

THE NOTICE

October 2010

Certificate of Need matters considered by Health Resources Development Service (HRDS) are reported in *The Notice*. Comments, evidence, and requests regarding these projects should be sent to the Department at the address and phone number above.

NEW: The Department now provides Long Term Care inspection reports on-line. A link is available on the HRDS Web Page at <http://hrds.health.ok.gov>.

I. Actions taken by the Oklahoma State Department of Health from September 1, 2010, through October 5, 2010, were as follows:

CERTIFICATE OF NEED APPLICATIONS APPROVED

Shawn Manor Nursing Home #09-032. Contact Person: Jack Atkinson 405-330-1889. Purchase with subsequent lease/Management Agreement of a 96-bed nursing facility. Cost: \$ 2,639,207.00. Annual Lease: 362,697.12. Date Filed: 09/30/09. Incomplete: 10/08/2009. Information due: 01/05/2010. Complete: 12/28/2009. Deadline for filing notice of intent to participate: 01/26/2010. Initial decision due date was **05/10/2010**. The Department and applicant have agreed to a series of extensions based on revisions and responses to the preliminary investigative reports. The current decision deadline is 09/27/2010. Approved: 09/28/2010, and the certificate of need is effective 09/27/2010.

Sequoyah Pointe Living Center #09-035. Contact Person: Jack Atkinson 405-330-1889. Purchase with subsequent lease/Management Agreement of a 92-bed nursing facility. Cost: \$3,104,918.00 Annual Lease: 339,837.12. Date Filed: 09/30/09. Incomplete: 10/08/2009. Information Due: 01/05/2010. Complete: 12/29/2009. Deadline for filing notice of intent to participate: 01/26/2010. Initial decision due date was 05/10/2010. The Department and applicant have agreed to a series of extensions based on revisions and responses to the preliminary investigative reports. The current decision deadline is 09/27/2010. Approved: 09/2/2010, and the certificate of need is effective 09/27/2010.

Golden Oaks Nursing Center #10-013. Contact Person: Jack Atkinson 405-303-1889. Facility Acquisition Lease of an 80-bed nursing facility. Lease cost \$12,000 per month. Date Filed: 06/08/2010. Incomplete: 06/16/2010. Information due: 09/14/2010. Applicant provided additional information 06/22/2010. Application again found incomplete 06/25/2010. Additional information received 07/6/2010. Complete 07/14/2010. Deadline for filing notice of intent to participate: 08/09/2010. Decision due: 09/23/2010. Approved: 09/28/2010, and the certificate of need is effective 09/23/2010.

CERTIFICATE OF NEED WITHDRAWN/DENIED/RECONSIDERATION

Autumn Wood, #09-003. Contact person: Janice Shively, 918/341-7218. Establish a new 60-bed licensed Specialized Facility for Alzheimer's Residents by Wood Manor Inc. Wood Manor, Inc. is owned by Dee Wayne Wood (50%) and DeAna Murlene Wood (50%). Cost: \$3,000,000. Date Filed: 2/12/09. Incomplete: 2/27/09. Complete: 3/25/09. Deadline for filing notice of intent to participate: 4/22/09. Decision due: 6/06/09. Applicant submitted a request for an extension of decision deadline on 05/28/09, in order to provide

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additional information in response to the Department's staff investigation. Extension of decision deadline granted until 08/14/09. Additional information due and received 7/31/09. Staff investigation transmitted 08/13/2009, providing applicant opportunity to respond. Applicant submitted request for extension of decision deadline on 08/14/2009. Extension of decision deadline granted until 09/14/2009. Additional information due and submitted 08/31/2009. Application approved: 09/14/2009. --- Reconsideration request filed: 09/23/2009. Reconsideration request granted: 10/05/2009. Reconsideration hearing held 10/25/2009. Department's approval upheld by Administrative Law Judge on 01/13/2010. --- Claremore Nursing Home Inc. and Inola Health Care Center Inc. filed *Petition To Review Administrative Order and Application For Stay*, CV-2010-171, in the District Court of Oklahoma County on 02/12/2010. Amity Care L.L.C. filed *Petition For Review of Final Agency Order*, CJ-2010-1252, in the District Court of Oklahoma County on 02/16/2010. Briefs and court orders are available on the Oklahoma State Courts Network here:

<http://www.oscn.net/applications/oscn/casesearch.asp>, enter case number CV-2010-171, or click on the hyperlinked case number.

