

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 662. HOME CARE AGENCIES**

SUBCHAPTER 1. GENERAL PROVISIONS

310:662-1-2. Definitions

The words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Act" means the Home Care Act, 63 O.S. ~~Supp. 1996, §1-1960~~ et seq.

"Affiliated person" means:

(A) any officer, director or partner of the applicant,

(B) any person employed by the applicant as a general or key 2/25/2021 manager who directs the operations of the facility which is the subject of the application, and

(C) any person owning or controlling more than five percent (5%) of the applicant's debt or equity. [63 O.S. ~~Supp. 1998, Section §1-1965~~]

"Autonomy" means capacity to be self-determining, to make choices in accord with one's own goals and values.

"Branch office" means a business location from which a home care agency located in Oklahoma provides service within a portion of the total geographic area served by the parent agency. Branch offices from out of state parent agencies shall be licensed as home care agencies as required by this Chapter. Branch offices from in state parent agencies may be licensed as a part of the parent agency. Each home care agency branch office shall operate under the same name(s) as the parent agency.

"Certification" means verification of appropriate training and competence established by the State Commissioner of Health by rules promulgated pursuant to the Home Care Act for home health aides and home care agency administrators.

"Certified/accredited agency" means any home care agency located in Oklahoma which is certified or accredited by:

(A) Title XVIII or XIX of the federal Social Security Act;

(B) the Joint Commission on Accreditation of Healthcare Organizations/Home Care Accreditation Services (JCAHO); or

(C) the Community Health Accreditation Program of the National League for Nursing (CHAP).

"Client" means the consumer/patient/individual who receives the services of a home care agency and/or a companion or sitter service.

"Client's representative" means the client's legal guardian or person authorized by the client or client's legal guardian to assist the client in receiving home care services.

"Coercion" means compelling, pressuring or otherwise improperly influencing the free will decisions made by a consumer(s) or a potential consumer(s) of home care services by an agency representative or affiliate. Coercive means include, but are not limited to, presentation of false and/or misleading information.

"Department" means the Oklahoma State Department of Health. [63 O.S. ~~Supp. 1996, § 1-1961(3)~~]

"Evaluation" means documentation of a need for services based on the client self-report.

"Governing body" means the person(s) having ultimate responsibility, including fiscal and legal authority for the home care agency.

"Harassment" means repetitive, intimidating, or otherwise distressing contact directed at a specific consumer(s) or potential consumer(s) of home care by a specific home care agency seeking to recruit clients.

"Health care provider" means a physician, physician assistant or Advanced Practice Registered Nurse recognized by the Oklahoma Board of Nursing as a Certified Nurse Practitioner or a Clinical nurse Specialist; [63 O.S. § 1-1961]

"Home care agency" means any sole proprietorship, partnership, association, corporation, or other organization which administers, offers, or provides home care services, for a fee or pursuant to a contract

for such services, to clients in their place of residence. The term "home care agency" shall not include (unless exempted by law): ~~individuals who contract with the Department of Human Services to provide personal care services, provided such individuals shall not be exempt from certification as home health aides. [63 O.S. Supp. 1996, § 1-1961(4)]~~ means any sole proprietorship, partnership, association, corporation, or other organization which administers, offers, or provides home care services, for a fee or pursuant to a contract for such services, to clients in their place of residence. The term home care agency shall not include:

a. individuals who contract with the Department of Human Services to provide personal care services.

b. organizations that contract with the Oklahoma Health Care Authority as Intermediary Services Organizations (ISO) to provide federal Internal Revenue Service fiscal and supportive services to Oklahoma Consumer-Directed Personal Assistance Services and Supports (CD-PASS) waiver program participants who have employer responsibility for hiring, training, directing and managing an individual personal care attendant.

c. CD-PASS waiver program employer participants, or

d. PACE organizations as defined by 42 C.F.R. Section 460.6. [63 O.S. § 1-1961]

"Home care agency administrator" means a person who operates, manages, or supervises, or is in charge of a home care agency; ~~[63 O.S. Supp. 1996]~~ [63 O.S. § 1-1961]

"Home care services" means skilled or personal care services provided to clients in their place of residence for a fee. [63 O.S. ~~Supp. 1996~~, § 1-1961(5)]

"Home health aide" means an individual who provides personal care to clients in their temporary or permanent place of residence for a fee. [63 O.S. ~~Supp. 1996~~, § 1-1961(6)]

"Individual Service Plan" means documentation by the individual responsible for supervision of the companion or sitter services, or a designee, of the services requested by and agreed to be provided for a client.

