

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 740

By: Griffin

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5
6 AS INTRODUCED

7 An Act relating to the State Department of Health;
8 amending 63 O.S. 2011, Sections 1-1905, as last
9 amended by Section 2, Chapter 288, O.S.L. 2016 and 1-
10 1908 (63 O.S. Supp. 2016, Section 1-1905), which
11 relate to fees; increasing certain fees; clarifying
12 application of certain fee; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-1905, as
16 last amended by Section 2, Chapter 288, O.S.L. 2016 (63 O.S. Supp.
17 2016, Section 1-1905), is amended to read as follows:

18 Section 1-1905. A. An application for a license, or renewal
19 thereof, to operate a facility shall be accompanied by a fee of ~~Ten~~
20 ~~Dollars (\$10.00)~~ Twenty-five Dollars (\$25.00) for each bed per year
21 included in the maximum bed capacity at such facility, except that
22 any facility operated by the Oklahoma Department of Veterans Affairs
23 shall be exempt from the fee. All licenses shall be on a form
24 prescribed by the State Commissioner of Health, which shall include,

1 but not be limited to, the maximum bed capacity for which it is
2 granted and the date the license was issued. The license shall:

- 3 1. Not be transferable or assignable;
- 4 2. Be posted in a conspicuous place on the licensed premises;
- 5 3. Be issued only for the premises named in the application;

6 and

- 7 4. Expire three (3) years from the date of issuance, provided
8 an initial license shall expire one hundred eighty (180) days after
9 the date of issuance. Licenses may be issued for a period of more
10 than twelve (12) months, but not more than thirty-six (36) months,
11 for the license period immediately following the effective date of
12 this provision in order to permit an equitable distribution of
13 license expiration dates.

14 B. The fee for a license amendment to reflect an increase in
15 bed capacity shall be prorated based on the number of days remaining
16 in the licensure period and the change in the number of beds, except
17 that any facility operated by the Oklahoma Department of Veterans
18 Affairs shall be exempt from the fee.

19 C. The issuance or renewal of a license after notice of a
20 violation has been sent shall not constitute a waiver by the State
21 Department of Health of its power to rely on the violation as the
22 basis for subsequent license revocation or other enforcement action
23 under this act arising out of the notice of violation.

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1 D. 1. When transfer of ownership or operation of a facility is
2 proposed, the transferee shall notify the Department of the transfer
3 and apply for a new license at least thirty (30) days prior to final
4 transfer.

5 2. The transferor shall remain responsible for the operation of
6 the facility until such time as a license is issued to the
7 transferee.

8 3. The license granted to the transferee shall be subject to
9 the plan of correction submitted by the previous owner and approved
10 by the Department and any conditions contained in a conditional
11 license issued to the previous owner. If there are outstanding
12 violations and no approved plan of correction has been implemented,
13 the Department may issue a conditional license and plan of
14 correction as provided in this act.

15 4. The transferor shall remain liable for all penalties
16 assessed against the facility which are imposed for violations
17 occurring prior to transfer of ownership.

18 E. Nursing and specialized facilities, as defined and licensed
19 pursuant to the Nursing Home Care Act shall be surveyed through an
20 unannounced inspection at least once every fifteen (15) months, with
21 a statewide average survey cycle of twelve (12) months.

22 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-1908, is
23 amended to read as follows:

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1 Section 1-1908. A. No facility shall be licensed to operate or
2 continue to operate unless, in addition to compliance with other
3 current licensure requirements, the building is of one-hour fire
4 resistant construction and approved by the Department and the State
5 Fire Marshal. If the building is not of one-hour fire resistant
6 construction in addition to the other current licensure
7 requirements, the facility must be approved by the State Department
8 of Health and the State Fire Marshal. In addition, the facility
9 must have an approved automatic sprinkler system, as rated and
10 approved by the National Fire Protection Association Standards.

11 B. Each facility that proposes an increase in beds, whether
12 through new construction or modification, shall submit construction
13 plans to the Department for review prior to the start of
14 construction. The Department may assess a fee for such review in an
15 amount not more than ~~two one-hundredths percent (0.02%) or One~~
16 ~~Thousand Dollars (\$1,000.00), whichever is the least amount, fifteen~~
17 one-hundredths of one percent (0.15%) per project of the total
18 construction cost of the facility or modification. The maximum fee
19 for plan review for a ten-bed or ten percent (10%) expansion project
20 authorized under subsection C of Section 1-852 of this title shall
21 be One Thousand Dollars (\$1,000.00). The State Board of Health
22 shall promulgate rules for submission and resubmission of
23 construction plans to ensure the timely review of such plans by the
24 Department.

1 C. The Department of Human Services and the Oklahoma Health
2 Care Authority shall not make a vendor payment to any individual or
3 facility on behalf of any person for medical care rendered in the
4 form of nursing service outside such person's home, unless such
5 individual or facility holds a current nursing facility, continuum
6 of care facility, assisted living, or adult day care license issued
7 by the Commissioner or other state agency authorized to issue such
8 license.

9 SECTION 3. This act shall become effective November 1, 2017.

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