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# THE NOTICE

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Oklahoma State Department of Health

June 1, 2002

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## Rule Amendments Adopted by the State Board of Health

The State Board of Health on February 14, 2002 adopted changes to five chapters of the Oklahoma Administrative Code that were approved on April 2, 2002 by Governor Frank Keating. The changes will become effective July 1, 2002. Each amended chapter related to smoking of tobacco. Affected chapters are the following:

Chapter 641, Emergency Medical Services

Chapter 663, Continuum of Care and Assisted Living

Chapter 667, Hospitals

Chapter 675, Nursing and Specialized Facilities

Chapter 680, Residential Care Homes

The State Board of Health adopted changes to several chapters of the Oklahoma Administrative Code during a public meeting on March 14, 2002. The rules were approved by Governor Keating on May 9, 2002, and by the Legislature on May 17, 2002. The changes will become effective June 27, 2002. Affected chapters are the following:

Chapter 4, Certificate of Need Hearings

Chapter 641, Emergency Medical Services

Chapter 205, Alarm Industry

Chapter 656, Managed Care and Utilization Review

Chapter 234, Medical Micropigmentation

Chapter 661, Hospice

Chapter 620, Certificate of Need Acquisition Standards

Chapter 664, Home Care Administrators

Chapter 630, Certificate of Need Standards for Nursing Facility Beds

Chapter 675, Nursing and Specialized Facilities

Chapter 635, Certificate of Need Standards for Psychiatric/Chemical Dependency Beds

Chapter 677, Nurse Aide Training and Certification

The Board of Health on March 14 adopted changes to Chapter 605, Adult Day Care. Those changes were withdrawn from the rule review process and are not scheduled to become effective.

## 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 April 24, 2002 to May 23, 2002 were as follows.**

### Certificate of Need Applications Approved:

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 by Vian Nursing Home, Inc. which is owned by Jerene Taylor (33 1/3%); Judy Nanette Fullbright (16 2/3%); Lola A. Armstrong Trust (16 2/3%); and S.W. Armstrong Trust (16 2/3%) with Billy Fullbright as Vice President. Cost \$39,998.00. Approved: 05/01/02.

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., which is owned by Nell Lusty (50%) and David Lusty (50%). Cost: \$12,000.00 annually for 5 years. Disapproved: 03/29/02. Reconsideration request filed and granted 04/09/02. Approved: 05/13/02.

Seiling Nursing Center, Seiling, #02-004. Contact Person: Ann HeHerbrake, 580/922-4433. Lease with option to purchase this 31 bed licensed nursing facility by Seiling Municipal Hospital Authority and Seiling Nursing Center, both not-for-profit organizations. Cost: 395,000.00. Approved: 04/26/02.

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

Adult Behavioral Care Center, Norman, #01-023. Contact Person: Mike Hulsey, 405/943-2299. Establish new 12 bed adult psychiatric unit by Adult Behavior Care Center L.L.C., which is owned by Virginia Moore (50%) and David Eugene Forgy (50%). Cost: \$40,000.00. Disapproved: 04/15/02.

Stillwater Rosewood Care Center, fka Rosewood of Stillwater, Stillwater, #01-024. Contact Person: Laura Cross, 405/239-2121. Acquisition through management agreement of this 104 bed licensed nursing facility by Health Systems of Oklahoma, L.L.C., which is owned by James Lincoln (51%) and John Vinson (49%) Cost: \$0. Disapproved: 04/8/02. Reconsideration request filed 4/18/02 and granted 5/24/02.

Ponca City Nursing Home, fka Ponca City Nursing & Rehabilitation Center, Ponca City, #01-025. Contact Person: Laura Cross, 405/239-2121. Lease of this 157 bed licensed nursing facility with subsequent management agreement by N & R of Ponca City L.L.C. (Lessee) and Management Systems of Ponca City L.L.C. (Manager), which are both owned by James Lincoln (51%) and John Vinson (49%). Cost: \$2,070,000.00 and \$150,000.00 annually for 10 years. Disapproved: 04/8/02. Reconsideration request filed 4/18/02 and granted 5/24/02.

Westhaven Nursing Home, Stillwater, #01-026. Contact Person: Laura Cross, 405/239-2121. Lease of this 125 bed licensed nursing facility with subsequent management agreement by N & R of Ponca City L.L.C. (Lessee) and Management Systems of Ponca City L.L.C. (Manager), which are both owned by James Lincoln (51%) and John Vinson (49%). Cost: \$1,804,000.00 and \$19,500.00 annually for 10 years. Disapproved: 04/8/02. Reconsideration request filed 4/18/02 and granted 5/24/02.

