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# THE NOTICE

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Oklahoma State Department of Health

May 1, 2001

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## Recently Adopted Amendments to State Board of Health Rules

Copies of recently adopted rules may be downloaded from 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 at the February and March 2001 Board of Health meetings (and projected to be effective in June or July 2001) are the following:

**CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH.** The proposed amendment describes the uniform employment application for nurse aide staff.

**CHAPTER 4. CERTIFICATE OF NEED HEARINGS.** These amendments are intended to update procedures for review of certificate of need applications.

**CHAPTER 205. ALARM INDUSTRY REGULATIONS.** The proposed amendments correct three problems with the current regulations.

**CHAPTER 605. ADULT DAY CARE CENTER REGULATIONS.** The amendments update statutory references and language repeated from the law.

**CHAPTER 620. CERTIFICATE OF NEED STANDARDS FOR HEALTH CARE FACILITY ACQUISITIONS.** The amendments are intended to update the acquisition review standards.

**CHAPTER 630. CERTIFICATE OF NEED STANDARDS FOR LICENSED NURSING FACILITY BEDS.** The amendments are intended to update standards that have not been significantly revised since 1990.

**CHAPTER 655. HEALTH MAINTENANCE ORGANIZATIONS AND PREPAID HEALTH PLANS.** These amendments modify the rules to be consistent with changes in federal law and to provide details for administrative penalties allowable under state law.

**CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING RULES.** This amendment requires disclosure of night shift minimum staffing.

**CHAPTER 664. HOME CARE ADMINISTRATOR CERTIFICATION.** These amendments remove outdated requirements regarding waivers and other provisions that expired in 1996, and that are no longer effective.

**CHAPTER 667. HOSPITAL STANDARDS.** The proposed revisions to Subchapter 15, 19, 21, and 39 relate to removing the requirement for physicians to sign their verbal orders within 72 hours.

**CHAPTER 669. TRAUMA CARE ASSISTANCE REVOLVING FUND.** This rule is intended to implement a new revolving trauma care assistance revolving fund.

**CHAPTER 675. REGULATIONS FOR LICENSURE OF NURSING AND SPECIALIZED FACILITIES.** General provisions are amended to include additional definitions and requirement for staff members to wear identification badges.

**CHAPTER 677. NURSE AIDE TRAINING AND CERTIFICATION.** These amendments remove outdated requirements regarding waivers and other provisions that expired in 1996 and that are no longer effective.

**CHAPTER 680. RESIDENTIAL CARE HOME REGULATIONS.** This proposal includes requirements from current law regarding the license applicant's attestation of information regarding possible felony convictions.

## 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 March 24, 2001 to April 23, 2001 were as follows.**

### **Certificate of Need Applications Approved:**

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

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](http://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 [KAYD@HEALTH.STATE.OK.US](mailto:KAYD@HEALTH.STATE.OK.US).

Cordell Christian Home, Cordell, #00-031. Contact Person: Rick Cooper, 405/273-2282. Purchase of this 110 bed nursing facility by HIS Nursing Home co. LLC VII, which is owned by Kenneth G. Harbeston & Joyce G. Harbeston, Trustees of the Harbeston Trust (7.5%); Galen Kirkland (7.5%); Jerry Scott (5%); Tim and/or Kym Tate (5%); Amy Fent (5%); Tamera Hennen (5%); Barbara Bess (3.75%); James & Cheryl Willis (1%); Brent & Sherry Todd (1%); Chester and/or Maureen Oliver, JT (2%); James Cooper, Jr. (4.25%); and Cooper Nursing Home Corp. (53%). Cost: \$2,402,500. Denied: 10/02/00. Request for reconsideration filed 10/02/00 and granted 10/22/00. Hearing set for 11/11/00 at the Oklahoma State Department of Health has been continued indefinitely to a date to be scheduled.

The 89'er Guest House, Guthrie, #00-035. Contact Person: Rick Cooper, 405/273-2282. Lease of this 100 bed licensed nursing facility by HIS Nursing Home Co. LLC IV, which is owned by Kenneth G. Harbeston & Joyce G. Harbeston, Trustees of the Harbeston Trust (7.5%); Galen Kirkland (7.5%); Jerry Scott (5%); Tim and/or Kym Tate (5%); Amy Fent (5%); Tamera Hennen (5%); Barbara Bess (3.75%); James & Cheryl Willis (1%); Brent & Sherry Todd (1%); Chester and/or Maureen Oliver, JT (2%); James Cooper, Jr. (4.25%); and Cooper Nursing Home Corp. (53%). Cost: \$140,165.88 annually for 5 years. Denied: 11/13/00. Request for reconsideration filed 11/27/00 and granted 12/06/00. Hearing rescheduled for 03/13/01 at the Oklahoma State Department of Health. Decision Pending.

