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# THE NOTICE

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Oklahoma State Department of Health

June 1, 2004

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## Distribution of "The Notice" Via Paper Mail to End

This June 1, 2004 edition of "The Notice" is the last to be mass-mailed on paper by the Oklahoma State Department of Health.

Beginning in July 2004, the Notice will be distributed exclusively through the State Department of Health Internet site at:  
<http://www.health.state.ok.us/program/condiv/ap/index.html>

Section 8 of Enrolled House Bill 2723 changes the distribution method for Certificate of Need status reports. The amended law requires the monthly notice to be posted on the State Health Department's Internet site.

"The Notice" has been mailed monthly in Oklahoma for more than 25 years, and its address list has grown to some 2,100 people. The Health Department's staff looks forward to distributing Certificate of Need project information in the less costly and more timely manner afforded via the Internet.

### House Bill 2723 Amends Oklahoma Certificate of Need and Nursing Home Laws

Enrolled House Bill 2723 by Rep. Wayne Pettigrew and Sen. Glenn Coffee amends numerous sections of the Long Term Care Certificate of Need Act and the Nursing Home Care Act. Governor Brad Henry signed Enrolled House Bill 2723 on June 4, 2004. The bill has an emergency clause and takes effect immediately.

Copies of Enrolled House Bill 2723 are available from several sources, including:

- Oklahoma Secretary of State, Executive Legislative Division ([www.sos.state.ok.us/exec\\_legis/exec\\_leg\\_home.htm](http://www.sos.state.ok.us/exec_legis/exec_leg_home.htm))
- Oklahoma Legislature Web Site ([www.lsb.state.ok.us/](http://www.lsb.state.ok.us/))
- Bill Distribution, Room 310, 2300 N. Lincoln Blvd., State Capitol Building, Oklahoma City, OK 73105 (405-521-5514)
- Oklahoma State Department of Health, Long Term Care Certificate of Need Internet site ([www.health.state.ok.us/program/condiv/longt.html](http://www.health.state.ok.us/program/condiv/longt.html))

Sections 1 through 9 of the bill amend the Long Term Care Certificate of Need Act. Certificate of Need changes include:

- new and revised definitions;
- deletion of the requirement for the Health Department to collect monthly occupancy data (instead, occupancy data collected by the Oklahoma Health Care Authority will be used for project reviews);
- modification of the types of projects that are subject to Certificate of Need review or exempt from review;
- amendments to fees for certificate of need applications and exemption requests;
- changes in the findings and standards for approval or denial of certificate of need applications;
- extensions of the time allowed for completion of construction projects; and
- increases in penalties for violation of the Certificate of Need law.

Sections 10 and 11 modify the Nursing Home Care Act. Nursing facility licensure changes include:

- amended definitions; and
- establishment of fees for construction plan reviews on construction or modification projects that increase beds.

Section 12 changes the section of law dealing with criminal history background checks for nurse aides and other facility staff persons. Definitions are amended to include an assisted living center or continuum of care facility as a type of employer that is subject to requirements for criminal background checks.

Section 13 amends the law that sets certain limits on the training and employment of nurse aides and medication aides. The changes include:

- a provision that until October 31, 2005 the Health Department shall not assess monetary penalties against a facility that has applied for a temporary emergency waiver;
- a requirement for the Board of Health by September 30, 2004 to promulgate rules for temporary emergency waivers of restrictions on using nurse aides who are not certified; and
- clarification of requirements relating to certified medication aides and authorization for Board of Health rules on safety of medication administration by CMAs.

Section 14 repeals an outdated provision from the Long Term Care Certificate of Need Act that provided for collection of nursing facility occupancy data by the Department of Human Services.

Updated application forms and other information relating to the implementation of Enrolled House Bill 2723 will be posted on the Oklahoma State Department of Health's Certificate of Need page at [www.health.state.ok.us/program/condiv/longt.html](http://www.health.state.ok.us/program/condiv/longt.html)

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**Recently adopted and proposed amendments to State Board of Health rules**

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Copies of recently adopted and proposed rule changes may be downloaded through the State Health Department's Internet site at [www.health.state.ok.us/program/prc/index.html](http://www.health.state.ok.us/program/prc/index.html).

**Permanent Rule Changes adopted on February 12, 2004 and effective May 27, 2004 are the following:**

**Chapter 285, Lodging Establishments.** The proposal amends Subchapter 3 of the present Lodging Establishment rules to clarify limitations of food service at a lodging facility.

**Chapter 661, Hospice Rules.** The amendments set requirements for hospice inpatient facilities.

**Chapter 675, Nursing and Specialized Facilities.** The proposal creates a new section in Subchapter 13, Staff Requirements, titled, "Flexible staff-scheduling."

**Permanent Rule Changes adopted by the Board of Health on March 18, 2004 and projected effective July 12, 2004 are:**

**Chapter 205, Alarm Industry.** This proposal amends or adds numerous sections, and includes fee changes and provisions for inspection and tagging of alarm and fire sprinkler systems.

