

1 ENGROSSED HOUSE  
2 BILL NO. 2280

By: Murphey of the House

3 and

4 Standridge of the Senate

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6  
7 [ public health and safety - requiring Department of  
8 Health to develop a classification system of  
9 violations - 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 1-890.6, as  
14 amended by Section 2, Chapter 12, O.S.L. 2012 (63 O.S. Supp. 2015,  
15 Section 1-890.6), is amended to read as follows:

16 Section 1-890.6 A. The Continuum of Care and Assisted Living  
17 Act shall not apply to residential care homes, adult companion  
18 homes, domiciliary care units operated by the Department of Veterans  
19 Affairs, the private residences of persons with developmental  
20 disabilities receiving services provided by the Developmental  
21 Disabilities Services Division of the Department of Human Services  
22 or through the Home- and Community-Based Waiver or the Alternative  
23 Disposition Plan Waiver of the Oklahoma Health Care Authority, or to  
24 hotels, motels, boardinghouses, rooming houses, a home or facility

1 approved and annually reviewed by the United States Department of  
2 Veterans Affairs as a medical foster home in which care is provided  
3 exclusively to three or fewer veterans, or other places that furnish  
4 board or room to their residents. The Continuum of Care and  
5 Assisted Living Act shall not apply to facilities not charging or  
6 receiving periodic compensation for services rendered and not  
7 receiving any county, state or federal assistance.

8 B. The State Commissioner of Health may ban admissions to, or  
9 deny, suspend, refuse to renew or revoke the license of, any  
10 continuum of care facility or assisted living center which fails to  
11 comply with the Continuum of Care and Assisted Living Act or rules  
12 promulgated by the State Board of Health.

13 C. Any person who has been determined by the Commissioner to  
14 have violated any provision of the Continuum of Care and Assisted  
15 Living Act or any rule promulgated hereunder shall be liable for an  
16 administrative penalty of not more than Five Hundred Dollars  
17 (\$500.00) for each day that the violation occurs.

18 D. 1. The Department of Health shall develop a classification  
19 system of violations which shall gauge the severity of the violation  
20 based on:

- 21 a. no actual harm with the potential for minimal harm,
- 22 b. no actual harm with the potential for more than  
23 minimal harm,
- 24 c. actual harm that is not immediate jeopardy, and

1           d. immediate jeopardy to resident health and safety.

2           2. Upon discovery of one or more violations the Department  
3 shall provide an itemized list containing said violations which  
4 shall include each of the fines to be assessed. The continuum of  
5 care facility or assisted living center shall be given an  
6 opportunity to correct these violations. If the violations are not  
7 corrected within the time limits set forth in the accepted plan of  
8 correction, fines may then be assessed.

9           3. Any subsequent violation discovered upon a revisitiation of a  
10 continuum of care facility or assisted living center as a result of  
11 a preexisting violation shall constitute a new action and shall not  
12 be included in the original citation or assessment of fines or  
13 penalties; provided, that if a preexisting violation has not been  
14 rectified the original assessment shall be considered still in  
15 effect.

16           E. If a continuum of care facility's failure to comply with the  
17 Continuum of Care and Assisted Living Act or rules involves nursing  
18 care services, the Commissioner shall have authority to exercise  
19 additional remedies provided under the Nursing Home Care Act. If a  
20 continuum of care facility's failure to comply with the Continuum of  
21 Care and Assisted Living Act or rules involves adult day care  
22 services, then the Commissioner shall have authority to exercise  
23 additional remedies provided under the Adult Day Care Act.

1 ~~E.~~ F. In taking any action to deny, suspend, deny renewal, or  
2 revoke a license, or to impose an administrative fee, the  
3 Commissioner shall comply with requirements of the Administrative  
4 Procedures Act.

5 SECTION 2. NEW LAW A new section of law not to be  
6 codified in the Oklahoma Statutes reads as follows:

7 The State Department of Health shall develop the classification  
8 system required in Section 1-890.6 of Title 63 of the Oklahoma  
9 Statutes in consultation and coordination with the Long-Term Care  
10 Facility Advisory Board as defined in Section 1-1923 of Title 63 of  
11 the Oklahoma Statutes.

12 SECTION 3. This act shall become effective November 1, 2016.

13 Passed the House of Representatives the 9th day of March, 2016.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2016.

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Presiding Officer of the Senate

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