
THE notice

Oklahoma State Department of Health

February 1, 1999

RULE CHANGE BEING CONSIDERED BY THE BOARD OF HEALTH

PROPOSED

CHAPTER 673. ALZHEIMER'S DISEASE SPECIAL CARE DISCLOSURE RULES

SUBCHAPTER 1. GENERAL PROVISIONS

310:673-1-1. Purpose

This Chapter provides for the disclosure of information on special care provided to persons with Alzheimer's disease and related disorders at facilities, homes and centers licensed by the Oklahoma State Department of Health. This rule is authorized under the following laws: the Alzheimer's Disease Special Care Disclosure Act (63 O.S.L. 1998, Chapter 147); the Oklahoma Public Health Code (63 O.S. Supp. 1997, Section 1-104 et seq.); and, the Administrative Procedures Act (75 O.S. Supp. 1997, Sections 250.1 through 323).

310:673-1-2. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Act" means the Alzheimer's Disease Special Care Disclosure Act, 63 O.S.L. 1998, Chapter 147.

"Department" means the Oklahoma State Department of Health.

"Provider" means an entity licensed by the Department as one or more of the following:

- (A) A nursing facility or specialized nursing facility under 63 O.S. Supp. 1997, Section 1-1901 et seq.;
- (B) A residential care home under 63 O.S. Supp. 1997, Section 1-819 et seq.;
- (C) An assisted living center or continuum of care facility under 63 O.S. Supp. 1997, Section 1-890.1 et seq.;
- (D) An adult day care center under 63 O.S. Supp. 1997, Section 1-870 et seq.

"Special care provider" means a provider that advertises, markets or otherwise promotes itself as providing care or treatment to persons with Alzheimer's disease or related disorders in a special unit or under a special program [63:1-8792c].

SUBCHAPTER 3. STANDARIZED DISCLOSURES AND REVIEWS

310:673-3-1. Disclosure required

- (a) Before entering an agreement to offer care or treatment as a special care provider, each provider shall file a standardized disclosure form with the Department.
- (b) Each special care provider shall include the standardized disclosure form with each license renewal application filed by the special care provider under applicable license laws and rules enforced by the Department.
- (c) In addition to filing the disclosure with the Department, each special care provider shall provide the standardized disclosure to the State Long-Term Care Ombudsman, and to any person seeking placement on behalf of a person with Alzheimer's disease or related disorders [63:1-879.2c.A.2] from the special care provider.

310:673-3-2. Description of standardized disclosure form

- (a) The standardized disclosure form requests the following:
 - (1) A written description of the Alzheimer's disease special care unit's overall philosophy and mission as it relates to the needs of residents with Alzheimer's disease or related disorders;
 - (2) The process and criteria for placement in, or transfer or discharge from, the unit;
 - (3) The process used for assessment, establishment, and implementation of a patient plan of care, including the method by which the plan evolves and is responsive to changes in the condition of the patient;
 - (4) Staff-to-resident ratios, staff training and continuing education commensurate with Alzheimer's disease residents' needs for increase care and supervision;
 - (5) The physical environment and design features appropriate to support the functioning of cognitively impaired adult residents;
 - (6) The types and frequency of resident activities;
 - (7) The involvement of families in care planning and other aspects of care, and the availability of family support programs; and
 - (8) The fees for care and any additional fees [63:1-879.2c.B].

310:673-3-3. Timeframes for review

The Department shall review and verify the special care provider's standardized disclosure within timeframes applicable to the issuance or denial of the provider's license.

310:673-3-4. Standardized disclosure changes

Each special care provider shall submit for the Department's review any substantial change in the information originally submitted in the standardized disclosure form. Within thirty (30) days after receipt, the Department shall review and verify proposed changes or required filings.

310:673-3-5. Conditions to refuse to renew

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The Department may refuse to issue or refuse to renew a license for a special care provider, or take such other steps as appropriate, if the special care provider fails to:

- (1) Submit a required standardized disclosure; or
- (2) Correct inaccurate information reported in the standardized disclosure.

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 December 24, 1998 to January 23, 1999 were as follows.

Certificate of Need Applications Approved:

The Center of Family Love, Okarche, #98-076. Contact Person: Floyd Propps, 405/721-4225. New 16 bed specialized nursing facility for mentally retarded individuals, located at 6th and Texas by Center of Family Love. Cost: \$762,560.00. Approved: 01/04/99.

University Village, Tulsa, 98-084. Contact Person: Mike Shawn, 918/299-2661. Add ten beds for a total of 80 licensed nursing facility beds. Cost: \$10,000.00. Approved: 01/19/99.

Golden Oaks Nursing Center, Enid, 98-083. Contact Person: Roberta Donaldson, 580/234-1911. Add ten beds for a total of 60 licensed nursing facility beds. Cost: \$0. Approved: 01/20/99.

Certificate of Need Applications Disapproved:

Heaven S'ent Mansion, El Reno, #98-071. Contact Person: Nell Lusty, 405/354-4834. Construct new 100 bed nursing facility. Cost: \$4,836,600.00. Disapproved: 12/30/98. Reconsideration request was filed 01/11/99. Department issued denial of the reconsideration on 01/21/99.

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 January 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.

New Frontiers-Gardner, Okla. City, #98-072. Contact Person: Don Moore, 405/879-2254. New six bed specialized nursing facility for mentally retarded individuals located at 1201 Gardner Ave. by New Horizons, Inc., which is owned 100% by Donald R. Moore. Cost: \$130,000.00. This was previously listed as New Frontiers-Council Road, located at 1301 N. Council Road. Deadline for filing notices of intent to participate is 12/28/98, and a final decision is due 02/15/99.

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. Deadline for filing notices of intent to participate is 02/04/99, and a final decision is due by 03/21/99.

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

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. Additional information is due by 02/01/99.

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

HealthCare Oklahoma, Inc., HMO-98-009. Contact Person: Kim Decker, 405/951-4720. Annual license renewal. Deadline for filing notice of intent to participate is 1/25/99, and a final decision is due 2/22/99.

BlueLincs HMO, HMO-98-010. Contact Person: Susan Furgerson, 918/561-9900. Annual license renewal. Deadline for filing notice of intent to participate is 1/25/99, and a final decision is due 2/22/99.

Foundation Health, an Oklahoma Health Plan, HMO-98-011. Contact Person: Richard McCutchen, 918/621-5900. Annual license renewal. Deadline for filing notice of intent to participate is 2/1/99, and a final decision is due 3/1/99.

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.

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.

GENEX Care for Oklahoma, Oklahoma City, WMP-96-004. Contact Person: Rae Hogan, 405/810-1200. Service area expansion. Approved: 06/26/98.

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

First Health Group Corp., Downers Grove, IL, WMP-96-08. Contact Person: Thomas J. Babbo, 630/241-7602. Service area expansion. Found complete 10/16/98.

METRA COMP., Inc., Tampa, FL, WMP-96-009. Contact Person: Michael P. Read, 813/806-2151. Service area expansion. Found complete 10/21/98.

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 January 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.

NURSING AND SPECIALIZED FACILITY 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 January 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
1000 NE 10th Street
Oklahoma City, OK 73117-1299

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