"Infectious wastes" means waste capable of producing an infectious disease because it contains pathogens of sufficient virulence and quantity so that exposure to the waste by a susceptible human host could result in an infectious disease.

"Licensed practical nurse" means a person currently licensed to practice practical nursing in Oklahoma.

~~**"Non-physician practitioner"** means nurse practitioner, clinical nurse specialist, or physician assistant providing primary or specialty care to a home care patient.~~

"Nurse registry" means any person that procures, offers, promises, or attempts contracts for registered nurses, licensed practical nurses, home health aides, or other providers of personal care who are compensated by fees as independent contractors, for the provision of home care services.

"Parent agency" means that part of a home care agency which develops and maintains administrative and professional control of subunits and/or branch offices.

"Personal care" means assistance with dressing, bathing, ambulation, exercise or other personal needs. [63 O.S. ~~Supp. 1996~~, § 1-1961(7)]

"Personal needs" means assistance with activities of daily living such as getting out of bed, ambulation, exercise, toileting, dressing, eating, or bathing. Personal needs do not include domestic or maintenance services provided on a fee basis to maintain the home.

"Physician" means a medical doctor (MD), doctor of osteopathic medicine (DO), or doctor of podiatric medicine (DPM).

"Primary home care agency" means the agency that is responsible for the services furnished to clients and for implementation of the plan of care.

"Qualified therapist" means a trained respiratory therapist or technician, or a physical therapist, occupational therapist, or speech therapist who is currently licensed to practice their profession in Oklahoma.

"Qualified therapy assistant" means a physical therapy assistant or occupational therapy assistant who is currently licensed to assist physical therapists or occupational therapists in Oklahoma.

"Registered nurse" means a person currently licensed to practice registered nursing in Oklahoma.

"Sharps" means any discarded objects that can penetrate the skin including, but not limited to, hypodermic needles, syringes, lancet and scalpel blades. This definition includes broken glass or other sharp items that have come in contact with material defined as infectious wastes.

"Skilled care" means home care services performed on a regular basis by a ~~trained Respiratory Therapist/Technician~~ respiratory therapist/technician or by a person currently licensed by this State, including but not limited to a Licensed Practical Nurse, Registered Nurse, ~~Physical Therapist, Occupational Therapist, Speech Therapist, or Social Worker~~ physical therapist, occupational therapist, speech therapist, or social worker. [63 O.S. ~~Supp. 1996~~, § 1-1961(8)]

"Solicitation" means coercion or harassment of any person or contact with a patient knowingly being treated by another home care agency for the purpose of attempting to persuade the patient to change home care agencies.

"Standby assistance" means supervision of client directed activities with verbal prompting and infrequent, incidental hands-on intervention only. [63 O.S. ~~Supp. 2009~~ § 1-1961]

"Subsidiary" means any person, firm, corporation or other legal entity which:

(A) controls or is controlled by the applicant,

(B) is controlled by an entity that also controls the applicant, or

(C) the applicant or an entity controlling the applicant has directly or indirectly the power to control. [63 O.S. ~~Supp. 1996~~] [63 O.S. § 1-1965]

"Subunit" means a semi-autonomous organization that serves clients in a geographic area different from that of the parent agency. A subunit is required to independently meet requirements of this Chapter and shall be licensed separately because it is too far from the parent agency to share administration, supervision, and services on a daily basis.

