

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3886

By: Cantrell

AS INTRODUCED

An Act relating to nursing homes; amending 63 O.S. 2021, Section 1-1912, which relates to notice of 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.

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

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

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

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

2. The financial condition of the facility poses an immediate risk to the proper operation of the facility or to the health, 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, 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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Affairs, to the Governor, to the Speaker of the House of Representatives, and to the President Pro Tempore of the Senate.

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

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

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

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

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