

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1155

By: Garvin

4
5
6 AS INTRODUCED

7 An Act relating to long-term care; amending 63 O.S.
8 2021, Section 1-860.6, which relates to hospice
9 license; prohibiting certain distance requirement;
10 specifying licensure requirement; and declaring an
11 emergency.

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

13 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-860.6, is
14 amended to read as follows:

15 Section 1-860.6. A. No public or private agency or person
16 shall establish, conduct or maintain a hospice program or hold
17 itself out to the public as a hospice program without first
18 obtaining a first-year or permanent license from the State
19 Department of Health.

20 B. An application for a hospice program first-year or permanent
21 license shall be filed on a form prescribed by the Department and
22 shall be accompanied by:

23 1. The first-year or permanent license fee required by Section
24 1-860.15 of this title;

1 2. Documentation of complete disclosure for the applicant which
2 shall include, but not be limited to, the name, mailing address and
3 finding address of every stockholder with at least five percent (5%)
4 ownership interest in the hospice program;

5 3. Satisfactory proof that the hospice program is in compliance
6 with the provisions of the Oklahoma Hospice Licensing Act and any
7 rules and minimum standards promulgated by the State Board of Health
8 pursuant to the Oklahoma Hospice Licensing Act; and

9 4. Proof of sufficient financial ability to operate and conduct
10 the hospice program in accordance with the requirements of the
11 Oklahoma Hospice Licensing Act.

12 C. The initial application shall be accompanied by a plan for
13 the delivery of home and inpatient hospice services to patients and
14 their families. Such plan shall contain, but not be limited to:

15 1. The estimated average number of patients to be served
16 monthly;

17 2. The geographic area in which hospice services will be
18 available;

19 3. A listing of services which are or will be provided, either
20 directly by the applicant or through contractual arrangements with
21 existing health care providers;

22 4. Provisions for the implementation of hospice home care
23 within three (3) months of licensure;

1 5. The name and qualifications of any existing or potential
2 health care provider with whom the hospice program may enter into a
3 contract;

4 6. The projected annual operating cost of the hospice program;
5 and

6 7. The location and proposed construction drawings for any
7 hospice inpatient facility operated by the hospice program. A
8 licensed hospice program shall not operate more than one hospice
9 inpatient facility.

10 D. Unless suspended or revoked, a first-year license issued for
11 the operation of a hospice program shall expire automatically one
12 (1) year from the date of issuance; provided, this provision shall
13 not apply if the Department has not completed a follow-up survey of
14 the hospice program. The Department may renew a first-year license
15 for up to one (1) additional year beyond the expiration date if the
16 applicant has complied with the provisions of the Oklahoma Hospice
17 Licensing Act and the rules promulgated by the Board for the
18 operation of a hospice program under a first-year license.

19 E. Unless suspended or revoked, a permanent license issued for
20 the operation of a hospice program shall expire automatically one
21 (1) year from the date of issuance. At least sixty (60) days prior
22 to the expiration date, an application for license renewal shall be
23 submitted to the Department on forms furnished by the Department.
24 The license shall be renewed if the applicant has complied with the

1 provisions of the Oklahoma Hospice Licensing Act and all rules
2 promulgated by the Board pursuant to the provisions of the Oklahoma
3 Hospice Licensing Act. The application for license renewal shall be
4 accompanied by an update of the plan for delivery of hospice
5 services only if information contained in the plan submitted
6 pursuant to subsection C of this section is no longer applicable.

7 F. A hospice program for which a revocation or suspension
8 proceeding is pending at the time of license renewal may be issued a
9 conditional license effective until final disposition by the
10 Department of such proceeding. If judicial relief is sought from
11 the final disposition, the court having jurisdiction may issue a
12 conditional permit for the duration of the judicial proceeding.

13 G. The license shall:

14 1. Be displayed in a conspicuous place inside the hospice
15 program office;

16 2. Be valid only in the possession of the person or public
17 agency to which it is issued;

18 3. Not be subject to sale, assignment, or other transfer,
19 voluntary or involuntary;

20 4. Not be valid for any hospice program other than the hospice
21 program for which the license was originally issued; and

22 5. Restrict the number of patients in a hospice inpatient
23 facility to the Department-approved occupancy level for each
24 facility.

1 H. Any person who, prior to January 1, 1991, provided hospice
2 services to any patient shall be entitled to operate as a hospice
3 program pursuant to the provisions of the Oklahoma Hospice Licensing
4 Act without making application and obtaining a license pursuant to
5 the provisions of the Oklahoma Hospice Licensing Act for one (1)
6 year after September 1, 1991, provided such person otherwise
7 complies with the provisions of the Oklahoma Hospice Licensing Act
8 and all rules promulgated by the Board pursuant to the act.
9 Thereafter any person providing hospice services shall make
10 application, obtain a license, and comply with the provisions of the
11 Oklahoma Hospice Licensing Act and all rules promulgated by the
12 Board pursuant to the act.

13 I. There shall be no limit on the distance between facilities
14 or other property owned or leased by a hospice; provided, that any
15 facility or other property owned or leased by the hospice shall be
16 licensed by the State Department of Health and shall be subject to
17 the Oklahoma Hospice Licensing Act and applicable rules.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22
23 58-2-2592 DC 1/3/2022 10:35:53 AM
24
25