
THE NOTICE

Oklahoma State Department of Health

March 1, 2001

RECENTLY ADOPTED OR PROPOSED 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.

Permanent Rule Changes Adopted on February 15, 2001 (to be effective at a date to be announced) 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 205. ALARM INDUSTRY REGULATIONS. The proposed amendments correct three problems with the current regulations.

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.

Permanent Rule Changes were discussed at Public Hearing on February 22, 2001 in Room 307 of the State Health Department Building. These three rules will be considered for adoption on March 15, 2001 at 1:00 p.m.

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

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.

Permanent Rule Changes set for possible adoption by the Board of Health at 1:00 p.m. on March 15, 2001.

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

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 HOME CARE ADMINISTRATOR CERTIFICATION These amendments remove outdated requirements regarding waivers and other provisions that expired in 1996, and that are no longer effective.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

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) 271-6868 or hank@health.state.ok.us.

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, 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 January 24, 2001 to February 23, 2001 were as follows.

Certificate of Need Applications Approved:

High Pointe, Okla. City, #00-080. Contact Person: Johnny Smith, 405/424-3383. Replace 36 bed licensed adolescent psychiatric facility on existing campus. Cost: \$2,000,000.00. Approved: 02/02/01.

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 KAYD@HEALTH.STATE.OK.US.

Integrated Health Services at Midwest City, Midwest City, #00-046. Contact Person: Hendrick Melton, 410/773-1000. Lease of this 106 bed licensed nursing facility by Lyric Health Care LLC, which is owned by Integrated Health Services, Inc. (50%) and TFN Health Care Investors, LLC (50%). Cost: \$388,684.00 annually for 10 years. Approved: 02/13/01.

Certificate of Need Withdrawn/Denial/ Reconsideration:

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 11/1/00 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.

INTEGRIS Baptist Medical Center, Okla. City, #00-044. Contact Person: Murali Krishna, 405/720-4944. Add 41 child psychiatric beds at the Spencer campus. Cost: \$116,000.00. Denied: 10/09/00. Request for reconsideration filed 11/08/00 and granted 11/28/00. Hearing set for 12/15/00 at the Oklahoma State Department of Health. Decision pending.

Rest Haven Nursing Center, Tulsa, #00-058. Contact: Nita Giles, 405/848-1640. Lease of 131 bed nursing facility by Peak Medical Oklahoma Operations Inc., which is owned 100% by Peak Medical Corporation, Albuquerque, NM. Cost: \$180,000 annually for 10 years. Denied: 10/30/00. Request for reconsideration filed 11/09/00 and granted 11/28/00. Hearing set for 12/14/00 at the Oklahoma State Department of Health. Decision pending.

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, 2001.

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. Deadline for filing notices of intent to participate is 01/31/01, and a decision is due 03/19/01.

Rosewood Manor Nursing Center, Norman, #00-065. Contact Person: Floyd Propps, 405/840-4220. 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. Deadline for filing notices of intent to participate is 01/31/01, and a decision is due 03/19/01.

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. Deadline for notices of intent to participate is 02/08/01, and a decision is due 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. Deadline for notices of intent to participate is 02/08/01, and a decision is due 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. Deadline for notices of intent to participate is 02/08/01, and a decision is due 03/26/01.

Cyril Nursing Home, Cyril, #00-079. Contact Person: Floyd Propps, 405/840-4220. 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. Deadline for filing notices of intent to participate is 01/31/01, and a decision is due 03/19/01.

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.

Silver Crest Manor, Anadarko, #00-084. Contact Person: Floyd Propps, 405/840-4220. 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. Deadline for filing notices of intent to participate is 01/31/01, and a decision is due 03/19/01.

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.

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

Haskell Nursing Home, fka Haskell Manor, Haskell, #00-083. Contact Person: Clifton Gooding, 405/948-1978. Purchase this 58 bed licensed nursing facility. Cost: \$994,000.00. Additional information due by 03/13/01

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. Additional information due by 04/17/01.

Windlan Oaks Living Center, aka Frederick Nursing Center, Inc., Frederick, #001-003. Contact Person: Floyd Propper, 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. Additional information due by 04/30/01.

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.

Heritage Nursing Center, Muskogee, #01-/005. Contact Person: Schuyler Montgomery. 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. Additional information due by 05/20/01. Additional information due by 05/20/01.

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. Cost: \$312,000.00.

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.

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 work-place medical plan. Found incomplete: 06/22/00.

Healthcrest PPO, Inc. d/b/a CompWorks, WMP-01-001. Contact Person: Rose McDannold, 918/579-5005. Certificate renewal application. Received 01/28/01.

CorVel Corporation d/b/a CorVel Advocacy, WMP-01-002. Contact Person: Thomas Fondren, 405/848-3532. Certificate renewal application. Received 02/13/01.

HealthCare Oklahoma, Inc., HMO-00-009. Contact Person: Kim Decker, 405/951-4720. Annual license renewal. Approved 02/19/01.

GHS Health Maintenance Organization, Inc., d/b/a/ BlueLincs HMO, HMO-00-010. Contact Person: Susan Furgerson, 918/561-9905. Annual license renewal. Approved 02/19/01.

The Center for Health Dispute Resolution, IRO-00-006. Contact Person: David Richardson, 716/586-1770. Initial application to be an independent review organization. Approved 02/01/01.

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.

Aetna U.S. Healthcare, HMO-01-002. Contact Person: Shelly Sowers, 215-775-5753. 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 February 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. Cimmaron 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 February 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.

Girling Health Care, Inc., (LTC-2000-26). 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. Petition filed on August 21, 2000. Settlement Pending.

Ponderosa Residential Care, (LTC) 2000-30). The action against this Residential Care facility arose out of the Oklahoma Department of Health's charges of violations of the Residential Care Act. Petition filed on November 1, 2000. Decision rendered February 2, 2001.

Cole's Rest Haven Nursing Home, (LTC 2000-32). The action against this Nursing Home facility arose out of the Oklahoma Department of Health's charges of violation of the Nursing Home Care Act. Petition filed on November 29, 2000. Petition Withdrawn, fine paid.

Advanced Homecare Services, Inc., Yukon, OK (HRI-2000-02). The action against this Home Care facility arose out of the Oklahoma Department of Health's charges of violations of the Home Care Act and the Home Care Agencies Rules. Settlement 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.

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
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