

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 654

By: Standridge

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5  
6 AS INTRODUCED

7 An Act relating to long-term care; amending 63 O.S.  
8 2011, Section 1-822, as amended by Section 1, Chapter  
9 367, O.S.L. 2017 (63 O.S. Supp. 2020, Section 1-822),  
10 which relates to residential care; modifying  
11 licensure fees; modifying duration of license;  
12 amending 63 O.S. 2011, Section 1-873, which relates  
13 to adult day care; modifying entity responsible for  
14 licensure requirements and rules; modifying duration  
15 of licensure; amending 63 O.S. 2011, Section 1-874,  
16 which relates to license application for adult day  
17 care; modifying license fees; amending 63 O.S. 2011,  
18 Section 1-890.4, as amended by Section 2, Chapter  
19 183, O.S.L. 2013 (63 O.S. Supp. 2020, Section 1-  
20 890.4), which relates to continuum of care facilities  
21 and assisted living centers; modifying entity  
22 responsible for developing a sliding fee scale;  
23 modifying licensure fees; providing for expiration of  
24 licenses; and providing an effective date.

17  
18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-822, as  
20 amended by Section 1, Chapter 367, O.S.L. 2017 (63 O.S. Supp. 2020,  
21 Section 1-822), is amended to read as follows:

22 Section 1-822. A. An application for a license, or renewal  
23 thereof, to establish or operate a residential care home shall be  
24 accompanied by a fee of Fifty Dollars (\$50.00) for the probationary

1 license and Twenty-five Dollars (\$25.00) per year for the renewal  
2 license. The fee shall not be refunded. Except as provided for in  
3 Section 1-824 of this title, a license shall expire ~~twenty-four (24)~~  
4 thirty-six (36) months from the date of issuance, unless sooner  
5 revoked, and may be renewed ~~biannually~~ by the State Department of  
6 Health pursuant to the provisions of the Residential Care Act.

7 Renewal licenses may be issued for a period of more than twenty-four  
8 (24) months, but not more than thirty-six (36) months, for the  
9 license period immediately following November 1, 2021, in order to  
10 permit an equitable distribution of license expiration dates. All

11 licenses shall be on a form prescribed by the State Commissioner of  
12 Health, and shall include, but not be limited to, the maximum bed  
13 capacity for which the license is granted, the date the license was  
14 issued, and the expiration date of the license. The provisions of  
15 the license shall require that the license shall:

16 1. Not be transferable or assignable except as authorized by  
17 the provisions of the Residential Care Act;

18 2. Be posted in a conspicuous place on the licensed premises;  
19 and

20 3. Be issued only for the premises named in the application,  
21 and may be renewed ~~for twenty-four month periods~~ upon application,  
22 inspection, and payment of the license fee, as required by the  
23 provisions of the Residential Care Act.

24 B. An application shall contain the following information:  
25

1           1. The name and address of the owner of the home. If the owner  
2 is a firm or partnership, the name and address of each member  
3 thereof shall be included in the application. If the owner is a  
4 corporation, the name and address of the corporation and the name  
5 and address of each officer and registered agent of the corporation  
6 shall be included in the application;

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

9           3. The name and location of the home for which a license is  
10 sought;

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

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

14           6. The staffing pattern for providing resident care. In the  
15 case of an application for an initial license, the staffing pattern  
16 shown may be the projected staffing pattern.

17           C. Each initial application shall be accompanied by a statement  
18 from the unit of local government having zoning jurisdiction over  
19 the location of the home stating that the location is not in  
20 violation of a zoning ordinance.

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

1           2. No person who has been convicted of a felony in connection  
2 with the management or operation of a home, or facility as defined  
3 in Section 1-1902 of this title or in the care and treatment of the  
4 residents of a home, or facility as defined in Section 1-1902 or 1-  
5 1950.1 of this title shall be eligible to be licensed or to  
6 participate in the management or operation of a home.

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

14           E. 1. The application for a license or renewal of a license  
15 shall be accompanied by a statement of ownership which shall include  
16 the following:

- 17           a. the name, address, telephone number, occupation or  
18           business activity, business address, and business  
19           telephone number of the owner of the home and of every  
20           person who owns the building in which the home is  
21           located. If the owner is a partnership or  
22           corporation, the name and address of each partner and  
23           stockholder with an ownership interest of five percent  
24           (5%) or more shall be included in the statement, and

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  
24

1 correction shall be submitted and accepted by both parties prior to  
2 licensure.

3 H. All residential care homes shall be required to have or  
4 employ a licensed administrator for the home.

5 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-873, is  
6 amended to read as follows:

7 Section 1-873. A. The State ~~Board~~ Commissioner of Health, with  
8 the advice of the Long-Term Care Facility Advisory Board, created  
9 pursuant to Section 1-1923 of this title, shall define minimum adult  
10 day care licensure requirements and rules including standards for:

11 1. Health and social services which may be provided to  
12 participants;

13 2. The range of services to be provided by a center based on  
14 the type of participants to be served;

15 3. Staff to participant ratios;

16 4. Staff and volunteer qualifications;

17 5. Staff training;

18 6. Food services;

19 7. Participant records and care plans;

20 8. Antidiscrimination policies;

21 9. Sanitary and fire standards; and

22 10. Any other requirements necessary to ensure the safety and  
23 well-being of frail elderly and disabled adults.

