

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2824 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: \_\_\_\_\_

Amendment submitted by: Gerrid Kendrix \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2824

6 By: Kendrix

7 FLOOR SUBSTITUTE

8 An Act relating to long-term care; directing transfer  
9 of employees, powers, duties, monies and contractual  
10 rights from the Oklahoma State Board of Examiners for  
11 Long-Term Care Administrators to the State Department  
12 of Health; requiring the Director of the Office of  
13 Management and Enterprise Services to coordinate  
14 certain transfers; directing transfer of certain  
15 administrative rules from the Board to the State  
16 Commissioner of Health; abolishing the Board upon  
17 completion of transfers; creating the Long-Term Care  
18 Advisory Council; providing for appointments to the  
19 Council; prescribing terms of office; providing for  
20 the election of a chair and vice-chair; stating  
21 powers and duties of the Council; providing for  
22 reimbursement of expenses pursuant to the State  
23 Travel Reimbursement Act; authorizing meetings;  
24 prescribing minimum number of meetings; directing the  
State Department of Health to provide space for  
meetings; requiring certain recusal; directing  
promulgation of rules; amending 63 O.S. 2021, Section  
330.51, which relates to definitions; removing and  
adding definitions; amending 63 O.S. 2021, Section  
330.52, which relates to the State Board of  
Examiners; extending termination date; amending 63  
O.S. 2021, Section 330.53, which relates to licensure  
of long-term care administrators; transferring duties  
to the Department and the Commissioner; requiring  
input of the Advisory Council; modifying  
applicability of certain provisions; requiring and  
authorizing certain fees; directing deposit of fees;  
requiring the Commissioner to determine certain  
qualifications; prohibiting certain unlicensed  
activity; amending 63 O.S. 2021, Section 330.54,

1 which relates to license fees; updating citation;  
2 amending 63 O.S. 2021, Section 330.57, which relates  
3 to qualifications of Administrator; updating  
4 citation; amending 63 O.S. 2021, Section 330.58,  
5 which relates to duties; transferring duties to the  
6 Department and the Commissioner; requiring input of  
7 the Advisory Council; adding and removing certain  
8 duties; amending 63 O.S. 2021, Section 330.62, which  
9 relates to the Oklahoma State Board of Examiners for  
10 Long-Term Care Administrators Revolving Fund;  
11 renaming and transferring fund; amending 63 O.S.  
12 2021, Section 330.64, which relates to complaints;  
13 providing complaint procedures; transferring duties  
14 to the Department and the Commissioner; requiring  
15 input of the Advisory Council; requiring certain  
16 notice; prohibiting adverse action by the Department  
17 except under certain conditions; requiring the  
18 Advisory Council to review complaints; authorizing  
19 certain investigation and interviews; directing  
20 certain recommendation; requiring certain vote;  
21 authorizing the Department to order summary  
22 suspension under certain conditions; requiring  
23 certain notice; granting certain right to suspended  
24 licensee; providing for confidentiality; excluding  
certain information from specified definition and  
certain proceedings; authorizing certain disclosures;  
authorizing informal resolution process; providing  
for certain appeals; providing for recodification;  
providing for codification; and providing an  
effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 330.66 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. On the effective date of this act, all employees, powers,  
duties, functions, and responsibilities of the Oklahoma State Board

1 of Examiners for Long-Term Care Administrators shall be transferred  
2 to the State Department of Health. The transfer shall include all  
3 equipment, supplies, records, assets, current and future  
4 liabilities, fund balances, encumbrances, obligations, and  
5 indebtedness associated with the Oklahoma State Board of Examiners  
6 for Long-Term Care Administrators.

7 B. Any monies accruing to or in the name of the Oklahoma State  
8 Board of Examiners for Long-Term Care Administrators on and after  
9 the effective date of this act, or any monies that accrue in any  
10 funds or accounts or are maintained for the benefit of the Oklahoma  
11 State Board of Examiners for Long-Term Care Administrators on and  
12 after the effective date of this act, shall be transferred to the  
13 State Department of Health.

14 C. The State Department of Health shall succeed to any  
15 contractual rights and responsibilities incurred by the Oklahoma  
16 State Board of Examiners for Long-Term Care Administrators.

17 D. The Director of the Office of Management and Enterprise  
18 Services is hereby directed to coordinate the transfer of funds,  
19 allotments, purchase orders, and outstanding financial obligations  
20 or encumbrances as provided for in this section.

21 E. On the effective date of this act, all administrative rules  
22 promulgated by the Oklahoma State Board of Examiners for Long-Term  
23 Care Administrators shall be transferred to and become a part of the  
24 administrative rules of the State Department of Health. The Office

1 of Administrative Rules in the Secretary of State's office shall  
2 provide adequate notice in the Oklahoma Register of the transfer of  
3 such rules and shall place the transferred rules under the  
4 Administrative Code section of the State Department of Health. Such  
5 rules shall continue in force and effect as rules of the State  
6 Department of Health from and after the effective date of this act,  
7 and any amendment, repeal, or addition to the transferred rules  
8 shall be under the jurisdiction of the State Commissioner of Health.

