

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 664. HOME CARE ADMINISTRATOR CERTIFICATION**

"Unofficial Version"

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[Authority: Oklahoma State Board of Health, 63 O.S. § 1-104 and 63 O.S. §1-1962a]

[Source: Codified June 11, 1998]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

310:664-1-1. Purpose

310:664-1-2. Definitions

310:664-1-3. Applicability

310:664-1-1. Purpose

The rules of this Chapter implement *Title 63 O.S. Supp. 1996, § 1-1962*, establishing the minimum criteria for the issuance, maintenance, and renewal of a home care administrator certificate and the procedure for enforcement. This Chapter specifies qualifications which shall be met in order to be eligible to apply for, receive, maintain, and renew a home care administrator certificate. The minimum criteria for educational preparation, eligibility for the qualifying examination, and continuing education are established. Academic credentials, qualifications, and experience of instructors of approved curricula are also established.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-1-2. Definitions

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

"Accredited" means current credentials from a national accrediting agency or a nationally recognized regional accrediting agency or state approval agency appropriate to the missions and goals of the institution.

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

"Board" means the State Board of Health.

"Certification" means verification of appropriate training and competency for a home care administrator as required by this Chapter.

"Competency" means experiential and educational preparation as specified by this Chapter and successful performance on the Oklahoma Home Care Administrator Preparedness Assessment.

"Continuing education" means education and training required for renewal of a home care administrator certificate.

"Deeming" means to grant a person who met one (1) criterion pursuant to 310:664-3-4 permission to challenge the Oklahoma Home Care Administrator Preparedness Assessment (OHCAPA) without completion of the Preparedness Program.

"Denial" means the Department's decision to preclude issuance of a home care administrator certificate to an individual.

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

"Disapproval" means the Department's decision to withhold

approval of an application for a home care administrator certificate.

"Enforcement" means the Department's actions and processes to ensure compliance with promulgated rules.

"Governing body" means the entity having ultimate responsibility for a home care agency, including fiscal and legal authority.

"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 individuals who contract with the Department of Human Services to provide personal care services, provided such individuals are not exempt from certification as home health aides [63 O.S. Supp. 1996, § 1-1961(4)].

"Home care administrator" means a person who operates, manages, or supervises, or is in charge of a home care agency [63 O.S. Supp. 1996, § 1-1961(7)].

"Home study" means education that takes place in a physical setting other than an educational classroom, teleconferencing site, seminar, conference or professional association at which the student and instructor have interaction that is face-to-face or mediated by real-time two-way teleconferencing.

"Inactive status" means a certificate designated as a non-participant credential in the Department's records.

"Misappropriation of property" means the taking, misapplication, deprivation, transfer, or attempted transfer to any person not entitled to receive any property, real or personal or anything of value belonging to or under the legal control of a client or other legal authority, or the taking of any action contrary to any duty imposed by federal or state law prescribing conduct relating to the custody or disposition of a client's property.

"Non-renewal" means the Department's decision to deny the renewal of a home care administrator certificate.

"Oklahoma Home Care Administrator Preparedness Assessment" or **"OHCAPA"** means a Department-approved examination for a home care administrator candidate.

"OSBI" means the Oklahoma State Bureau of Investigation.

"Preparedness program" means the Department-approved activities and course designed to prepare a person to challenge the OHCAPA.

"Proctor" means a person approved by the Department to monitor the curriculum, testing, and hours required for continuing education and report non-compliance and substandard compliance by programs and enrolled persons to the Department.

"Provisional certificate" means a temporary credential that permits temporary employment as an administrator or alternate home care administrator.

"Qualified instructor" means a person with academic credentials commensurate with instruction at accredited state post secondary or higher education institutions or with other credentials that meet the Department approval pursuant to 310:664-5-5.

"Revocation" means the Department's decision to nullify a previously issued home care administrator certificate.

"Subunit" means a semi-autonomous organization that serves clients in a geographic area different from that of the parent agency.

"Suspension" means the Department's decision to render a home care administrator certificate void for a specified period of time.

