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2 **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH**
3 **CHAPTER 675. NURSING AND SPECIALIZED FACILITIES**
4 **Draft Amendments**

5
6 **SUBCHAPTER 1. General Provisions**

7
8 310:675-1-2. **Waiver**

9 (a) The Commissioner of Health, in accordance with 63 O.S.
10 Section 1- 1900.2, may waive provisions of the Nursing Home Care
11 Act and this Chapter, if the Department of Health determines that
12 such waiver would not endanger the life, safety or health of any
13 resident of a nursing facility and the waiver application meets
14 the requirements specified in this section.

15 (b) Any facility requesting a waiver shall apply in writing to
16 the Department of Health. Such application shall include:

17 (1) The specific statute(s) or regulation(s) for which the
18 waiver is requested;

19 (2) Reason(s) for requesting a waiver;

20 (3) An explanation of how the requested waiver fosters the
21 development of resident autonomy, individualization and
22 culture change in support of a deinstitutionalization model;

23 (4) The specific relief requested; and

24 (5) Any documentation which supports the application for
25 waiver.

26 (c) In consideration of any application for waiver, the
27 Commissioner of Health may consider the following:

28 (1) Compliance with 63 O.S. Section 1-1900.2

29 (2) The level of care provided;

30 (3) The maximum resident capacity;

31 (4) The impact of a waiver on care provided;

32 (5) Alternative policies or procedures proposed.

33 (d) The Department of Health shall consider each request for a
34 waiver and shall approve or disapprove request in writing within
35 sixty (60) business days of receipt of the request.

36 (e) If the Department of Health finds that an application is
37 incomplete, the Department shall advise the applicant in writing
38 and offer an opportunity to submit additional or clarifying
39 information.

40 (f) The Department of Health and applicant may negotiate
41 consensus language in arriving at a final waiver.

42 (g) The facility that is granted a waiver shall notify residents
43 of the facility or, where appropriate, the guardians or legal
44 representatives of such residents of the waiver in writing.

45 (h) An effected party who disagrees with the Department's
46 decision of the waiver application may file a written petition
47 requesting review by an administrative law judge in an individual
48 proceeding under the Oklahoma Administrative Procedures Act.

49 (g) The Department may revoke a waiver through administrative
50 proceeding upon a finding the nursing facility is operating in
51 violation of the waiver or the waiver endangers the life, safety
52 or health of any resident in the nursing facility.¹

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ⁱ The amendment fosters the development of resident autonomy, individualization and culture change in support of deinstitutionalization.

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6 SUBCHAPTER 5. Physical Plant
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8 310:675-5-21. Electrical requirements
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10 (4) ~~Nurses' call system~~ Notification System

11 (A) ~~General resident areas. Each room shall be served by at least~~
12 ~~one calling station and each bed shall be provided with a call~~
13 ~~button. Two call buttons serving adjacent beds may be served by one~~
14 ~~calling station. Calls shall register with the floor staff and~~
15 ~~shall activate a visible signal in the corridor at the resident's~~
16 ~~door, in the clean workroom, in the soiled workroom, and in the~~
17 ~~nourishment station of the nursing unit. In multi-corridor nursing~~
18 ~~units, additional visible signals shall be installed at corridor~~
19 ~~intersections.~~

20 ~~In rooms containing two or more calling stations, indicating~~
21 ~~lights shall be provided at each station. Nurse's calling system~~
22 ~~which provide two-way voice communication shall be equipped with an~~
23 ~~indicating light at each calling station which lights and remains~~
24 ~~lighted as long as the voice circuit is operating.~~ Resident Areas.
25 Each room, toilet and bathing area shall have a means for residents
26 to directly contact nursing staff. This communication may be
27 through audible or visual signals, electronic systems and may
28 include "wireless systems."

29 (B) Wireless nurse call system. Facilities may substitute a
30 wireless nurse call system for wired call systems or operate both a
31 wireless and a wired nurse call system in parallel.¹

32 ~~(B)~~ (C) Resident's emergency. A nurse's call emergency button shall
33 be provided for resident's use at each resident's toilet, bath, and
34 shower room. Such button shall be usable by a collapsed resident
35 lying on the floor (inclusion of a pull cord will satisfy this
36 item).
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¹ The amendment fosters culture change.

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5 **SUBCHAPTER 9. Resident Care Services**

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7 **310:675-9-9.1. Medication services**

8 (a) **Storage.**

9 (1) Medications shall be stored in a medication room, a
10 locked cabinet, or a locked medication cart, that is
11 convenient to the nursing station and used exclusively for
12 medication storage.

13 (2) The medication storage area temperature shall be
14 maintained between 60° F. (15.5° C.) to 80° F. (26.6° C.)

15 (3) The medication room, the medication storage cabinet, and
16 medication cart shall be locked when not in use.

17 (4) The key to the medication storage areas shall be in the
18 possession of the person responsible for administering
19 medications.

20 (5) Scheduled medications shall be in a locked box within the
21 locked medication area or cart.

22 (6) Medications for external use shall be stored separately
23 from medications for internal use.

24 (7) Medications requiring refrigeration shall be kept within
25 a temperature range of 36° F. (2.2° C.) to 48° F. (8.8° C.)
26 and separated from food and other items. There shall be a
27 method for locking these medications.

28 (8) The medication areas shall have a work counter; the
29 counter and cabinet shall be well lighted, clean and
30 organized.

31 (9) Running water shall be in close proximity to the
32 medication area.

33 (10) Powdered over-the-counter medication for topical use may
34 be kept in the resident's room for administration by a nurse
35 aide if:

36 (A) The facility ~~submits its~~ develops and implements
37 policies and procedures for safe ~~and appropriate~~ storage
38 and application of the powder ~~to the Department and~~
39 ~~receives written approval from the Department prior to~~
40 ~~implementation~~; and

41 (B) Each aide who applies the over-the-counter topical
42 medication is trained in accordance with the established
43 policies and procedures of the facility.¹