

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1450

By: Griffin

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6 AS INTRODUCED

7 An Act relating to nursing homes; amending 63 O.S.
8 2011, Section 1-1912, as amended by Section 3,
9 Chapter 379, O.S.L. 2013 (63 O.S. Supp. 2013, Section
10 1-1912), which relates to violations; requiring
11 nursing facilities to conduct exit conferences for
12 certain violations; requiring facilities to keep
13 certain records; and providing an effective date.

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

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

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

21 1. The facility is in violation of the Nursing Home Care Act,
22 any rule promulgated thereunder, or applicable federal certification
23 criteria; or
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1 2. The financial condition of the facility poses an immediate
2 risk to the proper operation of the facility or to the health,
3 safety or welfare of the residents of the facility.

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

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

20 D. Whenever the Department finds that an emergency exists
21 requiring immediate action to protect the health, safety or welfare
22 of any resident of a facility licensed pursuant to the provisions of
23 ~~this act~~ the Nursing Home Care Act, the Department may, without
24 notice of hearing, issue an order stating the existence of such an

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

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

1 F. At the conclusion of an inspection, survey, or
2 investigation, the violations shall be discussed in an exit
3 conference with the facility management. The facility may provide
4 additional information regarding any alleged violations. The
5 following shall be provided to the facility:

6 1. A written list of the violations shall be left with the
7 facility at the time of the exit conference with notation of all
8 federal or state citation identification numbers with scope and
9 severity, including the actual harm and substandard quality of care
10 situations;

11 2. The resident identifier list; and

12 3. A list of all staff that were interviewed.

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

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