Central Oklahoma Christian Home, Okla. City, #00-063. Contact Person: Clifton Gooding, 405/948-1978. Lease of this 148 bed licensed nursing facility by Central Oklahoma Christian, LLC, which is owned 100% by Alpha Care Properties, LLC, which is owned 100% by Douglas Humphreys. Cost: \$88,000.00 annually for ten (10) years. Denied: 03/12/01.

Rosewood Manor Nursing Center, Norman, #00-065. Contact Person: Steve Moore, 405/787-8200. Lease of this 200 bed licensed nursing facility by Rosewood Nursing Home, Inc., which is owned by John Yance Rich (30%), Edwin Leslie Gage (30%), Virginia Moore (30%) and David Eugene Forgy (10%). Cost: \$270,000.00 annually for 5 years. Denied: 03/19/01. Request for reconsideration filed 3/29/01 and granted 4/9/01. Hearing scheduled for 04/23/01 at the Oklahoma State Department of Health.

Parkview Nursing Home, Shawnee, #00-066. Contact Person: Rick Cooper, 405/273-2282. Lease of this 60 bed licensed nursing facility by HIS Nursing Home Co. XII, which is owned by Kenneth G. Harbeston & Joyce G. Harbeston, Trustees of the Harbeston Trust (7.5%); Galen Kirkland (7.5%); Jerry Scott (5%); Tim and/or Kym Tate (5%); Amy Fent (5%); Tamera Hennen (5%); Barbara Bess (3.75%); Chester and/or Maureen Oliver (2%); James Cooper Jr. (4.25%) and Cooper Nursing Home Corp. (55%). Cost: \$192,000.00 annually for ten years. Denied: 03/26/01.

Colonial Estates Nursing Home, fka Shawnee Colonial Estates Nursing Home, Shawnee, #00-067. Contact Person: Rick Cooper, 405/273-2282. Lease of this 165 bed licensed nursing facility by HIS Nursing Home Co. XII, which is owned by Kenneth G. Harbeston & Joyce G. Harbeston, Trustees of the Harbeston Trust (7.5%); Galen Kirkland (7.5%); Jerry Scott (5%); Tim and/or Kym Tate (5%); Amy Fent (5%); Tamera Hennen (5%); Barbara Bess (3.75%); Chester and/or Maureen Oliver (2%); James Cooper Jr. (4.25%) and Cooper Nursing Home Corp. (55%). Cost: \$396,000.00 annually for ten years. Denied: 03/26/01.

Seminole Pioneer Nursing Home, Seminole, #00-068. Contact Person: Rick Cooper, 405/273-2282. Lease of this 110 bed licensed nursing facility by HIS Nursing Home Co. XII, which is owned by Kenneth G. Harbeston & Joyce G. Harbeston, Trustees of the Harbeston Trust (7.5%); Galen Kirkland (7.5%); Jerry Scott (5%); Tim and/or Kym Tate (5%); Amy Fent (5%); Tamera Hennen (5%); Barbara Bess (3.75%); Chester and/or Maureen Oliver (2%); James Cooper Jr. (4.25%) and Cooper Nursing Home Corp. (55%). Cost: \$240,000.00 annually for ten years. Denied: 03/26/01.

Cyril Nursing Home, Cyril, #00-079. Contact Person: Steve Moore, 405/787-8200. Lease of this 80 bed licensed nursing facility by Cyril Nursing Home, Inc., which is owned by John Yance Rich (30%), Edwin Leslie Gage (30%), Virginia Moore (30%) and David Eugene Forgy (10%). Cost: \$108,000.00 annually for five years. Denied: 03/19/01. Request for reconsideration filed 3/29/01 and granted 4/9/01. Hearing scheduled for 04/23/01 at the Oklahoma State Department of Health.

