

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 625. CERTIFICATE OF NEED STANDARDS FOR ICF/IID [REVOKED]**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

310:625-1-1 [REVOKED]

310:625-1-2 [REVOKED]

310:625-1-3 [REVOKED]

310:625-1-4 [REVOKED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104; 1-851.2; 1-880.4

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The Department has consolidated its certificate of need requirements into one chapter of its rules. The substantive requirements of Chapter 625 have not been changed and will appear in one consolidated certificate of need regulations chapter.

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**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, 2021:**

310:625-1-1. Purpose [REVOKED]

~~This Chapter shall apply to Certificate of Need applications reviewed by the Department for proposed Intermediate Care Facility/Individuals with Intellectual Disabilities (ICF/IID) beds and implements part of the Long term Care Certificate of Need Act. This Chapter shall not apply to ICF/IID 16s and smaller facilities.~~

310:625-1-2. Service area [REVOKED]

For review purposes under these standards, the service area for an ICF/IID shall be the service region or area, as designated by the State Department of Human Services, in which it is located or proposed for location. In the event an application for Certificate of Need is considered for a specialized ICF/IID facility for which only one or two facilities may be needed, or where no service area is designated, in the State, then the Department may treat the entire State as the service area.

310:625-1-3. Burden of proof [REVOKED]

~~It shall be incumbent on each applicant to clearly demonstrate an unmet need for additional ICF/IID beds in the applicable service area and to demonstrate conformance with all standards specified herein.~~

310:625-1-4. Standards [REVOKED]

- ~~(a) No new ICF/IID beds, except ICF/IID-16s and smaller, shall be approved in the service area unless the total number of ICF/IID beds in the service area falls below the following standard: 84 ICF/IID beds per 100,000 general population.~~
- ~~(b) An application for ICF/IID beds shall not be approved unless the applicant demonstrates familiarity with and understanding of certification standards for an ICF/IID, specified in 42 CFR Section 442.400, relating to Standards for Payment to Nursing Facilities and Intermediate Care Facilities for Individuals with Intellectual Disabilities.~~
- ~~(c) The identity of the licensed administrator of the existing or proposed facility must be provided by the applicant as a prerequisite to issuance of a Certificate of Need.~~
- ~~(d) No additional ICF/IID beds, whether proposed through construction or conversion of existing space, shall be approved for any existing ICF/IID unless it has maintained an occupancy rate of at least 95%, based upon a calculation of occupancy reflected in the monthly average daily census reports of the Department of Human Services, or the Department, for the most recent six month period for which official data is available when the application is filed.~~
- ~~(e) Any ICF/IID beds approved, but not yet in place in the service area, shall be included in the evaluation for determining bed need specified in subsection (a).~~
- ~~(f) Any existing ICF/IID which proposes an expansion of beds by conversion or construction and which has a record of questionable quality of care, as demonstrated through complaint investigation records, or other means, may be denied a Certificate of Need despite the conformity of the proposal to other standards delineated herein.~~
- ~~(g) The Department shall consider the relationship of a Certificate of Need application to any plan adopted by the Department of Human Services concerning the distribution and allocation of services for individuals with intellectual or developmental disabilities.~~