
THE NOTICE

Oklahoma State Department of Health

December 1, 1999

CONTINUUM OF CARE/ASSISTED LIVING AND RESIDENTIAL CARE RULE AMENDMENTS

Governor Frank Keating has approved emergency amendments to the rules for residential care homes, continuum of care facilities, and assisted living centers.

Amendments to the Residential Care Home Regulations (OAC 310:680) clarify the types of heaters that cannot be used in assisted living centers. The old rules had prohibited all open-face unvented heaters. The recently approved amendments limit the prohibition to open-face unvented combustion heaters and electrical heaters with exposed heating elements.

Changes to the Continuum of Care and Assisted Living Rules (OAC 310:663) remove a requirement that the resident assessment must be completed by a physician. The amendments clarify physical plant requirements, including those on bathing facilities and resident control of room temperature. The amendments authorize the filing of the establishment application separate from the license application, in order that an operator may obtain approval for a continuum of care facility or assisted living center prior to construction.

The changes were approved by Governor Keating on an emergency basis effective November 1, 1999. For copies of the amendments contact Linda Lopez of the Health Resources Development Service at (405) 271-6868.

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) 271-9201.

I. Actions taken by the Oklahoma State Department of Health from October 24, 1999 to November 23, 1999 were as follows.

Certificate of Need Applications Approved:

Second Shamrock Care Center, Kingfisher, #99-041. Contact Person: Kelly Mitchell, 918/775-6200. Replace 48 bed licensed nursing facility by Shamrock Care Centers, L.L.C., which is owned Bob G. Mitchell (37.5%); Gilbert f. Green (25%); Philip M. Green (25%) and Kelly O. Mitchell (12.5%). Cost: \$400,000.00. Approved: 10/25/99.

Summit Ridge Retirement Center, Harrah, #99-052. Contact Person: Dilbert Gilman, 405/454-2431. Addition of 10 beds for a total of 44 licensed nursing facility beds. Cost: \$0. Approved: 11/05/99.

McLoud Nursing Center, Inc., McLoud, #99-050. Contact Person: John Smart, 405/257-3353. Addition of 10 beds for a total of 80 licensed nursing facility beds. Cost: \$10,000.00. Approved: 10/25/99.

Certificate of Need Applications Denied/Withdrawn:

Heritage Manor, Oklahoma City, #99-029. Contact Person: Nita Giles, 405/810-8155. Lease this 55 bed licensed nursing facility by Heritage Manor, LLC, which is owned by Virginia Moore (33.33%); Steve Moore (33.33%) and David Forgy (33.33%). Cost: \$102,007.00 annually for one year. Denied: 10/18/99. Reconsideration requested 10/29/99 and granted 11/08/99.

Heritage Park, Oklahoma City, #99-030. Contact Person: Nita Giles, 405/810-8155. Lease this 55 bed Alzheimer's licensed nursing facility by Heritage Manor, LLC, which is owned by Virginia Moore (33.33%); Steve Moore (33.33%) and David Forgy (33.33%). Cost: \$113,693.00 annually for one year. Denied: 10/18/99. Reconsideration requested 10/29/99 and granted 11/08/99.

Cordell Care Center, Cordell, #99-018. Contact Person: Nita Giles, 405/810-8155. Lease this 80 bed licensed nursing facility by Progressive Cordell, Inc., which is owned 100% by Progressive Living Centers, Inc. Cost: \$222,000.00 for one year. Disapproved: 11/05/99.

Crest View Life Center, Lawton, #99-031. Contact Person: Nita Giles, 405/810-8155. Lease this 95 bed licensed nursing facility by TLC Health Care Inc. Cost: \$217,944.00 annually for one year. Application withdrawn 11/02/99.

Cedar Crest Manor, Lawton, #99-032. . Contact Person: Nita Giles, 405/810-8155. Lease this 95 bed licensed nursing facility by TLC Health Care Inc. Cost: \$236,106.00 annually for one year. Application withdrawn 11/02/99.

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 November 23, 1999.

<p>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.</p>

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.

