
THE NOTICE

Oklahoma State Department of Health

March 1, 2004

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 January 24, 2004 to February 23, 2004 were as follows.

Certificate of Need Applications Approved:

Pioneer Estates Nursing Home, Chandler, #03-053. Contact Person: David Rising, 405/521-1507. Replace 24 beds of this 49 bed licensed nursing facility. Cost: \$350,000.00. Approved 02/11/04.

Certificate of Need Withdrawn/Denial/ Reconsideration:

Heaven S'ent Mansion, El Reno, #98-071. Contact Person: Robert Cole, 1020 NW 21st, Okla. City. Construction of a 100 bed nursing facility by Nell Lusty. Cost: \$4,836,600.00. Disapproved 12/30/98. Canadian County District Judge remanded case to the OSDH, hearing was held 09/19/00. Reconsideration denied 09/25/00. Case pending in Canadian County District Court.

Creekwood Healthcare, f/k/a Heartland at Cedar Creek, Norman, #03-011. Contact Person: John Doneti, 405/721-2517. Lease of this 89 bed licensed nursing facility by Creekwood Nursing Center, LLC, which is owned 100% by John Doneti. Cost: \$288,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Norman Nursing Center, f/k/a Whispering Pines, Norman, #03-012. Contact Person: John Doneti, 405/721-2517. Lease of this 200 bed licensed nursing facility by Norman Nursing Center, LLC, which is owned 100% by John Doneti. Cost: \$408,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Parkwood Nursing Center, f/k/a Healdton Nursing Center, Healdton, #03-014. Contact Person: John Doneti, 405/721-2517. Lease of this 71 bed licensed nursing facility by Parkwood Manor LLC, which is owned 100% by John Doneti. Cost: \$105,996.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Hearing set for 11/10/03 will resume on 12/02/03 at 9:00 am in Room 1102.

Pinewood Nursing Center, f/k/a Wilson Nursing Center, Wilson, #03-015. Contact Person: John Doneti, 405/721-2517. Lease of this 70 bed licensed nursing facility by Pinewood Nursing Center, LLC, which is owned 100% by John Doneti. Cost: \$120,576.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Palm Villa, f/k/a Duncan Nursing Center, Duncan, and #03-017. Contact Person: John Doneti, 405/721-2517. Lease of this 180 bed licensed nursing facility by Palm Villa Nursing Center, which is owned 100% by John Doneti. Cost: \$180,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Walnut Villa Nursing Center, f/k/a Cottonwood Manor, Yukon, #03-019. Contact Person: John Doneti, 405/721-2517. Lease of this 130 bed licensed nursing facility by Walnut Villa Nursing Center LLC, which is owned 100% by John Doneti. Cost: \$99,857.88 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Madison Villa, f/k/a Marlow Manor, Marlow, #03-020. Contact Person: John Doneti, 405/721-2517. Lease of this 69 bed licensed nursing facility by Madison Villa LLC, which is owned 100% by John Doneti. Cost: \$72,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Morris Health & Rehab, f/k/a McAlester Nursing Center, McAlester, #03-021. Contact Person: John Doneti, 405/721-2517. Lease of this 63 bed licensed nursing facility by Morris Health & Rehab, LLC, which is owned 100% by John Doneti. Cost: \$72,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Washington Villa Nursing Center, f/k/a Silvercrest Nursing Center, Anadarko, #03-024. Contact Person: John Doneti, 405/721-2517. Lease of this 92 bed licensed nursing facility by Washington Villa Nursing Center LLC, which is owned 100% by John Doneti. Cost: \$276,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Colonial Villa, f/k/a Hennessey Nursing Center, Hennessey, #03-026. Contact Person: John Doneti, 405/721-2517. Lease of this 50 bed licensed nursing facility by Colonial Villa LLC, which is owned 100% by John Doneti. Cost: \$6,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

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| <p>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. 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 KAY@HEALTH.STATE.OK.US.</p> |
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Sanderson Nursing Center, f/k/a Crescent Care Center, Crescent, #03-027. Contact Person: John Doneti, 405/721-2517. Lease of this 47 bed licensed nursing facility by Sanderson Nursing Center LLC, which is owned 100% by John Doneti. Cost: \$79,073.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied:

