310:675-3-1.1. Application for licensure

...(c) The facility owner shall be the applicant for the license, unless a receiver has been appointed. If there is a receiver, the receiver shall be the applicant.

(d) If the facility is leased, then the person or entity to whom the facility is leased shall be the applicant. If the lessee does not assume all rights to the facility and the lessor reserves some participatory rights in the operation of the facility, then both entities shall make joint application for the license.

310:675-3-8. Notice of change

(a) If changes occur so that information previously submitted in a facility's license application is no longer correct, the facility shall notify the Department. Notice is required of changes to the following information:

1) Facility identification including facility business name, mailing address, telephone number or facsimile number;

2) Changes in licensed bed capacity, including proposed increases;

3) The administrator...

Subchapter 7 - Administration

310:675-7-1.1. Administrator

(a) The administrator shall be a person who has the authority and responsibility for the total operation of the facility, subject only to the policies adopted by the governing authority and who is licensed by the Oklahoma State Board of Examiners for Nursing Home Administrators.

(b) The administrator, or the owner, shall designate a person in the facility to act on behalf of the administrator during the administrator's absence from the facility. Authority shall be granted to the designated person to allow normal management responsibilities to be exercised.

310:675-7-5.1. Reports to state and federal agencies

(a) Timeline for reporting. All reports to the Department shall be made by telephone or facsimile within twenty-four (24) hours of the reportable incident unless otherwise noted. A followup report of the incident shall be mailed or faxed to the Department within five (5) Department business days after the incident. The final report shall be filed with the Department within ten (10) Department business days after the incident.

(b) Reporting abuse, neglect or misappropriation. The facility shall report to the Department allegations and incidents of resident abuse, neglect or misappropriation of residents' property [63O.S.
§1-1939(I)(1)(e)]. This requirement does not supersede reporting requirements in Title 43A of the Oklahoma Statutes (relating to the Protective Services for the Elderly and for Incapacitated Adults Act).

(c) Reporting to licensing boards. The facility shall also report allegations and incidents of resident abuse, neglect, or misappropriation of residents’ property by licensed personnel to the appropriate licensing board.

(d) Reporting communicable diseases. The facility shall report communicable diseases [63 O.S.§1-1939(I)(1)(a)] and injuries as specified by the Department in OAC 310:515 (relating to communicable disease and injury reporting).

(e) Reporting certain deaths. The facility shall report deaths by unusual occurrence, such as accidental deaths or deaths other than by natural causes, and deaths that may be attributed to a medical device, [63 O.S. §1-1939(I)(1)(b)] according to applicable state and federal laws. The facility shall also report such deaths to the Department.

(f) Reporting missing residents. The facility shall report missing residents to the Department after a search of the facility and facility grounds and a determination by the facility that the resident is missing. In addition, the facility shall make a report to local law enforcement agencies within two (2) hours if the resident is still missing [63 O.S. §1-1939(I)(1)(c)].

(g) Reporting criminal acts. The facility shall report situations arising where a criminal intent is suspected. Such situations shall also be reported to local law enforcement [63 O.S. §1-1939(I)(1)(d)]. Where physical harm has occurred to a resident as a result of a suspected criminal act, a report shall immediately be made to the municipal police department or to the sheriff’s office in the county in which the harm occurred. A facility that is not clear whether the incident should be reported to local law enforcement should consult with local law enforcement.

(h) Reporting utility failures. The facility shall report to the Department utility failures of more than four (4) hours.

(i) Reporting certain injuries. The facility shall report to the Department incidents that result in fractures, head injury or require treatment at a hospital.

(j) Reporting storm damage. The facility shall report to the Department storm damage resulting in relocation of a resident from a currently assigned room.

(k) Reporting fires. The facility shall report to the Department all fires occurring on the licensed real estate.

(l) Reporting nurse aides. The facility shall report to the Department allegations and incidents of abuse, neglect, or misappropriation of resident property by a nurse aide by submitting a completed Nurse Aide Abuse, Neglect, Misappropriation of Resident Property Form (ODH Form 718), which requires the following:

(1) facility name, address, and telephone;
(2) facility type;
(3) date;
(4) reporting party name or administrator name;
(5) employee name and address;
(6) employee certification number;
(7) employee social security number;
(8) employee telephone number;
(9) termination action and date;
(10) other contact person name and address; and
(11) facts of abuse, neglect, or misappropriation of resident property.

(m) Content of reports to the department. Reports to the Department made pursuant to this section shall contain the following:

(1) The preliminary report shall, at the minimum, include:
   
   (A) who, what, when, and where; and
   (B) measures taken to protect the resident(s) during the investigation.

(2) The follow-up report shall, at the minimum, include:
   
   (A) preliminary information;
   (B) the extent of the injury or damage if any; and
   (C) preliminary findings of the investigation.

(3) The final report shall, at the minimum, include preliminary and follow-up information and:

   (A) a summary of investigative actions;
   (B) investigative findings and conclusions based on findings; and
   (C) corrective measures to prevent future occurrences.
   (D) if items are omitted, why the items are omitted and when they will be provided.

310:675-7-8.1. Administrative records

(a) The administrator shall be responsible for the preparation, supervision, and filing of records.

...(c) Each facility shall provide safe storage for administrative records and all current records shall be readily available to the Department upon request.

