

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3793

By: Hefner

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6 AS INTRODUCED

7 An Act relating to licensing for nursing homes and
8 residential care facilities; amending 63 O.S. 2021,
9 Section 1-822, which relates to license, application,
10 nature, oath, zoning statement, qualifications,
11 statement of ownership, and fees; adding an age
12 requirement; establishing a separate license for
13 minors; amending 63 O.S. 2021, Section 1-1904, which
14 relates to licensure and certification, purpose,
15 procedure, violations, and applications; adding an
16 age requirement; establishing a separate license for
17 minors; and providing an effective date.

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

19 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-822, is
20 amended to read as follows:

21 Section 1-822. A. An application for a license, or renewal
22 thereof, to establish or operate a residential care home for
23 eighteen (18) years of age or older patients, shall be accompanied
24 by a fee of Fifty Dollars (\$50.00) for the probationary license and
Twenty-five Dollars (\$25.00) per year for the renewal license. The
fee shall not be refunded. Except as provided for in Section 1-824
of this title, a license shall expire thirty-six (36) months from
the date of issuance, unless sooner revoked, and may be renewed by

1 the State Department of Health pursuant to the provisions of the
2 Residential Care Act. Renewal licenses may be issued for a period
3 of more than twenty-four (24) months, but not more than thirty-six
4 (36) months, for the license period immediately following November
5 1, 2021, in order to permit an equitable distribution of license
6 expiration dates. All licenses shall be on a form prescribed by the
7 State Commissioner of Health, and shall include, but not be limited
8 to, the maximum bed capacity for which the license is granted, the
9 date the license was issued, and the expiration date of the license.
10 The provisions of the license shall require that the license shall:

- 11 1. Not be transferable or assignable except as authorized by
12 the provisions of the Residential Care Act;
- 13 2. Be posted in a conspicuous place on the licensed premises;
14 and
- 15 3. Be issued only for the premises named in the application and
16 may be renewed upon application, inspection and payment of the
17 license fee, as required by the provisions of the Residential Care
18 Act.

19 B. An application shall contain the following information:

- 20 1. The name and address of the owner of the home. If the owner
21 is a firm or partnership, the name and address of each member
22 thereof shall be included in the application. If the owner is a
23 corporation, the name and address of the corporation and the name
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1 and address of each officer and registered agent of the corporation
2 shall be included in the application;

3 2. The name and address of the applicant if the applicant is
4 not the owner and is acting as agent for the owner;

5 3. The name and location of the home for eighteen (18) years of
6 age or older patients for which a license is sought;

7 4. The name of the administrator of the home;

8 5. The number and type of residents for whom services are to be
9 provided; and

10 6. The staffing pattern for providing resident care. In the
11 case of an application for an initial license, the staffing pattern
12 shown may be the projected staffing pattern.

13 C. Each initial application shall be accompanied by a statement
14 from the unit of local government having zoning jurisdiction over
15 the location of the home for eighteen (18) years of age or older
16 patients stating that the location is not in violation of a zoning
17 ordinance.

18 D. 1. An applicant shall be twenty-one (21) years of age or
19 older and meet the specific requirements for licensure as specified
20 in rules promulgated by the State Commissioner of Health pursuant to
21 the provisions of the Residential Care Act.

22 2. No person who has been convicted of a felony in connection
23 with the management or operation of a home, or facility as defined
24 in Section 1-1902 of this title or in the care and treatment of the
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1 residents of a home, or facility as defined in Section 1-1902 or 1-
2 1950.1 of this title shall be eligible to be licensed or to
3 participate in the management or operation of a home.

4 3. If the applicant is a firm, partnership, or corporation, the
5 applicant shall not be eligible to be licensed if any member of the
6 firm or partnership or any officer or major stockholder of the
7 corporation has been convicted of a felony in connection with the
8 operation or management of a home or facility or the care and
9 treatment of the residents of a home or facility as defined in
10 Section 1-1902 of this title.

11 E. 1. The application for a license or renewal of a license
12 shall be accompanied by a statement of ownership which shall include
13 the following:

- 14 a. the name, address, telephone number, occupation or
15 business activity, business address, and business
16 telephone number of the owner of the home for eighteen
17 (18) years of age or older patients and of every
18 person who owns the building in which the home for
19 eighteen (18) years of age or older patients is
20 located. If the owner is a partnership or
21 corporation, the name and address of each partner and
22 stockholder with an ownership interest of five percent
23 (5%) or more shall be included in the statement, and
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1 b. the name and address of any other home in which the
2 owner has a full or partial financial interest or, if
3 the owner is a partnership or corporation, any other
4 home in which the partnership or corporation has a
5 full or partial financial interest. The statement
6 shall indicate whether or not any other home wherein a
7 full or partial financial interest is held would, if
8 located in this state, be required to be licensed.

