

An Act

ENROLLED HOUSE
BILL NO. 3300

By: Wright of the House

and

Griffin of the Senate

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

SUBJECT: Criminal prosecution of caregivers for prohibited contact

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

SECTION 1. NEW LAW A new section of law not to be 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:

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

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

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

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

4. Enter upon any public or private property for the purpose of inspecting and investigating conditions of the residents in the group home or for the purpose of inspecting and investigating the home for compliance with the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act, or the standards or requirements for licensure and operation of group homes developed by the Department pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

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

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

7. Report to the district attorney having jurisdiction or the Attorney General any act committed by a provider, licensee, administrator, operator, or employee of a group home which may

constitute a misdemeanor pursuant to the provisions of the Group Homes for Persons with Developmental or Physical Disabilities Act;

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives the 20th day of February, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 3rd day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____