Bryant Village Nursing Home, Oklahoma City, #99-034. Contact Person: Nita Giles, 405/810-8155. Purchase of this 59 bed licensed nursing facility by Sooner Geriatrics, L.L.C., which is owned 100% by Straight Path, L.L.C. Cost: \$1,102,437.00. Deadline for filing notices of intent to participate is 10/20/99, and a final decision is due 12/05/99.

Wildwood Manor Health Care Center, Okla. City, #99-035. . Contact Person: Nita Giles, 405/810-8155. Purchase of this 107 bed licensed nursing facility by Sooner Geriatrics, L.L.C., which is owned 100% by Straight Path, L.L.C. Cost: \$.00 annually for 5 years. Deadline for filing notices of intent to participate is 10/20/99, and a final decision is due 12/05/99.

Grace Living Center-Brookwood, Okla. City, #99-040. Contact Person: Nita Giles, 405/810-8155. Addition of 12 beds for a total of 132 licensed nursing facility beds. Cost: \$100,000.00. Deadline for filing notices of intent to participate is 10/28/99, and a final decision is due 12/13/99.

Shawnee Sunset Estates, Shawnee, #99-046. Contact Person: Rick Cooper, 405/273-2282. Lease this 72 bed licensed nursing facility by HIS Nursing Home Company, L.L.C.V. Cost: \$287,000.00 annually for 1 year. Deadline for filing notices of intent to participate is 11/11/99, and a final decision is due 12/16/99.

Fairland Nursing Home, Fairland, #99-047. Contact Person: Sharie Folmar, 361/852-4392. Purchase of this 29 bed licensed nursing facility by Family care Centers of Oklahoma, L.L.C. V which is owned by Sharie Folmar (25%), Doug Cox (25%), Jerry Folmar (25%), and Drenda Cost (25%). Cost: \$435,000.00. Deadline for filing notices of intent to participate is 11/18/99, and a final decision is due 01/03/2000.

Skyline Terrace Nursing Center, Tulsa, #99-049. Contact Person: Nita Giles, 405/810-8155. Purchase this 209 bed licensed nursing facility by Montereau, Inc., a non-profit Oklahoma organization. Cost: \$720,000.00. Deadline for filing notices of intent to participate is 12/16/99, and a final decision is due 02/01/2000.

St. Anthony Hospital, Okla. City, #99-051. Contact Person: Paula Johnstonbaugh, 405/272-6552. Addition of 26 adolescent psychiatric beds through relocation of adult psychiatric bed, for a total of 87 adolescent psychiatric and 87 adult psychiatric beds. Cost: \$0. Deadline for filing notices of intent to participate is 11/12/99, and a final decision is due 12/27/99.

Spanish Cove Retirement Center, Yukon, #99-054. Contact Person: Sherman Huff, 405/354-1901. Replace this 29 bed licensed nursing facility to new location of 11 Palm Street, Yukon. Cost: \$6,000,000.00. Deadline for filing notices of intent to participate is 11/12/99, and a final decision is due 12/27/99.

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

Edwards Redeemer Nursing Center, Okla. City, #99-045. Contact Person: Bobby England, 580/226-7222. Acquisition, thru management agreement, of this 106 bed licensed nursing facility by Saber Management Systems, Inc., which is owned by James Montfort (31%); Bobby G. England (18%); Gary Cook (12%); William W. Rahhal (7%); and Eugene A. Kitekken (7%). Cost: \$0. Additional information is due 12/13/99.

Faith Homes, Cleveland, #99-048. Contact Person: Daniel Parker, 918/862-3188. New 6 bed specialized facility for mentally retarded persons. Cost: \$789,700.00. Additional information is due by 12/14/99.

INTEGRIS Baptist Regional Health Center, Miami, #99-053. Contact person: JoAnne Mancusi, 918/540-7196. Add 12 adult psychiatric beds for a total of 32 adult psychiatric beds. Cost: \$200,000.00. Additional information is due by 12/29/99.

Tuttle Care Center, Tuttle, #99-055. Contact Person: Rick Cooper, 405/273-2282. Lease this 52 bed licensed nursing facility by HIS Nursing Home Company, L.L.C. X, 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: \$101,076.00 annually for 20 years. Additional information is due by 02/07/2000.