Silver Crest Manor, Anadarko, #00-084. Contact Person: Steve Moore, 405/787-8200. Lease of this 92 bed licensed nursing facility by Silver Crest Nursing Center, LLC, which is owned by John Yance Rich (30%), Edwin Leslie Gage (30%), Virginia Moore (30%) and David Eugene Forgy (10%). Cost: \$230,000.00 annually for five years. Denied: 03/19/01. Request for reconsideration filed 3/29/01 and granted 4/9/01. Hearing scheduled for 04/23/01 at the Oklahoma 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 April 23, 2001.**

Crest View Life Center, Lawton, #00-081. Contact Person: Jack Atkinson, 405/810-9232. Stock transfer of this 95 bed licensed nursing facility. Cost: \$0. Deadline for filing notices of intent to participate is 03/01/01, and a decision is due 04/16/01.

Cedar Crest Manor, Lawton, #00-082. Contact Person: Jack Atkinson, 405/810-9232. Stock transfer of this 95 bed licensed nursing facility. Cost: \$0. Deadline for filing notices of intent to participate is 03/01/01, and a decision is due 04/16/01.

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Haskell Nursing Home, fka Haskell Manor, Haskell, #00-083. Contact Person: Clifton Gooding, 405/948-1978. Purchase this 58 bed licensed nursing facility by Haskell Care Center, L.L.C., which is owned 100% by Doug Humphreys. Cost: \$994,000.00. Deadline for filing notices of intent to participate is 04/19/01, and a final decision is due 06/04/01.

Stratford Nursing Center, Stratford, #01-001. Contact Person: Randy Goodman, 405/737-8557. Lease of this 106 bed licensed nursing facility by Comprehensive Professional Services, L.L.C., which is owned by Shauna sue Morse (32%), Mildred Gail Chapa (31%), Sharon Rene Moore (31%), J. Calvin Johnson Revocable Trust (2%), Rod N. McKone (2%), and Shirley Johnson Living Trust (1.6%). Cost: \$86,625.50 annually for five (5) years. Deadline for filing notices of intent to participate is 04/05/01, and a final decision is due 05/21/01.

Heritage Villa Nursing Center, Bartlesville, #01-002. Contact Person: Lisa McCusker, 413/448-2111. Lease of this 100 bed licensed nursing facility by Bartlesville Nursing Home Partnership which is owned by Fellowserve of Tyler, Inc. (50%) and New England Healthcare, Inc. (50%). Cost: \$50,000.00 annually for fifteen (15) years. Deadline for filing notices of intent to participate is 03/21/01, and a decision is due 05/07/01.

Windlan Oaks Living Center, aka Frederick Nursing Center, Inc., Frederick, #001-003. Contact Person: Floyd Propps, 405/840-4220. Lease of this 110 bed licensed nursing facility by Cole Brothers, Inc., which is owned by Jay Cole and Gary Cole 50% each. Cost: \$108,000.00 annually for one (1) year. Deadline for filing notices of intent to participate is 05/10/01, and a final decision is due 06/26/01.

Heritage Nursing Center, Muskogee, #01-005. Contact Person: Schuyler Montgomery, 918/683-9407. Purchase of this 119 bed licensed nursing facility by Healthcare Services Incorporated which is owned by Schuyler Montgomery (50%) and Tom Montgomery (50%). Cost: \$1,190,000.00. Deadline for filing notices of intent to participate is 05/10/01, and a final decision is due 06/25/01.

Meadow Brook Intermediate Care Facility-MR, Howe, #01-006. Contact Person: Bob Cox, 918/658-2509. Construct a new 16 bed facility for mentally retarded persons by Meadow Brook Mental Health, which is owned by Bobby Cox 100%. Cost: \$312,000.00. Deadline for filing notices of intent to participate is 04/05/01, and a final decision is due 05/21/01.

Narconon Arrowhead, Canadian, #01-008. Contact Person: Michael St.Amand, 580/448-3904. Relocation of existing 105 beds from Newkirk to Arrowhead Lodge, Canadian County. The project involves a lease and the addition of 155 chemical dependency beds for a total of 230 chemical dependency treatment beds by Narconon of Oklahoma, Inc, a not-for-profit corporation. Cost:\$4,250,000.00 and an annual fee of \$360,000.00 for 30 years. Deadline for filing notices of intent to participate is 05/17/01, and a final decision is due 07/02/01.

**III. Applications filed with the State Department of Health under the Certificate of Need Program but not determined complete as of April 23, 2001, and which may be scheduled for reviews at later dates are:**

Okemah Pioneer Nursing Home, Okemah, #01-004. Contact Person: Clifton Gooding, 405/948-1978. Lease of this 76 bed licensed nursing facility by Okemah Care Center, L.L.C., which is owned 100% by Alpha Care Properties, L.L.C. which is owned 100% by Doug Humphreys. Cost: \$63,000.00 annually for ten (10) years. Additional information due by 05/02/01.