"Waiver" means the Department's decision to allow a person who meets qualifications pursuant to 310:664-3-2 to receive a home care administrator certificate without challenging the OHCAPA.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 16 Ok Reg 3491, eff 7-30-99 (emergency); Amended at 17 Ok Reg 2070, eff 6-12-00; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002]

310:664-1-3. Applicability

(a) An individual who functions as a home care administrator shall meet the Department standards for certification and hold a home care administrator certificate.

(b) A home care administrator shall post the certificate or a Department-certified duplicate at the parent home care agency or subunit office and a copy at each branch. The certificate shall be displayed at a place noticeable to the public.

(c) A home care administrator shall not function concurrently at more than two (2) agencies or subunits.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 16 Ok Reg 3491, eff 7-30-99 (emergency); Amended at 17 Ok Reg 2070, eff 6-12-00]

SUBCHAPTER 3. INITIAL CERTIFICATE PROCESS

Section

- 310:664-3-1. Eligibility
- 310:664-3-2. Certificate by waiver
- 310:664-3-3. Certificate by completion of the OHCAPA
- 310:664-3-4. Deeming criteria
- 310:664-3-5. Deeming application process
- 310:664-3-6. Provisional certificate

310:664-3-1. Eligibility

An individual shall be eligible to apply for a home care administrator certificate by meeting one (1) of the following criteria:

- (1) Successfully completing a Department-approved preparedness program and the OHCAPA; or
- (2) Being deemed to have met the Department-approved preparedness program standards and successful completion of the OHCAPA.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002]

310:664-3-2. Certificate by waiver [REVOKED]

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 16 Ok Reg 3491, eff 7-30-99 (emergency); Amended at 17 Ok Reg 2070, eff 6-12-00; Revoked at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Revoked at 19 Ok Reg 1061, eff 5-13-2002]

310:664-3-3. Certificate by completion of the OHCAPA

An individual who has successfully completed the Department-approved preparedness program and the OHCAPA or who is otherwise deemed to meet the preparedness program standards and passed the OHCAPA may apply for a home care administrator certificate. An individual shall apply for an initial home care administrator certificate within six (6) months after passing the OHCAPA. Failure to submit an application during the required time frame will result in the individual having to meet the deeming criteria and repeating the OHCAPA. The individual shall apply on the Department form. The application shall include, but not be limited to, the following information:

- (1) Name, complete home mailing address, and telephone number, of the applicant;
- (2) A copy of the results of a criminal arrest check conducted by the OSBI completed within sixty (60) days prior to the date of the application;
- (3) Evidence of successful completion of the OHCAPA; and
- (4) A non-refundable fee of one hundred forty dollars (\$140).

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002; Amended at 20 Ok Reg 2384, eff 7-11-2003; Amended at 26 Ok Reg 1516, eff 6-11-2009]

310:664-3-4. Deeming criteria

The Department may grant exceptions from the preparedness program requirement stated in this Chapter, for the purpose of allowing an individual to take the OHCAPA. An individual with one (1) of the following qualifications shall be eligible to take the OHCAPA without completion of the preparedness program:

- (1) Baccalaureate or higher degree from an accredited institution with at least one (1) year full time experience in home care within the immediate past two (2) years;
- (2) Associate or higher degree in a health field from an accredited institution and with at least one (1) year of full time employment in home care within the immediate past two (2) years;
- (3) Certificate of Achievement in Health Care Administration by completion of a minimum of thirty (30) college credit hours at an accredited institution in the State and with at least one (1) year of full time employment in home care within the immediate past two (2) years;
- (4) Registered nurse in the State and with at least one (1) year of full time experience in home care within the immediate past two (2) years; or
- (5) Evidence of achieving the passing score on the National Association for Home Care Executive Certification Program examination.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002]

310:664-3-5. Deeming application process

(a) An individual who desires to apply for deemed status shall apply on the Department form which shall include, but not be limited to, the following:

- (1) Name, complete home mailing address, and telephone number of the applicant;
- (2) Copies of credentials which provide evidence of meeting any of the criteria specified in 310:664-3-4; and
- (3) A non-refundable fee of eighty dollars (\$80.00).