Broadway Nursing Center, f/k/a Hillcrest Living Center, Moore, #03-028. Contact Person: John Doneti, 405/721-2517. Lease of this 141 bed licensed nursing facility by Broadway Nursing Center LLC, which is owned 100% by John Doneti. Cost: \$360,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

Bell Manor, f/k/a/ Bell Avenue Nursing Center, Elk City, and #03-030. Contact Person: John Doneti, 405/721-2517. Lease of this 90 bed licensed nursing facility by Bell Manor, LLC, which is owned 100% by John Doneti. Cost: \$378,000.00 annually for 30 years. Denied: 06/27/03. Reconsideration request filed 07/07/03, and granted 07/09/03. Denied: 02/19/04.

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.

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, 2004.

K.D.&S. Homes, Inc., fka The King's Daughters and Sons Nursing Home, Durant, #03-049. Contact Person: Floyd Propps, 405/942-8222. Purchase of this 65 bed licensed nursing facility by KD&S Homes, Inc., which is owned 100% by Gregory W. Seay. Cost: 730,000.00. Deadline for filing notices of intent to participate is 02/19/04, and a final decision is due 04/05/04.

Sequoyah East Nursing Center, Roland, #03-050. Contact Person: Jack Atkinson, 405/330-1889. Acquisition by assignment of this 80 bed licensed nursing facility by appointment of Virginia Kaye Ronk , as Successor Trustee for the Fred B. Oliver Family Trust. Cost: \$0. Deadline for filing notices of intent to participate is 03/04/04, and a final decision is due 04//19/04.

Sequoyah Manor, Roland, #03-051. Contact Person: Jack Atkinson, 405/330-1889. Acquisition by assignment of this 162 bed licensed nursing facility by appointment of Virginia Kaye Ronk , as Successor Trustee for the Fred B. Oliver Family Trust. Cost: \$0. Deadline for filing notices of intent to participate is 03/04/04, and a final decision is due 04/19/04.

Muldrow Nursing Home, Muldrow, #03-052. Contact Person: Jack Atkinson, 405/330-1889. Acquisition by assignment of this 75 bed licensed nursing facility by appointment of Virginia Kaye Ronk , as Successor Trustee for the Fred B. Oliver Family Trust. Cost: \$0. Deadline for filing notices of intent to participate is 03/15/04, and a final decision is due 04/26/04.

Thomas Nursing Center, Thomas, #03-054. Contact Person: Scott Pilgrim, 405/789-9483. Lease of this 60 bed licensed nursing facility by Servant Living Center-Thomas, LLC, which is owned by Diakonos Group, who is owned by Otis Foshee (50%) and Scott Pilgrim (50%). Cost: \$343,236.48. Deadline for filing notices of intent to participate is 02/12/04, and a final decision is due 03/28/04.

Newkirk Nursing Center, Inc., Newkirk, #03-055. Contact Person: Sue Ellen Worstell, 580/362-3277. Acquisition through stock transfer in this 43 bed licensed nursing facility. Cost: \$0. Deadline for filing notices of intent to participate is 03/04/04, and a final decision is due 04/18/04.

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

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. additional information requested and due by 05/18/04.

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:

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.

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 Medicare or Medicaid. Questions about the status of enforcement actions or scheduling of hearings should be sent to: Oklahoma State Department of Health, Protective Health Services-0511, Enforcement Hearing Clerk, 1000 Northeast Tenth, Oklahoma City, OK 73117-1299. The telephone number is (405) 271-9444 ext. 56212. This list was prepared on February 23, 2004.

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.

Cottonwood Manor (LTC-2001-139). Briefs to be submitted.

Drumright Nursing Home (LTC-2002-078). Settlement discussions ongoing.

Autumn Terrace (LTC-2002-097). An agreed order is to be prepared.

Lakewood Care Center (LTC-2002-115). An agreed order is to be prepared.

Sunset Residential Care (LTC-2002-117). The action against this facility arose out of the Oklahoma Department of Health's charges of violations of the Residential Care Act. Decision appealed in Sequoyah County District Court. District Court affirmed the Department's decision to not issue a license and reversed the imposition of an administrative penalty.

