

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3886

By: Cantrell

6 AS INTRODUCED

7 An Act relating to nursing homes; amending 63 O.S.
8 2021, Section 1-1912, which relates to notice of
9 violation and right to hearing within the Nursing
Home Care Act; requiring the State Department of
Health's personnel to remain on site; and providing
an effective date.

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

12 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1912, is
13 amended to read as follows:

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

17 1. The facility is in violation of the Nursing Home Care Act,
18 any rule promulgated thereunder, or applicable federal certification
19 criteria; or

20 2. The financial condition of the facility poses an immediate
21 risk to the proper operation of the facility or to the health,
22 safety or welfare of the residents of the facility.

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

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

17 D. Whenever the Department finds that an emergency exists
18 requiring immediate action to protect the health, safety, safety, or welfare
19 of any resident of a facility licensed pursuant to the provisions of
20 the Nursing Home Care Act, the Department may, without notice of
21 hearing, issue an order stating the existence of such an emergency
22 and requiring that action be taken as deemed necessary by the
23 Department to meet the emergency. The order shall be effective
24 immediately. Provided, in the event an immediate jeopardy is

1 determined to exist with respect to a nursing facility, as defined
2 by the Nursing Home Care Act, Department personnel shall remain on
3 site until the nursing facility's Plan of Removal has been accepted
4 by the Department. Any person to whom such an order is directed
5 shall comply with such order immediately but, upon application to
6 the Department, shall be afforded a hearing within ten (10) business
7 days of receipt of the application. On the basis of such hearing,
8 the Department may continue the order in effect, revoke it, or
9 modify it. Any person aggrieved by such order continued after the
10 hearing provided in this subsection may appeal to the district court
11 in Oklahoma County within thirty (30) days. Such appeal when
12 docketed shall have priority over all cases pending on the docket,
13 except criminal cases. For purposes of this subsection, the State
14 Board of Health shall define by rule the term "emergency" to
15 include, but not be limited to, a life-endangering situation.

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

3 F. At the conclusion of an inspection, survey, or
4 investigation, the survey team's observations and preliminary
5 findings shall be discussed in an exit conference with the facility
6 personnel. During the exit conference, the facility shall be
7 provided with the opportunity to discuss and supply additional
8 information that they believe is pertinent to the preliminary
9 findings. The following shall be provided to the facility:

10 1. A written list containing preliminary areas of potential
11 noncompliance with state requirements based on findings during the
12 survey, inspection or investigation. The information provided
13 should be adequate to notify staff of surveyor concerns regarding
14 preliminary findings that indicate actual harm or substandard
15 quality of care; and

16 2. Any additional noncompliance with state requirements
17 determined during the review of field notes or in preparation of the
18 final survey report will be communicated to the facility personnel
19 by email or phone before issuing the final survey report.

20 SECTION 2. This act shall become effective November 1, 2026.

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