Seminole Pioneer Nursing, Seminole, #01-027. Contact Person: Laura Cross, 405/239-2121. Acquisition through management agreement of this 60 bed licensed nursing facility by Health Systems of Oklahoma, L.L.C., which is owned by James Lincoln (51%) and John Vinson (49%) Cost: \$0. Disapproved: 04/8/02. Reconsideration request filed 4/18/02 and granted 5/24/02.

Parkview Nursing Home, Shawnee, #01-028. Contact Person: Laura Cross, 405/239-2121. Acquisition through management agreement of this 110 bed licensed nursing facility by Health Systems of Oklahoma, L.L.C., which is owned by James Lincoln (51%) and John Vinson (49%) Cost: \$0 Disapproved: 04/8/02. Reconsideration request filed 4/18/02 and granted 5/24/02.

Vista Nursing Home, Heavener, #01-039. Contact Person: John Montgomery, 918/489-2755. Acquisition of this 51 bed licensed nursing facility through stock transfer in Vista Nursing Home, Inc. by John B. Montgomery. Cost: \$450,000.00. Disapproved: 04/25/02. Reconsideration request filed 04/25/02 and granted 05/07/02.

**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 May 23, 2002.**

Via Christi Oklahoma Regional Medical Center, aka St. Joseph Regional Medical Center, Ponca City, #01-040. Contact Person: Nita Giles, 405/224-0237. Addition of 2 beds to a total of 12 licensed skilled nursing facility beds at this nursing facility. Cost: \$1,900.00. Deadline for filing notices of intent to participate is 05/08/02, and a final decision is due 06/24/02.

Colonial Estates Nursing Center, fka Shawnee Colonial Estates Nursing Center, Shawnee, #02-001. Contact Person: Laura Cross, 405/239-2121. Lease of this 165 bed licensed nursing facility with subsequent management agreement by N & R of Ponca City L.L.C. (Lessee) and Management Systems of Ponca City L.L.C. (Manager), which are both owned by James Lincoln (51%) and John Vinson (49%). Cost: \$2,300,000.00 and \$168,000.00 annually for 10 years. Deadline for filing notices of intent to participate is 03/21/02, and a final decision is due 05/06/02. Applicant requested that decision be deferred pending out come of various applications.

New Frontiers Aspen House, Okla. City, #02-002. Contact Person: Cathy Moore, 405/789-2262. Establish a new 8-bed facility for mentally retarded persons by New Horizons, Inc., which is owned by Donald R. Moore (51%) and Cathy P. Moore (49%). Cost: \$150,000.00. Deadline for filing notices of intent to participate is 05/20/02, and a final decision is due 07/15/02.

New Frontiers Santa Fe House, Okla. City, #02-003. Contact Person: Cathy Moore, 405/789-2262. Establish a new 8-bed facility for mentally retarded persons by New Horizons, Inc., which is owned by Donald R. Moore (51%) and Cathy P. Moore (49%). Cost: \$150,000.00. Deadline for filing notices of intent to participate is 05/20/02, and a final decision is due 07/15/02.

Pioneer Estates Nursing Home, Chandler, #02-006. Contact Person: David Rising, 405/521-1507. Replacement of this 49 bed licensed nursing facility and combined with Chandler Nursing Center a 52 bed licensed nursing facility for a total of 101 licensed nursing facility beds to a location at Hwy 66 & Industrial Road. Cost: \$3,750,000.00. Deadline for filing notices of intent to participate is 04/25/02, and a final decision is due by 06/10/02.

Chandler Nursing Center, Chandler, #02-007. Contact Person: David Rising, 405/521-1507. Replacement of this 52 bed licensed nursing facility and combined with Pioneer Estates Nursing Home a 49 bed licensed nursing facility for a total of 101 licensed nursing facility beds to a location at Hwy 66 & Industrial Road. Cost: \$3,750,000.00. Deadline for filing notices of intent to participate is 04/25/02, and a final decision is due by 06/10/02.

Texoma Manor Living Center, Kingston, #02-012. Contact Person: Nita Giles, 405/224-0237. Purchase of this 60 bed licensed nursing facility by Family Care Centers of Oklahoma, L.L.C., which is owned by Sharie Folmar (25%), Doug Cox (25%), Drenda Cos (25%) and Jerry Folmar (25%). Cost: \$825,000.00. Deadline for filing notices of intent to participate is 05/20/02, and a final decision is due 07/15/02.

**III. Applications filed with the State Department of Health under the Certificate of Need Program but not determined complete as of May 23, 2002, and which may be scheduled for reviews at later dates are:**

Crystal Pointe Care Center, Lawton, #01-038. Contact Person: Clifton Gooding, 405/948-1978. Acquisition with subsequent lease of this 100 bed licensed nursing facility. Cost: \$865,000.00. Additional information requested and due by 04/04/02. Order for temporary injunction to stay filed and granted 02/25/02.

