 written itemized statement on request, of all financial transactions
16 involving the resident's funds;

17 6. Shall keep any funds received from a resident for
18 safekeeping in an account separate from the facility's or home's
19 funds and shall maintain such funds as required by the Department of
20 Human Services and federal regulations;

21 7. Shall return to the resident, upon written request by the
22 resident or his guardian, if court-appointed, all or any part of the
23 resident's funds given the facility or home for safekeeping,
24 including the interest accrued from deposits;

1 8. Shall place any monthly allowance to which a resident is
2 entitled in that resident's personal account, or give it to the
3 resident, unless the facility or home has written authorization from
4 the resident or the resident's guardian or if the resident is a
5 minor, his parent, to handle it differently;

6 9. Unless otherwise provided by state law, upon the death of a
7 resident, shall provide the administrator or executor of the
8 resident's estate with a complete accounting of all the resident's
9 personal property, including any funds of the resident being held by
10 the facility or home; and

11 10. If the facility or home is sold, shall provide the buyer
12 with a written verification by a public accountant of all residents'
13 monies and properties being transferred, and obtain a signed receipt
14 from the new owner.

15 B. To protect each resident's funds, the State Auditor and
16 Inspector shall perform random audits of the client trust accounts
17 at each facility or home.

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

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