
THE notice

Oklahoma State Department of Health

March 1, 1999

RULE CHANGES ADOPTED BY THE BOARD OF HEALTH DURING ITS FEBRUARY 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 233. Body Piercing - NEW -

The purpose of the rule is to implement the new body piercing law codified at Title 21 O.S. Supp. 1998., Section 842.1 et seq. This rule establishes procedures and standards to prevent infection and transmission of disease. The rule provides procedures and standards for licensing and permitting of artists and establishments.

Chapter 250. Fee Schedule For Environmental Health Services - AMENDED -

The proposal modifies the fee schedule for obtaining a license for retail food sales, food and drug manufactures, wholesalers and brokers of frozen food locker plants from the Oklahoma State Department of Health.. The proposed Fee Schedule for Environmental Health Services rules update the fees food service establishments remit for licenses. These increases will enable Consumer Protection Division to operate without a deficit for a period of at least seven years.

Chapter 255. Food Service Establishment - REVOKED -

The proposal revokes the present Food Service Establishment regulations in anticipation of those regulations being replaced by Chapter 256.

Chapter 256. Food Service Establishment - NEW -

The proposed food service establishment regulations have been modeled after the 1997 Model Food Code from the Food and Drug Administration. The 1997 Model Food Code (Code) updates food science and incorporates it with industry techniques and processes in an effort to minimize the potential of developing a gastrointestinal illness if the Code recommendations are followed.

Chapter 605. Adult Day Care Center Regulations - AMENDED -

Summary: This proposal amends requirements for adult day care center pets. The current rule limits pets to dogs, cats, fish and birds and allows no more than two dogs or cats per center. The proposed rule will allow additional numbers and types of animals if the center has an approved special program.

Chapter 655. Health Maintenance Organization Licensure Rules - AMENDED -

This proposal clarifies requirements for physician review of requested services. The changes are necessitated in part by recent Legislative actions, including H.J.R. No. 1104 from the Second Session of the forty-sixth Oklahoma Legislature. The changes are intended to comply with the legislative resolution, and to protect health by strengthening protection for members enrolled in HMOs.

Chapter 661. Hospice Regulations - AMENDED -

The proposed new section establishes fees for hospice programs. The rule sets specific amounts for application and license fees. The Board of Health is directed to set the fees under Title 63 O.S. 1991, Section 1-860.15. The fees are intended to recover the reasonable costs of providing review and inspection services, within the limits set by Section 1-860.15.

Chapter 663. Continuum of Care and Assisted Living Rules - AMENDED -

The proposed amendments provide a sliding scale for the application fees that must be paid to establish a continuum of care facility or assisted living center. The rule will provide authority for a facility or center of less than 100 beds to pay an application fee less than the \$1,000.00 maximum set in the Continuum of Care and Assisted Living Act. The amendments permit a prorated license fee for a partial license year following an initial license, and for a bed increase during the license year.

Chapter 673. Alzheimer's Disease Special Care Disclosure Rules - NEW -

These rules establish a form for standardized disclosure of care and treatment offered by special care providers serving persons with Alzheimer's disease or related disorders. This rule also creates a review process for examination of required disclosure statements. The rule is intended to comply with the Alzheimer's Disease Special Care Disclosure Act, 63, O.S. Supp. 1998, Section 1-879.2a et seq. The rule is intended to protect public health and to strengthen consumer protection by ensuring adequate disclosure of special care information.

Chapter 675. Regulations For Licensure of Nursing and Specialized Facilities - AMENDED -

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.

This proposal amends requirements for licensure of nursing and specialized facilities center pets. The current rule limits pets to dogs, cats, fish and birds and allows no more than two dogs or cats per center. The proposed rule will allow additional numbers and types of animals if the center has an approved special program. This proposal provides for administration of medication with a patient controlled analgesia pump.

Chapter 680. Residential Care Home Regulations - AMENDED -

This proposal amends requirements for residential care home pets. The current rule limits pets to dogs, cats, fish and birds and allows no more than two dogs or cats per home. The proposed rule will allow additional numbers and types of animals if the home has an approved special program.

**RULE CHANGES BEING CONSIDERED BY THE BOARD OF HEALTH
DURING ITS MARCH 18TH MEETING**

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 9. Health Care Information - NEW -

Chapter 9 provides the department with rules that specify the information to be collected from specific health care facilities, provides for use and confidentiality of that data and establishes fees that the department will charge for providing the data.

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 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.

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 410. WIC Regulations - PERMANENT -

The proposal continues to clarify and simplify the existing rule as it pertains to retail vendors in the WIC program. The Administrative Penalties Schedule is amended. A subchapter has been added establishing requirements for participation in the WIC program including eligibility, application, termination of benefits and participant hearings. The Oklahoma State Department of Health WIC program does not have Administrative Procedures which apply to participant issues.

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.

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.

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

Certificate of Need Applications Approved:

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. Approved: 02/03/99.

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 February 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.

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.

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.

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

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. Additional information is due by 04/02/99.

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. Approved: 02/22/99.

BlueLincs HMO, HMO-98-010. Contact Person: Susan Furgerson, 918/561-9900. Annual license renewal. Approved: 02/22/99.

Foundation Health, an Oklahoma Health Plan, HMO-98-011. Contact Person: Richard McCutchen, 918/621-5900. Annual license renewal. Approved: 02/22/99.

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. 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.

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. Approved: 01/10/99.

METRA COMP., Inc., Tampa, FL, WMP-96-009. Contact Person: Michael P. Read, 813/806-2151. Service area expansion. Found complete 10/21/98. Approved: 02/10/99.

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 February 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 February 23, 1999.

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.

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. Case is pending.

Muskogee Nursing Center, (SHS-LTC-99-02). 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 and Notice of Intention dated 2/18/99. Hearing is set for 3/31/99.

Ponca City Nursing and Rehabilitation Center, (SHS-LTC-99-03). Appeal of Civil Monetary Penalty. Hearing is set for 3/18/99.

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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