

OKLAHOMA STATE SENATE
GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS
COMMITTEE REPORT

May 21, 2024

Mr President:

Mr Speaker:

The Conference Committee, to which was referred

SB1380

By: Bergstrom of the Senate and Lepak of the House

Title Long-term care, directing certain update of and stipulating certain criteria for specified rules, requiring the State Commissioner of Health to consider certain input. Effective date.

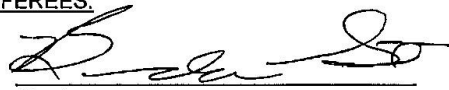
_____ together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations

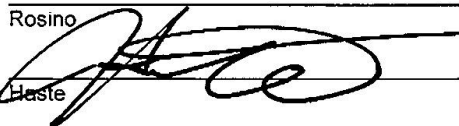
1. That the House recede from all Amendments
2. That the attached Conference Committee Substitute (Request #3767) be adopted

Respectfully submitted,

SENATE CONFEREES:


Bergstrom


Stanley

Rosino

Haste

Young

HOUSE CONFEREES

General Conference Committee Health Services and Long-Term Care

Senate Action _____ Date _____ House Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1380

6 By: Bergstrom of the Senate

7 and

8 Lepak of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to long-term care; amending 63 O.S.
11 2021, Section 1-1902, which relates to definitions
12 used in the Nursing Home Care Act; modifying
13 definition; amending 63 O.S. 2021, Section 330.51, as
14 amended by Section 3, Chapter 271, O.S.L. 2023, and
15 as renumbered by Section 12, Chapter 271, O.S.L. 2023
16 (63 O.S. Supp. 2023, Section 1-1949.2), which relates
17 to definitions used in the Long-Term Care
18 Administrator Licensing Act; modifying and adding
19 definitions; amending 63 O.S. 2021, Section 330.53,
20 as amended by Section 5, Chapter 271, O.S.L. 2023,
21 and as renumbered by Section 13, Chapter 271, O.S.L.
22 2023 (63 O.S. Supp. 2023, Section 1-1949.3), which
23 relates to qualifications for license or
24 certification; adding licensure tier; prohibiting
specified internship requirement; providing certain
exception; allowing certain entities to request
examination results from the State Department of
Health for specified purpose; amending 63 O.S. 2021,
Section 330.58, as amended by Section 6, Chapter 271,
O.S.L. 2023, and as renumbered by Section 14, Chapter
271, O.S.L. 2023 (63 O.S. Supp. 2023, Section 1-
1949.4), which relates to duties of the Department;
modifying certain duty; making language gender
neutral; updating statutory references and language;
authorizing State Commissioner of Health to waive
certain provisions of law or rule under specified
conditions; directing certain promulgation of rules;
authorizing certain nurses to prepare medications for
administration under specified conditions; providing

1 certain construction; providing for codification; and
2 declaring an emergency.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1902, is
6 amended to read as follows:

7 Section 1-1902. As used in the Nursing Home Care Act:

8 1. "Abuse" means the willful infliction of injury, unreasonable
9 confinement, intimidation or punishment, with resulting physical
10 harm, impairment or mental anguish;

11 2. "Access" means the right of a person to enter a facility to
12 communicate privately and without unreasonable restriction when
13 invited to do so by a resident. The state or local "ombudsman", as
14 that term is defined by the Aging Services Division of the
15 Department of Human Services pursuant to the Older Americans' Act,
16 42 U.S.C.A., Section 3001 et seq., as amended, and a case manager
17 employed by the Department of Mental Health and Substance Abuse
18 Services or one of its contract agencies shall have right of access
19 to enter a facility, communicate privately and without unreasonable
20 restriction with any resident who consents to the communication, to
21 seek consent to communicate privately and without restriction with
22 any resident, and to observe all areas of the facility that directly
23 pertain to the patient care of the resident without infringing upon
24

1 the privacy of the other residents without first obtaining their
2 consent;