9 F. The state agency known as the Oklahoma State Board of  
10 Examiners for Long-Term Care Administrators shall be abolished after  
11 all the transfers described in this section have been completed.

12 SECTION 2. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-1923A of Title 63, unless  
14 there is created a duplication in numbering, reads as follows:

15 A. There is hereby created, to continue until July 1, 2025, in  
16 accordance with the provisions of the Oklahoma Sunset Law, a Long-  
17 Term Care Advisory Council which shall be composed of fifteen (15)  
18 members, each of whom shall serve at the pleasure of the member's  
19 appointing authority, as follows:

20 1. The State Long-Term Care Ombudsman or designee. Such  
21 designee must be a current employee of the Department of Human  
22 Services;

23  
24

1        2. One medical doctor or doctor of osteopathy who practices in  
2 general practice or who specializes in geriatrics, appointed by the  
3 Governor;

4        3. One pharmacist who works in a long-term care facility or in  
5 the long-term care industry, appointed by the Governor;

6        4. One registered nurse, appointed by the President Pro Tempore  
7 of the Oklahoma State Senate;

8        5. One licensed practical nurse, appointed by the Speaker of  
9 the Oklahoma House of Representatives;

10       6. Three representatives of nursing facilities, each of whom  
11 shall be an executive, owner-operator, or licensed administrator of  
12 the facility and shall have not less than three (3) years of  
13 experience as an executive, owner-operator, or licensed  
14 administrator of one or more nursing facilities. One of the  
15 representatives shall be appointed by the Governor, one of the  
16 representatives shall be appointed by the President Pro Tempore of  
17 the Oklahoma State Senate, and one of the representatives shall be  
18 appointed by the Speaker of the Oklahoma House of Representatives.  
19 At least one of the representatives shall be from a facility with  
20 ninety-five (95) or fewer licensed beds, and at least one  
21 representative shall be from a facility with ninety-six (96) or more  
22 licensed beds;

23       7. Two representatives of an assisted living center or  
24 continuum of care facility, each of whom shall be an executive,

1 owner-operator, or licensed administrator of the center or facility  
2 and shall have not less than three (3) years of experience as an  
3 executive, owner-operator, or licensed administrator of one or more  
4 assisted living centers or continuum of care facilities. One of the  
5 representatives shall be appointed by the President Pro Tempore of  
6 the Oklahoma State Senate, and one shall be appointed by the Speaker  
7 of the Oklahoma House of Representatives. One representative shall  
8 be from a facility with sixty-four (64) or fewer licensed beds, and  
9 one representative shall be from a facility with sixty-five (65) or  
10 more licensed beds;

11 8. One representative of an adult day care center or  
12 residential care home, appointed by the Governor, who shall be an  
13 executive, owner-operator, or licensed administrator of the center  
14 or home and shall have not less than three (3) years of experience  
15 as an executive, owner-operator, or licensed administrator of one or  
16 more adult day care centers or residential care homes;

17 9. One representative of an intermediate care facility for  
18 individuals with intellectual disabilities (ICF/IID), appointed by  
19 the President Pro Tempore of the Oklahoma State Senate, who shall be  
20 an executive, owner-operator, or licensed administrator of the  
21 ICF/IID and shall have not less than three (3) years of experience  
22 as an executive owner-operator, or licensed administrator of one or  
23 more ICFs/IID;

24

1        10. One representative of a veterans center operated by the  
2 state, appointed by the Speaker of the Oklahoma House of  
3 Representatives, who shall be a licensed administrator or executive-  
4 level staff member of one or more veterans centers operated by the  
5 state; and

6        11. Two members of the general public, both appointed by the  
7 Governor, at least one of whom shall be sixty-five (65) years of age  
8 or older. Neither member shall be a current or former employee of  
9 the State Department of Health or the Department of Human Services,  
10 be currently registered as a lobbyist, or be affiliated with any  
11 organization that represents the long-term care industry or  
12 advocates for senior citizens.

13        All members shall be in good standing.

14        B. The State Department of Health shall provide space for  
15 meetings of the Advisory Council.

16        C. The Advisory Council shall annually elect a chair, vice-  
17 chair, and secretary-treasurer, shall meet monthly, and may hold  
18 such special meetings as may be necessary. The members of the  
19 Advisory Council shall be reimbursed as provided for by the State  
20 Travel Reimbursement Act.

