

1 **SENATE FLOOR VERSION**

2 March 26, 2018

3 ENGROSSED HOUSE
4 BILL NO. 3300

By: Wright of the House

5 and

6 Griffin of the Senate

7
8 An Act relating to Department of Human Services;
9 creating the Breanne Bell Act; amending 10 O.S. 2011,
10 Section 1430.3, which relates to the Group Homes for
11 Persons with Developmental or Physical Disabilities
12 Act; deleting references to obsolete entity;
13 requiring signature and witness of form notifying
14 staff of certain criminal prosecution for prohibited
15 contact; mandating notification for caretaker of
16 incapacitated persons or vulnerable adults;
17 prescribing signature and witness of form notifying
18 caretaker of certain criminal prosecution for
19 prohibited contact; providing for codification;
20 providing for noncodification; and providing an
21 effective date.

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

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Breanne Bell
Act".

SECTION 2. AMENDATORY 10 O.S. 2011, Section 1430.3, is
amended to read as follows:

1 Section 1430.3. The Department of Human Services shall have the
2 power and duty to:

3 1. Enforce any provision of the Group Homes for Persons with
4 Developmental or Physical Disabilities Act;

5 2. Issue, renew, deny, modify, suspend, and revoke licenses for
6 group homes pursuant to the provisions of the Group Homes for
7 Persons with Developmental or Physical Disabilities Act; provided,
8 however, providers of group home services that have a current
9 contract with the Developmental Disabilities Services Division or
10 the Oklahoma Health Care Authority to provide group home services
11 shall be deemed to be licensed;

12 3. Establish and enforce standards and requirements for
13 licensure and operation of group homes that are subject to the
14 provisions of the Group Homes for Persons with Developmental or
15 Physical Disabilities Act and require the submission of, and to
16 review, reports from any person establishing or operating a group
17 home;

18 4. Enter upon any public or private property for the purpose of
19 inspecting and investigating conditions of the residents in the
20 group home or for the purpose of inspecting and investigating the
21 home for compliance with the provisions of the Group Homes for
22 Persons with Developmental or Physical Disabilities Act, or the
23 standards or requirements for licensure and operation of group homes

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1 developed by the Department pursuant to the provisions of the Group
2 Homes for Persons with Developmental or Physical Disabilities Act;

3 5. Employ or designate personnel to conduct investigations and
4 inspections, to make reports of the condition of group homes and the
5 residents of such homes, and to take necessary action pursuant to
6 the provisions of the Group Homes for Persons with Developmental or
7 Physical Disabilities Act to protect and safeguard the health,
8 safety, and welfare of residents of homes;

9 6. Establish a procedure for receipt, investigation, and
10 resolution of complaints regarding a group home or concerning the
11 condition, care, and treatment of a resident of a home, a copy of
12 which procedure shall be distributed to all providers of group home
13 services and licensees;

14 7. Report to the district attorney having jurisdiction or the
15 Attorney General any act committed by a provider, licensee,
16 administrator, operator, or employee of a group home which may
17 constitute a misdemeanor pursuant to the provisions of the Group
18 Homes for Persons with Developmental or Physical Disabilities Act;

19 8. Advise, consult, and cooperate with other agencies of this
20 state, the federal government, other states and interstate agencies,
21 and with affected groups and political subdivisions to further the
22 purposes of the provisions of the Group Homes for Persons with
23 Developmental or Physical Disabilities Act;

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1 9. Develop and enforce rules ~~subject to the approval of the~~
2 ~~Commission for Human Services~~ to implement the provisions of the
3 Group Homes for Persons with Developmental or Physical Disabilities
4 Act. Such rules shall include, but not be limited to, physical
5 conditions which shall protect the health, safety, and welfare of
6 the residents in a group home as outlined in the Group Homes for
7 Persons with Developmental or Physical Disabilities Act, safe
8 storage and administration of medications, health-related services
9 as defined in Section 1020 of Title 56 of the Oklahoma Statutes,
10 rights of group home residents and competency-based training
11 requirements for group home staff;

12 10. Investigate, request or otherwise obtain the information
13 necessary to determine the qualifications and background of an
14 applicant for licensure or contract;

15 11. Establish civil penalties for violations of the provisions
16 of the Group Homes for Persons with Developmental or Physical
17 Disabilities Act ~~as authorized by the Commission~~ pursuant to the
18 provisions of the Group Homes for Persons with Developmental or
19 Physical Disabilities Act;

20 12. Institute and maintain or intervene in any action or
21 proceeding where deemed necessary by the Department to protect the
22 health, safety, and welfare of any resident of a group home;

23 13. Transfer or discharge a resident or otherwise protect the
24 health, safety, and welfare of any resident of a group home; ~~and~~

1 14. Develop and disseminate a form to all providers of group
2 home services which shall be signed and witnessed by each direct
3 care staff member working with residents notifying the staff member
4 that the staff member may be prosecuted criminally for having sexual
5 contact with a person in their care; and

6 15. Exercise all incidental powers as necessary and proper for
7 the administration of the Group Homes for Persons with Developmental
8 or Physical Disabilities Act.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 10-113 of Title 43A, unless
11 there is created a duplication in numbering, reads as follows:

12 The Department of Human Services shall develop and disseminate a
13 form to all providers of residential or vocational and employment
14 services for incapacitated persons or vulnerable adults which shall
15 be signed and witnessed by each caretaker working with incapacitated
16 persons or vulnerable adults notifying the caretaker that the
17 caretaker may be prosecuted criminally for having sexual contact
18 with a person in their care.

19 SECTION 4. This act shall become effective November 1, 2018.

20 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
21 March 26, 2018 - DO PASS

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