3 3. "Administrator" means the person licensed by the State of
4 Oklahoma who is in charge of a facility. ~~An administrator must
5 devote at least one-third (1/3) of such person's working time to on-
6 the-job supervision of the facility; provided that this requirement
7 shall not apply to an administrator of an intermediate care facility
8 for individuals with intellectual disabilities with sixteen or fewer
9 beds (ICF/IID-16), in which case the person licensed by the state
10 may be in charge of more than one such ICF/IID-16 facility, if such
11 facilities are located within a circle that has a radius of not more
12 than fifteen (15) miles, the total number of facilities and beds
13 does not exceed six facilities and sixty-four beds, and each such
14 ICF/IID-16 facility is supervised by a qualified professional. The
15 facilities may be free-standing in a community or may be on campus
16 with a parent institution. The ICF/IID-16 facility may be
17 independently owned and operated or may be part of a larger
18 institutional operation;~~

19 4. "Advisory Board" means the Long-Term Care Facility Advisory
20 Board;

21 5. "Adult companion home" means any home or establishment,
22 funded and certified by the Department of Human Services, which
23 provides homelike residential accommodations and supportive
24

1 assistance to three or fewer adults with intellectual or
2 developmental disabilities;

3 6. "Board" means the State Board of Health;

4 7. "Commissioner" means the State Commissioner of Health;

5 8. "Department" means the State Department of Health;

6 9. "Facility" means a nursing facility and a specialized home;
7 provided, l this term shall not include a residential care home or an
8 adult companion home;

9 10. "Nursing facility" means a home, an establishment or an
10 institution, a distinct part of which is primarily engaged in
11 providing:

- 12 a. skilled nursing care and related services for
- 13 residents who require medical or nursing care,
- 14 b. rehabilitation services for the rehabilitation of
- 15 injured, disabled, or sick persons, or
- 16 c. on a regular basis, health-related care and services
- 17 to individuals who because of their mental or physical
- 18 condition require care and services beyond the level
- 19 of care provided by a residential care home and which
- 20 can be made available to them only through a nursing
- 21 facility.

22 ~~"Nursing facility"~~ Nursing facility does not mean, for purposes of
23 Section 1-851.1 of this title, a facility constructed or operated by
24 an entity described in paragraph 7 of subsection B of Section 6201

1 of Title 74 of the Oklahoma Statutes or the nursing care component
2 of a continuum of care facility, as such term is defined under the
3 Continuum of Care and Assisted Living Act, to the extent that the
4 facility constructed or operated by an entity described in paragraph
5 7 of subsection B of Section 6201 of Title 74 of the Oklahoma
6 Statutes contains such a nursing care component;

7 11. "Specialized facility" means any home, establishment, or
8 institution which offers or provides inpatient long-term care
9 services on a twenty-four-hour basis to a limited category of
10 persons requiring such services, including but not limited to a
11 facility providing health or habilitation services for individuals
12 with intellectual or developmental disabilities, but does not mean,
13 for purposes of Section 1-851.1 of this title, a facility
14 constructed or operated by an entity described in paragraph 7 of
15 subsection B of Section 6201 of Title 74 of the Oklahoma Statutes or
16 the nursing care component of a continuum of care facility, as such
17 term is defined under the Continuum of Care and Assisted Living Act,
18 to the extent that the facility constructed or operated by an entity
19 described in paragraph 7 of subsection B of Section 6201 of Title 74
20 of the Oklahoma Statutes contains such a nursing care component;

21 12. "Residential care home" means any home, establishment, or
22 institution licensed pursuant to the provisions of the Residential
23 Care Act other than a hotel, motel, fraternity or sorority house, or
24 college or university dormitory, which offers or provides

1 residential accommodations, food service, and supportive assistance
2 to any of its residents or houses any resident requiring supportive
3 assistance. The residents shall be persons who are ambulatory and
4 essentially capable of managing their own affairs, but who do not
5 routinely require nursing care; provided, the term "~~residential care~~
6 ~~home~~" residential care home shall not mean a hotel, motel,
7 fraternity or sorority house, or college or university dormitory, if
8 the facility operates in a manner customary to its description and
9 does not house any person who requires supportive assistance from
10 the facility in order to meet an adequate level of daily living;

11 13. "Licensee" means the person, a corporation, partnership, or
12 association who is the owner of the facility which is licensed by
13 the Department pursuant to the provisions of the Nursing Home Care
14 Act;

15 14. "Maintenance" means meals, shelter, and laundry services;

16 15. "Neglect" means failure to provide goods and/or services
17 necessary to avoid physical harm, mental anguish, or mental illness;