**Chapter 256, Food Service Establishments.** The proposal's intent is to provide public protection from food borne infection by establishing prescriptive rules for operators of food service establishments and farmers' markets. This proposal modifies the rules to conform to the 1999 Food and Drug Administration Model Food Code.

**Chapter 265, Hearing Aid Dealers and Fitters.** This proposal clarifies exemptions, examinations, continuing education, and business name and defines hearing testing and screening, qualified waivers, 30-day refund policy, questions on client's history, medical evaluations for clients under 18, and complaint procedure.

**Chapter 276, Home Inspection Industry.** This proposal defines the term "client" and changes the waiting period between each home inspection license examination to 30 days.

**Chapter 400, Licensed Marital and Family Therapists. This proposal** amends several sections, clarifies requirements for reapplication, and provides for suspension of license based on probable cause.

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**Chapter 403, Licensed Behavioral Practitioners.** This proposal amends several sections, clarifies requirements for reapplication, and provides for suspension of license based on probable cause.

**Chapter 405, Licensed Professional Counselors.** This proposal amends several sections, clarifies requirements for reapplication, and provides for suspension of license based on probable cause.

**Chapter 605, Adult Day Care; Chapter 663, Assisted Living and Continuum of Care; and Chapter 680, Residential Care Homes.** The amendments require the design and construction of these centers and homes to comply with accessibility requirements specified in Chapter 11 of the International Building Code, 2003 Edition, published by the International Code Council.

**Chapter 641, Emergency Medical Services.** Numerous sections are added or amended. Ground and air ambulance operational standards are refined, and transfer protocols are required to be submitted for Department approval. Certain fees are amended.

**Chapter 659, Health Maintenance Organizations.** This proposed new rule is intended to ensure that health maintenance organizations comply with provisions that the State Commissioner of Health is charged to enforce under the Health Maintenance Organizations Act of 2003, Title 36 O.S. Section 6901 et seq.

**Chapter 667, Hospital Standards.** The amendments require all licensed hospitals to participate in a regional system to provide twenty four hour emergency services as a means to help ensure that minor-to-moderate trauma patients are transported to a hospital where they can receive appropriate care and that the resources of facilities classified at Level I and II for Trauma and Emergency Operative Services are preserved for the most seriously injured patients. The proposed amendments add a requirement for hospitals to report data on quality indicators.

**Chapter 675, Nursing and Specialized Facilities.** The proposed amendments are intended to ensure that facilities comply with the tax-related financial reporting requirements in Title 63 O.S. Section 1-1930.1.

**Chapter 677, Nurse Aide Training and Certification.** The proposed amendments establish fees to recover the costs of processing nurse aide certification applications for waivers, exceptions, re-testing, and interstate reciprocities. A fee is added for approval of CMA continuing education courses.

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**HEALTH RESOURCES DEVELOPMENT SERVICE REPORT**

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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, 2004 to May 23, 2004 were as follows.****Certificate of Need Applications Approved:**

None.

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

Bryant Nursing Center, Edmond, #03-040. Contact Person: Gregory Frogge, 405/319-3500. Lease of this 60 bed licensed nursing facility by THI of Oklahoma at Bryant, LLC. Cost: \$514,805.00 annually for 15 years. Denied: 12/15/03. Reconsideration request filed 12/30/03, and granted 01/05/04. Hearing set for 01/22/04 at 1:30 pm in Room 1102. Pre-trial Order issued 03/30/04 and set a trial date for 05/27/04.

Plantation Village Nursing Center, Altus, #04-001. Contact Person: Wade Brinkman, 580/480-1800. Addition of ten (10) beds at this 80 bed licensed nursing facility. Cost: \$35,000.00. Disapproved: 05/17/04.

Freedom Place, Okemah, #04-006. Contact Person: Kaylene Bass, 405/786-2401. Construct a new eight (8) bed licensed specialized facility for mentally retarded persons by 4-B Properties, L.L.C. Cost: \$225,000.00. Disapproved: 06/04/04. Reconsideration filed 06/09/04 and granted 06/10/04. Pre-trial conference set for 06/09/04 at 9:30 am in Room 1102 of the State Department of Health.

Cross Place, Okmulgee, #04-007. Contact Person: Kaylene Bass, 405/786-2401. Construct a new eight (8) bed licensed specialized facility for mentally retarded persons by 4-B Properties, L.L.C. Cost: \$225,000.00. Disapproved: 06/04/04. Reconsideration filed 06/09/04 and granted 06/10/04. Pre-trial conference set for 06/09/04 at 9:30 am in Room 1102 of the State Department of Health.