"Supportive home assistant" means an individual employed by a home care agency who provides ~~standby assistance to ambulatory clients, in conjunction with other companionship or homemaker services, in the temporary or permanent place of residence of the client for a fee.~~ [63 O.S. ~~Supp. 2009~~ § 1-1961]

SUBCHAPTER 2. LICENSES

310:662-2-1. Licensure

(a) **Base of operation.** Any home care agency providing home care services in Oklahoma shall operate from a place of business which is accessible to the public and physically located in Oklahoma. Staff providing services from each home care agency shall be supervised by personnel at that location.

(b) **Applicant.** Any person, corporation, partnership, association or other legal entity desiring to obtain a license to establish, or to obtain a renewal license to operate, a home care agency in this State shall make application to the State Department of Health in such form and accompanied by such information as the State Commissioner of Health shall prescribe. All applications shall include disclosure statements completed by the applicant which shall include, but not be limited to, the following information:

- (1) The full name and address of the applicant, and all affiliated persons;
- (2) The full name and address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant;
- (3) A description of any ongoing organizational relationships as they may affect operations within the state;
- (4) The names, locations, and dates of ownership, operation, or management for all current and prior home care agencies owned, operated or managed in this State or in any other State by the applicant or by any affiliated persons;
- (5) The name and location of the home care agency for which a license is sought;
- (6) The full name and address of the applicant, and all affiliated persons, under whose ownership, operation, management, or supervision the home care agency will be conducted; and
- (7) An affidavit attesting to the information provided.

(c) **Initial applicant data.** Information supplied by initial applicants shall include, but not be limited to, the following information:

- (1) Projected number of visits or shifts per month for six (6) months beginning from the date of application.
- (2) Evidence of staffing availability sufficient to cover projected visits/shifts.
- (3) Evidence of financial solvency to include resources sufficient to ensure the agency's ability to provide adequate home care services. The agency shall have an annual operating budget which ensures sufficient resources to meet operating costs at all times and to maintain standards as required by this Chapter.
- (4) If required by law, proof of business registration with the Secretary of State.
- (5) Proof of liability insurance coverage of at least one hundred thousand dollars (\$100,000.00) per occurrence, three hundred thousand dollars (\$300,000.00) aggregate. Each agency shall maintain at least this level of coverage.
- (6) Evidence of the applicant's prior business and professional experience in prior health care provider operations including, but not limited to, nursing homes, residential care homes, home care agencies, and hospices. The applicant shall disclose to the Department the compliance history of any person or persons having ownership, operational, management or supervisory authority in the agency. Compliance history disclosure shall include lawful orders of suspension, receivership, administrative penalty or sanction issued by the Department or by other administrative agencies in other states with similar responsibilities.
- (7) Proof that the agency's administrator is currently certified by the Department as a home care agency administrator.

(d) **Licensure fees.**

- (1) An application for an initial license to establish or operate a new home care agency or subunit shall be accompanied by a nonrefundable application fee of one thousand dollars (\$1,000.00).
- (2) A renewal application for an existing home care agency or subunit shall be accompanied by a nonrefundable licensing fee of five hundred dollars (\$500.00).
- (3) An application for license, or renewal thereof, to establish or operate a home care agency branch office of an agency licensed in the State of Oklahoma shall be accompanied by a nonrefundable licensing fee of twenty-five dollars (\$25.00).
- (4) Fees for renewal licenses prorated to expire on July 31 shall be based on the number of quarters [i.e. three (3) months] or portions thereof for the license. The fee for each quarter or portion thereof shall be one hundred twenty-five dollars (\$125.00) for each parent agency or subunit license and six dollars and twenty-five cents (\$6.25) for each branch license.

(e) **Exemptions.** The provisions of the Act and promulgated rules shall not apply to:

