
THE notice

Oklahoma State Department of Health

April 1, 1999

RULE CHANGES ADOPTED BY THE BOARD OF HEALTH DURING ITS MARCH 18TH MEETING

If approved by the Governor and Legislature the following rules, which have been approved by the Board of Health, could become effective July 1999. For copies of any of the following, you may contact Linda Lopez of Health Resources Development Service at 405/271-6868.

Chapter 4. Certificate of Need Hearings - AMENDED -

This proposal clarifies the fees for certificate of need applications submitted under the Psychiatric and Chemical Dependency Facility Certificate of Need Act and the Long Term Care Certificate of Need Act. Additionally, the proposal makes decision deadlines for approval or denial of certificates consistent with the two acts. The purpose of the amendment is to clearly establish fees and review time frames as directed in the law. The intended effect is to make these requirements more easily understandable for applicants and other participating parties.

Chapter 205. Alarm Industry - PERMANENT -

The proposed amendment deletes the 1000 hour experience requirement for Burglar Alarm Technicians. The change updates language and rephrases a requirement for clarity. Additionally, the amendment requires a licensed fire sprinkler company manager to attend each individual office in Oklahoma. The intent is to eliminate duplicative requirements, improve clarity, and to ensure adequate supervision of operations.

Chapter 245. Electrical Industry - PERMANENT -

The proposed changes include the adoption of the latest edition of the National Electrical Code. The proposal also changes the requirements for contractor and journeyman license applicants, requires each unlimited contractor applicant to have a journeyman license, amends the language regarding continuing education classes to include correspondence courses, and requires initial licenses only be issued upon examinations on the currently adopted code. Title 59 O.S. Supp 1998, Section 1681 authorizes the Board of Health to adopt updated versions of the National Electrical Code. The intent of this proposal is to incorporate current national standards, and to protect the public by ensuring that licensed individuals have appropriate knowledge, training and experience.

Chapter 275. Inspector Regulations - PERMANENT -

The proposed change clarifies requirements relating to certification and examination by national code organizations relating to comparable organizations or examinations. The intent is to enhance enforcement of the rule.

Chapter 310. Plumbing Industry - PERMANENT -

The proposal requires company names and state license numbers on company vehicles. The intent is to protect the public by clearly identifying persons licensed under the Plumbing License Law of 1955.

Chapter 405. Licensed Professional Counselor - PERMANENT -

This proposal deletes inconsistent language, clarifies enforcement procedures, adds language allowing certain doctoral degrees from non-regionally accredited universities, and adds "violations of other laws" to the Rules of Professional Conduct. The changes are intended to allow for objectivity, fairness and sanctions when necessary to protect health by strengthening requirements for licensees.

Chapter 638. Drug and Alcohol Testing - PERMANENT -

This proposal makes changes in the Drug and Alcohol Testing Rules. The changes amend the initial and confirmatory test levels for opiate/synthetic narcotics and metabolites, and add requirements specifying test and defining cutoff level for 6-Acetylmorphine. The changes are necessary to keep rules promulgated by the State Board of Health consistent with federal laws and regulations for drug and alcohol testing in the workplace as required by 40 O.S. Supp. 1998, Section 557.

THE FOLLOWING RULES WERE DEFERRED FOR ACTION AT A LATER MEETING.

Chapter 670. Jail Standards - PERMANENT -

This proposal amends the standards governing city and county holding facilities, lockup facilities, jails and jails holding juveniles. The changes clarify definitions, internal cross-references, and requirements relating to staffing, notice, physical plants, food service, medical care, visitation, and record-keeping. The changes are needed to update the requirements relating to jails, and are intended to protect the health and safety of facility employees and prisoners.

Chapter 290. Mechanical Industry - PERMANENT -

The proposal requires company names and state license numbers on company vehicles. The intent is to protect the public by clearly identifying persons licensed under the Mechanical Licensing Act.

HCFA Changes Criteria for Scheduling Facility Surveys

The Health Care Financing Administration has made changes to the State Operations Manual that affect the scheduling criteria used by the Oklahoma State Department of Health and Federal surveyors to plan standard surveys to long term care facilities. The changes are intended to make the timing of surveys less predictable. To increase the opportunity for unpredictability in standard surveys, the State Department of Health and Federal surveyors will incorporate the following procedures when planning facility surveys:

1. Nonsequential Order - Facilities, within a given geographical area, should not be surveyed in the same order as was conducted in the previous standard survey.