21        D. The Advisory Council shall have the power and duty to:

22        1. Serve as an advisory body to the Department for the  
23 development and improvement of services to and care and treatment of  
24 residents of facilities subject to the provisions of the Nursing

1 Home Care Act, homes subject to the provisions of the Residential  
2 Care Act, and facilities subject to the provisions of the Adult Day  
3 Care Act;

4 2. Review, make recommendations regarding, and approve in its  
5 advisory capacity the system of standards developed by the  
6 Department;

7 3. Evaluate and review the standards, practices, and procedures  
8 of the Department regarding the administration and enforcement of  
9 the provisions of the Nursing Home Care Act, the Residential Care  
10 Act, and the Adult Day Care Act, and the quality of services and  
11 care and treatment provided to residents of facilities and  
12 residential care homes and participants in adult day care centers.  
13 The Advisory Council may make recommendations to the Department as  
14 necessary and appropriate;

15 4. Evaluate and review financial accountability standards,  
16 policies and practices of long-term care facilities regarding  
17 residents' funds for which the facility is the payee, and evaluate  
18 and review expenditures made on behalf of the resident by the  
19 facility to ensure that such funds are managed appropriately and in  
20 the best interests of the resident;

21 5. Publish and distribute an annual report of its activities  
22 and any recommendations for the improvement of services and care and  
23 treatment to residents of facilities and residential care homes and  
24 participants in adult day care centers on or before January 1 of

1 each year to the Governor, the State Commissioner of Health, the  
2 State Board of Health, the Speaker of the House of Representatives,  
3 the President Pro Tempore of the Oklahoma State Senate, and the  
4 chief administrative officer of each agency affected by the report;  
5 and

6 6. Perform the duties prescribed by Sections 6, 9, 10, and 11  
7 of this act.

8 E. Any member of the Advisory Council shall recuse himself or  
9 herself from voting or involvement in proceedings on any matter that  
10 originated from or involves an entity with which:

11 1. The member is related, by blood or marriage, to an owner-  
12 operator, licensed administrator, or executive of an entity under  
13 review or consideration;

14 2. The member has a direct monetary relationship with the  
15 entity under review or consideration or a monetary relationship with  
16 an individual associated with the entity under review or  
17 consideration;

18 3. The member is an employee or an employer of an individual or  
19 entity under review or consideration;

20 4. The member or his or her employer or employee is a direct  
21 competitor of an individual or entity under review or consideration;  
22 or

23 5. The member is employed by a subsidiary of the entity that is  
24 under review or consideration, or the member is employed by an

1 entity that shares an owner with the entity that is under review or  
2 consideration.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-1923B of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 The State Commissioner of Health shall promulgate rules to  
7 implement the provisions of this act.

8 SECTION 4. AMENDATORY 63 O.S. 2021, Section 330.51, is  
9 amended to read as follows:

10 Section 330.51 For the purposes of Section ~~330.51~~ 1-1923C et  
11 seq. of this title, and as used herein:

12 1. ~~"Board" means the Oklahoma State Board of Examiners for~~  
13 ~~Long-Term Care Administrators~~ "Advisory Council" means the Long-Term  
14 Care Advisory Council;

15 2. "Long-term care administrator" means a person licensed or  
16 certified as a nursing facility administrator, an assisted living  
17 facility administrator, a residential care facility administrator,  
18 or an adult day care center administrator pursuant to Section 330.51  
19 et seq. of this title. A long-term care administrator must devote  
20 at least one-half (1/2) of such person's working time to on-the-job  
21 supervision of a long-term care facility; provided that this  
22 requirement shall not apply to an administrator of an intermediate  
23 care facility for individuals with intellectual disabilities with  
24 sixteen or fewer beds (ICF/IID-16), in which case the person

1 licensed by the state may be in charge of more than one ICF/IID-16,  
2 if such facilities are located within a circle that has a radius of  
3 not more than fifteen (15) miles, and the total number of facilities  
4 and beds does not exceed six facilities and sixty-four beds. The  
5 facilities may be free-standing in a community or may be on campus  
6 with a parent institution. The ICF/IID-16 may be independently  
7 owned and operated or may be part of a larger institutional  
8 ownership and operation;

9 3. "Nursing facility administrator" means a person licensed by  
10 the State of Oklahoma to perform the duties of an administrator  
11 serving in a skilled nursing or nursing or ICF/IID facility;

12 4. "Assisted living facility administrator" means a person  
13 licensed or certified by the State of Oklahoma to perform the duties  
14 of an administrator serving in an assisted living facility;

15 5. "Residential care facility administrator" means a person  
16 licensed or certified by the State of Oklahoma to perform the duties  
17 of an administrator serving in a residential care facility;

18 6. "Adult day care center administrator" means a person  
19 licensed or certified by the State of Oklahoma to perform the duties  
20 of an administrator serving in an adult day care center; and

21 7. "Nursing home", "rest home" and "specialized home" shall  
22 have the same meaning as the term "nursing facility" as such term is  
23 defined in the Nursing Home Care Act; "assisted living center" and  
24 "continuum of care facility" shall have the same meaning as such

1 terms are defined in the Continuum of Care and Assisted Living Act;  
2 "home" and "residential care home" shall have the same meaning as  
3 the terms are used in the Residential Care Act; and "adult day care  
4 center" and "center" shall have the same meaning as such terms are  
5 used in the Adult Day Care Act.