University Place, Okmulgee, #04-008. Contact Person: Kaylene Bass, 405/786-2401. Construct a new eight (8) bed licensed specialized facility for mentally retarded persons by 4-B Properties, L.L.C. Cost: \$225,000.00. Disapproved: 06/04/04. Reconsideration filed 06/09/04 and granted 06/10/04. Pre-trial conference set for 06/09/04 at 9:30 am in Room 1102 of the 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 May 23, 2004.**

Forrest Manor Nursing Center, Dewey, #04-002. Contact Person: Greg Frogge, 405/522-2283. Lease of this 116 bed licensed nursing facility by Forrest Manor Nursing Home, Inc., which is owned 100% by Bettye R. Jeffers. Cost: \$25,424.83 annually for 5 years. Deadline for filing notices of intent to participate is 05/20/04, and a final decision is due 07/06/04.

St. Anthony Hospital, Okla. City, #04-003. Contact Person: Lori Jordan, 405/272-4901. Addition of 20 adolescent beds for a total of 49 adolescent psychiatric beds. Cost: \$0. Deadline for filing notices of intent to participate is 05/20/04, and a final decision is due 07/06/04.

Summit Living Center, fka Okeene Nursing Center, Okeene, #04-004. Contact Person: Jack Atkinson, 405/330-1776. Purchase of this 70 bed licensed nursing home by Summit Healthcare, LLC which is owned by James Simms (50%) and Sara Simms (50%). Deadline for filing notices of intent to participate is 07/10/04, and a final decision is due 08/23/04.

Servant Living Center-Beggs, L.L.C., fka Country Lane, Beggs, #04-009. Contact Person: Scott Pilgrim, 405/789-9483. Lease of this 50 bed licensed nursing facility by Servant Living Center-Beggs, L.L.C., which is owned by Scott Pilgrim (99%) and Servant Holding Corporation (1%). Cost: \$6,000.00 annually for 20 years. Deadline for filing notices of intent to participate is 06/17/04, and a final decision is due 08/01/04.

Warr Acres Nursing Center, fka Manorcare Healthcare Services-Warr Acres, Okla. City, #04-010. Contact Person: Jack Atkinson, 405/330-1889. Lease of this 103 bed licensed nursing facility by Warr Acres Nursing Center, L.L.C., which is owned 100% by Rustin Enterprises, L.L.C. Cost: \$152,028.00 annually for one (1) year. Deadline for filing notices of intent to participate is 05/20/04, and a final decision is due 07/05/04.

Magnolia Manor, Lexington, #04-011. Contact Person: Nita Giles, 405/842-3800. Lease of this 101 bed licensed nursing facility by MM of Lexington, L.L.C., which is owned by Audra Searce (50%) and Joe Searce (50%). Cost: \$216,000.00 for a one-year lease. Deadline for filing intent to participate is 05/27/04, and a final decision is due 07/12/04.

The Cottage Senior Healthcare Residence, fka Georgian Court Nursing Center, L.L.C., Tulsa, #04-013. Contact Person: Steve Cox, 918/456-7117. Purchase this 66 bed licensed nursing facility by Cox Retirement Properties, Inc., which is owned 100% by Steve Cox. Cost: \$1,500,000.00. Deadline for filing notices of intent to participate is 06/10/04, and a final decision is due 07/26/04.

Midwest City Nursing Center, Midwest City, #04-014. Contact Person: Greg Frogge, 405/552-2283. Management agreement of this 106 bed licensed nursing facility. Cost: \$0. Deadline for filing notice of intent to participate is 06/17/04, and a final decision is due 08/02/04.

**III. Applications filed with the State Department of Health under the Certificate of Need Program but not determined complete as of May 23, 2004, and which may be scheduled for reviews at later dates are:**

Montereau in Warren Woods, Tulsa, #04-012. Contact Person: Nita Giles, 405/842-3800. Acquisition thru management agreement of this 90 bed licensed continuum of care facility by CRSA Management, LLC, which is owned 100% by CRSA Holdings, Inc. Cost: \$0. Additional information requested and due by 07/12/04.

Heavner Nursing Home, Heavner, #04-015. Contact Person: Jack Atkinson, 405/330-1776. Lease with subsequent management agreement of this 41 bed licensed nursing facility by K & C Care, L.L.C., which is owned by Don Farmer 100%. Cost: \$180,000.00 for one (1) year. Additional information requested and due by 08/24/04.

Pocola Nursing Center, Pocola, #04-016. Contact Person: Jack Atkinson, 405/330-1776. Stock transfer of this 90 bed licensed nursing facility. Additional information requested and due by 08/11/04.

Hillcrest Medical Center, Tulsa, #04-017. Contact Person: Elizabeth Tyrrell, 405/235-9621. Purchase of this 30 bed psychiatric unit. Cost: \$1,118,543.00. Additional information requested and due by 08/18/04.

Tulsa Medical Center, Tulsa, #04-018. Contact Person: Elizabeth Tyrrell, 405/235-9621. Purchase of this 96 bed psychiatric unit. Cost: \$7,565,987.00. Additional information requested and due by 08/18/04.

**The State Department of Health has an Internet page, which may be accessed at <http://www.health.state.ok.us>. Electronic copies of rules and certain forms and reports are available at that site. From the OSDH home page, click on the "Programs" icon, then scroll down to "Protective Health Services."**

**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**