<p>This publication is issued by the Oklahoma State Department of Health, as authorized by J.R. Nida, M.D., Commissioner of Health. 2,200 copies were printed and distributed at a cost of \$660.00. Copies have been deposited with the Publications Clearinghouse of the Department of Libraries. If you wish to be placed on the mailing list for The Notice or if you have a change of address, you may notify us by mail at the address shown above, by FAX at (405) 271-3442 to the Attention of Kay Determan, or by E-mail at KAYD@HEALTH.STATE.OK.US.</p>

2. Variance in Timing (Time of Day, Day of Week, Time of Month) - When facilities are surveyed, the time of day, day of the week, and time of month should be varied from the time of the previous standard survey. The time of day that surveys begin should extend beyond the business hours of 8:00 a.m. to 6:00 p.m. and should either incorporate evening hours after 7:00 p.m. or morning hours before 7:00 a.m. In addition, the day of the week should vary to include Saturdays and Sundays. At least ten percent of surveys must begin either on the weekend or in the evening or early morning hours. Likewise, the month in which a survey begins should, if possible, not coincide with the month in which the previous standard survey was conducted. In addition, standard surveys that are conducted to satisfy the ten percent requirement must be conducted on consecutive days. Consecutive means calendar days and includes Saturdays, Sundays, and Holidays. (42 CFR 488.307 and 1819 (g)(2)(A)(I) and 1919 (g)(2)(A)(I) of the Act) (SOM Transmittal 5)

HEALTH RESOURCES DEVELOPMENT SERVICE REPORT

Certificate of Need, Workplace Medical Plan, and Health Maintenance Organization matters considered by the Health Resources Development Service are reported in The Notice. Your comments, evidence, and requests regarding these projects should be sent to the Oklahoma State Department of Health, Special Health Services-0511, Health Resources Development Service, 1000 N. E. 10th, Oklahoma City, OK 73117-1299. The telephone number is (405) 271-6868.

I. Actions taken by the Oklahoma State Department of Health from February 24, 1998 to March 23, 1999 were as follows.

Certificate of Need Applications Approved:

Craig General Hospital, Vinita, #98-074. Contact Person: Nita Giles, 405/810/8155. New 20 bed psychiatric unit by Craig County Hospital Authority, a non-profit organization. Cost: \$1,500,000.00. Approved: 03/22/99.

II. The following Certificate of Need applications are complete and ready for review under the Long Term Care Certificate of Need Act, Certificate of Need Hearing Rules, and the Psychiatric and Chemical Dependency Facility Certificate of Need Act. The reviews below rely on submission of written evidence and argument instead of public hearings. This list was prepared on March 23, 1999.

Choctaw Living Center, Choctaw, #97-064. Contact Person: Nita Giles, 405/810-8155. Replace 110 bed licensed nursing facility. Cost: \$1,800,000.00. Applicant filed a request for a stay in this matter on 05/20/98, and stay was granted 05/21/98.

Care Nursing Center, Miami, #98-082. Contact Person: Nita Giles, 405/810-8155. Purchase of this 58 bed licensed nursing facility by Continental Healthcare of Miami, Ltd., Co., which is owned by Joseph A. Rosin (98%) and Andrea Michnea (1%). Cost: \$125,250.00. Deadline for filing notices of intent to participate is 03/11/99, and a final decision is due 04/26/99.

Watonga Nursing & Rehabilitation, Watonga, #99-001. Contact Person: Doris Milliron, 580/623-7249. Lease this 75 bed licensed nursing facility by Doris Milliron. Cost: \$240,000.00 for one year. Deadline for filing notices of intent to participate is 03/24/99, and a final decision is due 05/10/99.

Northside Nursing Home, Sapulpa, #99-002. Contact Person: Ernest Johnson, 918/224-0833. Add ten beds for a total of 69 licensed nursing facility beds. Cost: \$10,000.00. Deadline for filing notices of intent is April 1, 1999, and a final decision is due 05/17/99.

McMahon Tomlinson Nursing Center, Lawton, #99-003. Contact Person: Charles Chittum, 580/357-3240. Add 11 beds for a total of 129 nursing facility beds. Cost: \$487,500.00. Deadline for filing notices of intent to participate is 04/08/99, and a final decision is due 05/24/99.

Comanche County Memorial Hospital, Lawton, #99-004. Contact Person: Randall Segler. Relocate this 19 bed geropsychiatric unit. Cost: \$1,300,000.00. Deadline for filing notices of intent to participate is 04/08/99, and a final decision is due 05/24/99.

Comanche County Memorial Hospital, Lawton, #99-005. Contact Person: Randall Segler. Relocate this 18 bed skilled nursing unit. Cost: \$1,300,000.00. Deadline for filing notices of intent to participate is 04/08/99, and a final decision is due 05/24/99.

Wagoner Community Hospital, Wagoner, #99-006. Contact Person: Randy DuBois, 918/ . Lease this 60 bed psychiatric unit by Hillcrest Healthcare System, a non-profit organization. Cost: \$123,000.00 with an annual fee of \$10.00 for ten years. Deadline for filing notices of intent to participate is 04/01/99, and a final decision is due 05/17/99.

III. Applications filed with the State Department of Health under the Certificate of Need Program but not determined complete as of March 23, 1999, and which may be scheduled for reviews at later dates are:

Grace Living Center-Altus House, Altus, #99-007. Contact Person: Nita Giles, 405/810-8155. Lease this 108 bed licensed nursing facility by Altus House, L.L.C., which is owned Straight Path, L.L.C., which is owned 100% by Don Greiner. Cost: \$206,550.00 for one year.