6 SECTION 5. AMENDATORY 63 O.S. 2021, Section 330.52, is  
7 amended to read as follows:

8 Section 330.52 A. There is hereby re-created, to continue  
9 until ~~July 1, 2022~~ November 1, 2023, in accordance with the  
10 provisions of the Oklahoma Sunset Law, the Oklahoma State Board of  
11 Examiners for Long-Term Care Administrators. The Oklahoma State  
12 Board of Examiners for Long-Term Care Administrators shall consist  
13 of fifteen (15) members, eight of whom shall be representatives of  
14 the professions and institutions of long-term care, with  
15 representation from each type of administrator defined in Section  
16 ~~330.51~~ 1-1923C of this title. In order to be eligible to serve as a  
17 member, such administrators shall be licensed or certified in their  
18 defined facility type, and be in good standing and have at least  
19 three (3) years of experience as an administrator in the facility  
20 type they represent, except a nursing facility administrator as  
21 defined in Section ~~330.51~~ 1-1923C of this title, who shall have at  
22 least five (5) years of experience as a nursing facility  
23 administrator. Four members shall represent the general public, of  
24 which at least two shall be licensed medical professionals concerned

1 with the care and treatment of critically ill or infirm elderly  
2 patients. The preceding twelve members shall be appointed by the  
3 Governor, with the advice and consent of the Senate. The final  
4 three members shall constitute the State Commissioner of Health, the  
5 Director of the Department of Human Services, and the Director of  
6 the Department of Mental Health and Substance Abuse Services, or  
7 their designees.

8 B. No members other than the eight licensed or certified  
9 administrators shall have a direct or indirect financial interest in  
10 long-term care facilities.

11 C. Effective November 1, 2011, all appointed positions of the  
12 current Board shall be deemed vacant. The Governor shall make  
13 initial appointments pursuant to the provisions of this subsection.  
14 Initial appointments shall become effective on November 1, 2011.  
15 The new members of the Board shall be initially appointed as  
16 follows:

17 1. Four of the members representing each administrator type,  
18 two members representing the general public and two other members  
19 shall be appointed for a term of two (2) years to expire on October  
20 31, 2013; and

21 2. Four of the members representing each administrator type,  
22 two members representing the general public and one other member  
23 shall be appointed for a term of three (3) years to expire on  
24 October 31, 2014.

1 D. After the initial terms, the terms of all appointive members  
2 shall be three (3) years. Any vacancy occurring in the position of  
3 an appointive member shall be filled by the Governor, with the  
4 advice and consent of the Senate, for the unexpired term.

5 E. Any member of the Board shall recuse himself or herself from  
6 voting on any matter that originated from or involves an entity with  
7 which the Board member is affiliated.

8 SECTION 6. AMENDATORY 63 O.S. 2021, Section 330.53, is  
9 amended to read as follows:

10 Section 330.53 A. ~~The Oklahoma State Board of Examiners for~~  
11 ~~Long-Term Care Administrators~~ State Department of Health, with the  
12 input and assistance of the Long-Term Care Advisory Council, shall  
13 have authority to issue licenses or certifications to qualified  
14 persons as long-term care administrators, and shall establish  
15 qualification criteria for each ~~type~~ category of long-term care  
16 administrator.

17 B. No license or certification shall be issued to a person as a  
18 long-term care administrator unless:

19 1. The person shall have submitted evidence satisfactory to the  
20 ~~Board~~ Department that the person is:

- 21 a. not less than twenty-one (21) years of age, and
- 22 b. of reputable and responsible character; and

23 2. The person shall have submitted evidence satisfactory to the  
24 ~~Board~~ Department of the person's ability to supervise the defined

1 facility type in which he or she is licensed or certified to serve  
2 as a long-term care administrator.

3 C. All persons currently licensed or certified or lawfully  
4 serving as an administrator in their defined facility type shall be  
5 permitted to continue to serve in their current capacity under their  
6 current terms of authorization. The ~~Board~~ State Commissioner of  
7 Health may promulgate rules ~~pursuant to Section 330.57 of this title~~  
8 to address future certification and licensure requirements for all  
9 long-term care administrator types without effect on the licensure  
10 or certification status of those currently certified or licensed.  
11 The ~~Board~~ Commissioner shall not include a requirement for a four-  
12 year degree in any ~~future~~ licensing or certification requirements  
13 for ~~assisted living, residential care or adult day care~~  
14 ~~administrators. Until such rules are promulgated, current licensure~~  
15 ~~and certification processes and standards shall remain in place~~  
16 long-term care administrators.

17 D. ~~The Oklahoma State Board of Examiners for Long-Term Care~~  
18 ~~Administrators shall, on or before July 1, 2017, promulgate rules~~  
19 ~~permitting eligible applicants to~~ Eligible applicants may sit for  
20 the state standards examination at a testing facility using  
21 procedures approved by the National Association of Long-Term Care  
22 Administrator ~~Board,~~ Boards including, but not limited to, the use  
23 of electronic or online methods for examination.