(d) Administrative records of the facility shall include the following information:

(1) A copy of the current statement of ownership.
(2) The current administrator's name, license number, and date of employment.
(3) The name of the individual responsible for the facility's operation in the absence of the administrator.
(4) Copies of credentials of all personnel and consultants working in the facility who are licensed, registered or certified.
(5) Copies of criminal background checks on all required current employees.
(6) A copy of all contracts with individuals or firms providing any services to the facility.
(7) Written admission and discharge policies.
(8) A description of the services provided by the facility and the rates charged for those services and services for which a resident may be charged separately; limitations of available services; causes for termination of services; and refund policies if services are terminated. Documentation shall show that each resident, and/or representative received this information prior to, or at, the time of admission.

(9) Copies of affiliation agreements, contracts, or written arrangements for advice, consultation, services, training, or transportation with other organizations or individuals, and public or private agencies.

(10) Written transfer agreements with other health facilities to make the services of such facilities readily accessible, and to facilitate the transfer of residents and essential resident information with the resident.

(11) Records of residents advisory council meetings.

(12) Copies of inspection reports from the local, county, and state agencies during the past three years.

(13) All adverse actions instituted against the facility during the past three years, including warning letters, administrative penalties, notice of hearing, hearing officer’s findings, final orders, and court proceedings.

(14) Written disaster plan/emergency evacuation plan.

(15) A record of all nurse aide competency and certification records and contacts to Oklahoma and other state’s nurse aide registries.

(16) Current resident census records.

310:675-7-9.1. Written administrative policies and procedures

(a) The facility shall maintain written policies to govern the administration of the facility. These policies shall be reviewed annually and revised as necessary.

...(c) Residents shall be accepted and cared for without discrimination on the basis of race, sex, color, religion, ancestry, disability, or national origin.

...(g) Conflict resolution procedures shall be adopted for processing complaints received from residents and employees.

(h) Job descriptions shall be developed that detail the functions of each classification of employee.

...(k) The facility shall adopt a nursing policy and procedure manual...

(l) Each nursing station shall have a copy of the nursing policy and procedure manual, isolation techniques, and emergency procedures for fire and natural disasters.

(m) The facility shall adopt policies and procedures for the administration of social services, activities, dietary, housekeeping, maintenance and personnel.

310:675-7-18.1. Personnel records

Each facility shall maintain a personnel record for each current employee containing:
(1) Application for employment. An application for employment which contains employee’s full name, social security number, professional license or registration number, if any, employment classification, and information about past employment, including: place of employment, position held, length of employment, and reason for leaving.

(2) Employee time records. Copies of current employee time records, signed by the employee, shall be maintained by the facility for at least thirty-six (36) months.

(3) Training, arrest check, and certification. Documentation of orientation and training (may be kept in separate file), continuing education, a copy of the criminal arrest check, and appropriate certification and licensure.

310:675-7-20. Financial solvency and reports

(a) The facility shall maintain financial solvency sufficient to ensure its operation as evidenced by the timely payment of obligations including but not limited to:

(1) Employee payrolls;

(2) Amounts owed to consultants, medical directors, vendors, suppliers, and utility service providers;

(3) Taxes and provider fees; and

(4) Leases, rents and mortgages.

310:675-7-21. Sex or violent offender status

(a) Determination of status. A facility subject to the provisions of this Chapter shall determine whether the following individuals have registered pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act:

(1) An applicant for admission or participation,

(2) A resident, client or participant of a facility subject to the provisions of this Chapter, and

(3) All employees of facilities subject to the provisions of this Chapter, in addition to the required criminal arrest check in 63 O.S. §1-1950.1 and 63 O.S. §1-1950.8 (relating to criminal arrest checks).

(b) Procedures for determination of status. Prior to admission or employment but no later than three (3) business days from acceptance of any resident or participant, the employing or receiving facility subject to the provisions of this Chapter shall determine from local law enforcement, the Department of Corrections, or the Department of Corrections’ Sex Offender and Mary Rippy Violent Crime Offender registries, whether the prospective employee or accepted resident or participant is registered or qualifies for registration on either registry.

(c) Recommended registry search strategy. A facility subject to the provisions of this Chapter may utilize the first three letters of the last name and an asterisk, and the first letter of the first name and asterisk, any known alias, and appearance criteria as provided for search within the Department of Correction’s Internet based sex and violent crime offender registries.
(d) Change in status after employment or admission. A facility subject to the provisions of this Chapter shall repeat the screening in OAC 310:675-7-21(b) (regarding procedures for determination of status) subsequent to the receipt of any information that an employee, resident or participant’s registration status may have been altered or updated after the initial screening.

(e) Posting of offender status. Pursuant to 63 O.S. §1-1909(4), a facility subject to the provisions of this Chapter shall conspicuously post for display in an area of its offices accessible to residents, employees and visitors a copy of any notification from the local law enforcement authority regarding the registration status of any person residing in the facility who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act.

(f) Notice to Department of sex or violent offender's presence. When a facility subject to the provisions of this Chapter is notified, or has determined, that an individual who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act is residing or participating at such facility, the facility shall immediately, in writing, notify the State Department of Health.[63 O.S. §1-1946(A)(3)]

(g) Content of notice of sex or violent offender's presence. Notice provided to the Department shall include the name, and identifying information used to make the determination in 310:675-7-21(b)[regarding determination of status].

(h) Notification through other means. Where a facility subject to the provisions of this Chapter determines through other means, excepting written notification by the Department, of an employee, resident or participant required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act, the facility shall notify the Department and shall be subject to all other requirements within this section.

Subchapter 13 - Staff Requirements

310:675-13-3. Administrator

...(b) The facility shall designate a person to act for the administrator during his/her absence. The designated person shall have the authority to exercise normal management responsibilities.