Northside Nursing Home (LTC-2002-148). A decision was filed on January 22, 2004. Case closed.

Magnolia Manor (LTC-2003-011). Briefs being reviewed for a decision.

Caddo Nursing Center (LTC-2003-012). Final summations to be filed by March 5, 2004.

Eidetik of Weleetka (LTC-2003-015). A settlement agreement was filed on January 29, 2004. Case closed.

Mt. View Health Care, Inc. (LTC-2003-038). A pre-trial conference to be set.

Cordell Manor (LTC-2003-050). Briefs to be submitted.

Cole's Nursing Home, L.L.C. (LTC-2003-052). Discovery in process.

Billings Fairchild Center, Inc. (LTC-2003-054). A hearing is scheduled for July 27--29, 2004, at 9:00 a.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Cottonwood Manor Holding Company, Inc., an Oklahoma Corporation and Cottonwood Nursing Center, Inc., an Oklahoma Corporation (LTC-2003-062). An order is to be submitted.

Meadow Brook Residential Facility, L.L.C. d/b/a Meadow Brook Residential Care (LTC-2003-065). Discovery in process.

Stilwell Nursing Home (LTC-2003-067). Discovery in process.

Walnut Villa Nursing Center, LLC, an Oklahoma Limited Liability Company, d/b/a Cottonwood Manor (LTC-2003-068). A hearing is scheduled for February 24, 2004, at 9:30 a.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Edna Lee Keaton (LTC-2003-105). A hearing is scheduled for March 16, 17 and 18, 2004, at 10:00 a.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Mid-South Health, Inc. – Atoka Property Management, L.L.C. d/b/a Colonial Living Center (LTC-2003-116). Discovery in process.

Farwest Healthcare, Inc., d/b/a Bell Avenue Nursing Center (LTC-2003-140). A hearing is scheduled for June 9, 2004, at 9:00 a.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Muldrow Nursing Home (LTC-2003-151). Settlement discussions ongoing.

Amos T. Stevenson and Helen A. Stevenson d/b/a Stevenson's Residential Care Home (LTC-2003-163). A pretrial conference is scheduled for March 18, 2004, at 9:00 a.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Meadow Brook ICF/MR (LTC-2003-198). A hearing is scheduled for February 27, 2004, at 10:00 a.m., in Room 507 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Winlen Oaks Living Center (LTC-2003-201). A settlement conference is scheduled for March 3, 2004, at 9:00 a.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Alterra Healthcare Corporation d/b/a Alterra Sterling of Tulsa South (LTC-2003-207). A telephone pretrial conference is scheduled for March 9, 2004, at 2:00 p.m.

Elk City Nursing Center (LTC-2004-001). A pretrial conference is scheduled for February 26, 2004, at 1:00 p.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Elmwood Manor Nursing Home (LTC-2004-010). A pretrial conference is scheduled for March 11, 2004, at 1:00 p.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Meadow Brook ICF/MR (LTC-2004-012). A pre-trial conference to be set.

Alterra Healthcare Corporation d/b/a Alterra Sterling House of Tulsa (LTC-2004-014). A pretrial conference is scheduled for March 30, 2004, at 1:30 p.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

Heritage Manor (LTC-2004-021). A pretrial conference is scheduled for March 30, 2004, at 1:00 p.m., in Room 1102 at the Oklahoma State Department of Health, 1000 N.E. 10th, Oklahoma City, Oklahoma.

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 10th Street

Oklahoma City, OK 73117-1299

Return Service Requested

PRESORTED STANDARD

U.S. POSTAGE PAID

OKLAHOMA CITY, OK

PERMIT NO. 1504

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

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.

Permanent Rule Changes Adopted on February 12, 2004 (to be effective at a date to be announced) 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." This rule also was adopted on an emergency basis, with the effective date pending approval gubernatorial approval.

Permanent Rule Changes set for possible adoption by the Board of Health at 1:00 p.m. on March 18, 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 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.

Business entities are invited to submit statements of the expected costs of compliance with the proposed rules. For more information, contact Henry Hartsell at (405)271-9444, extension 57269, or hank@health.state.ok.us.