24

1       ~~E. The Oklahoma State Board of Examiners for Long-Term Care~~  
2 ~~Administrators shall promulgate rules to implement the provisions of~~  
3 ~~this section.~~

4       1. Each person licensed or certified as a long-term care  
5 administrator under the provisions of this act shall pay an annual  
6 license or certification fee which shall be deposited in the Long-  
7 Term Care Revolving Fund created in Section 1-1923M of this title.  
8 Such fee shall be determined by the Commissioner with the input of  
9 the Advisory Council. Each such license or certification shall  
10 expire on the thirty-first day of December following its issuance,  
11 and shall be renewable for a calendar year, upon meeting the renewal  
12 requirements and upon payment of the annual license or certification  
13 fee.

14       2. In addition to license and certification fees, the  
15 Commissioner and Advisory Council may impose fees for training and  
16 education programs approved by the Department.

17       3. All revenues collected as a result of fees authorized in  
18 this section and imposed by the Commissioner shall be deposited into  
19 the Long-Term Care Revolving Fund created in Section 1-1923M of this  
20 title.

21       F. The Commissioner, with the input and assistance of the  
22 Advisory Council, shall have sole and exclusive authority to  
23 determine the qualifications, skill, and fitness of any person to  
24 serve as a long-term care administrator under the applicable

1 provisions of the Nursing Home Care Act, the Continuum of Care and  
2 Assisted Living Act, the Residential Care Act, and the Adult Day  
3 Care Act. The Commissioner shall, with the input and assistance of  
4 the Advisory Council, promulgate rules to determine the  
5 qualifications for licensure or certification for the long-term care  
6 administrator categories as defined in Section 1-1923C of this  
7 title. Such rules may include a requirement for licensure instead  
8 of certification for certain long-term care administrator  
9 categories.

10 G. It shall be unlawful for any person to act or serve in the  
11 capacity as a long-term care administrator unless the person is the  
12 holder of a license or certificate as a long-term care  
13 administrator, issued in accordance with the provisions of this act.  
14 A person found guilty of a violation of this subsection shall, upon  
15 conviction, be guilty of a misdemeanor.

16 SECTION 7. AMENDATORY 63 O.S. 2021, Section 330.54, is  
17 amended to read as follows:

18 Section 330.54 Each person licensed or certified as a long-term  
19 care administrator pursuant to the provisions of Section ~~330.53~~ 1-  
20 1923E of this title shall be required to pay an annual license or  
21 certification fee which shall be deposited in the Oklahoma State  
22 Board of Examiners for Long-Term Care Administrators Revolving Fund.  
23 Such fee shall be determined by the Oklahoma State Board of  
24 Examiners for Long-Term Care Administrators. Each such license or

1 certification shall expire on the 31st day of December following its  
2 issuance, and shall be renewable for a calendar year, upon meeting  
3 the renewal requirements and upon payment of the annual license fee.

4 SECTION 8. AMENDATORY 63 O.S. 2021, Section 330.57, is  
5 amended to read as follows:

6 Section 330.57 The Oklahoma State Board of Examiners for Long-  
7 Term Care Administrators shall have sole and exclusive authority to  
8 determine the qualifications, skill and fitness of any person to  
9 serve as a long-term care administrator under the applicable  
10 provisions of the Nursing Home Care Act, the Continuum of Care and  
11 Assisted Living Act, the Residential Care Act, and the Adult Day  
12 Care Act. The Board shall promulgate rules to determine the  
13 qualifications for licensure or certification for the long-term care  
14 administrator types as defined in Section ~~330.51~~ 1-1923C of this  
15 title. Such rules may include a requirement for licensure instead  
16 of certification for certain long-term care administrator types.

17 SECTION 9. AMENDATORY 63 O.S. 2021, Section 330.58, is  
18 amended to read as follows:

19 Section 330.58 ~~The Oklahoma State Board of Examiners for Long-~~  
20 ~~Term Care Administrators shall~~ State Department of Health or, as  
21 appropriate, the State Commissioner of Health shall, with the input  
22 and assistance of the Long-Term Care Advisory Council:

23 1. Develop and apply standards for approval of training and  
24 education programs for long-term care administrators that meet the

1 accreditation standards of the National Association of Long-Term  
2 Care Administrator Boards;

3 2. Develop, impose, and enforce standards which must be met by  
4 individuals in order to receive a license or certification as a  
5 long-term care administrator, which standards shall be designed to  
6 ensure that long-term care administrators will be individuals who  
7 are of good character and are otherwise suitable, and who, by  
8 training or experience in the field of institutional administration,  
9 are qualified to serve as long-term care administrators;

10 ~~2.~~ 3. Develop and apply appropriate techniques, including  
11 examinations and investigations, for determining whether an  
12 individual meets such standards;