Broken Bow Nursing Home, Broken Bow, #02-005. Contact Person: Jack Atkinson, 405/405/330-1889. Lease this 105 bed licensed nursing facility. Additional information requested and due by 05/23/02.

Tuttle Care Center, Tuttle, #02-008. Contact Person: Laura Cross, 405/239-2121. Management agreement with subsequent lease. Additional information requested and due by 06/18/02.

Willow Park Health Care Center, Lawton, #02-009. Contact Person: Laura Cross, 405/239-2121. Management agreement with subsequent lease. Additional information requested and due by 06/18/02.

Temple Manor Nursing Home, Temple, #02-010. Contact Person: Laura Cross, 405/239-2121. Management agreement with subsequent lease. Additional information requested and due by 06/18/02.

Western Hills Health Care Center, Lawton, #02-011. Contact Person: Laura Cross, 405/239-2121. Management agreement with subsequent lease. Additional information requested and due by 06/18/02.

Atlanta Place, Okemah, #02-013. Contact Person: Kaylene Bass, 405/786-2401. Establish a new six (6) bed specialized facility for mentally retarded persons by 4-B Properties, L.L.C. with subsequent lease by Eidetik of Weleetka, L.L.C. Cost: \$130,000.00. Additional information requested and due by 08/05/02.

Liberty Place, Okmulgee, #02-014. Contact Person: Kaylene Bass, 405/786-2401. Establish a new six (6) bed specialized facility for mentally retarded persons by 4-B Properties, L.L.C. with subsequent lease by Eidetik of Weleetka, L.L.C. Cost: \$130,000.00. Additional information requested and due by 08/05/02.

Lexington Place, Okmulgee, #02-015. Contact Person: Kaylene Bass, 405/786-2401. Establish a new six (6) bed specialized facility for mentally retarded persons by 4-B Properties, L.L.C. with subsequent lease by Eidetik of Weleetka, L.L.C. Cost: \$130,000.00. Additional information requested and due by 08/05/02.

Guthrie Place, Okemah, #02-016. Contact Person: Kaylene Bass, 405/786-2401. Establish a new six (6) bed specialized facility for mentally retarded persons by 4-B Properties, L.L.C. with subsequent lease by Eidetik of Weleetka, L.L.C. Cost: \$130,000.00. Additional information requested and due by 08/14/02.

Go Ye Village Health Care Center, Tahlequah, #02-017. Contact Person: James Richardson, 918/456-4542. Establish a new 42 bed specialized facility for alzheimer's by Go Ye Village, Inc. located on the campus of Go Ye Village Med-Center.

**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.**

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. Additional information filed 05/13/02.

National Comp Care, Inc., WMP-01-005. Contact Person: Marvin Chrisite, 800-710-8121, Ext. 3793. Certificate renewal application. Found incomplete: 08/31/01. Additional information filed 11/30/01.

INTRACORP, WMP-01-006. Contact Person: Susan McDonough, 800-803-0344, Ext. 3129. Certificate renewal application. Found incomplete: 12/31/01. Additional information filed 04/23/02.

First Health, WMP-02-001. Contact person: Andrea Wynne, 630-737-7212. Certificate renewal application. Received: 01/22/02. Contact Person changed to Mark Kopelman, 630-737-4106 as of 02/22/02.

Group Health Services of Oklahoma, Inc. dba Blue Cross Blue Shield and BlueWorks, WMP-02-002. Contact person: Bert E. Marshall, (405) 841-9602. Certificate renewal application. Found incomplete: 05/23/02.

Aetna US Healthcare, HMO-02-001. Contact Person: Paul Gray, 214-200-8086. Annual license renewal. Deadline for filing notice of intent to participate is 5/13/02; and a final decision is due 6/10/02.

Heartland Health Plan of Oklahoma, HMO-02-002. Contact Person: Brian Maddy, 405-552-6500. Annual license renewal. Approved 5/23/02.

Prudential Health Care Plan, Inc., HMO-02-003. Contact Person: Jodi Padilla, 405-475-6665. Annual license renewal. Annual license renewal. Found incomplete 4/22/02; additional information due 5/22/02.

Comanche County Hospital Authority dba Prime Advantage Health Plan, HMO-02-004. Contact Person: Tanya Case, 580-357-6684. Annual license renewal. Deadline for filing notice of intent to participate is 5/13/02; and a final decision is due 6/10/02.

AmCare Health Plans of Oklahoma, Inc., HMO-02-005. Contact Person: Andria Stolhand, 918-610-5900. Annual license renewal. Found incomplete 4/23/02; additional information due 5/23/02.