- (1) *A person acting alone who provides services in the home of a relative, neighbor or friend.*
- (2) *A person who provides maid services only.*
- (3) *A nurse service or home aide service conducted by and for the adherents to any religious denomination, the tenets of which include reliance on spiritual means through prayer alone for healing.*
- (4) *A person providing hospice services pursuant to the Oklahoma Hospice Licensing Act.*
- (5) *A nurse-midwife. [63 O.S. Supp. 1996, § 1-1962(C)]*
- (6) *An individual, agency or organization that contracts with the Oklahoma Health Care Authority to provide services under the Home- and Community-Based Waiver for persons with developmental disabilities or that contracts with the Department of Human Services to provide community services to persons with developmental disabilities; provided, that staff members and individuals providing the services shall receive a level of training, approved by the Department of Human Services, which meets or exceeds the level required pursuant to the Home Care Act. An individual, agency, or organization otherwise covered under the Home Care Act shall be exempt from the act only for those paraprofessional direct care services provided under contracts referenced in this paragraph;*
- (7) *An individual, agency or organization that provides or supports the provision of personal care services to an individual who performs individual employer responsibilities of hiring, training, directing*

and managing a personal care attendant as part of the Oklahoma Health Care Authority Consumer-Directed Assistance Supports and Service (CD-PASS) waiver program. An individual, agency, or organization otherwise covered under the provisions of the Home Care Act shall be exempt from the act only for those paraprofessional direct care services provided under Oklahoma Health Care Authority contracts referenced in this paragraph, but shall not be exempt from the criminal history background check required under the Home Care Act and Title 63 O.S. § 1-1950 for other paraprofessional direct care service providers. A personal care attendant hired by a consumer under the CD-PASS program shall be exempt from certification as a home health aide, provided such personal care attendant receives the training required and approved by the Department of Human Services.

(8) An individual who only provides Medicaid home-and community-based care services pursuant to a contract with the Oklahoma Health Care Authority;

(9) An individual who:

(A) is employed by a licensed home care agency exclusively to provide personal care services in the home,

(B) has no convictions pursuant to a criminal history investigation as provided in Title 63 O.S. § 1-1950.1,

(C) is being continuously training by a registered nurse to provide care that is specific to the needs of the particular client receiving the care, and

(D) is supervised by a registered nurse via an on-site visit at least once every three 3 months or sooner if the client experiences a significant change in health condition including, but not limited to, a surgery or a hospital stay, and

(E) has demonstrated competency in a written training plan developed by a registered nurse employed by the home care agency that shall include, at a minimum, the following:

(i) observation, reporting, and documentation of client status and assistance or other services furnished,

(ii) maintenance of a clean, safe, and healthy environment,

(iii) recognizing an emergency and necessary emergency procedures,

(iv) safe techniques to provide assistance with bathing, grooming, and toileting,

(v) assistance with meal preparation and safe food handling and storage,

(vi) client rights and responsibilities and the need for respect for the client and for the privacy and property of the client, and

(vii) basic infection control practices to include, at a minimum, instruction in acceptable hand hygiene techniques and the application of standard precautions;

(10) A home or facility approved and annually reviewed by the United States Department of Veterans Affairs as a medical foster home in which care is provided exclusively to three or fewer veterans; or

(11) A person qualified by the Department as a certified nurse aide pursuant to the provisions of Section 1-1951 of the Act. [63 O.S. § 1-1962]

SUBCHAPTER 3. ADMINISTRATION

310:662-3-4. Organization

(a) **Governing body.** The home care agency shall have an organized governing body which is legally responsible for the conduct of the agency. The ownership of the agency shall be fully disclosed to the Department. Agency staff shall be currently licensed or registered in accordance with applicable laws of the State of Oklahoma. The governing body shall be responsible for periodic administrative and professional evaluations of the agency.

(b) **Financial.** Sufficient financial resources shall be maintained sufficient to ensure the agency's ability to provide adequate home care services. The agency shall have an annual operating budget which ensures sufficient resources to meet operating costs at all times and to maintain the standards required by this Chapter.

(c) **Administrator.** The governing body shall be legally responsible for the appointment of a qualified administrator and the delegation of responsibility and authority. The administrator shall organize and direct the agency's ongoing functions, employ qualified personnel, ensure adequate staff in-service, continuing education, and evaluations. The administrator shall ensure the accuracy of public information materials and activities, and that agency practices are consistent with written agency policies. The administrator shall be properly certified as required by the Department. Proof of current certification for the administrator shall be posted in a conspicuous place at each licensed agency.

