

Notices of Rulemaking Intent

in the Disclosure Statement and Detail Attachment and limits the disclosure to those with a five percent (5%) or greater ownership interest. Industry representatives petitioned the Department for this change to address disclosures where there are multiple and diluted ownership interests. Rule language in this section pertaining to the Department's use of the form, Certification of Tax Liens and Timely Payment of Taxes, and notification of changes in such filings are removed from the rule to eliminate a conflict with the statute at , 63 O.S. § 1-1930.1. This change reduces the filing burden on the industry.

Language at 310:675-3-8(a)(6) is struck regarding filing a notice of change to the certification of tax compliance. As noted above, striking the certification requirement is proposed to correct a conflict with statute and a desire to reduce the filing burden.

Section 310:675-7-4, Involuntary transfer or discharge, the current rule provides for the procedure and terms of involuntary transfer or discharge by the facility. This proposal establishes timing of the notice made by the facility before the transfer or discharge of the resident and clarifies the timing of notice procedures. This change is necessary because state law does not distinguish that the current requirement is only applicable to state licensed facilities. The effect of the rule change will be consistent language in both state law and the Code of Federal Regulations. The proposal provides residents with ample time to identify alternative accommodations.

Section 310:675-7-12.1, Incident reports, addresses who is responsible for preparing and signing an incident report. The proposed rule change clarifies who may sign and the allowable form of signature. This change is necessary to expedite electronic filing of incident reports.

Amendments at 310:675-7-20 are in response to a change in statute in 2003 which removed language specifying the method to determine the financial resources to operate a facility. The references in rule to this methodology are removed.

Subchapter 11, Intermediate care facilities for the mentally retarded (16 beds and less (ICF/MR-16)), contains the rules specific to the sixteen (16) bed or less ICF/MR facility. The rule change updates 310:675-11-1 to include the Chapter definitions that were excluded in error. This change is necessary to provide definitions to terms used in Subchapter 11. The proposed change at 310:675-11-5, Physical plant, updates the reference to the Food Service Establishment Regulations from Chapter 255 to Chapter 257. The proposed change at 310:675-11-8, Administration, corrects a scrivener's error that referred to Subchapter 11 instead of Subchapter 7, the subchapter providing the applicable rules for the administration of facilities. The rule at 310:675-11-9, Resident care services, identifies the language in Subchapter 9, Resident Care Services, as applicable to the 16-bed or less ICF/MR. The reference is updated to reflect changes to the applicable section numbers in Subchapter 9 and the addition of section 310:675-9-31, Influenza and pneumococcal vaccinations, to Subchapter 9. As currently written, the rule reference is not inclusive to this section on influenza and pneumococcal

vaccinations. The rules on these vaccinations are intended for residents in all nursing and specialized facilities regardless of size.

The changes to subchapter 13 address an industry request to specify criteria for Department approval of courses qualifying Activity and Social Services Directors at OAC 310:675-13(8) and (9). The current rule provides that activities and social services directors shall be qualified by, among others, successful completion of a Department approved training course. The current rule does not provide criteria for Department approval of a training course. This request is based in part on the desire of the industry to ensure training programs met certain minimum requirements. The Long Term Care Advisory Board created an ad-hoc committee to assist the Department in developing criteria, for adoption in rule, for the approval of training courses to qualify Activities and Social Services Directors for employment in Nursing Homes. The proposed rules address the application, course, and certificate content; entities eligible to provide training; restrictions on advertisement; instructor requirements; course length; renewal requirements; and a fee.

Section 310:675-19-6 sets forth the requirement for feeding assistants to register with the Department prior to providing services and to renew their registration every twenty-four (24) months. The proposed rule would create a fee of ten dollars (\$10) for the initial and renewal registration. The fee increases are requested to cover a greater portion of program operating costs while the Department simultaneously looks to greater efficiencies in operations to reduce costs.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. § 1-104; and Title 63 O.S. §§ 1-1901 et seq.

COMMENT PERIOD:

February 2, 2009 through March 12, 2009. Interested persons may informally discuss the proposed rules with staff. Before March 12, 2009, interested persons may submit written comments to James Joslin, Chief, Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299, or before March 12, 2009, may send electronic mail to james@health.ok.gov, or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 12, 2009, which begins at 11:00 a.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 12, 2009, to James Joslin, Chief, Health