

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1156

By: Garvin

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5
6 AS INTRODUCED

7 An Act relating to long-term care; amending 63 O.S.
8 2021, Section 1-873, which relates to licensure
9 requirements for adult day care centers; allowing
10 certain facilities to be licensed as adult day care
11 centers; requiring State Department of Health to
12 consider certain licensure as proof of compliance
13 with applicable standards; requiring application and
14 fee; specifying applicability of Adult Day Care Act;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-873, is
18 amended to read as follows:

19 Section 1-873. A. The State Commissioner of Health, with the
20 advice of the Long-Term Care Facility Advisory Board, created
21 pursuant to Section 1-1923 of this title, shall define minimum adult
22 day care licensure requirements and rules including standards for:

23 1. Health and social services which may be provided to
24 participants;

2. The range of services to be provided by a center based on
the type of participants to be served;

- 1 3. Staff to participant ratios;
- 2 4. Staff and volunteer qualifications;
- 3 5. Staff training;
- 4 6. Food services;
- 5 7. Participant records and care plans;
- 6 8. Antidiscrimination policies;
- 7 9. Sanitary and fire standards; and
- 8 10. Any other requirements necessary to ensure the safety and
- 9 well-being of frail elderly and disabled adults.

10 B. Centers to be licensed shall include all adult day care
11 centers. Sheltered workshops and senior recreational centers which
12 do not receive participant fees for services are not required to be
13 licensed. It shall be unlawful to operate a center without first
14 obtaining a license for such operation as required by the Adult Day
15 Care Act, regardless of other licenses held by the operator.
16 Organizations operating more than one center shall obtain a license
17 for each site.

18 C. The license for operation of a center shall be issued by the
19 State Department of Health. The license shall:

- 20 1. Not be transferable or assignable;
- 21 2. Be posted in a conspicuous place on the licensed premises;
- 22 3. Be issued only for the premises named in the application;

23 and

1 4. Expire thirty-six (36) months from the date of issuance~~;~~
2 provided, an initial license shall expire one hundred eighty (180)
3 days after the date of issuance. Licenses may be issued for a
4 period of more than twelve (12) months, but not more than thirty-six
5 (36) months, for the licensing period immediately following November
6 1, 2021, in order to permit an equitable distribution of license
7 expiration dates to all months of the year.

8 D. A center shall meet the safety, sanitation and food service
9 standards of the State Department of Health.

10 E. Local health, fire and building codes relating to adult day
11 care centers shall be classified as an education use group.

12 F. The issuance or renewal of a license after notice of a
13 violation has been sent shall not constitute a waiver by the State
14 Department of Health of its power to subsequently revoke the license
15 or take other enforcement action for any violations of the Adult Day
16 Care Act committed prior to issuance or renewal of the license.

17 G. A nursing facility, assisted living center, or residential
18 care home licensed by the State Department of Health may be licensed
19 as an adult day care center. The Department shall consider
20 licensure as a nursing facility, assisted living center, or
21 residential care home as proof of compliance with applicable
22 standards of adult day care centers. The nursing facility, assisted
23 living center, or residential care home must submit an application

1 and pay the fee as provided by Section 1-874 of this title and shall
2 be subject to the Adult Day Care Act and applicable rules.

3 SECTION 2. This act shall become effective November 1, 2022.
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