

ACCEPTED 6/14/23
OFFICE OF ADMINISTRATIVE RULES
OKLAHOMA SECRETARY OF STATE
DOCKET# 23-528 OAR/cert CN

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Client Services
310:662-5-3 [AMENDED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104; SB 42

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

October 17, 2022

COMMENT PERIOD:

November 15, 2022 through December 15, 2022

PUBLIC HEARING:

December 15, 2022

ADOPTION:

January 25, 2023

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 25, 2023

LEGISLATIVE APPROVAL:

Approved May 31, 2023 by SJR 22

FINAL ADOPTION:

May 31, 2023

EFFECTIVE:

September 11, 2023

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

OAC 310:662-5-3(f) is amended to remove the reference to certification that is no longer required for personal caregivers. The rule amendment is necessary to remove text that is contradictory to new language in the Home Care Act since SB 42 was passed. The change removes the sentence that reads as follows, "All unlicensed, non-skilled providers of personal care to home care clients shall be certified by the Department as home health aides, regardless of the job title of the personal caregiver."

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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(7) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2023:

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. ~~All unlicensed, non-skilled providers of personal care to home care clients shall be certified by the Department as home health aides, regardless of the job title of the personal caregiver.~~ 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) **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.