18 16. "Owner" means a person, corporation, partnership,
19 association, or other entity which owns a facility or leases a
20 facility. The person or entity that stands to profit or lose as a
21 result of the financial success or failure of the operation shall be
22 presumed to be the owner of the facility. Notwithstanding the
23 foregoing, any nonstate governmental entity that has acquired and
24 owns or leases a facility and that has entered into an agreement

1 with the Oklahoma Health Care Authority to participate in the
2 nursing facility supplemental payment program ("UPL Owner") shall be
3 deemed the owner of such facility and shall be authorized to obtain
4 management services from a management services provider ("UPL
5 Manager"), and to delegate, allocate and assign as between the UPL
6 Owner and UPL Manager, compensation, profits, losses, liabilities,
7 decision-making authority and responsibilities, including
8 responsibility for the employment, direction, supervision and
9 control of the facility's administrator and staff;

10 17. "Personal care" means assistance with meals, dressing,
11 movement, bathing or other personal needs or maintenance, or general
12 supervision of the physical and mental well-being of a person, who
13 is incapable of maintaining a private, independent residence, or who
14 is incapable of managing his or her person, whether or not a
15 guardian has been appointed for such person;

16 18. "Resident" means a person residing in a facility due to
17 illness, physical or mental infirmity, or advanced age;

18 19. "Representative of a resident" means a court-appointed
19 guardian or, if there is no court-appointed guardian, the parent of
20 a minor, a relative, or other person, designated in writing by the
21 resident; provided, that any owner, operator, administrator or
22 employee of a facility subject to the provisions of the Nursing Home
23 Care Act, the Residential Care Act, or the Group Homes for ~~the~~
24 ~~Developmentally Disabled or Physically Handicapped Persons~~ with

1 Developmental or Physical Disabilities Act shall not be appointed
2 guardian or limited guardian of a resident of the facility unless
3 the owner, operator, administrator or employee is the spouse of the
4 resident, or a relative of the resident within the second degree of
5 consanguinity and is otherwise eligible for appointment; and

6 20. "Supportive assistance" means the service rendered to any
7 person which is less than the service provided by a nursing facility
8 but which is sufficient to enable the person to meet an adequate
9 level of daily living. Supportive assistance includes but is not
10 limited to housekeeping, assistance in the preparation of meals,
11 assistance in the safe storage, distribution, and administration of
12 medications, and assistance in personal care as is necessary for the
13 health and comfort of such person. Supportive assistance shall not
14 include medical service.

15 SECTION 2. AMENDATORY 63 O.S. 2021, Section 330.51, as
16 amended by Section 3, Chapter 271, O.S.L. 2023, and as renumbered by
17 Section 12, Chapter 271, O.S.L. 2023 (63 O.S. Supp. 2023, Section 1-
18 1949.2), is amended to read as follows:

19 Section 1-1949.2. For the purposes of ~~this act~~ the Long-Term
20 Care Administrator Licensing Act:

21 1. a. "Long-term care administrator" means a person licensed
22 or certified as a Tier 1 ~~long-term care administrator~~
23 ~~or~~, Tier 2, or Tier 3 long-term care administrator
24

1 under ~~this act~~ the Long-Term Care Administrator
2 Licensing Act.

3 b. A long-term care administrator must devote at least
4 one-half (1/2) of such person's working time to on-
5 the-job supervision of a long-term care facility;
6 provided, that this requirement shall not apply to an
7 administrator of an intermediate care facility for
8 individuals with intellectual disabilities with
9 sixteen or fewer beds (ICF/IID-16), in which case the
10 person licensed by the state may be in charge of more
11 than one ICF/IID-16, if such facilities are located
12 within a circle that has a radius not more than
13 fifteen (15) miles, ~~and~~ the total number of facilities
14 and beds does not exceed six facilities and sixty-four
15 beds, and each such facility is supervised by a
16 qualified professional. The facilities may be free-
17 standing in a community or may be on campus with a
18 parent institution. The ICF/IID-16 may be
19 independently owned and operated or may be part of a
20 larger institutional ownership and operation.

