

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 605. ADULT DAY CARE CENTERS**

1. DESCRIPTION:

SB 654 was passed and became effective November 1, 2021. This bill changed the licensure renewal from annual to every three years. This changes the fee for licensure to \$225.00 every three years, which is the sum of the previous \$75 per year.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

The Adult Day Care Centers are affected in that the cost has shifted from an annual basis to every three years. The cost of licensure did not change cumulatively. Over the duration of time, there is minimal to no impact of cost.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

There are no expected health outcomes affiliated with the licensure renewal change. Adult Day Care Centers will benefit from extended timeline in renewing their licenses. This will provide additional time for client care and focus on services provided.

4. ECONOMIC IMPACT, COST OF COMPLIANCE, AND FEE CHANGES: COST OF COMPLIANCE AND FEE CHANGES:

This changes the fee for licensure to \$225.00 every three years, which is the sum of the previous \$75 per year.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

There will be administrative benefits over time, with the decreased frequency of licensure renewal for Adult Day Care Centers.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There will be no impact on political subdivisions.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There is the possibility of an adverse effect to the cost of renewal initially being the sum of three years; with the expectation that the adverse effect may not be lasting.

8. EFFORTS TO MINIMIZE COSTS OF THE RULE:

There are no less costly means currently identified.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

No effect on public health and safety is projected.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

There are no detrimental effects on public health and safety.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on November 30, 2021.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 605. ADULT DAY CARE CENTERS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Licensure Requirements

310:605-5-1 [AMENDED]

310:605-5-2 [AMENDED]

SUMMARY:

The proposed rule would change the licensure renewal from annual to every three years. The change aligns the rule with the requirements of SB 654, which became effective November 1, 2021. The legislation changed the licensure renewal from annual to every three years. This changes the fee for licensure to \$225.00 every three years, which is the sum of the previous \$75 per year.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104, Title 63 O.S. § 1-873

COMMENT PERIOD:

January 18, 2022 through the close of the Department's normal business hours, 5 PM, on February 18, 2022. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on February 18, 2022, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on February 18, 2022 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is February 22, 2022 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through the close of the Department's normal business hours, 5 PM, on February 18, 2022, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 605. ADULT DAY CARE CENTERS**

SUBCHAPTER 5. LICENSURE REQUIREMENTS

310:605-5-1. License required

(a) It shall be unlawful to operate an adult day care center without possessing a current, valid license issued pursuant to the Adult Day Care Act. It shall be unlawful for any holder of a license issued pursuant to the Adult Day Care Act to advertise or hold out to the public that it holds a license for a center other than that for which it actually holds a license.

(b) *Centers to be licensed shall include all adult day care centers. Sheltered workshops and senior recreational centers which do not receive participant fees for services are not required to be licensed. It shall be unlawful to operate a center without first obtaining a license for such operation as required by the Adult Day Care Act, regardless of other licenses held by the operator. Organizations operating more than one center shall obtain a license for each site. [63:1-873.B]*

(c) *The license for operation of a center shall be issued by the State Department of Health. The license shall:*

(1) *Not be transferable or assignable;*

(2) *Be posted in a conspicuous place on the licensed premises;*

(3) *Be issued only for the premises named in the application; and*

(4) *~~Expire on July 31 of each year, provided an initial license shall expire one hundred eighty (180) days after the date of issuance.~~ Expire thirty-six (36) months from the date of issuance, provided an initial license shall expire one hundred eighty (180) days after the date of issuance. Licenses may be issued for a period of more than twelve (12) months, but not more than thirty-six (36) months, for the licensing period immediately following November 1, 2021, in order to permit an equitable distribution of license expiration dates to all months of the year. [63:1-873.C(4)]*

(d) *The issuance or renewal of a license after notice of a violation has been sent shall not constitute a waiver by the State Department of Health of its power to subsequently revoke the license or take other enforcement action for any violations of the Adult Day Care Act committed prior to issuance or renewal of the license. [63:1-873.F]*

310:605-5-2. Application for license or renewal

(a) An applicant for a license to operate an adult day care center must file an application on a form provided by the State Department of Health and pay an initial license fee of seventy-five dollars (\$75.00).

(b) Application for license renewal must be filed at least forty-five (45) days before the expiration date of the current license on a form approved by the Department and a license fee of seventy-five dollars (\$75.00) per year of licensure must be paid.

(c) ~~The fee for renewal of a license that expires before July 31 shall be prorated based on the number of days from the expiration date of the license until the next July 31.~~