(b) The Department shall notify the individual of the decision to approve or disapprove the application within ninety (90) days.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 26 Ok Reg 1516, eff 6-11-2009]

310:664-3-6. Provisional certificate

(a) An individual may function as an administrator no longer than six (6) months with a provisional certificate, provided that one (1) of the deeming criteria as specified in OAC 310:664-3-4 has been acknowledged by the Department.

(b) An individual shall apply on the Department form which shall include, but not be limited to, the following:

- (1) Name, complete home mailing address, and telephone number;
- (2) The name and address of the agency where employed;
- (3) A copy of written authorization by the administrator or member of the governing board allowing the individual to temporarily function as the administrator;
- (4) Evidence of meeting the deeming criteria specified in OAC 310:664-3-4;
- (5) A one (1) time, non-refundable fee of eighty dollars (\$80.00); and
- (6) A copy of the results of a criminal arrest check conducted by the OSBI within sixty (60) days prior to submission of the application.

(c) The Department shall notify the applicant of its decision within thirty (30) days from receipt of the application.

(d) Any individual that alters any administrator certificate or allows alteration of any administrator certificate shall be denied a home care administrator certificate upon application.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 16 Ok Reg 3491, eff 7-30-99 (emergency); Amended at 17 Ok Reg 2070, eff 6-12-00; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002; Amended at 20 Ok Reg 2384, eff 7-11-2003; Amended at 26 Ok Reg 1516, eff 6-11-2009]

SUBCHAPTER 5. PREPAREDNESS PROGRAM

Section

- 310:664-5-1. Qualifications of applicant
- 310:664-5-2. Approved programs
- 310:664-5-3. Quality assurance
- 310:664-5-4. Curriculum
- 310:664-5-5. Instructor qualification
- 310:664-5-6. Program records
- 310:664-5-7. Program application
- 310:664-5-8. Notification of changes
- 310:664-5-9. Program review and actions
- 310:664-5-10. Voluntary termination of a preparedness program

310:664-5-1. Qualifications of applicant

Applicants shall be a graduate of a high school accredited at the time of graduation by the State Department of Education or its equivalent in that high school's state, or shall have achieved a passing score on the General Education and Development (GED) examination, or shall have met the criteria for an adult high school diploma.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-2. Approved programs

- (a) The Department shall approve a preparedness program that meets the requirements specified in this Chapter.
- (b) An institution seeking approval shall apply on the Department form and submit the application fee of one hundred twenty five dollars (\$125.00) to the Department.
- (c) The Department shall review, approve, or disapprove a preparedness program and notify the applicant of its action within ninety (90) days.
- (d) An approved preparedness program shall allow a Department proctor or representative to make unannounced visits to review the program.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 23 Ok Reg 3166, eff 7-26-2006(emergency); Amended at 24 Ok Reg 2018, eff 6-25-2007; Amended at 26 Ok Reg 1516, eff 6-11-2009]

310:664-5-3. Quality assurance

- (a) An approved preparedness program shall develop a method to assure quality of the course. The preparedness program shall assess the adequacy of course instruction for each quarter based on the method developed to assure quality in an annual report.
- (b) The annual report shall include, but not be limited to, a quantified expression of the following:
 - (1) Participant enrollment in the program each quarter; and
 - (2) Participants successfully completing the course each

quarter.

(c) The annual report shall be sent to the Department not later than fourteen (14) days following completion of the fourth quarter course.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-4. Curriculum

The preparedness program shall include at least one hundred sixty (160) hours which shall include, but is not limited to, the following course components:

- (1) Administrative skills, duties, and responsibilities;
- (2) Administrative procedures and strategic planning;
- (3) Community relations and public information;
- (4) Fiscal and information data management;
- (5) Human relations; and
- (6) Ethics.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-5. Instructor qualifications

The course shall be instructed by an interdisciplinary team composed of individuals with credentials commensurate with the standards of accredited state educational institutions and/or professionals with qualifications that meet Department approval.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-6. Program records

(a) The approved program shall maintain participant records for at least three (3) years which shall include, but not be limited to, the following:

- (1) Attendance records; and
- (2) Results of examination of course curriculum components.