(d) **Supervising physician or nurse.** Each home care agency providing skilled care shall employ a physician or a qualified supervising registered nurse. An agency providing personal care only shall employ or contract with a supervising physician or registered nurse who shall be available to the agency to advise the client care staff whenever personal care is provided. Services of a supervising physician or registered nurse in an agency only providing personal care may be provided on an on-call basis. A physician or a qualified registered nurse alternate shall be designated in writing to serve in the supervising registered nurse's absence.

(e) **Personnel policies.** The agency shall implement and follow appropriate written policies. Personnel policies shall include at least the following:

- (1) Employment procedures.
- (2) Orientation of all personnel to the policies and objectives of the agency, and participation by all personnel in appropriate employee in-service programs.
- (3) Job descriptions (statement of those functions and responsibilities which constitute job requirements) and job qualifications (specific education and training necessary to perform the job).
- (4) Periodic evaluations of employee performance.
- (5) Provision for disciplinary action(s) and procedures.
- (6) Health screening requirements for staff with direct client contact including but not limited to tuberculosis testing/tuberculin skin tests. All tests and examinations shall be in conformance with the "Tuberculosis Controllers Association and CDC, 2019" guidelines for preventing the transmissions of mycobacterium tuberculosis in healthcare settings as published by the Centers for Disease Control and Prevention. Any employee with a proven history of a positive tuberculin skin test may be excluded from this requirement if the employee has had a documented negative chest x-ray and no symptoms suggestive of tuberculosis.
- (7) Each home care agency shall have an annual influenza vaccination program consistent with the recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices that shall include at least the following:
 - (A) The offer of influenza vaccination ~~onsite~~, at no charge to all employees and/or workers in the home care agency or acceptance of documented evidence of current season vaccination from another vaccine source or hospital;
 - (B) Documentation of vaccination for each employee and/or worker or a signed declination statement on record from each individual who refuses the influenza vaccination for other than medical contraindications; and
 - (C) Education of all employees and/or workers about the following:
 - (i) Influenza vaccination;
 - (ii) Non-vaccine influenza control measures; and
 - (iii) The symptoms, transmission, and potential impact of influenza.
 - (D) Each home care agency influenza vaccination program shall conduct an annual evaluation of the program including the reasons for non-participation.
 - (F) The requirements to complete vaccinations or declination statements for each employee and/or worker may be suspended by the agency's medical director in the event of a shortage of vaccine as recognized by the Commissioner of Health.

(f) **Personnel records.** Personnel records shall include, but not be limited to qualifications, employment history, records of orientation and in-service provided, verification that health screening was performed as

required, performance evaluations, as required by policy, record of disciplinary actions and verification of current licensure/certification, if appropriate.

(g) Contracted services.

(1) If a home care agency contracts to provide home care services(s), there shall be a written agreement defining the nature and scope of services provided. The agreement shall include but not be limited to the following:

- (A) The services to be provided.
- (B) The manner in which services shall be coordinated, evaluated and supervised by the primary home care agency.
- (C) The process for development, review, and revision of the plan of care.
- (D) The process for scheduling of visits or hours.
- (E) The procedures for submitting clinical and/or progress notes or other entries to the clinical record which shall be maintained by the primary home care agency.

(2) Any home care agency providing home care service(s) on a contract basis shall require the contractor to provide verification of current licensure/certification of personnel as appropriate. Documentation of this verification shall be maintained in the home care agency.

(h) Nurse registry. A nurse registry which provides home care services shall function and be licensed as a home care agency.

SUBCHAPTER 5. CLIENT SERVICES

310:662-5-3. Services provided

(a) Available services. Home care services provided by the agency shall be available on a visiting basis in the place of residence used as a client's home. If the client's home is a licensed facility, services provided by the licensed facility shall not be duplicated by the agency. Additional personal care services provided shall not be considered a duplicate service.

(b) Coordination of services. All personnel furnishing services shall maintain liaison to ensure their efforts are coordinated effectively, documented and support the objectives in the plan of care. If services are provided in a licensed facility, the agency shall advise facility staff of services provided to ensure care is coordinated. If an agency client is transferred to another health care provider or facility, a summary of the services provided and condition of the client shall be forwarded to the receiving provider/facility if requested.

