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# THE NOTICE

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Oklahoma State Department of Health

December 1, 2001

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## **Nursing Facilities to Offer Vaccinations to Residents, Employees**

The Health Department reminds facilities of the vaccination requirements in the Rules for Licensure of Nursing and Specialized Facilities. The requirements, as most recently amended effective June 25, 2001, are as follows:

### **310:675-9-31. Influenza and pneumococcal vaccinations**

- (a) Each facility shall document evidence of the offering of annual vaccination against influenza for each resident and for each employee, in accordance with the Recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention most recent to the time of vaccination.
- (b) Each facility shall document evidence of the offering of vaccination against pneumococcal disease for each resident, in accordance with the Recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention most recent to the time of vaccination.
- (c) The immunizations provided for in this section may be waived because of medical contraindication or may be refused. Documentation of the vaccination, medical contraindication or refusal shall be recorded in the resident's medical or care record. If the resident is not vaccinated, the documentation in the resident record shall include a statement signed by the resident, the resident's representative, or the resident's physician as appropriate.
- (d) Attending physicians may establish standing orders for the administration of influenza and pneumococcal immunizations in accordance with the Recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention most recent to the time of vaccination.

For more information about this requirement, contact Henry F. Hartsell, chief of the Health Resources Development Service, by phone at (405) 271-6868, or by email at [hank@health.state.ok.us](mailto:hank@health.state.ok.us).

### **Certificate of Need and Long Term Care Rules on the OSDH Web**

Electronic copies of Oklahoma's certificate of need and long-term care rules are available on the OSDH Web page: [www.health.state.ok.us](http://www.health.state.ok.us). From the OSDH home page, click on the "Programs" icon, then select "Protective Health Services." Next, select "Health Resources Development Service" for a listing of requirements and application forms for long-term care, certificate of need, nurse aide registry and certification, and home care administrator certification.

### **HEALTH RESOURCES DEVELOPMENT SERVICE REPORT**

Certificate of Need, Workplace Medical Plan, Health Maintenance Organization and Independent Review 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, Protective 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 October 24, 2001 to November 23, 2001 were as follows.**

#### **Certificate of Need Applications Approved:**

Inverness Village, Tulsa, #01-014. Contact Person: Gregory Frogge, 918/582-1211. Establish a new 44 bed licensed nursing facility to be part of a continuum of care facility located at 4000 W. 71<sup>st</sup> Street, Tulsa, by Asbury Services, Inc., a not-for-profit organization. Cost: \$4,186,025.00. Approved: 10/22/01.

The Pavilion at Spanish Cove Retirement Village, Yukon, #01-019. Contact Person: Sherman Huff, 405/354-1901. Add 11 beds for a total of 40 licensed nursing facility beds at this facility. Cost: \$7,970,045.00. Approved: 10/29/01.

#### **Certificate of Need Withdrawn/Denial/ Reconsideration:**

This publication is issued by the Oklahoma State Department of Health, as authorized by the 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. The Notice is now available on our website at [www.health.state.ok.us](http://www.health.state.ok.us). 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](mailto:KAYD@HEALTH.STATE.OK.US).

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Community Homes Moore #1, 00-023; #2, 00-24 and #3, 00-025. A Stay on the time requirements of title 63 Section 1-857 was granted 10/31/01. Pre-Trial Hearing will be held at 2:00 p.m. at the Oklahoma State Department of Health on 12/05/01. Decision Pending.

The 89'er Guest House, Guthrie, #-00-035. Contact Person: Rick Cooper, 405/273-2282. Lease of this 100 bed licensed nursing facility by HIS Nursing Home Co. LLC IV, which is owned by Kenneth G. Harbeston & Joyce G. Harbeston, Trustees of the Harbeston Trust (7.5%); Galen Kirkland (7.5%); Jerry Scott (5%); Tim and/or Kym Tate (5%); Amy Fent (5%); Tamera Hennen (5%); Barbara Bess (3.75%); James & Cheryl Willis (1%); Brent & Sherry Todd (1%); Chester and/or Maureen Oliver, JT (2%); James Cooper, Jr. (4.25%); and Cooper Nursing Home Corp. (53%). Cost: \$140,165.88 annually for 5 years. Denied: 11/13/00. Request for reconsideration filed 11/27/00 and granted 12/06/00. Hearing rescheduled for 03/13/01 at the Oklahoma State Department of Health. Application withdrawn by applicant. 01/22/01.