21 c. An administrator of an ICF/IID-16 may seek a waiver
22 from the mileage limitation imposed by subparagraph b
23 of this paragraph by making an application to the
24 State Department of Health. The Department shall

1 promptly review any such application based on
2 standards including, but not limited to, the ICF/IID-
3 16's history of compliance with state and federal
4 standards, the acuity ratio of the residents, and the
5 care and treatment plans of the individual residents.
6 The State Commissioner of Health may promulgate rules
7 necessary to effectuate this waiver process;

8 2. "Tier 1 long-term care administrator" means a person
9 licensed by this state to perform the duties of an administrator
10 serving in a skilled nursing or nursing facility or an intermediate
11 care facility for individuals with intellectual disabilities with
12 seventeen or greater beds (ICF/IID);

13 3. "Tier 2 long-term care administrator" means a person
14 licensed or certified by this state to perform the duties of an
15 administrator serving in an assisted living ~~facility center,~~
16 ~~residential care facility, adult day care center,~~ or intermediate
17 care facility for individuals with intellectual disabilities with
18 sixteen or fewer beds (ICF/IID-16), or seeking a combined assisted
19 living center and residential care home license;

20 4. "Tier 3 long-term care administrator" means a person
21 licensed or certified by this state to perform the duties of an
22 administrator serving in a residential care home or adult day care
23 center; and

1 5. "Nursing home", "rest home" and "specialized home" facility"
2 shall have the same meaning ~~as the term "nursing facility"~~ as such
3 term is defined in the Nursing Home Care Act; "assisted living
4 center" and "continuum of care facility" shall have the same meaning
5 as such terms are defined in the Continuum of Care and Assisted
6 Living Act; ~~"home" and "residential care home"~~ shall have the same
7 meaning as ~~the terms are used~~ such term is defined in the
8 Residential Care Act; and "adult day care center" ~~and "center"~~ shall
9 have the same meaning as such ~~terms are used~~ term is defined in the
10 Adult Day Care Act.

11 SECTION 3. AMENDATORY 63 O.S. 2021, Section 330.53, as
12 amended by Section 5, Chapter 271, O.S.L. 2023, and as renumbered by
13 Section 13, Chapter 271, O.S.L. 2023 (63 O.S. Supp. 2023, Section 1-
14 1949.3), is amended to read as follows:

15 Section 1-1949.3. A. The State Department of Health shall have
16 authority to issue licenses or certifications to qualified persons
17 as long-term care administrators in accordance with qualification
18 criteria established by the State Commissioner of Health.

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

21 1. The person shall have submitted evidence satisfactory to the
22 Department that the person is:

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

1 2. The person shall have submitted evidence satisfactory to the
2 Department of the person's ability to be licensed or certified to
3 serve as a Tier 1 ~~long-term care administrator or~~, Tier 2, or Tier 3
4 long-term care administrator.

5 C. The Commissioner shall have the authority to determine the
6 qualifications, skill, and fitness of any person to serve as a long-
7 term care administrator under the applicable provisions of the
8 Nursing Home Care Act, the Continuum of Care and Assisted Living
9 Act, the Residential Care Act, and the Adult Day Care Act. The
10 Commissioner shall promulgate rules to determine the qualifications
11 for licensure or certification as a Tier 1 ~~or~~, Tier 2, or Tier 3
12 long-term care administrator. Such rules may, at the discretion of
13 the Commissioner, include a requirement for licensure instead of
14 certification for ~~either or both~~ any of the tiers of long-term care
15 administrators.

16 D. 1. All persons licensed or certified or lawfully serving as
17 an administrator in their ~~defined facility type~~ respective tier
18 shall be permitted to continue to serve in their current capacity
19 under their current terms of authorization. The Commissioner may
20 promulgate rules to address future certification and licensure
21 requirements for ~~both~~ any of the tiers of long-term care
22 administrators without effect on the licensure or certification
23 status of those currently certified or licensed. Until such rules
24

1 are promulgated, current licensure and certification processes and
2 standards shall remain in place.

3 2. To be eligible for licensure or certification as ~~either~~ a
4 Tier 1 ~~or~~, Tier 2, or Tier 3 long-term care administrator, the
5 applicant shall have successfully completed a training and education
6 program approved by the Commissioner.

7 3. The Commissioner shall not include a requirement for a four-
8 year degree or an administrator-in-training (AIT) internship in any
9 licensing or certification requirements for Tier 2 or Tier 3 long-
10 term care administrators, except that the Commissioner may require
11 an AIT internship for Tier 2 administrators of an intermediate care
12 facility for individuals with intellectual disabilities with sixteen
13 or fewer beds (ICF/IID-16).