(c) Skilled nursing. The agency shall furnish skilled nursing services by, or under the supervision of, a registered nurse and in accordance with the physician's or non-physician practitioner's orders.

(1) The duties of the registered nurse shall include, but not be limited to the following:

- (A) Performing the initial evaluation visit.
- (B) Regularly reevaluating the client's nursing needs.
- (C) Initiating the plan of care and necessary revisions.
- (D) Furnishing those services requiring specialized nursing skills.
- (E) Coordinating services.
- (F) Informing the physician or non-physician practitioner and other personnel in a timely manner of changes in the client's condition and needs.
- (G) Supervision and teaching.

(2) Duties of the licensed practical nurse shall include, but not be limited to:

- (A) Furnishing services in accordance with agency policy.
- (B) Assisting the physician, non-physician practitioner and registered nurse in performing specialized procedures.
- (C) Assisting the client in learning appropriate self-care techniques.

(d) Therapy services. Any therapy services offered by the home care agency shall be given by a qualified therapist or by a qualified therapy assistant under the supervision of a qualified therapist in accordance with the plan of care. The qualified therapist shall assist the physician or non-physician practitioner in

evaluating the level of function and participate in the development of the plan of care and any necessary revisions.

(e) **Medical social services.** If the agency furnishes medical social work services, those services shall be provided by a qualified social worker or by a qualified social work assistant under the supervision of a qualified social worker, in accordance with the plan of care. All providers of medical social services in Oklahoma shall be licensed if required and meet all defined education and experience criteria required by the Oklahoma State Board of Licensed Social Workers.

(f) **Home health aide.** Home health aides shall be certified by the Department and placed on the Home Health Aide Registry maintained by the Department. Home health aides shall be in compliance with all requirements of the Act and the rules promulgated thereto. No home care agency shall employ or contract with any individual as a home health aide for more than four (4) months, on a full-time, temporary, per diem or other basis, unless such individual is a licensed health professional or unless such individual has satisfied the requirements for certification and placement on the home health aide registry maintained by the Department.

~~(g) **Supportive home assistant.** If supportive home assistants are utilized, they shall be employed, trained, tested, and supervised as required at 63 O.S. Supp. 2009 § 1-1962(B).~~

~~(h)~~ (g) **Supervision of services.** All personnel providing home care services shall have periodic evaluations of performance on file in agency records. Appropriate supervision shall be available during all hours services are provided.

(1) When home health aide or personal care services are provided in conjunction with a skilled service, a registered nurse shall make a supervisory visit to the client's home at least every sixty (60) days to assess relationships, client care and determine whether goals are met. The frequency of supervisory visits shall be increased if the acuity of the client's illness requires more frequent visits.

(2) If a client is receiving only skilled therapy services and home health aide or personal care services as an extension of the therapy services, a skilled therapist may make the supervisory visit at least every sixty (60) days, in lieu of a registered nurse. The frequency of these supervisory visits shall also be increased if the acuity of the client's illness requires more frequent visits.

(3) When only home health aide or personal care services are furnished to a client, a physician or a licensed nurse shall make a supervisory visit to the client's residence at least once every six (6) months. The frequency of supervisory visits shall be increased if the acuity of the client's illness requires more frequent visits.

(4) Services furnished by a qualified physical therapy assistant or qualified occupational therapy assistant shall be provided only under the supervision of a qualified physical or occupational therapist according to agency policy and consistent with current standards of practice.

SUBCHAPTER 6. SUPPORTIVE HOME ASSISTANT COMPETENCY TESTING [REVOKE]

310:662-6-1. Requirements for administration of the competency examination [REVOKE]

~~(a) The competency examination for individuals who successfully complete agency based supportive home assistant training taught in compliance with 63 O.S. Supp. 2009 § 1-1962(B) shall be administered and evaluated only by a Department approved testing entity which shall be periodically monitored by the Department.~~

~~(b) Each approved examination entity must provide the Department with the following:~~

~~(1) Written job analysis studies to determine the pool of test questions.~~

~~(2) Test question validation studies.~~

~~(3) Assurances that the written and skills testing process are not compromised.~~