Heritage Nursing Center, Muskogee, #01-005. Contact Person: Schuyler Montgomery, 918/683-9407. Purchase of this 119 bed licensed nursing facility by Healthcare Services Incorporated which is owned by Schuyler Montgomery (50%) and Tom Montgomery (50%). Cost: \$1,190,000.00. Denied: 6/25/01. Request for reconsideration filed 07/05/01 and granted 07/12/01. Hearing rescheduled for 11/20/01 at the Oklahoma State Department of Health.

Binger Nursing Home, Binger, #01-007. Contact Person: Robert Cole, 405/557-7800. Purchase of this 65 bed licensed nursing facility by S.M.K. of Binger, Inc., which is owned by Larry J. Sparks (30%), Pat Kates (30%), Justin Price (10%) and James H. Martin (30%). Cost: \$1,000,000.00. Denied: 08/06/01.

The Wolfe Living Center at Summit Ridge, Harrah, #01-010. Contact Person: Nita Giles, 405/224-0237. Lease this 44 bed licensed nursing facility by Eldercare Retirement Management, Inc., which is owned by Glen Hamel (51%) and Steve Vogel (49%). Cost: \$71,160.00 annually for five (5) years. Denied: 08/29/01.

Crystal Wood Village Total Care Center, fka Tender Heart of Woodward, Woodward, #01-012. Contact Person: Jack Atkinson, 405/330-1889. Acquisition thru termination of lease of this 70 bed licensed nursing facility to NH Investments II, Inc., which is owned by SpiritBank (38.58%), The Stock Exchange Bank (7.02%), Stroud National Bank (6.75%), First State Bank (2.13%), RCB Bank (19.29%), Quail Creek Bank (18.33%) and First National Bank (7.72%). Cost: \$2,150,000.00. Denied: 09/28/01. Request for reconsideration filed 10/10/01 and granted 10/22/01.

Washita Valley Living Center fka Tender Heart of Pauls Valley, Pauls Valley, #01-013. Purchase of this 109 bed licensed nursing facility by NH Investments II, Inc., which is owned by SpiritBank (38.58%), The Stock Exchange Bank (7.02%), Stroud National Bank (6.75%), First State Bank (2.13%), RCB Bank (19.29%), Quail Creek Bank (18.33%) and First National Bank (7.72%) with subsequent lease to Washita Valley Living Center, Inc. which is owned 100% by Jack Justice. Cost: \$2,550,000.00. Denied: 10/15/01. Pre-Trial Hearing scheduled on 12/17/01 at 10:00 a.m. at the Oklahoma State Department of Health.

**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 November 23, 2001.**

Cherokee Manor, Cherokee, #01-015. Contact Person: Nita Giles, 405/224-0237. Purchase this 54 bed licensed nursing facility by Lightning Creek Investment Group, Inc., which is owned by Douglas G. Maddux (33.33%); Sherman D. Honea (33.33%); and Johnny W. Krouse (33.33%). Cost: \$625,000.00. Deadline for filing notices of intent to participate is 11/29/01, and a final decision is due 01/15/02.

89er Care Center, Guthrie, #01-018. Contact Person: Julie Hammer, 405/282-0205. New 16 bed licensed specialized facility for the mentally retarded person through conversion by G.H.M. Enterprises LTD., which is owned by T.H.M. Enterprises Inc. (50%); Earleen Machtolff (24%); George H. Machtolff III (12%); Greg Machtolff (12%); and Mary T. English (2%). Cost: \$644,000.00. Deadline for filing notices of intent to participate is 10/25/01, and a final decision is due 12/10/01.

The Oaks Health Care Center, Poteau, #01-020. Contact Person: Grant Rhodes, 405/624-2444. Purchase this 158 bed licensed nursing facility by Poteau Nursing Center, L.L.C., which is owned by Grant Rhodes (33.33%), Kelly Hardin (33.33%) and Jeff Young (33.33%). Cost: \$3,750,000.00. Deadline for filing notices of intent to participate is 10/11/01, and a final decision is due 11/26/01.

Southern Oaks Manor, Okla. City, #01-022. Contact Person: Denver McCormick, 405/872-7102. Replacement of this 114 bed licensed nursing facility to a new location in the 800 Blk. Of SW 119<sup>th</sup>. Cost: \$5,000,000.00. . Deadline for filing notices of intent to participate is 12/06/01, and a final decision is due 01/22/02.

