TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 517. NOVEL CORONAVIRUS REGULATIONS

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PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
310:517-1 [NEW]
Subchapter 2. Novel Coronavirus Reports
310: 517-2-1 [NEW]
310: 517-2-2 [NEW]
Subchapter 3. Hospital Licensed Bed Capacity
310: 517-3-1 [NEW]
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Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104
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The rules OAC 310:517-1-1, OAC 310:517-2-1 and OAC 310:517-2-2 update the basis for reporting novel coronavirus cases and require that every practicing physician and clinical laboratory using an FDA-approved test for the novel coronavirus submit reports to the State Department of Health in the manner, format and frequency prescribed by the Commissioner of Health. The Rules require the submission of electronic records. The Rules also require that hospitals and physician clinics in Oklahoma submit to the State Department of Health in the manner, format and frequency prescribed by the Commissioner of Health, the number of patients in the hospital receiving treatment for novel coronavirus, the number of patients receiving treatment for novel coronavirus who are currently admitted to the ICU and the vaccination status of patients receiving treatment for the novel coronavirus. The rule OAC 310:517-2-1 requires hospitals and laboratories to send, at a minimum, 10% of their weekly positive novel coronavirus specimens to the OSDH Public Health Laboratory for variant testing. The collection, packaging, and shipping of the positive novel coronavirus specimen must be in accordance with OSDH Public Health Laboratory guidelines. OAC 310:517-3-1 will allow hospitals licensed by the Commissioner of Health to expand or modify bed capacity if certain conditions are met. It also requires hospitals participating in the CMS Hospital Without Walls program to attest to certain requirements being met.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, 405-426-8563. AudreyT@health.ok.gov.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3 (5) AND 308 (E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2022:

SUBCHAPTER 1. GENERAL PROVISIONS

310:517-1-1. Purpose

The purpose of this chapter is to collect data determined to be critical to assess the likelihood of, and to prevent, a future public health emergency related to novel coronavirus and to establish the specific data reporting requirements and the procedures for submission of the data to the Oklahoma State Department of Health. The rules in this Chapter implement in part, the communicable disease reporting laws in Title 63 O.S. §§ 1-104 and 1-106, Commissioner of Health, Title 63 O.S. § 1-502, Prevention and Control of Disease and Title 63 O.S. § 1-503, Reports of Disease. The rules set forth the conditions under which hospitals are allowed to expand or modify bed capacity.

SUBCHAPTER 2. NOVEL CORONAVIRUS REPORTS

310:517-2-1. Specimens to be sent to the Public Health Laboratory

Hospitals and laboratories must send, at a minimum, 10% of their weekly positive novel coronavirus specimens to the OSDH Public Health Laboratory for variant testing. The collection, packaging, and shipping of the positive novel coronavirus specimen must be in accordance with OSDH Public Health Laboratory guidelines.

310:517-2-2. Emergency reporting requirements

(a) Every practicing physician and clinical laboratory that is utilizing, or has utilized, an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of novel coronavirus, shall submit reports to OSDH in a manner, format, and frequency prescribed by the State Commissioner of Health of all test results, both positive and negative.

(b) Hospitals and Physician Clinics operating in the State of Oklahoma shall submit the following critical data to OSDH in a manner, format, and frequency prescribed by the State Commissioner of Health:

(1) The number of patients in the hospital receiving treatment for novel coronavirus;

(2) The number of patients receiving treatment for novel coronavirus who are currently admitted to the ICU; and

(3) The novel coronavirus vaccination status of patients in the hospital receiving treatment for novel coronavirus.

(c) All reports required by this section 310:5-1-10 must be submitted electronically to OSDH in digital form that is created, distributed and retrievable by a computer system. Electronic records generated according to these requirements shall be in the manner and format prescribed by the State Commissioner of Health.

(d) This rule shall be active and remain in effect when there is a federal or state declaration of emergency related to novel coronavirus or until the State Commissioner of Health determines the reporting is no longer needed.

SUBCHAPTER 3. HOSPITAL LICENSED BED CAPACITY

310:517-3-1. Procedures to expand or modify licensed bed capacity

(a) A hospital's licensed bed capacity can be expanded and/or modified, if it submits a letter to the Department that is signed by an authorized hospital authority, notarized and includes the following statements:

(1) the hospital attests that its emergency preparedness plan includes the expanded and/ or modified bed plan and is approved by its governing body;

(2) the hospital attests the location of the modified and/or expanded beds. The location must include:

(A) the building name and floor number if the modified and/or expanded beds are on the hospital's campus; or

(B) the physical address if the modified and/or expanded beds are not on the hospital's campus.

(3) if the hospital is also participating in Centers for Medicare & Medicaid Services' (CMS) Hospital Without Walls program (program), then the hospital attests:

(A) that its governing body has approved of its participation in the program;

(B) that it is participating in accordance with CMS requirements; and

(C) that the portions of the program that it is participating in is not in conflict with state statute.

(b) Licensed capacity refers to the total number and type of beds a hospital stated in the Hospital Designation of Licensed Beds Form (Form 929) filed with the Department.

(c) This rule is limited to hospitals licensed by the Commissioner of Health.

(d) This rule does not affect a hospital's obligation to comply with requirements of other regulatory bodies.

(e) This rule is effective until the Commissioner of Health determines that the need for hospitals to exceed and/or modify their licensed bed capacity is no longer needed.