~~(c) Each approved examination entity shall provide the examinee with the following:~~

~~(1) The notice showing pass/fail results.~~

~~(2) The notice shall specify the areas of failure to the examinee.~~

~~(d) The Department shall withdraw approval of a testing entity when it allows one or more of the following:~~

- (1) Disclosure of the competency examination.
- (2) Allowing another entity not approved by the Department to score the competency examination.
- (3) Tampering with the competency examination.
- (4) The competency examination was administered by a non-qualified individual.
- (e) Each trainee requesting to sit for the written or oral examination and skills examination shall present to the testing entity a Training Verification Form completed by the agency that provided the supportive home assistant training.
- (f) A record of the Training Verification Form and successful completion of the competency examination for each examinee shall be maintained by the testing entity for at least five (5) years. Competency is determined by a passing score on the written or oral examination and skills examination.

310:662-6-2. Content of the competency examination [REVOKE]

- (a) The competency examination shall include a written or oral portion, in English, which shall:
 - (1) Allow a supportive home assistant to choose between a written and an oral examination.
 - (2) Address each requirement specified in the minimum curriculum prescribed by the Department at 63 O.S Supp. 2009 § 1-1962(B).
 - (3) Be developed from a pool of test questions, only a portion of which is used in any one (1) examination.
 - (4) Use a system that prevents disclosure of both the pool of test questions and the individual competency examination results.
 - (5) If oral, the examination portion shall be read from a prepared text in a neutral manner.
- (b) The skills examination portion of the competency examination shall:
 - (1) Consist of randomly selected items drawn from a pool of tasks generally performed by supportive home assistants.
 - (2) Be performed in a setting similar to that in which the individual will function as a supportive home assistant.
 - (3) Be administered and evaluated by a clinical skills observer designated in writing as qualified according to criteria established by the approved examination entity.
- (c) The Department may permit the skills examination to be proctored by qualified entity personnel if the Department finds that the procedure adopted by the testing entity ensures that the competency examination:
 - (1) Is secure from tampering.
 - (2) Is standardized and scored by a testing, educational, or other organization approved by the Department.
 - (3) Is transmitted to the scoring entity immediately after completion of the skills examination. A record of successful completion of the skills examination must be maintained by the testing entity for each individual who is found to be competent or has passed the skills examination.
- (d) The Department shall revoke the approval of any entity to proctor the supportive home assistant competency examination if the Department finds evidence of impropriety, including evidence of tampering by facility staff.

310:662-6-3. Successful completion of the competency examination [REVOKE]

- (a) An individual shall pass both the written or oral portion of the competency examination, and the skills examination in order to complete the competency examination for supportive home assistant successfully.
- (b) An individual shall score at least seventy (70) percent on the written or oral examination.
- (c) An individual shall demonstrate at least eighty (80) percent accuracy for the skills examination.

310:662-6-4. Failure to complete the competency examination [REVOKE]

If an individual does not complete the competency examination for supportive home assistant successfully, the individual shall be notified by the testing entity of, at least, the following:

- (1) The areas which the individual did not pass.

~~(2) That the individual may retake the examination a total of three times without further training.~~

310:662-6-5. Expiration of the competency examination [REVOKE]

~~(a) An individual who has obtained agency based supportive home assistant training and successfully completed a competency examination for supportive home assistants administered by a Department approved testing entity as described in OAC 310:662-6 shall be deemed able to provide standby assistance to clients of a licensed home care agency.~~

~~(b) Designation as a supportive home assistant shall not expire provided the individual receives a documented agency based competency assessment by a Licensed Nurse at the time of employment and at least once per calendar year in each subsequent year of employment.~~

~~(c) In order to keep the designation of supportive home assistant, individuals shall maintain documentation of their completed agency based training issued by the agency that provided the training as well as documentation of their successful competency examination issued by a Department approved testing entity.~~

~~(d) Individuals who are unable to provide the documentation described in 310:662-6-3(c) shall be required to meet the training and competency examination requirements for designation as a supportive home assistant before they may be employed to provide standby assistance.~~