**III. Applications filed with the State Department of Health under the Certificate of Need Program but not determined complete as of November 23, 2001, and which may be scheduled for reviews at later dates are:**

Brentwood Care Center of Broken Arrow, LLC, fka Laurel Skilled & Rehabilitation Center, Broken Arrow, #01-016. Contact Person: John Montgomery, 918/489-2755. Purchase of this 52 bed licensed nursing facility by Brentwood Care Center of Broken Arrow, LLC, which is owned by Ann Farmer (50%) and John B. Montgomery (50%). Cost: \$250,000.00. Additional information requested and due by 11/07/01.

Brentwood Care Center of Broken Arrow, LLC, fka Laurel Skilled Skilled & Rehabilitation Center, Broken Arrow, #01-017. Contact Person: John Montgomery, 918/489-2755. Replacement of this 52 bed licensed nursing facility to a new location on Elm Street between 81<sup>st</sup> and 91<sup>st</sup> Street, Broken Arrow. Cost: \$1,976,000.00. Additional information requested and due by 11/07/01.

Elkwood Manor, L.C., Elk City, #01-021. Contact Person: Sam Crosby, no phone. Sub-lease of this 90 bed licensed nursing facility. Additional information requested and due by 12/14/01.

Adult Behavioral Care Center, Norman, #01-023. Contact Person: Mike Hulsey, 405/943-2299. Establish new 12 bed adult psychiatric unit. Additional information requested and due by 01/02/02.

Stillwater Rosewood Care Center, fka Rosewood of Stillwater, Stillwater, #01-024. Contact Person: Laura Cross, 405/239-2121. Acquisition through Management Agreement by Health Systems of Oklahoma, L.L.C. Additional information requested and due by 01/10/02.

Ponca City Nursing Home, fka Ponca City Nursing & Rehabilitation Center, Ponca City, #01-025. Contact Person: Laura Cross, 405/239-2121. Acquisition through Management Agreement by Health Systems of Oklahoma, L.L.C. Additional information requested and due by 01/10/02.

Westhaven Nursing Home, Stillwater, #01-026. Contact Person: Laura Cross, 405/239-2121. Acquisition through Management Agreement by Health Systems of Oklahoma, L.L.C. Additional information requested and due by 01/10/02.

Seminole Pioneer Nursing, Seminole, #01-027. Contact Person: Laura Cross, 405/239-2121. Acquisition through Management Agreement by Health Systems of Oklahoma, L.L.C. Additional information requested and due by 01/10/02.

Parkview Nursing Home, Shawnee, #01-028. Contact Person: Laura Cross, 405/239-2121. Acquisition through Management Agreement by Health Systems of Oklahoma, L.L.C. Additional information requested and due by 01/10/02.

The Golden Rule Home, Inc., Shawnee, #01-029. Contact Person: Anna Jantz, 405/273-7106. Addition of ten beds for a total of 53 licensed nursing facility beds. \$5,000.00. Additional information requested and due by 01/09/02.

Prairiewood Manor, L.C., fka Prairie View Living Center, Clinton, #01-030. Contact Person: Sam Crosby, 405/297-9230. Purchase this 70 bed licensed nursing facility by Prairiewood Manor, L.C., which is owned by Sam Crosby and C.R. Trout. Cost: \$2,000,000.00. Additional information requested and due by 02/04/02.

Vian Nursing Home, Inc., Vian, #01-031. Contact Person: Billy Fullbright, 918/773-5258. Acquisition thru stock transfer of this 133 bed licensed nursing facility.

Gran Gran's Place fka Yukon Nursing Center, Yukon, #01-032. Contact Person: Nell Lusty, 405/350-2311. Lease of this 69 bed licensed nursing facility by PPG, L.L.C.

Eidetik of Weleetka, Weleetka, #01-033. Contact Person: Kaylene Bass, 405/786-2401. New 6 bed specialized facility for mentally retarded persons by 4-B Properties, L.L.C., which is owned 25% each by William F. Beaven, Marsha Beaven, George L. Brown and Martha Brown. Cost: \$130,000.00.

**IV. The following applications have been accepted under the Health Maintenance Organization Rules or the Rules for Certified Workplace Medical Plans or the Rules for Independent Review Organizations. Anyone desiring to participate in the review process or request a public hearing on a health maintenance organization application must file a written notice of intent to participate.**

CorVel Corporation d/b/a CorVel Advocacy, WMP-01-002. Contact Person: Thomas Fondren, 405/848-3532. Certificate renewal application. Approved 10/23/01.