14 4. In addition to the requirement provided by paragraph 2 of
15 this subsection, to be eligible for licensure or certification as a
16 Tier 1 long-term care administrator, the applicant shall:

- 17 a. hold a baccalaureate degree from an institution of
18 higher education, or
- 19 b. hold an associate degree in a health- or business-
20 related field or other relevant field as determined by
21 the Commissioner and have not less than five (5) years
22 of experience in upper-level management of a long-term
23 care facility as determined by the Commissioner.

24

1 E. Eligible applicants may sit for the state standards
2 examination at a testing facility using procedures approved by the
3 National Association of ~~Long-Term~~ Long Term Care Administrator
4 Boards (NAB) including, but not limited to, the use of electronic or
5 online methods for examination.

6 F. 1. The State Department of Health shall ~~either~~:

7 ~~1. Approve~~

8 a. approve one or more organizations or agencies to
9 provide training and education programs for long-term
10 care administrators. Each such organization or agency
11 shall meet such requirements as may be prescribed by
12 rules promulgated by the State Commissioner of
13 Health~~+~~1

14 ~~2. Offer~~

15 b. offer a training and education program for long-term
16 care administrators conducted by the Department~~+~~1 or

17 ~~3. Both~~

18 c. both approve one or more organizations to provide
19 training and education programs for long-term care
20 administrators as described in ~~paragraph 1~~
21 subparagraph a of this ~~subsection~~ paragraph and offer
22 a training and education program for long-term care
23 administrators conducted by the Department as

24

1 described in ~~paragraph 2~~ subparagraph b of this
2 ~~subsection~~ paragraph.

3 2. Approved organizations or agencies may request examination
4 results from the Department for state and NAB examinations for the
5 purpose of monitoring and evaluating the organization's or agency's
6 training and education program.

7 G. 1. Each person licensed or certified as a long-term care
8 administrator under the provisions of ~~this act~~ the Long-Term Care
9 Administrator Licensing Act shall pay an annual license or
10 certification fee which shall be deposited in the Long-Term Care
11 Administrator Revolving Fund described in ~~Section 7 of this act~~
12 Section 1-1949.5 of this title. Such fee shall be determined by the
13 Commissioner. Each such license or certification shall expire on
14 the thirty-first day of December following its issuance, and shall
15 be renewable for a calendar year, upon meeting the renewal
16 requirements and upon payment of the annual licensure or
17 certification fee.

18 2. In addition to licensure and certification fees, the
19 Commissioner may impose fees on agencies and organizations that
20 provide training and education programs.

21 3. All revenues collected as a result of fees authorized in
22 this section and imposed by the Commissioner shall be deposited into
23 the Long-Term Care Administrator Revolving Fund described in ~~Section~~
24 ~~7 of this act~~ Section 1-1949.5 of this title.

1 H. The State Commissioner of Health shall promulgate rules to
2 provide for licensure or certification by endorsement of long-term
3 care administrators who are licensed or certified in other states
4 that have requirements for licensure or certification of long-term
5 care administrators that are substantially equivalent to or greater
6 than the requirements of this state, as determined by the
7 Commissioner.

8 I. It shall be unlawful for any person to act or serve in the
9 capacity of a long-term care administrator unless the person is the
10 holder of a license or certificate as a long-term care
11 administrator, issued in accordance with the provisions of ~~this act~~
12 the Long-Term Care Administrator Licensing Act. A person found
13 guilty of a violation of this subsection shall, upon conviction, be
14 guilty of a misdemeanor.

15 SECTION 4. AMENDATORY 63 O.S. 2021, Section 330.58, as
16 amended by Section 6, Chapter 271, O.S.L. 2023, and as renumbered by
17 Section 14, Chapter 271, O.S.L. 2023 (63 O.S. Supp. 2023, Section 1-
18 1949.4), is amended to read as follows:

19 Section 1-1949.4. The State Department of Health or, as
20 appropriate, the State Commissioner of Health shall:

21 1. Develop and apply standards for approval of training and
22 education programs for long-term care administrators ~~that meet the~~
23 ~~accreditation~~ which may include standards of the National
24 Association of Long Term Care Administrator Boards and approve or

1 offer training and education programs, or both, as described in
2 subsection F of Section ~~330.53~~ 1-1949.3 of this title;

