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# THE NOTICE

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Oklahoma State Department of Health

May 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. If not disapproved by the Legislature, the changes would become effective by July 1, 2002. Each amended chapter related to smoking of tobacco. Affected chapters included the following:

Chapter 641, Emergency Medical Services

Chapter 667, Hospitals

Chapter 663, Continuum of Care and Assisted Living

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 are now subject to review by the Legislature and approval by the Governor. The projected effective date for the changes is July 1, 2002. Affected chapters included 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 605, Adult Day Care

Chapter 664, Home Care Administrators

Chapter 620, Certificate of Need Acquisition Standards

Chapter 675, Nursing and Specialized Facilities

Chapter 630, Certificate of Need Standards for Nursing Facility Beds

Chapter 677, Nurse Aide Training and Certification

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

Additionally, the Board of Health on March 14 adopted amendments to chapters dealing with smoking at other public places. Those chapters include Second Hand Smoke (99); Barbers (210); Bedding (215); Food Service Establishments (256); Good Manufacturing Practices (260); Hearing Aide Dealers and Fitters (265); Lodging Establishments (285); and Ambulatory Surgical Centers (615).

Copies of all of the above-mentioned amendments and related documents are available on the OSDH Internet site at [www.health.state.ok.us](http://www.health.state.ok.us). For more information, contact Dr. Henry Hartsell Jr. by telephone at (405) 271-6868, or by email at [hank@health.state.ok.us](mailto:hank@health.state.ok.us).

## Certificate of Need and Long Term Care Rules on the OSDH Web

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.

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

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

Tulsa Center for Behavioral Health Care, Tulsa, #01-037. Contact Person: Charles Danley, 918/273-1841. New 60 bed psychiatric facility by Grand Lake Mental Health Center, Inc., a not-for-profit organization. Cost: \$712,500.00. Approved: 04/23/02.

#### **Certificate of Need Withdrawn/Denial/ Reconsideration:**

Community Homes Moore #1, 00-023; #2, 00-24 and #3, 00-025. A Stay on the time requirements of title 63 Section 1-857 was granted 10/31/01. Settlement Agreement and Release approved 03/07/02.

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.

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.

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.

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.

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.

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.

### **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, 2002.**

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. Deadline for filing notices of intent to participate is 03/21/02, and a final decision is 05/06/02.

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. Deadline for filing notices of intent to participate is 03/06/02, and a final decision is due 04/25/02.

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.

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. Deadline for filing notices of intent to participate is 03/13/02, and a final decision is due 04/26/02.

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.

**III. Applications filed with the State Department of Health under the Certificate of Need Program but not determined complete as of April 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.

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. Additional information requested and due by 05/10/02.

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. Additional information requested and due by 05/10/02.

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.

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, LLC, which is owned by Sharie Folmar (25%), Doug Cox (25%), Drenda Cos (25%) and Jerry Folmar (25%). Cost: \$825,000.00.

**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.

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 received 11/30/01.

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

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

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. Deadline for filing notice of intent to participate is 3/25/02; and a final decision is due 4/22/02.

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.

ZRC Services, Inc., dba Ziroc, IRO-02-001. Contact Person: Nan Cunningham, 903-439-0802. Initial application to be an independent review organization. Found incomplete 3/25/02.

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

#### **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 April 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 April 23, 2002.**

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.

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. Briefs have been submitted; waiting for Judge to make a ruling..

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, has been continued for 45 days pending settlement.

Pleasant Valley Health Care Center (LTC 2001-132). There has been difficulty in scheduling the doctor's deposition; once he has been deposed, a hearing can be scheduled.

Heritage Nursing Center of Muskogee, OK. (LTC 2001-133). On March 14, 2001, Petitioner advised Respondent's counsel that Heritage is going to file a dismissal of the case.

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, has been continued pending settlement.

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

Heritage Nursing Center (LTC 2002-002). The second pre-trial conference was held April 8, 2002, 4:00 p.m., Room 310.2, Oklahoma State Department of Health. Settlement is pending.

County Manor Nursing Home (LTC 2002-003). A second pre-trial conference was held April 8, 2002. Settlement is pending.

Tammy R. Skalenda d/b/a Unlimited Care and operating under the name of Mi Casa (LTC 2002-007). Case settled April 11, 2002.

Joe R. Bussey, An individual, Washita Health Care, LLC, an Oklahoma Limited Liability company, and Focusone, Inc., an Oklahoma corporation (LTC-2002-013). A hearing is scheduled for May 10, 2001, 1:30 p.m., Room 1102, Oklahoma State Department of Health.

Heartland Plaza (LTC-2002-019). A hearing is scheduled for April 30, 2002, 10:00 a.m., Room 507, Oklahoma State Department of Health.

Yale Nursing Center (LTC-2002-021). A pre-trial hearing is scheduled for May 8, 2002, 10:00 a.m., Room 346, Oklahoma State Department of Health.

Sweetbriar Nursing Center (LTC-2002-022). A hearing is scheduled for April 25, 2002, 10:00 a.m., Room 1102, Oklahoma State Department of Health.

Edna Lee Keaton d/b/a Poteau Residential Care (LTC-2002-024). A hearing is scheduled for May 17, 2002, 10:00 a.m., Room 1102, Oklahoma State Department of Health.

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.

**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**

**1000 NE 10<sup>th</sup> Street**

**Oklahoma City, OK 73117-1299**

**Return Service Requested**

**PRESORTED STANDARD**

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