WorkNet , Inc. d/b/a WorkNet of Oklahoma, WMP-01-004. Contact Person: Christopher B. Lewis, 918/594-5288, Opt. #1. Certificate renewal application. Found complete 07/23/01; deficiencies cited 09/21/01.

CommunityCare HMO, HMO-01-008. Contact Person: Remsen Beitel, 918-594-5264. Annual license renewal. Found complete 10/29/01; additional information due 11/29/01.

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

As of November 23, 2001, the State Health Department has certified eighteen rural hospitals as Critical Access Hospitals (CAH). The hospitals are: 1. Anadarko Municipal Hospital, Anadarko, 2. Atoka Memorial Hospital, Atoka 3. Cimmarron Memorial Hospital, Boise City 4. Drumright Memorial Hospital, Drumright 5. Healdton Municipal Hospital, Healdton 6. Jane Phillips Nowata Health Center, Nowata 7. Jefferson County Hospital, Waurika 8. Johnston Memorial Hospital, Tishomingo 9. Kingfisher Regional Hospital, Kingfisher 10. Lindsay Municipal Hospital, Lindsay 11. Mercy Health-Love County, Marietta 12. Pawhuska Memorial Hospital, Pawhuska 13. Prague Municipal Hospital, Prague 14. Roger Mills Memorial Hospital, Cheyenne 15. St. John Sapulpa, Sapulpa 16. Stroud Municipal Hospital, Stroud 17. Watonga Municipal Hospital, Watonga 18. Wetumka General Hospital, Wetumka.

Note: All the hospitals on this list have received approval for payment as a CAH from the HCFA Regional Office with the exception of Lindsay Municipal Hospital. The Lindsay Hospital opening is delayed until further notice.

### 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) 271-5217. This list was prepared on November 23, 2001.**

Anadarko Nursing Center, Inc., Anadarko, OK, and Binger Health Care, Inc., Binger, OK, (LTC-2000-14). The actions against these Nursing Home facility's arose out of the Oklahoma Department of Health's charges of violations of the Nursing Home Care Act, and Regulations for Licensure of Nursing and Specialized Facilities. Case Pending.

TLC Health Care, Inc., d/b/a Shawnee Colonial Estates Nursing Home and Rocky Lemon, Shawnee, OK, (LTC-2000-20). The action against this Nursing Home facility arose out of the Oklahoma Department of Health's charges of violations of the Nursing Home Care Act, and Regulations for Licensure of Nursing and Specialized Facilities. Decision appealed to Supreme Court. Case Pending.

Gimmel Properties, Inc.. (LTC 2001-09). Hearing has been scheduled for April 6th, 2001 at 1:00 p.m., at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK., Room 307. The Judges decision is pending.

Barbara Savage d/b/a TLC, (LTC 2001-115). The action against this nursing home facility arose out of the Oklahoma Department of Health's charges of violations of the Nursing Home Care Act, and Regulations for Licensure of Nursing and Specialized Facilities. Decision pending.

Manor Care HS – Northwest (LTC 2001-116). The action against this nursing home facility arose out of the Oklahoma Department of Health's charges of violations of the Nursing Home Care Act, and Regulations for Licensure of Nursing and Specialized Facilities. Motion to dismiss the appeal filed on June 19, 2001.

Willow Park Health Care Center (LTC 2001-120). Judges decision pending.

Skyview Nursing Center (LTC-2001-131). A hearing is scheduled for January 15, 2002, at 10:00 am, at the Oklahoma State Department of Health 1000 N.E. 10<sup>th</sup> Street, Room 1102.

Pleasant Valley Health Care Center (LTC 2001-132). A hearing is scheduled for December 18, 2001, at 10:00 a.m., at the Oklahoma State Department of Health 1000 N.E. 10<sup>th</sup> Street, Room 1102.

Heritage Nursing Center of Muskogee, OK. (LTC 2001-133). A hearing is scheduled for December 4, 2001 at 10:00 a.m., at the Oklahoma State Department of Health 1000 N.E. 10<sup>th</sup> Street, Room 1102.

Hugo Health and Rehab Center (LTC 2001-50). A pre-trial hearing conference is scheduled for December 6, 2001 at 10:00 a.m. in Room 1102.

**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.**

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**OKLAHOMA STATE DEPARTMENT OF HEALTH**

**Special Health Services - 0511**

**1000 NE 10<sup>th</sup> Street**

**Oklahoma City, OK 73117-1299**

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