(b) The approved program shall submit a report to the Department within fourteen (14) days of completion of each program which shall include, but is not limited to, the following:

- (1) The name of the institution providing the program;
- (2) The month and year of program completion; and
- (3) An alphabetical list of participants who successfully completed the course and who are eligible to take the OHCAPA.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-7. Program application

(a) An institution which desires to sponsor a preparedness program shall apply on the Department form.

(b) No preparedness program shall be operated, and no participant shall be solicited or enrolled, until the Department has approved

the program.

(c) The application shall include, but is not limited to, the following:

- (1) A course syllabus that outlines course content including total hours for implementation, time per session, number of sessions, and the calendar dates for each session;
- (2) Instructor qualification information;
- (3) A copy of the certificate to be issued to participants at completion of program;
- (4) Location of the classroom;
- (5) Program objectives;
- (6) A description of the learning environment including, but not limited to, the following:
 - (A) Location of and accessibility to the site;
 - (B) Adequacy of lighting;
 - (C) Accommodations for handicapped;
 - (D) Accessibility, safety, and sanitation of personal conveniences;
 - (E) Controlled system to heat and cool air; and
 - (F) Number of participants the classroom can accommodate.
- (7) Letter(s) of agreement for instructional use of the facility signed by the facility administrator and the coordinating representative of the applicant.

[Source: Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-8. Notification of changes

(a) An approved preparedness program shall notify the Department for approval when substantial changes to the program are proposed or impending. The Department shall have ninety (90) days after receipt of complete notice of substantial change to approve or deny the proposed change.

(b) Substantial changes shall include, but not be limited to, the following:

- (1) The curriculum;
- (2) Methods of curriculum delivery;
- (3) The primary instructors; or
- (4) Location of the preparedness program.

[Source: Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-9. Program review and actions

(a) The Department shall withhold approval of a preparedness program when one (1) of the following has occurred:

- (1) Submission of incomplete or fraudulent application documents;
- (2) Program failure to meet Department requirements;
- (3) Non-compliance of data transfer to the Department;
- (4) Non-compliance with unannounced review visitation; or

- (5) Failure rate of at least fifteen percent (15%) of persons challenging the OHCAPA who completed the program.
- (b) Withholding of approval shall mean that a preparedness program is discontinued until the Department is assured that the program has made the necessary corrections and is in compliance with the rules.
- (c) If the Department withholds approval of a preparedness program, the Department shall:
- (1) Notify the institution in writing of the reason for the withdrawal of approval; and
 - (2) Allow participants enrolled in the preparedness program an option to complete the curriculum at the institution or transfer to another Department-approved preparedness program.
- (d) An institution's coordinating representative of the preparedness program may request reconsideration of the Department's decision in accordance with Chapter 2 of this Title and appealed according to the Administrative Procedures Act.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-5-10. Voluntary termination of a preparedness program

- (a) When an institution terminates a Department-approved preparedness program, the program shall:
- (1) Notify the Department at least sixty (60) days in advance, in writing, stating the reason, plan, and date of intention to terminate; and
 - (2) Continue the preparedness program until currently enrolled participants have completed the curriculum and received a certificate of completion.
- (b) The institution shall notify the Department of its plan to safeguard the preparedness program records.

[**Source:** Added at 15 Ok 2385, eff 6-11-98]

SUBCHAPTER 7. REQUIREMENTS FOR EXAMINATION

Section

310:664-7-1. Oklahoma Home Care Administrator Preparedness Assessment

310:664-7-2. Successful completion of the OHCAPA

310:664-7-1. Oklahoma Home Care Administrator Preparedness Assessment

(a) The Oklahoma Home Care Administrator Preparedness Assessment (OHCAPA) shall be Department approved and offered at least quarterly.

(b) The OHCAPA may be administered at a state vocational technical institution, state institution of higher education, or a professional testing and evaluation center in the State.