UNICARE Health Plan of Oklahoma, Inc., HMO-02-006. Contact Person: Patricia McCandless, 512-703-1169. Annual license renewal. Deadline for filing notice of intent to participate is 5/28/02; and a final decision is due 6/24/02.

ZRC Services, Inc., dba Ziroc, IRO-02-001. Contact Person: Nan Cunningham, 903-439-0802. Initial application to be an independent review organization. Approved 5/3/02.

Oklahoma Foundation for Medical Quality, IRO-02-002. Contact Person: Claudette Shook, 405-840-2891. Renewal application. Approved 5/3/02.

#### **V. Enforcement actions initiated against health maintenance organizations.**

AmCare Health Plans of Oklahoma, Inc. (HMO-01-006). The action against this health maintenance organization arose out of the Oklahoma Department of Health's finding of violations of the Health Maintenance Organization law and Regulations for Health Maintenance Organizations and Prepaid Health Plans. Administrative Compliance Order issued 4/12/02.

#### **VI. 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 May 23, 2002, 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. Cimarron 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.

Applications for the following hospitals are in the review process. 1. Cleveland Area Hospital. 2. Fairfax Memorial Hospital, Inc. 3. Logan Hospital and Medical Center.

Note: All the hospitals on this list have received approval for payment as a CAH from the CMS Regional Office with the exception of Lindsay Municipal 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) 271-5217. This list was prepared on May 23, 2002.**

Anadarko Nursing Center, Inc., Anadarko, OK, and Binger Health Care, Inc., Binger, OK, (LTC-2000-14). The actions against these Nursing Home facilities 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.

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. On April 29, 2002, the Administrative Law Judge filed his Decision. One May 10, 2002, Savage filed a Petition for Review in Love County District Court.

Skyview Nursing Center (LTC-2001-131). The hearing scheduled for March 12, 2002, at the Oklahoma State Department of Health 1000 N.E. 10<sup>th</sup> Street, Room 1102, was continued pending settlement.

Pleasant Valley Health Care Center (LTC 2001-132). A settlement conference is scheduled for June 18, 2002.

Heritage Nursing Center of Muskogee, OK. (LTC 2001-133). On March 19, 2001, a Dismissal Without Prejudice was filed.

Hugo Health and Rehab Center (LTC 2001-50). A pre-trial hearing conference was held March 12, 2002, at 10:00 a.m., in Room 1102. The Judge allowed discovery to continue and will hold a status conference May 21, 2002.

First Shamrock Care Center (LTC 2001-185). Conference call held April 16, at 10:00 a.m., to determine if they are ready to schedule for a hearing. The Judge allowed discovery to continue and will hold a status conference May 21, 2002.

Okeene Nursing Center, Inc. (LTC 2001-186). The second pre-trial conference, scheduled for March 19, 2002, was continued pending settlement.

Crest View Life Center (LTC 2001-191). The third pre-trial conference will be held in June 2002.

Heritage Nursing Center (Muskogee) (LTC 2002-002). An agreed order is to be prepared.

County Manor Nursing Home (LTC 2002-003). An agreed order is to be prepared.

Joe R. Bussey, An individual, Washita Health Care, LLC, an Oklahoma Limited Liability company, and Focusone, Inc., an Oklahoma corporation (LTC-2002-013). Briefs are to be submitted.

Heartland Plaza (LTC-2002-019). Briefs are to be submitted.

Yale Nursing Center (LTC-2002-021). A dismissal was filed May 13, 2002.

Sweetbriar Nursing Center (LTC-2002-022). Briefs are to be submitted.

Edna Lee Keaton d/b/a Poteau Residential Care (LTC-2002-024). An agreed order is to be prepared.

Golden Outlook (LTC-2002-037). A hearing is scheduled for June 21, 1:30 p.m., Room 1102, Oklahoma State Department of Health.

Nilus Jean Travis d/b/a Jeanie's Residential Care (LTC-2002-038). A hearing is scheduled for June 28, 1:30 p.m., Room 1102, Oklahoma State Department of Health.

New Day Residential Care (LTC-2002-039). A hearing is scheduled for July 5, 1:30 p.m., Room 314, Oklahoma State Department of Health.

Pawhuska Nursing Home (LTC-2002-045). A Status Conference is scheduled for June 19, 2002, 9:30 A.M., Room 1102.

The State Department of Health has a Web page, which may be accessed at <http://www.health.state.ok.us>. 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.

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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**

**Return Service Requested**

**PRESORTED STANDARD**

**U.S. POSTAGE PAID**

**OKLAHOMA CITY, OK**

**PERMIT NO. 1504**