

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Licensure Requirements

310:605-5-1 [AMENDED]

310:605-5-2 [AMENDED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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COMMENT PERIOD:

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PUBLIC HEARING:

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ADOPTION:

March 4, 2022

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

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APPROVED BY GOVERNOR'S DECLARATION:

Approved by Governor's declaration on June 21, 2022

FINAL ADOPTION:

June 21, 2022

EFFECTIVE:

September 11, 2022

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

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.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3 (5) AND 308 (E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2022:

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. [63:1-873.C]~~ 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.~~