9 2. The applicant shall agree in writing, prior to the issuance
10 of a license, to notify the Department if there is any change in the
11 information required to be included in the statement of ownership
12 thirty (30) days in advance of such change. The information
13 contained in the statement of ownership shall be public information
14 and shall be available upon request from the Department.

15 F. Upon application of a licensee, a license may be modified in
16 accordance with the provisions of the Residential Care Act. Such
17 application for modification of a license shall be accompanied by a
18 fee of Twenty Dollars (\$20.00) and shall be submitted in such form
19 and manner as required by the Department.

20 G. Upon payment of the required application fees, the
21 Commissioner may issue and renew licenses which substantially comply
22 with the provisions of the Residential Care Act and rules
23 promulgated pursuant thereto; provided, however, a plan of
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1 correction shall be submitted and accepted by both parties prior to
2 licensure.

3 H. All residential care homes for eighteen (18) years of age or
4 older patients shall be required to have or employ a licensed
5 administrator for the home for eighteen (18) years of age or older
6 patients;

7 I. There shall be a separate license to establish or operate a
8 residential care home for patients that are seventeen (17) years of
9 age or under.

10 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1904, is
11 amended to read as follows:

12 Section 1-1904. A. The State Department of Health shall
13 establish a comprehensive system of licensure and certification for
14 facilities for eighteen (18) years of age or older patients in
15 accordance with the Nursing Home Care Act for the purposes of:

- 16 1. Protecting the health, welfare and safety of residents;
- 17 2. Assuring the accountability for reimbursed care provided in
18 certified facilities for eighteen (18) years of age or older
19 patients participating in a federal or state health program as
20 provided by or through the Oklahoma Health Care Authority; and
- 21 3. Assuring consistent application of uniform inspection
22 protocols.

23 B. The licensing and certification procedures and standards
24 provided in this act, or by rules of the State Board of Health,

1 shall be no less than provided in statute and rules currently
2 governing nursing facilities for eighteen (18) years of age or older
3 patients.

4 C. It shall be unlawful and upon conviction thereof, punishable
5 as a misdemeanor for any person to operate, manage or open a
6 facility for eighteen (18) years of age or older patients unless
7 such operation and management shall have been approved and regularly
8 licensed as hereinafter provided.

9 D. Before an initial license shall be issued pursuant to the
10 Nursing Home Care Act to operate and manage a facility for eighteen
11 (18) years of age or older patients, the applicant shall provide the
12 following:

13 1. An application on a form provided by the Department
14 containing, at a minimum, the following information:

- 15 a. the name and address of the applicant, if an
16 individual, and that the applicant is not less than
17 twenty-one (21) years of age, of reputable and
18 responsible character, and in sound physical and
19 mental health; and if a firm, partnership, or
20 association, of every member thereof; and in the case
21 of a corporation, the name and address thereof and of
22 its officers and its registered agent and like
23 evidence for officers, as submitted for an individual,
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- 1 b. the name and location of the facility for eighteen
2 (18) years of age or older patients for which a
3 license is sought,
- 4 c. the name and address of the person or persons under
5 whose management or supervision the facility for
6 eighteen (18) years of age or older patients will be
7 conducted, and a copy of the written agreement between
8 the manager and the applicant,
- 9 d. the name and address of any other person holding an
10 interest of at least five percent (5%) in the
11 ownership, operation or management of the facility for
12 eighteen (18) years of age or older patients,
- 13 e. the number and type of residents for which
14 maintenance, personal care, specialized or nursing
15 facility services are to be provided, and
- 16 f. a projected staffing pattern for providing patient
17 care;

18 2. A statement from the unit of local government having zoning
19 jurisdiction over the facility's location stating that the location
20 of the facility for eighteen (18) years of age or older patients is
21 not in violation of a zoning ordinance; and

22 3. Documentation that the administrator is the holder of a
23 current license as a Nursing Home Administrator issued by the
24 Oklahoma State Board of Examiners for Nursing Home Administrators.

1 E. Before issuing an initial license, the Department shall find
2 that the individual applicant, or the corporation, partnership or
3 other entity, if the applicant is not an individual, is a person
4 responsible and suitable to operate or to direct or participate in
5 the operation of a facility for eighteen (18) years of age or older
6 patients by virtue of financial capacity, appropriate business or
7 professional experience, a record of compliance with lawful orders
8 of the Department and lack of revocation of a license during the
9 previous five (5) years. In determining the applicant's
10 responsibility and suitability to operate or to direct or
11 participate in the operation of a facility for eighteen (18) years
12 of age or older patients, the Department may also consider the
13 applicant's record of suspensions, receivership, administrative
14 penalties, or noncompliance with lawful orders of this Department or
15 of other departments of other states with similar responsibilities.

16 F. The State Department of Health shall establish a separate
17 comprehensive system of licensure and certification for facilities
18 for patients that are seventeen (17) years of age or under.

19 SECTION 3. This act shall become effective November 1, 2024.
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