

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2280

By: Murphey

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9                                   COMMITTEE SUBSTITUTE

10           An Act relating to public health and safety; amending  
11           63 O.S. 2011, Section 1-890.6, as amended by Section  
12           2, Chapter 12, O.S.L. 2012 (63 O.S. Supp. 2015,  
13           Section 1-890.6), which relates to the Continuum of  
14           Care and Assisted Living Act; requiring Department of  
15           Health to develop a classification system of  
16           violations; requiring coordination with the Long-Term  
17           Care Facility Advisory Board; providing for  
18           noncodification; and providing an effective date.

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

20           SECTION 1.           AMENDATORY           63 O.S. 2011, Section 1-890.6, as  
21           amended by Section 2, Chapter 12, O.S.L. 2012 (63 O.S. Supp. 2015,  
22           Section 1-890.6), is amended to read as follows:

23           Section 1-890.6 A. The Continuum of Care and Assisted Living  
24           Act shall not apply to residential care homes, adult companion  
          homes, domiciliary care units operated by the Department of Veterans  
          Affairs, the private residences of persons with developmental

1 disabilities receiving services provided by the Developmental  
2 Disabilities Services Division of the Department of Human Services  
3 or through the Home- and Community-Based Waiver or the Alternative  
4 Disposition Plan Waiver of the Oklahoma Health Care Authority, or to  
5 hotels, motels, boardinghouses, rooming houses, a home or facility  
6 approved and annually reviewed by the United States Department of  
7 Veterans Affairs as a medical foster home in which care is provided  
8 exclusively to three or fewer veterans, or other places that furnish  
9 board or room to their residents. The Continuum of Care and  
10 Assisted Living Act shall not apply to facilities not charging or  
11 receiving periodic compensation for services rendered and not  
12 receiving any county, state or federal assistance.

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

18 C. Any person who has been determined by the Commissioner to  
19 have violated any provision of the Continuum of Care and Assisted  
20 Living Act or any rule promulgated hereunder shall be liable for an  
21 administrative penalty of not more than Five Hundred Dollars  
22 (\$500.00) for each day that the violation occurs.

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

4 a. no actual harm with the potential for minimal harm,

5 b. no actual harm with the potential for more than  
6 minimal harm,

7 c. actual harm that is not immediate jeopardy, and

8 d. immediate jeopardy to resident health and safety.

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

16 3. Any subsequent violation discovered upon a revisitation of a  
17 continuum of care facility or assisted living center as a result of  
18 a preexisting violation shall constitute a new action and shall not  
19 be included in the original citation or assessment of fines or  
20 penalties; provided, that if a preexisting violation has not been  
21 rectified the original assessment shall be considered still in  
22 effect.

23 E. If a continuum of care facility's failure to comply with the  
24 Continuum of Care and Assisted Living Act or rules involves nursing

1 care services, the Commissioner shall have authority to exercise  
2 additional remedies provided under the Nursing Home Care Act. If a  
3 continuum of care facility's failure to comply with the Continuum of  
4 Care and Assisted Living Act or rules involves adult day care  
5 services, then the Commissioner shall have authority to exercise  
6 additional remedies provided under the Adult Day Care Act.

7 ~~E.~~ F. In taking any action to deny, suspend, deny renewal, or  
8 revoke a license, or to impose an administrative fee, the  
9 Commissioner shall comply with requirements of the Administrative  
10 Procedures Act.

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

13 The State Department of Health shall develop the classification  
14 system required in Section 1-890.6 of Title 63 of the Oklahoma  
15 Statutes in consultation and coordination with the Long-Term Care  
16 Facility Advisory Board as defined in Section 1-1923 of Title 63 of  
17 the Oklahoma Statutes.

18 SECTION 3. This act shall become effective November 1, 2016.  
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20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/17/2016 -  
21 DO PASS, As Amended.  
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