Binger Nursing Home, Binger, #01-007. Contact Person: Robert Cole, 405/557-7800. Purchase of this 65 bed licensed nursing facility. Cost: \$1,000,000.00. Additional information due by 06/25/01.

Sherwood Manor Inc., Tulsa, #01-009. Contact Person: James Stein, 501/410-1740. Purchase 102 bed licensed nursing facility by CPC-Sherwood Manor, Inc. Cost: \$3,060,000.00. Additional information due by 07/02/01.

The Wolfe Living Center at Summit Ridge, Harrah, #01-010. Contact Person: Nita Giles, 405/224-0237. Lease this 44 bed licensed nursing facility by Eldercare Retirement Management, Inc., which is owned by Glen Hamel (51%) and Steve Vogel (49%). Cost: \$71,160.00 annually for five (5) years. Additional information due by 07/03/01.

**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.**

Humana Workers' Compensation Services, Inc. acquired by Protegrity Services, Inc., WMP-99-002. Contact Person: Kay Tyler, 502/580-3732. Initial application to operate a workplace medical plan. Found incomplete 08/22/00.

OneComp Health Systems, WMP-00-001. Contact Person: Karen Barzar, 972/887-0489, ext. 231. Initial application to operate a workplace medical plan. Found incomplete: 06/22/00.

Healthrest PPO, Inc. d/b/a CompWorks, WMP-01-001. Contact Person: Rose McDannold, 918/579-5005. Certificate renewal application. Found incomplete: 04/01/01.

CorVel Corporation d/b/a CorVel Advocacy, WMP-01-002. Contact Person: Thomas Fondren, 405/848-3532. Certificate renewal application. Found incomplete: 04/01/01.

GENEX Services, Inc. d/b/a GENEX Care for Oklahoma, WMP-01-003. Contact Person: Polly McGraw, 610/964-5240. Certificate renewal application. Found incomplete: 04/01/01.

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 incomplete: 04/02/01.

Board of Regents, University of Oklahoma, dba Heartland Health Plan of Oklahoma, HMO-01-001. Contact Person: Sally Venator, 405-552-6500. Annual license renewal. Deadline for filing notice of intent to participate is 05/14/01; and a final decision is due 06/11/01.

Aetna U.S. Healthcare, HMO-01-002. Contact Person: Shelly Sowers, 215-775-5753. Annual license renewal. Approved 4/16/01.

UNICARE Health Plan of Oklahoma, HMO-01-003. Contact Person: Pati McCandless, 512-703-1169. Annual license renewal and service area expansion. Deadline for filing notice of intent to participate is 05/14/01; and a final decision is due 06/11/01.

Prime Advantage Health Plan, HMO-01-004. Contact Person: Tanya Case, 580-357-6684. Annual license renewal..

Prudential Health Care Plan, HMO-01-005. Contact Person: Jodi Padilla, 405-475-6665. Annual license renewal..

AmCare Health Plans of Oklahoma, HMO-01-006. Contact Person: Andria Stolhand, 918-610-5900. Annual license renewal.

**V. 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 April 23, 2001, 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. Cimmarron 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.

Note: All the hospitals on this list have received approval for payment as a CAH from the HCFA Regional Office with the exception of Lindsay Municipal Hospital and Stroud Municipal Hospital . These two hospitals are currently closed. Stroud Hospital should open in late February of 2001. The Lindsay Hospital opening is delayed until further notice.

**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 April 23, 2001.**

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

Prime Care of El Reno, OK (LTC 2000-34). The action against this residential care facility arose out of the Oklahoma Department of Health's charges of violations of the Oklahoma Residential Care Act. Dismissal Without Prejudice filed April 16, 2001.

Wilson Care Center (LTC 2001-01). Decision: Agreed to Order of Settlement filed April 16, 2001.

Mid South Health, Inc, Atoka Colonial Manor Nursing Center (LTC 2001-08). Hearing scheduled for May 23, 2001 at 10:00 am, at the Oklahoma State Department of Health, 1000 N.E. 10<sup>th</sup> Street, Room 1102.

Gimmel Properties, Inc.. (LTC 2001-09). Hearing has been scheduled for April 6th, 2001 at 1:00 p.m., at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK., Room 307. The Judges decision is pending.

Hugo Health and Rehabilitation Center (LTC 2001-25). Decision; Agreed to Order of Settlement filed April 19, 2001..

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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.

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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**

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