(c) An individual shall sit for the OHCAPA within three (3) months after completing a preparedness program or being deemed. Failure to take the OHCAPA during the three (3) month time frame will require the individual to resubmit another application for the deeming process and a non-refundable fee of fifty dollars (\$50). The Department may grant an applicant an exception or extension if such requirement causes an undue hardship for the applicant due to unusual circumstances or illness.

(d) Each approved OHCAPA exam developer shall provide the Department with the following:

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

(2) Test question validation studies;

(3) Test administration and scoring procedures;

(4) Capabilities of providing examination results in the proper format to the Department within thirty (30) days of examination;

(5) Assurances of test security;

(6) A report following each test administration which specifies:

(A) Date of administration of the OHCAPA;

(B) Name and examination score for each examinee; and

(C) Name of the preparedness program which each examinee completed and the pass percentages for each preparedness program course.

(e) Each approved OHCAPA exam developer shall provide the examinee with the following:

(1) A notice showing pass or fail results;

(2) A notice specifying the areas of failure; and

(3) A notice stating that three (3) OHCAPA challenges were not successful and completion of the preparedness program shall be required prior to another attempt to pass the OHCAPA.

(f) The Department may withhold approval of an OHCAPA examiner when one (1) or more of the following has been determined to occur:

(1) Insufficient security measures in administration of testing;

(2) Impropropriety or tampering by OHCAPA examiners or by non-

authorized persons;

(3) Failure to provide the Department with examination results or reports pursuant to OAC 310:664-7-1(A)(B)(C); and

(4) Allowing another entity not approved by the Department to score the examination.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 20 Ok Reg 2384, eff 7-11-2003]

310:664-7-2. Successful completion of the OHCAPA

(a) An individual shall score at least seventy percent (70%) to pass the OHCAPA.

(b) An individual may retake the examination a total of three (3) times without completing or repeating a preparedness program.

(c) Upon written notice from the OHCAPA examiner of passing the OHCAPA, the individual may apply for a home care administrator certificate by following the procedure pursuant to OAC 310:664-3-3.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 20 Ok Reg 2384, eff 7-11-2003]

SUBCHAPTER 9. CONTINUING EDUCATION REQUIREMENTS

Section

310:664-9-1. Purpose

310:664-9-2. Number of hours required

310:664-9-3. Acceptable continuing education

310:664-9-4. Documentation of attendance

310:664-9-5. Penalty for failure to fulfill continuing education

310:664-9-1. Purpose

The purpose of this subchapter is to establish the continuing education requirements necessary for certificate renewal.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-9-2. Number of hours required

(a) A home care administrator shall complete and furnish documentation to the Department of at least twelve (12) hours of continuing education each year by July 31. The continuing education must be acceptable and verifiable per the requirements addressed at OAC 310:664-9-3 and OAC 310:664-9-4.

(b) No more than six (6) hours of continuing education accrued through home study shall be acceptable.

(c) No continuing education is required for the first renewal.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002; Amended at 20 Ok Reg 2384, eff 7-11-2003]

310:664-9-3. Acceptable continuing education

(a) Continuing education curricular content is acceptable to the Department when it:

(1) Approximates any of the academic areas pursuant to OAC 310:664-5-4;

(2) Includes content which assists administrators in improving of professional competencies; or

(3) Occurs in a graduate or undergraduate course, seminar, workshop, conference, or professional association for the purpose of enhancing professional competency. Excludes independent reading and informal meetings that are informational in nature and are offered as a public service and not for the offering of continuing education.

(b) An acceptable instructor is an individual who has:

(1) Experience in home care administration; or

(2) Expertise in teaching and instructional methods suitable to the subject presented; or

(3) Academic qualifications and experience for the subject.