13 ~~3.~~ 4. Issue licenses or certifications to individuals  
14 determined, after the application of such techniques, to meet such  
15 standards. The Board Department may, with the input and assistance  
16 of the Advisory Council, deny an initial application, deny a renewal  
17 application, and revoke or suspend licenses or certifications  
18 previously issued by the Board Department in any case where the  
19 individual holding any such license or certification is determined  
20 substantially to have failed to conform to the requirements of such  
21 standards. The Board Department may, with the input and assistance  
22 of the Advisory Council, also warn, censure, impose administrative  
23 fines or use other remedies that may be considered to be less than  
24 revocation and suspension. Administrative fines imposed pursuant to

1 this section shall not exceed One Thousand Dollars (\$1,000.00) per  
2 violation. The ~~Board~~ Department shall, with the input and  
3 assistance of the Advisory Council, consider the scope, severity and  
4 repetition of the violation and any additional factors deemed  
5 appropriate by the ~~Board~~ Department when issuing a fine;

6 ~~4.~~ 5. Establish and carry out procedures designed to ensure  
7 that individuals licensed or certified as long-term care  
8 administrators will, during any period that they serve as such,  
9 comply with the requirements of such standards;

10 ~~5.~~ 6. Receive, investigate, and take appropriate action with  
11 respect to any charge or complaint filed with the ~~Board~~ Department  
12 to the effect that any individual licensed as a long-term care  
13 administrator has failed to comply with the requirements of such  
14 standards. The long-term care ombudsman program of the Aging  
15 Services Division of the Department of Human Services shall be  
16 notified of all complaint investigations of the ~~Board~~ Department so  
17 that they may be present at any such complaint investigation for the  
18 purpose of representing long-term care facility consumers;

19 ~~6.~~ 7. Receive and take appropriate action on any complaint or  
20 referral received by the ~~Board~~ State Department of Health from the  
21 Department of Human Services or any other regulatory agency.  
22 Complaints may also be generated by the ~~Board or staff~~ State  
23 Department of Health. A complaint shall not be published on the ~~web~~  
24 ~~site~~ website of the ~~Oklahoma State Board of Examiners for Long-Term~~

1 ~~Care Administrators~~ State Department of Health unless there is a  
2 finding by the ~~Board~~ Department that the complaint has merit. The  
3 ~~Board~~ State Commissioner of Health shall, with the input and  
4 assistance of the Advisory Council, promulgate rules that include,  
5 but are not limited to, provisions for:

- 6 a. establishing a complaint review process,
- 7 b. creating a formal complaint file, and
- 8 c. establishing a protocol for investigation of  
9 complaints,

10 as provided by Section 1-1923N of this title;

11 ~~7.~~ 8. Enforce the provisions of ~~Sections 330.51 through 330.65~~  
12 Section 1-1923C et seq. of this title against all persons who are in  
13 violation thereof including, but not limited to, individuals who are  
14 practicing or attempting to practice as long-term care  
15 administrators without proper authorization from the ~~Board~~  
16 Department;

17 ~~8.~~ 9. Conduct a continuing study and investigation of long-term  
18 care facilities and administrators of long-term care facilities  
19 within the state with a view toward the improvement of the standards  
20 imposed for the licensing or certifying of such administrators and  
21 of procedures and methods for the enforcement of such standards with  
22 respect to administrators of long-term care facilities who have been  
23 licensed or certified;

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1       ~~9.~~ 10. Cooperate with and provide assistance when necessary to  
2 state regulatory agencies in investigations of complaints;

3       ~~10.~~ 11. Develop a code of ethics for long-term care  
4 administrators which includes, but is not limited to, a statement  
5 that administrators have a fiduciary duty to the facility and cannot  
6 serve as guardian of the person or of the estate, or hold a durable  
7 power of attorney or power of attorney for any resident of a  
8 facility of which they are an administrator;

9       ~~11.~~ 12. Report a final adverse action against a long-term care  
10 administrator to the Healthcare Integrity and Protection Data Bank  
11 pursuant to federal regulatory requirements;

12       ~~12.~~ 13. Refer completed investigations to the proper law  
13 enforcement authorities for prosecution of criminal activities;

14       ~~13.~~ 14. Impose administrative fines, in an amount to be  
15 determined by the ~~Board~~ Commissioner, against persons who do not  
16 comply with ~~the provisions of this act~~ Section 1-1923C et seq. of  
17 this title or the rules adopted by the ~~Board~~ Commissioner.

