

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1546

By: Griffin

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5
6 AS INTRODUCED

7 An Act relating to nursing facilities; amending 63
8 O.S. 2011, Section 1-1911, as amended by Section 2,
9 Chapter 379, O.S.L. 2013 (63 O.S. Supp. 2015, Section
10 1-1911), which relates to inspections; requiring
11 certain examination within certain time period; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1911, as
15 amended by Section 2, Chapter 379, O.S.L. 2013 (63 O.S. Supp. 2015,
16 Section 1-1911), is amended to read as follows:

17 Section 1-1911. A. 1. Every building, institution, or
18 establishment for which a license has been issued, including any
19 facility operated by the Oklahoma Department of Veterans Affairs,
20 shall be periodically inspected by a duly appointed representative
21 of the State Department of Health, pursuant to rules promulgated by
22 the State Board of Health with the advice and counsel of the Long-
23 Term Care Facility Advisory Board, created in Section 1-1923 of this
24 title.

1 2. Inspection reports shall be prepared on forms prescribed by
2 the Commissioner with the advice and counsel of the Advisory Board.

3 3. A minimum of one inspection every five years at each
4 facility shall be conducted outside of normal business hours during
5 the week or on a Saturday or Sunday.

6 B. 1. The State Department of Health, whenever it deems
7 necessary, shall inspect, survey, and evaluate every facility,
8 including any facility operated by the Oklahoma Department of
9 Veterans Affairs, to determine compliance with applicable licensure
10 and certification requirements and standards. All inspections of
11 facilities shall be unannounced. The State Department of Health may
12 have as many unannounced inspections as it deems necessary.

13 2. The Department shall conduct at least one unannounced
14 inspection per calendar year of all nursing facilities operated by
15 the Oklahoma Department of Veterans Affairs.

16 3. Any employee of the State Department of Health who discloses
17 to any unauthorized person, prior to an inspection, information
18 regarding an unannounced nursing home inspection required pursuant
19 to the provisions of this section shall, upon conviction thereof, be
20 guilty of a misdemeanor. In addition, such action shall be
21 construed to be a misuse of office and punishable as a violation of
22 rules promulgated by the Ethics Commission.

23 4. a. ~~The~~ the Department may periodically visit a facility
24 for the purpose of consultation and may notify the

1 facility in advance of such a visit. An inspection,
2 survey, or evaluation, other than an inspection of
3 financial records or a consultation visit, shall be
4 conducted without prior notice to the facility.

5 b. ~~One~~ one person shall be invited by the Department from
6 a statewide organization of the elderly to act as a
7 citizen observer in unannounced inspections. The
8 individual may be a state or local ombudsman as
9 defined by the Aging Services Division of the
10 Department of Human Services, acting pursuant to the
11 provisions of the Older Americans Act of 1965, Public
12 Law No. 89-73, 42 U.S.C.A., Section 3001 et seq., as
13 amended.

14 c. ~~The~~ the citizen observer shall be reimbursed for
15 expenses in accordance with the provisions of the
16 State Travel Reimbursement Act.

17 d. ~~An~~ an employee of a state or unit of a local
18 government agency, charged with inspecting, surveying,
19 and evaluating facilities, who aids, abets, assists,
20 conceals, or conspires with a facility administrator
21 or employee in violation of the provisions of the
22 Nursing Home Care Act shall be guilty, upon conviction
23 thereof, of a misdemeanor and shall be subject to
24 dismissal from employment.

1 C. The Department shall hold open meetings, as part of its
2 routine licensure survey, in each of the licensed facilities to
3 advise and to facilitate communication and cooperation between
4 facility personnel and the residents of facilities in their mutual
5 efforts to improve patient care. Administrators, employees of the
6 facility, residents, residents' relatives, friends, residents'
7 representatives, and employees from appropriate state and federal
8 agencies shall be encouraged to attend these meetings to contribute
9 to this process.

10 D. 1. The Department shall require periodic reports and shall
11 have access to books, records, and other documents maintained by the
12 facility to the extent necessary to implement the provisions of the
13 Nursing Home Care Act and the rules promulgated pursuant thereto.

14 2. Any holder of a license or applicant for a license shall be
15 deemed to have given consent to any authorized officer, employee, or
16 agent of the Department to enter and inspect the facility in
17 accordance with the provisions of the Nursing Home Care Act.
18 Refusal to permit said entry or inspection, except for good cause,
19 shall constitute grounds for remedial action or administrative
20 penalty or both such action and penalty as provided in the Nursing
21 Home Care Act.

22 E. The Department shall maintain a file on each facility in the
23 state. All conditions and practices not in compliance with
24 applicable standards shall be specifically stated. If a violation

1 is corrected or is subject to an approved plan of correction, such
2 action shall be contained in the file. Upon receiving a written
3 request for a copy of the file documents, the Department shall send
4 a copy of the document to any person making the written request.
5 The Department may charge a reasonable fee for copying costs.

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

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