(c) If a home care administrator requires continuing education to renew additional credentials specific to clinical practice, no more than six (6) of the required twelve (12) hours for renewing a

home care administrator certification may have a clinical emphasis.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002; Amended at 20 Ok Reg 2384, eff 7-11-2003]

310:664-9-4. Documentation of attendance

(a) A home care administrator shall submit with the application verification of attendance documents for at least twelve (12) hours of continuing education. Acceptable documents include at least one (1) of the following:

(1) A continuing education validation form furnished by the presenter or a certificate of attendance and an agenda;

(2) A letter on the sponsoring presenter's letterhead giving the name of the program, location, dates, subject taught, total number of hours attended, participant's name and presenter's name and credentials; or

(3) An official college transcript showing courses completed with credit issued or audit credit.

(b) Only continuing education accrued in the preceding certificate renewal period is acceptable.

(c) Submission of fraudulent continuing education hours shall be the cause for disciplinary action and may result in suspension or revocation of the certificate.

(d) Documentation of home study shall include proof of registration for and completion of continuing education hours or units supplied by the provider of the home study education materials.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 19 Ok Reg 2097, eff 6-27-2002; Amended at 20 Ok Reg 2384, eff 7-11-2003]

310:664-9-5. Penalty for failure to fulfill continuing education

Failure to fulfill the continuing education requirements by the renewal date shall be cause for suspension and may result in revocation of the certificate.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

SUBCHAPTER 11. RENEWAL OF CERTIFICATION

Section

- 310:664-11-1. Certification renewal process
- 310:664-11-2. Inactive status
- 310:664-11-3. Re-issuance of certificate**

310:664-11-1. Certification renewal process

(a) A home care administrator is responsible for filing for certificate renewal before the expiration date.

(b) Each certificate shall expire on each July 31 following its issuance.

(c) Failure to renew by October 31st shall result in presumed non renewal of certificate and the individual shall not provide services as a home care administrator until and unless the individual files an application and meets requirements for renewal as follows.

(1) If the individual applies within one year after expiration of the certificate, the individual shall provide proof of successful completion of twelve (12) hours of continuing education completed prior to the expired year;

(2) If the individual applies within two years after expiration of the certificate, the individual shall provide proof of successful completion of 12 hours of continuing education for the previous expired year and an additional twelve (12) hours of continuing education for the current year in which renewal is requested;

(3) If the individual applies more than two years but not more than five years after expiration of the certificate, the individual shall be required to pass the OHCAPA; and

(4) If the individual applies more than five years after expiration of the certificate, the individual must successfully complete a preparedness program and the OHCAPA to be reinstated.

(d) The renewal application shall include, but not be limited to, the following:

(1) Documentation of the continuing education as specified in OAC 310:664-9-4;

(2) Renewal fee of fifty-five dollars (\$55.00) payable to the Department;

(3) Disclosure of any felony conviction since the previous application for certification or renewal;

(4) If the renewal is filed on or after August 31 and on or before September 30, a penalty of twenty-five dollars (\$25.00) payable to the Department; and

(5) If the renewal is filed on or after October 1 and before October 31, a penalty of fifty dollars (\$50.00) payable to the Department. An applicant shall submit \$50.00 each year up to \$100.00 for failing to renew within a two (2) year time frame as addressed at OAC 310:664-11-1(1) and (2).

[Source: Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 16 Ok Reg 3491, eff 7-30-99 (emergency); Amended at 17 Ok Reg 2070, eff

6-12-00; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002; Amended at 20 Ok Reg 2384, eff 7-11-2003; Amended at 26 Ok Reg 1516, eff 6-11-2009]

310:664-11-2. Inactive status

(a) A certificate may be placed on inactive status by written request by July 31, while the certificate is active and not expired. After five (5) years, such individual must meet the requirements addressed at OAC 310:664-3-1 and successfully pass the OHCAPA to become a certified home care administrator.

(b) When a certificate is placed on inactive status, the certificate shall be returned to the Department.

(c) Active status may be re-established upon submitting a completed renewal application, payment of a renewal fee prorated for one (1) year, and the submission of twelve (12) hours continuing education acquired since August 1st.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 20 Ok Reg 2384, eff 7-11-2003]

310:664-11-3. Re-issuance of certificate

An individual may request a duplicate or amended certificate by submitting a written request with applicable supporting documentation and a nonrefundable fifteen dollar (\$15.00) fee.