Willow Park Health Care Center, Lawton, #99-056. Contact Person: Rick Cooper, 405/273-2282. Lease this 151 bed licensed nursing facility by HIS Nursing Home Company, L.L.C. X, 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: \$425,580.00 annually for 20 years. Additional information is due by 02/07/2000.

Temple Manor, Temple, #99-057. Contact Person: Rick Cooper, 405/273-2282. Lease this 48 bed licensed nursing facility by HIS Nursing Home Company, L.L.C. X, 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: \$136,680.00 annually for 20 years. Additional information is due by 02/07/2000.

Colonial Village Nursing Home, Grandfield, #99-058. Contact Person: Rick Cooper, 405/273-2282. Lease this 40 bed licensed nursing facility by HIS Nursing Home Company, L.L.C. X, 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: \$111,456.00 annually for 20 years. Additional information is due by 02/07/2000.

Western Hills Healthcare Center, Lawton, #99-059. . Contact Person: Rick Cooper, 405/273-2282. Lease this 151 bed licensed nursing facility by HIS Nursing Home Company, L.L.C. X, 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: \$461,208.00 annually for 20 years. Additional information is due by 02/07/2000.

Whispering Oaks, Ardmore, #99-060. Contact Person: Gary Porter, 580/490-9200. Purchase this 76 bed licensed nursing facility, fka Ardmore Care Center, by Premier Health Care, L.L.C., which is owned 100% by Gary L. Porter. Cost: \$475,000.00. Additional information is due by 02/07/2000.

Rosewood Manor Nursing Center, Norman, #99-061. Contact Person: Nita Giles, 405/810-8155. Lease this 200 bed licensed nursing facility by JBA, Inc., which is owned by Grant Rhodes (33.33%), James O. Brown (33.34%) and Jeff Young (33.33%); with a subsequent lease to Progressive Rosewood, Inc., which is owned 100% by Progressive Living Centers, Inc. Cost: \$360,000.00 annually for 10 years for first lease; subsequent lease is \$360,000.00 annually for 10 years. Additional information is due by 02/14/2000.

Cyril Nursing Home, Cyril, #99-062. Contact Person: Nita Giles, 405/810-8155. Lease this 80 bed licensed nursing facility by JBA, Inc., which is owned by Grant Rhodes (33.33%), James O. Brown (33.34%) and Jeff Young (33.33%); with a subsequent lease to Progressive Cyril, Inc., which is owned 100% by Progressive Living Centers, Inc. Cost: \$132,000.00 annually for 10 years for first lease; subsequent lease is \$194,356.00 annually for 10 years. Additional information is due by 02/14/2000.

New Frontiers Cherokee House, Okla. City, #99-063. Contact Person: Cathy Moore, 405/. New 6 bed specialized facility for the mentally retarded, by New Horizons, Inc., which is owned by Donald Moore (51%) and Cathy Moore (49%). Cost: 130,000.00. Additional information is due by 02/15/2000.

Southwest Living Center, Lawton, #99-064. Contact Person: William A. Matthey, 580/357-3126. Purchase this 100 bed licensed nursing facility by Southwest Allied Medical Services, Inc., which is owned by William A. Matthey II (25%), Alan Aycock, M.D. (25%), Keith Aycock (25%), and Byron Aycock, M.D. (25%). Cost: \$600,000.00.

Eidetik of Weleetka, Inc., Weleetka, #99-065. Contact Person: Lucille Foster, 405/786-2401. Purchase this 61 bed licensed nursing facility by Eidetik, Inc., which is owned William F. Beaven (50%) and Marsha H. Beaven (50%). Cost: \$1,200,000.00.

IV. The following applications have been accepted under the Health Maintenance Organization Rules or the Rules for Certified Workplace Medical Plans.

Community Care HMO, HMO-99-008. Contact Person: Remsen Beitel, 918/594-5264. Annual license renewal.

Travelers Medical Management, Inc., dba TMMS Oklahoma Workplace Medical Plan, Hartford, CT, WMP-97-001. Contact Person: Michael Donovan, 860/277-2679. Found Complete 10/25/99.

Crawford and Company, WMP-99-001. Contact Person: Rene Wilson, 405/843-5318. Initial application to operate a workplace medical plan. Found incomplete 10/27/99.