18 Administrative fines imposed pursuant to this section shall not  
19 exceed One Thousand Dollars (\$1,000.00) per violation. The ~~Board~~  
20 Department shall, with the input and assistance of the Advisory  
21 Council, consider the scope, severity and repetition of the  
22 violation and any additional factors deemed appropriate by the ~~Board~~  
23 Department when issuing a fine;

1       ~~14.~~ 15. Assess the costs of the hearing process, including  
2 attorney fees;

3       ~~15.~~ 16. Grant short-term provisional licenses to individuals  
4 who do not meet all of the licensing requirements, provided the  
5 individual obtains the services of a currently licensed  
6 administrator to act as a consultant and meets any additional  
7 criteria for a provisional license established by the ~~Board~~  
8 Commissioner;

9       ~~16. Order a summary suspension of an administrator's license or~~  
10 ~~certification or an Administrator in Training (AIT) permit, if, in~~  
11 ~~the course of an investigation, it is determined that a licensee,~~  
12 ~~certificate holder or AIT candidate for licensure has engaged in~~  
13 ~~conduct of a nature that is detrimental to the health, safety or~~  
14 ~~welfare of the public, and which conduct necessitates immediate~~  
15 ~~action to prevent further harm; and~~

16       17. Promulgate rules governing the employment of assistant  
17 administrators for nursing and skilled nursing facilities including,  
18 but not limited to, minimum qualifications.

19       SECTION 10.       AMENDATORY       63 O.S. 2021, Section 330.62, is  
20 amended to read as follows:

21       Section 330.62 There is hereby created in the State Treasury a  
22 revolving fund for the ~~Oklahoma State Board of Examiners for Long-~~  
23 ~~Term Care Administrators~~ State Department of Health to be designated  
24 the "~~Oklahoma State Board of Examiners for Long-Term Care~~

1 ~~Administrators~~ Revolving Fund". The fund shall be a continuing  
2 fund, not subject to fiscal year limitations, and shall consist of  
3 such sources of income as are provided by law. All monies accruing  
4 to the credit of ~~said~~ the fund are hereby appropriated and may be  
5 budgeted and expended by the ~~Oklahoma State Board of Examiners for~~  
6 ~~Long-Term Care Administrators~~ Department to carry out the duties  
7 established by ~~law~~ this act. Expenditures from ~~said~~ the fund shall  
8 be made upon warrants issued by the State Treasurer against claims  
9 filed as prescribed by law with the Director of the Office of  
10 Management and Enterprise Services for approval and payment.

11 SECTION 11. AMENDATORY 63 O.S. 2021, Section 330.64, is  
12 amended to read as follows:

13 Section 330.64 A. Any person or agency may submit to the State  
14 Department of Health a complaint against a long-term care  
15 administrator. Complaints may also be generated by the Department.  
16 Each investigation of a complaint received by the ~~Oklahoma State~~  
17 ~~Board of Examiners for Long-Term Care Administrators~~ Department  
18 shall be initiated within ninety (90) days from the date the  
19 complaint is received by the ~~Board~~ Department. Each complaint  
20 investigation shall be completed within twelve (12) months of  
21 initiation. The time period may be extended by the ~~Board~~ Department  
22 for good cause. When the Department completes an investigation, the  
23 Department shall immediately notify the Advisory Council and shall  
24 share the investigative file with the Advisory Council.

1        B. ~~Effective May 13, 2005, the Board~~ The Department shall, with  
2 the input and assistance of the Advisory Council, create and  
3 maintain a registry of all complaints or referrals, found by the  
4 ~~Board~~ Department to have merit, complaining of acts or omissions of  
5 licensed administrators. The registry shall be maintained in both  
6 electronic and paper formats and shall be available for inspection  
7 by the public. Such registry shall be organized both in  
8 chronological order by the date of the complaint and by the name of  
9 the licensed administrator. The registry shall contain information  
10 about the nature of the complaint and the action, if any, taken by  
11 the ~~Board~~ Department. The registry shall also contain the number of  
12 complaints made against an individual administrator.

13        C. The Department shall not take any adverse action against an  
14 administrator for a violation of this act or the rules promulgated  
15 by the State Commissioner of Health before the Advisory Council has  
16 issued a recommendation to the Department regarding the complaint  
17 and before the Department has taken such recommendation into  
18 consideration, except:

- 19            1. As provided by subsection E of this section; or
- 20            2. If the Advisory Council does not issue a recommendation  
21 within forty-five (45) calendar days following the date the  
22 investigation is completed.

23        D. The Advisory Council shall review the complaint and the  
24 investigative materials provided by the Department, may cause the

1 allegations to be investigated, and may interview witnesses  
2 including but not limited to the administrator who is the subject of  
3 the complaint. The Advisory Council shall make a recommendation to  
4 the Department to set the case for hearing, for dismissal, or other  
5 action including but not limited to informal resolution. Any  
6 recommendation of the Advisory Council to the Department under this  
7 subsection shall be voted upon by a quorum of the Advisory Council  
8 in an open meeting.

9 E. Notwithstanding any other provision of this section, the  
10 Department may order a summary suspension of an administrator's  
11 license or certification or an Administrator in Training (AIT)  
12 permit if, in the course of an investigation, it is determined that  
13 a licensee, certificate holder, or AIT candidate for licensure has  
14 engaged in conduct of a nature that is detrimental to the health,  
15 safety, or welfare of the public, and which conduct necessitates  
16 immediate action to prevent further harm. The Department shall  
17 immediately notify the licensee, certificate holder, or AIT  
18 candidate upon issuance of the order. The licensee, certificate  
19 holder, or AIT candidate shall have the right to contest the order  
20 at a hearing as provided by subsection H of this section.