IV. The following applications have been accepted under the Health Maintenance Organization Rules or the Rules for Certified Workplace Medical Plans.

AmCare Health Plans of Oklahoma, Inc., HMO-98-012. Contact Person: Susan Conway, 512/495-8442. Acquisition of Foundation Health an Oklahoma Health Plan. Found incomplete 1/21/99; additional information is due 4/21/99.

Aetna U.S. Healthcare, Inc., HMO-99-001. Contact Person: Shelly Sowers, 215/775-5753. Annual license renewal. Deadline for filing notice of intent to participate is 03/15/99; and a final decision is due 04/12/99.

Heartland Health Plan of Oklahoma, HMO-99-002. Contact Person: Liz Gehr, 405/239-2234. Annual license renewal.

Concentra Managed Care, Inc., Oklahoma City, WMP-97-003. Contact Person: Christy Cunningham, 405/943-9709. Initial application to operate a workplace medical plan. Found incomplete 11/24/97, additional information filed 01/12/98 and 03/23/98. Revised to a name change only. Approved: 02/26/99.

CRA Managed Care, Inc. dba Concentra, Oklahoma City, WMP-96-001. Contact Person: Martha Krivanek, 405/943-9709. Service area expansion. Approved: 03/19/99.

GENEX Care for Oklahoma, Oklahoma City, WMP-96-004. Contact Person: Polly McGraw, 610/964-5100. Workplace health and safety consultation revisions. Found complete 02/16/99.

V. Critical Access Hospitals. The Health Care Financing Administration has authorized the Oklahoma State Department of Health to designate rural nonprofit hospitals as Critical Access Hospitals.

As of March 23, 1999, the State Health Department has given preliminary approvals to four hospitals that requested critical access hospital designations. The four hospitals are Prague Municipal Hospital, Prague; Jane Phillips Nowata Health Center, Nowata; Atoka Memorial Hospital, Atoka; and Watonga Municipal Hospital, Watonga. Before a designation becomes final, the federal Health Care Financing Administration must authorize the State Health Department to conduct a certification survey at the prospective critical access hospital. Additional requests were pending at press time from Johnston Memorial Hospital and Roger Mills Memorial Hospital.

A not-for-profit hospital with no more than 15 acute care beds that is located in a rural county and at least 35 miles from the nearest hospital may be certified as a critical access hospital. The hospital may have up to 10 additional swing beds, and the distance to the nearest hospital may be as low as 15 miles if the drive is by secondary roads. The critical access hospital can keep each patient no more than 96 hours. The critical access hospital may cut services and staffing to the point of closing the facility temporarily when no inpatients are present. An on-call emergency service must be provided. Critical access hospitals qualify for cost-based reimbursement, instead of payments based on Diagnosis Related Groupings (DRGs). In Oklahoma, the certified critical access hospital likely will be licensed as a rural primary care hospital.

**OKLAHOMA STATE DEPARTMENT OF HEALTH
LICENSURE ACTION REPORT**

Enforcement actions initiated against facilities licensed under the Nursing Home Care Act, the Residential Care Act, or Title 63 O.S. Article 7 (hospitals and related institutions) are reported below. This list does not include certification sanctions under the Medicare or Medicaid programs. Your questions regarding the status of enforcement actions, or scheduling of upcoming hearings, should be sent to this address: Oklahoma State Department of Health, Special Health Services-0511, Enforcement Hearing Clerk, 1000 Northeast Tenth, Oklahoma City, OK 73117-1299. The telephone number is (405) 271-6017. This list was prepared on March 23, 1999.

Spectra-Lab, Inc. (SHS-HRI-98-04). The action against this home health care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Petition filed 10/19/98. Settlement Agreement dated 12/30/98.

Johnscare Quality Homecare, Inc. (SHS-HRI-98-05). The action against this home health care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Petition filed 11/16/98. Decision dated 1/11/99.

Sunset Acres Retirement Center, (SHS-LTC-97-03). The action against this long term care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Order to cease and desist was dated 4/28/97. Continued indefinitely.

Choctaw Living Center, (SHS-LTC-98-05). The action against this long term care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Notice and Opportunity for Hearing dated 4/29/98. Settlement Agreement dated 1/11/99.

Grand Comfort Inn, (SHS-LTC-98-09). The action against this long term care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Petition filed 10/22/98. Case is pending.

Callaway Nursing Home, (SHS-LTC-99-01). The action against this long term care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Hearing is set for 2/11/99.

The State Department of Health has a Web page, which may be accessed at <http://www.health.state.ok.us>. Selected Certificate of Need laws, rules, forms and reports may be reviewed and copied from the department's Web pages.

OKLAHOMA STATE DEPARTMENT OF HEALTH

Special Health Services - 0511

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