Humana Workers' Compensation Services, Inc., WMP-99-002. Contact Person: Kay Tyler, 502/580-3732. Initial application to operate a workplace medical plan. Found incomplete 10/29/99.

CCN Managed Care, Inc., WMP-99-003. Contact Person: Erin Baldwin, 1-800-247-3898, ext. 2157. Initial application to operate a workplace medical plan.

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 November 23, 1999, the State Health Department had surveyed and certified seven rural hospitals as critical access hospitals. The seven hospitals are: Prague Municipal Hospital, Prague; Jane Phillips Nowata Health Center, Nowata; Atoka Memorial Hospital, Atoka; Watonga Municipal Hospital, Watonga; Mercy Health-Love County, Marietta; Roger Mills Memorial Hospital, Cheyenne; and Johnston Memorial Hospital, Tishomingo.

As of November 23, 1999, two other hospitals were awaiting surveys for critical access hospital certification. Those two are Cimarron Memorial Hospital, Boise City.

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).

**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 November 23, 1999.

Ponca City Nursing and Rehabilitation Center, Ponca City, OK, (SHS-LTC-99-03). Appeal of Civil Monetary Penalty. Pending.

Shawnee Colonial Estates, Shawnee, OK, (SHS-LTC-99-04). Appeal of Civil Monetary Penalty. Pending.

Colonial Village Nursing Home, Grandfield, OK, Temple Manor Nursing Home, Temple, OK, Tuttle Care Center, Tuttle, OK, Western Hills Health Care Center, Lawton, OK, Willow Park Health Care Center, Lawton, OK, (SHS-LTC-99-17). Notice of Intent to Appoint Temporary Manager filed 8/25/99.

Heritage Nursing Center, Muskogee, Oklahoma, (SHS-LTC-99-18). This action against this long term care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Summary suspension of license, facility closed 8/24/99.

Country Manor, Tulsa, Oklahoma, (SHS-LTC-99-20). This action against this long term care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Summary suspension of license, facility closed.

Western Hills Residential Care, Inc., Ardmore, Oklahoma, (SHS-LTC-99-21). This action against this long term care facility arose out of the Oklahoma State Department of Health's charges of operating as nursing facility without a license due to license being expired. Petition for cease and desist and administrative penalty filed 9/23/99.

Billy D. Rice d/b/a Tulsa Loving Care Home, Tulsa Oklahoma, (SHS-LTC-99-22). This action against this long term care facility arose out of the Oklahoma State Department of Health's charges of failure to meet minimum standards. Emergency Order requiring transfer of residents was filed on October 8, 1999. Facility ceased operation.

Frances K. Gomez, Oklahoma City, OK, (SHS-LTC-99-23). This action against this long term care facility arose out of the Oklahoma State Department of Health's charges of operating as a nursing facility without a license. Petition for cease and desist order filed 11/16/99. The hearing is set for December 9, 1999 at 9:00 a.m..

Gaylia Green and Shirley Johns, d/b/a FoxFire Homes (f/k/a Maple Ridge South), (SHS-LTC-99-24). This action against this long term care facility arose out of the Oklahoma State Department of Health's charges of operating a nursing facility without a license. Petition for cease and desist order filed 11/12/99. The hearing is set for November 30, 1999 at 9:00 a.m., continuance filed 11/23/99.

Michael Dore, (SHS-HRI-99-01). Petition for revocation of certification as a Home Care Administrator filed. The hearing is set for January 26, 2000, at 9:00 a.m.

Grannies of Oklahoma, Inc., Tulsa, OK (SHS-HRI-99-02). This action against this home care agency arose out of the Oklahoma State Department of Health's charges of history of non-compliance with the Home Care Act and Rules. Petition for revocation of license and administrative fine filed 10/28/99. The hearing is set for November 29, 1999 at 10:00 a.m..

Keystone Home Care, Inc., Norman, OK (SHS-HRI-99-03). This action against this home care agency arose out of the Oklahoma State Department of Health's charges of violations for the Home Care Act and Regulations. Petition for revocation and administrative penalty filed 11/19/99. The hearing is set for January 11, 2000 at 9:00 a.m.

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 10th Street

Oklahoma City, OK 73117-1299

BULK RATE

U.S. Postage PAID

Permit No. 1504

Oklahoma City, OK

Return Service Requested