

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1855

By: Treat

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6 AS INTRODUCED

7 An Act relating to the Department of Human Services;
8 amending 10 O.S. 2011, Section 1430.3, which relates
9 to powers and duties of the Department; clarifying
10 language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 10 O.S. 2011, Section 1430.3, is
13 amended to read as follows:

14 Section 1430.3. The Department of Human Services shall have the
15 power and duty to:

16 1. Enforce any provision of the Group Homes for Persons with
17 Developmental or Physical Disabilities Act;

18 2. Issue, renew, deny, modify, suspend, and revoke licenses for
19 group homes pursuant to the provisions of the Group Homes for
20 Persons with Developmental or Physical Disabilities Act; provided,
21 however, providers of group home services that have a current
22 contract with the Developmental Disabilities Services Division or
23 the Oklahoma Health Care Authority to provide group home services
24 shall be deemed to be licensed;

1 3. Establish and enforce standards and requirements for
2 licensure and operation of group homes that are subject to the
3 provisions of the Group Homes for Persons with Developmental or
4 Physical Disabilities Act and require the submission of, and to
5 review, reports from any person establishing or operating a group
6 home;

7 4. Enter upon any public or private property for the purpose of
8 inspecting and investigating conditions of the residents in the
9 group home or for the purpose of inspecting and investigating the
10 home for compliance with the provisions of the Group Homes for
11 Persons with Developmental or Physical Disabilities Act, or the
12 standards or requirements for licensure and operation of group homes
13 developed by the Department pursuant to the provisions of the Group
14 Homes for Persons with Developmental or Physical Disabilities Act;

15 5. Employ or designate personnel to conduct investigations and
16 inspections, to make reports of the condition of group homes and the
17 residents of such homes, and to take necessary action pursuant to
18 the provisions of the Group Homes for Persons with Developmental or
19 Physical Disabilities Act to protect and safeguard the health,
20 safety, and welfare of residents of homes;

21 6. Establish a procedure for receipt, investigation, and
22 resolution of complaints regarding a group home or concerning the
23 condition, care, and treatment of a resident of a home, a copy of
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1 which procedure shall be distributed to all providers of group home
2 services and licensees;

3 7. Report to the district attorney having jurisdiction or the
4 Attorney General any act committed by a provider, licensee,
5 administrator, manager, operator, or employee of a group home which
6 may constitute a misdemeanor pursuant to the provisions of the Group
7 Homes for Persons with Developmental or Physical Disabilities Act;

8 8. Advise, consult, and cooperate with other agencies of this
9 state, the federal government, other states and interstate agencies,
10 and with affected groups and political subdivisions to further the
11 purposes of the provisions of the Group Homes for Persons with
12 Developmental or Physical Disabilities Act;

13 9. Develop and enforce rules subject to the approval of the
14 Commission for Human Services to implement the provisions of the
15 Group Homes for Persons with Developmental or Physical Disabilities
16 Act. Such rules shall include, but not be limited to, physical
17 conditions which shall protect the health, safety, and welfare of
18 the residents in a group home as outlined in the Group Homes for
19 Persons with Developmental or Physical Disabilities Act, safe
20 storage and administration of medications, health-related services
21 as defined in Section 1020 of Title 56 of the Oklahoma Statutes,
22 rights of group home residents and competency-based training
23 requirements for group home staff;

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1 10. Investigate, request or otherwise obtain the information
2 necessary to determine the qualifications and background of an
3 applicant for licensure or contract;

4 11. Establish civil penalties for violations of the provisions
5 of the Group Homes for Persons with Developmental or Physical
6 Disabilities Act as authorized by the Commission pursuant to the
7 provisions of the Group Homes for Persons with Developmental or
8 Physical Disabilities Act;

9 12. Institute and maintain or intervene in any action or
10 proceeding where deemed necessary by the Department to protect the
11 health, safety, and welfare of any resident of a group home;

12 13. Transfer or discharge a resident or otherwise protect the
13 health, safety, and welfare of any resident of a group home; and

14 14. Exercise all incidental powers as necessary and proper for
15 the administration of the Group Homes for Persons with Developmental
16 or Physical Disabilities Act.

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

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