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

13 4. Issue licenses or certifications to individuals determined,
14 after the application of such techniques, to meet such standards.
15 The Department may deny an initial application, deny a renewal
16 application, and revoke or suspend licenses or certifications
17 previously issued by the Department in any case where the individual
18 holding any such license or certification is determined
19 substantially to have failed to conform to the requirements of such
20 standards. The Department may also warn, censure, impose
21 administrative fines or use other remedies that may be considered to
22 be less than revocation and suspension. Administrative fines
23 imposed pursuant to this section shall not exceed One Thousand
24 Dollars (\$1,000.00) per violation. The Department shall consider

1 the scope, severity and repetition of the violation and any
2 additional factors deemed appropriate by the Department when issuing
3 a fine. The Department may utilize one or more administrative law
4 judges to conduct administrative proceedings;

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

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

18 7. Receive and take appropriate action on any complaint or
19 referral received by the Department from the Department of Human
20 Services or any other regulatory agency. A complaint shall not be
21 published on the website of the Department unless there is a finding
22 by the Department that the complaint has merit. The Commissioner
23 shall promulgate rules that include, but are not limited to,
24 provisions for:

- a. establishing a complaint review process,
- b. creating a formal complaint file,
- c. establishing a protocol for investigation of complaints, and
- d. establishing an independent informal dispute resolution process in accordance with ~~Section 9 of this act~~ Section 1-1949.7 of this title;

8. Enforce the provisions of ~~this act~~ the Long-Term Care Administrator Licensing Act against all persons who are in violation thereof including, but not limited to, individuals who are practicing or attempting to practice as long-term care administrators without proper authorization from the Department;

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

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

11. Develop a code of ethics for long-term care administrators which includes, but is not limited to, a statement that administrators have a fiduciary duty to the facility and cannot

1 serve as guardian of the person or of the estate, or hold a durable
2 power of attorney or power of attorney for any resident of a
3 facility of which they are an administrator;

4 12. Report a final adverse action against a long-term care
5 administrator to the Healthcare Integrity and Protection Data Bank
6 pursuant to federal regulatory requirements;

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

9 14. Impose administrative fines, in an amount to be determined
10 by the Commissioner, against persons who do not comply with the
11 provisions of ~~this act~~ the Long-Term Care Administrator Licensing
12 Act or the rules adopted by the Commissioner. Administrative fines
13 imposed pursuant to this section shall not exceed One Thousand
14 Dollars (\$1,000.00) per violation. The Department shall consider
15 the scope, severity and repetition of the violation and any
16 additional factors deemed appropriate by the Department when issuing
17 a fine;

18 15. Assess the costs of the hearing process, including attorney
19 fees;

20 16. Grant short-term provisional licenses to individuals who do
21 not meet all of the licensing requirements, provided the individual
22 obtains the services of a currently licensed administrator to act as
23 a consultant and meets any additional criteria for a provisional
24 license established by the Commissioner;

1 17. Promulgate rules governing the employment of assistant
2 administrators including, but not limited to, minimum
3 qualifications; and

4 18. Employ such staff as may be necessary to carry out the
5 duties of ~~this act~~ the Long-Term Care Administrator Licensing Act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 1-1949.4a of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

9 A. The State Commissioner of Health may waive any provision of
10 the Long-Term Care Administrator Licensing Act and any rules
11 promulgated pursuant thereto, provided the waiver will not:

12 1. Cause the State of Oklahoma to fail to comply with any
13 applicable requirements established by the Centers for Medicare and
14 Medicaid Services; or

15 2. Adversely affect the health, safety, or welfare of any
16 resident of any facility.

17 B. The Commissioner shall promulgate rules and establish
18 procedures necessary to implement the waiver process established by
19 this section.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-1950A of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 A. A Registered Nurse or Licensed Practical Nurse performing
24 duties in a nursing facility or specialized facility may, within the

1 scope of his or her licensure as established by the Oklahoma Board
2 of Nursing and subject to rules promulgated by the State
3 Commissioner of Health, prepare medications for administration to
4 residents, including the reconstitution and dilution of such
5 medications.

6 B. This section shall not be construed to limit or otherwise
7 affect the ability of a Registered Nurse or Licensed Practical Nurse
8 to prepare medications in facilities or settings other than a
9 nursing facility or specialized facility.

10 SECTION 7. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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15 59-2-3767 DC 7/5/2024 11:40:25 PM

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