21 F. To ensure the confidentiality of an investigative file  
22 obtained during the investigation, the information in the  
23 investigative file shall not be deemed to be a record as that term  
24 is defined in the Oklahoma Open Records Act nor shall the

1 information be subject to subpoena or discovery in any civil or  
2 criminal proceeding, except that the Department may give the  
3 information to law enforcement and other state licensing agencies as  
4 necessary and appropriate in the discharge of the duties of that  
5 agency and only under circumstances that will ensure against  
6 unauthorized access to the information. The respondent may acquire  
7 information obtained during an investigation, unless the disclosure  
8 of the information is otherwise prohibited, except for the  
9 investigative report, if the respondent signs a protective order  
10 whereby the respondent agrees to use the information solely for the  
11 purpose of defense in the proceedings of the Department or the  
12 Advisory Council and in any appeal therefrom and agrees not to  
13 otherwise disclose the information.

14 G. The Department may give the respondent an opportunity to  
15 participate in an informal resolution of the case. Discussions to  
16 resolve the case without a hearing shall be conducted in  
17 consultation with the Advisory Council.

18 H. If the case is not resolved, the respondent shall be  
19 afforded notice and a hearing in accordance with the provisions of  
20 Article II of the Administrative Procedures Act. The Advisory  
21 Council may assist and advise the Department in all hearings and may  
22 recommend to the Department disciplinary action against the  
23 respondent. Any party aggrieved by a decision of the Department  
24

1 following a hearing may appeal directly to district court under  
2 Section 318 of Title 75 of the Oklahoma Statutes.

3 SECTION 12. RECODIFICATION 63 O.S. 2021, Section 330.51,  
4 as amended by Section 4 of this act, shall be recodified as Section  
5 1-1923C of Title 63 of the Oklahoma Statutes, unless there is  
6 created a duplication in numbering.

7 SECTION 13. RECODIFICATION 63 O.S. 2021, Section 330.52,  
8 as amended by Section 5 of this act, shall be recodified as Section  
9 1-1923D of Title 63 of the Oklahoma Statutes, unless there is  
10 created a duplication in numbering.

11 SECTION 14. RECODIFICATION 63 O.S. 2021, Section 330.53,  
12 as amended by Section 6 of this act, shall be recodified as Section  
13 1-1923E of Title 63 of the Oklahoma Statutes, unless there is  
14 created a duplication in numbering.

15 SECTION 15. RECODIFICATION 63 O.S. 2021, Section 330.54,  
16 as amended by Section 7 of this act, shall be recodified as Section  
17 1-1923F of Title 63 of the Oklahoma Statutes, unless there is  
18 created a duplication in numbering.

19 SECTION 16. RECODIFICATION 63 O.S. 2021, Section 330.56,  
20 shall be recodified as Section 1-1923G of Title 63 of the Oklahoma  
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 17. RECODIFICATION 63 O.S. 2021, Section 330.57,  
23 as amended by Section 8 of this act, shall be recodified as Section  
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1 1-1923H of Title 63 of the Oklahoma Statutes, unless there is  
2 created a duplication in numbering.

3 SECTION 18. RECODIFICATION 63 O.S. 2021, Section 330.58,  
4 as amended by Section 9 of this act, shall be recodified as Section  
5 1-1923I of Title 63 of the Oklahoma Statutes, unless there is  
6 created a duplication in numbering.

7 SECTION 19. RECODIFICATION 63 O.S. 2021, Section 330.59,  
8 shall be recodified as Section 1-1923J of Title 63 of the Oklahoma  
9 Statutes, unless there is created a duplication in numbering.

10 SECTION 20. RECODIFICATION 63 O.S. 2021, Section 330.60,  
11 shall be recodified as Section 1-1923K of Title 63 of the Oklahoma  
12 Statutes, unless there is created a duplication in numbering.

13 SECTION 21. RECODIFICATION 63 O.S. 2021, Section 330.61,  
14 shall be recodified as Section 1-1923L of Title 63 of the Oklahoma  
15 Statutes, unless there is created a duplication in numbering.

16 SECTION 22. RECODIFICATION 63 O.S. 2021, Section 330.62,  
17 as amended by Section 10 of this act, shall be recodified as Section  
18 1-1923M of Title 63 of the Oklahoma Statutes, unless there is  
19 created a duplication in numbering.

20 SECTION 23. RECODIFICATION 63 O.S. 2021, Section 330.64,  
21 as amended by Section 11 of this act, shall be recodified as Section  
22 1-1923N of Title 63 of the Oklahoma Statutes, unless there is  
23 created a duplication in numbering.

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SECTION 24. RECODIFICATION 63 O.S. 2021, Section 330.65,  
shall be recodified as Section 1-19230 of Title 63 of the Oklahoma  
Statutes, unless there is created a duplication in numbering.

SECTION 25. This act shall become effective November 1, 2023.

59-1-8015 TJ 03/20/23