

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2280

By: Murphey of the House

and

Standridge of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Continuum of Care and Assisted
11 Living Act; amending 63 O.S. 2011, Section 1-890.6,
12 as amended by Section 2, Chapter 12, O.S.L. 2012 (63
13 O.S. Supp. 2015, Section 1-890.6), which relates to
14 violations; requiring State Department of Health to
15 develop certain system; directing certain
16 consideration; providing standards for certain
17 determinations; stipulating procedures for correcting
18 violations; specifying circumstances for fines;
19 clarifying applicability of violations; and providing
20 an effective date.

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

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

Section 1-890.6. A. The Continuum of Care and Assisted Living
Act shall not apply to residential care homes, adult companion
homes, domiciliary care units operated by the Department of Veterans

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

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

19 C. Any person who has been determined by the Commissioner to
20 have violated any provision of the Continuum of Care and Assisted
21 Living Act or any rule promulgated hereunder shall be liable for an
22 administrative penalty of not more than Five Hundred Dollars
23 (\$500.00) for each day that the violation occurs.

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1 D. 1. The State Department of Health shall develop a
2 classification system of violations, taking into consideration the
3 recommendations of the Long-Term Care Facility Advisory Board
4 pursuant to Section 1-1923 of this title, which shall gauge the
5 severity of the violation and specify graduated penalties based on:

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

7 b. no actual harm with the potential for more than
8 minimal harm,

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

10 d. immediate jeopardy to resident health and safety.

11 2. Upon discovery of one or more violations, the Department
12 shall provide a statement of deficiencies containing the violations.
13 The continuum of care facility or assisted living center shall be
14 required to correct these violations and submit a plan of correction
15 that details how the facility or center will correct each violation,
16 ensure that the violation will not occur in the future and a period
17 to correct each violation not to exceed sixty (60) days.

18 3. No fine shall be assessed for any violation that is not
19 classified as actual harm or immediate jeopardy, unless the
20 continuum of care facility or assisted living center fails to
21 correct the violation within the period set forth in the accepted
22 plan of correction. Fines may be assessed at any time for any
23 violations that are classified as actual harm or immediate jeopardy.

1 4. Any new violation unrelated to the original violation and
2 not classified as actual harm or immediate jeopardy that is
3 discovered upon a re-visitation of a continuum of care facility or
4 assisted living center shall constitute a new action and shall not
5 be included in the original citation or assessment of fines or
6 penalties; provided, that a preexisting violation not corrected in
7 compliance with the approved plan of correction shall be considered
8 still in effect.

9 E. If a continuum of care facility's failure to comply with the
10 Continuum of Care and Assisted Living Act or rules involves nursing
11 care services, the Commissioner shall have authority to exercise
12 additional remedies provided under the Nursing Home Care Act. If a
13 continuum of care facility's failure to comply with the Continuum of
14 Care and Assisted Living Act or rules involves adult day care
15 services, then the Commissioner shall have authority to exercise
16 additional remedies provided under the Adult Day Care Act.

17 ~~E.~~ F. In taking any action to deny, suspend, deny renewal, or
18 revoke a license, or to impose an administrative fee, the
19 Commissioner shall comply with requirements of the Administrative
20 Procedures Act.

21 SECTION 2. This act shall become effective November 1, 2016.

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