[**Source:** Added at 26 Ok Reg 1516, eff 6-11-2009]

SUBCHAPTER 13. ENFORCEMENT

Section

- 310:664-13-1. Purpose
- 310:664-13.2. Violations and investigations
- 310:664-13-3. Administrative penalties
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310:664-13-1. Purpose

The purpose of the subchapter is to specify procedures for complaints against home care administrators, certificate denial, revocation, suspension and administrative penalties which are applicable to home care administrators.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-13-2. Violations and investigations

(a) Any person wishing to report an alleged violation by a home care administrator shall notify the Department in writing and shall include the following:

- (1) Nature of the alleged violation;
- (2) Name of the administrator;
- (3) Name, address, city of the agency, and location in which the alleged violation occurred.

(b) Upon receipt of a report, the Department shall acknowledge the report.

(c) The Department shall investigate the report to determine if there is enough evidence to support the alleged violation.

(d) Based on the results of the investigation the Department may:

- (1) Report to the person making the report that the alleged violation could not be substantiated;
 - (2) Conduct an informal dispute resolution;
 - (3) File an individual proceeding against an administrator seeking administrative penalties;
 - (4) Suspend or revoke the certification of an administrator;
- or
- (5) Take other remedial actions.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 18 Ok Reg 3595, eff 8-22-2001 (emergency); Amended at 19 Ok Reg 1061, eff 5-13-2002]

310:664-13-3. Administrative penalties

(a) The Department may assess an administrative penalty against an administrator who fails to comply with any of the following:

- (1) A provision of the Act;

- (2) A requirement within this Chapter; or
 - (3) A order issued by the Commissioner of Health.
- (b) The Department may assess a penalty for permitting an agency to remain non-compliant with Department licensure regulations.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-13-4. Denial, revocation, non-renewal and suspension

The Department may deny an initial certificate application, renewal application or may deny, suspend, or revoke a home care administrator certificate upon proof of any of the following:

- (1) Obtaining or attempting to obtain a home care administrator certificate by fraud or deceit;
- (2) Conviction of a felony or a conviction of a crime involving violation of any narcotic or drug control law. The record of a conviction or a copy certified by the Clerk of the Court or by the Judge in whose court the conviction is entered, is conclusive evidence of the conviction or the OSBI criminal arrest checks indicating a felony conviction;
- (3) Judicial determination of incompetence;
- (4) Submission of fraudulent credential documents or records of employment;
- (5) Submission of fraudulent continuing education records;
- (6) Failure to comply with any provision of this Chapter or continual non-compliance with the provision of the Home Care Act;
- (7) Abuse or neglect of a client or misappropriation of a client's property;
- (8) Representation as a certified home care administrator when not currently certified as a home care administrator; or
- (9) Altering any administrator certificate or allowing alteration of any administrator certificate.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98; Amended at 20 Ok Reg 2384, eff 7-11-2003]

310:664-13-5. Hearings

- (a) Hearings shall be conducted by the Commissioner of Health or his designee as specified in Chapter 2 of this Title. The Department shall order the most appropriate penalty at the conclusion of the evidence.
- (b) The Department, either by order of the Commissioner or designee, shall issue a final order. A final order may be appealed in accordance with the Administrative Procedures Act.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]

310:664-13-6. Reinstatement of a revoked or suspended certificate

- (a) An individual seeking reinstatement of a certificate that has

been revoked or suspended shall:

- (1) Apply on the Department form; and
- (2) Appear in person to the Department for presentation of facts relating to such request which shall include, but not be limited to:
 - (A) Complete documentation or evidence attested under oath and by witnesses of facts which demonstrate that the conditions or circumstances upon which the revocation or suspension was based no longer exist; or
 - (B) Letters of recommendation from employees, officers of courts, or respected members of the community which indicate that the conditions responsible for the revocation or suspension no longer exist.
- (b) A suspended certificate shall not be reinstated until the period specified by the Department has elapsed.
- (c) A revoked certificate shall not be reinstated for the period of two (2) years.

[**Source:** Added at 15 Ok Reg 2385, eff 6-11-98]