1 B. Centers to be licensed shall include all adult day care  
2 centers. Sheltered workshops and senior recreational centers which  
3 do not receive participant fees for services are not required to be  
4 licensed. It shall be unlawful to operate a center without first  
5 obtaining a license for such operation as required by the Adult Day  
6 Care Act, regardless of other licenses held by the operator.  
7 Organizations operating more than one center shall obtain a license  
8 for each site.

9 C. The license for operation of a center shall be issued by the  
10 State Department of Health. The license shall:

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

14 and

15 4. Expire ~~twelve (12)~~ thirty-six (36) months from the date of  
16 issuance, provided an initial license shall expire one hundred  
17 eighty (180) days after the date of issuance. Licenses may be  
18 issued for a period of more than twelve (12) months, but not more  
19 than ~~twenty-four (24)~~ thirty-six (36) months, for the licensing  
20 period immediately following November 1, ~~2011~~ 2021, in order to  
21 permit an equitable distribution of license expiration dates to all  
22 months of the year.

23 D. A center shall meet the safety, sanitation and food service  
24 standards of the State Department of Health.

1 E. Local health, fire and building codes relating to adult day  
2 care centers shall be classified as an education use group.

3 F. The issuance or renewal of a license after notice of a  
4 violation has been sent shall not constitute a waiver by the State  
5 Department of Health of its power to subsequently revoke the license  
6 or take other enforcement action for any violations of the Adult Day  
7 Care Act committed prior to issuance or renewal of the license.

8 SECTION 3. AMENDATORY 63 O.S. 2011, Section 1-874, is  
9 amended to read as follows:

10 Section 1-874. A. An applicant for a license to operate an  
11 adult day care center must file an application on a form approved by  
12 the State Department of Health and pay an initial license fee which  
13 shall be determined by the Department.

14 B. Applications for license renewal must be filed at least  
15 forty-five (45) days before the expiration date of the current  
16 license on a form approved by the Department and a license renewal  
17 fee must be paid which shall be determined by the Department. The  
18 ~~annual~~ license renewal fee shall ~~not exceed~~ be Seventy-five Dollars  
19 (\$75.00) per year of licensure. Revenue generated by the collection  
20 of license fees shall be deposited into the Department revolving  
21 fund, and shall be used to help finance the costs associated with  
22 the licensing of such center.

23 C. The applicant must provide evidence of compliance with the  
24 requirements of all applicable federal, state and local laws and



1 regulations. In addition to other requirements, an applicant shall  
2 provide a statement of ownership and a financial statement.

3 SECTION 4. AMENDATORY 63 O.S. 2011, Section 1-890.4, as  
4 amended by Section 2, Chapter 183, O.S.L. 2013 (63 O.S. Supp. 2020,  
5 Section 1-890.4), is amended to read as follows:

6 Section 1-890.4. A. Each application for establishment of a  
7 continuum of care facility or assisted living center shall be  
8 accompanied by a nonrefundable application fee. The State ~~Board~~  
9 Commissioner of Health shall develop a sliding fee scale not to  
10 exceed One Thousand Dollars (\$1,000.00) for each application, except  
11 that any facility operated by the Oklahoma Department of Veterans  
12 Affairs shall be exempt from the fee. The scale shall be based upon  
13 the bed capacity of the continuum of care facilities or assisted  
14 living centers.

15 B. Each application for an initial license, or ~~annual~~ renewal  
16 of the license, to operate a continuum of care facility or assisted  
17 living center shall be accompanied by a license fee ~~of~~. The initial  
18 license fee shall be Ten Dollars (\$10.00) for each bed included in  
19 the maximum bed capacity at such facility or center and the renewal  
20 license fee shall be Ten Dollars (\$10.00) for each bed included in  
21 the maximum bed capacity at such facility or center, per year of  
22 licensure, except that any facility operated by the Oklahoma  
23 Department of Veterans Affairs shall be exempt from ~~this fee~~ these  
24 fees. Each application for an initial or renewal license for a

1 continuum of care facility that includes an adult day care component  
2 shall be accompanied by an additional license fee in an amount to be  
3 determined by the ~~Board~~ Commissioner, but not to exceed Seventy-five  
4 Dollars (\$75.00) per year of licensure, except that any facility  
5 operated by the Oklahoma Department of Veterans Affairs shall be  
6 exempt from the fee.

7 C. Each application to establish or license a continuum of care  
8 facility or assisted living center shall be on a form approved by  
9 the Commissioner to include, but not be limited to, the following:

10 1. Disclosure of the applicant's identity and background in the  
11 operation of continuum of care and assisted living services; and

12 2. Evidence of the adequacy of the applicant's financial  
13 resources and ability to ensure adequate staffing.

14 D. The renewal license shall expire three (3) years from the  
15 date of issuance. An initial license shall expire one hundred  
16 eighty (180) days after the date of issuance. Renewal licenses may  
17 be issued for a period of more than twelve (12) months, but not more  
18 than thirty-six (36) months, for the license period immediately  
19 following November 1, 2021, in order to permit an equitable  
20 distribution of license expiration dates.

21 SECTION 5. This act shall become effective November 1, 2021.

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