The Department filed its *Answer of Respondent, Oklahoma State Department Of Health, To Petition To Review Administrative Order And Application For Stay*, 03/10/2010. Department filed *Motion to Remand*, 03/10/2010. Claremore Nursing Home Inc. and Inola Health Care Center Inc. filed *Response to Request for Motion to Remand* on 03/26/2010. District Court grants oral motion of the parties to consolidate pending actions and issues *Order Granting Motion to Remand*, to address statutorily required findings of fact consistent with 63 O.S. § 1-853(A), 04/23/2010. Department filed with the Court a revised *Order* granting certificate of need on 05/06/2010. Judge Robertson held a scheduling conference 06/30/2010, and issued an order establishing the briefing schedule. On 8/4/2010, the court issued an ordering allowing an extension of 30 days for petitioners to file briefs. On 9/15/2010, intervener Autumn Wood and the Department separately filed responses to the petitioners. On 9/27/2010, petitioners filed reply briefs to the responses of the Department and Autumn Wood. Oral arguments are scheduled for 1:30 pm, 10/20/2010 in the District Court of Oklahoma County.

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.

Meadow Brook ICF/MR#3 #09-019. Contact Person: Bobby Cox 918-658-2180. New eight (8) Bed ICF/MR Facility. Cost \$380,000. Date Filed: 07/07/2009. Incomplete: 07/16/2009. Information due: 10/15/2009. Additional information filed: 10/15/2010. Incomplete 11/6/2009. Application summarily dismissed: 11/19/2009. Application dismissal withdrawn: 4/14/2010. Additional information due 07/13/2010. Additional information filed 9/16/2010. Complete 09/20/2010. Deadline for filing notice of intent to participate: 10/18/2010. Decision due: 12/02/2010.

Parkside, Inc. #10-005. Contact Person: Debra Moore 918-582-2131. Add 20 new Under-18 Psychiatric beds for children and youth. Date filed: 03/31/2010. Incomplete Date: 04/14/2010. Information Due: 07/15/2010. Additional information received: 07/26/2010. Complete: 08/10/2010. Deadline for filing notice of intent to participate: 09/06/2010. Decision due: 09/27/2010. The decision due date was listed incorrectly, Corrected Decision Due date: 10/21/2010.

Shadow Mountain Behavioral Health Systems #10-019. Contact Person: McAfee & Taft APC, Gregory Frogge, Esq. (405)-235-9621. Facility acquisition by merger and stock transfer. Date filed: 08/20/2010. Complete: 09/07/2010. Deadline for filing notice of intent to participate: 10/04/2010. Decision due: 10/19/2010.

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Rolling Hills Hospital #10-020. Contact Person: McAfee & Taft, Patricia Rogers. (405)-552-2233. Add eight (8) new adult psychiatric beds. Date filed: 09/14/2010. Complete: 09/17/2010. Deadline for filing notice of intent to participate: 10/14/2010. Decision due: 11/29/2010.

III. Applications filed with the State Department of Health under the Certificate of Need Program, but not determined complete as of October 5, 2010, and which may be scheduled for reviews at later dates are:

None

IV. Exemption Requests filed with the State Department of Health under 63 O.S. § 1-852(C) (D) for exemption of Certificate of Need reviews as of October 5, 2010 are:

Willow Haven Nursing Home #09-021. Exemption for Management Agreement. Filed: 07/27/2009. Incomplete: 08/14/09. Additional information received 08/24/09. Incomplete: 10/09/2009. Additional Information Due: 10/22/2009. No response received as of today's date.

Golden Oaks Nursing Center #10-009. Exemption - Management Agreement. Date filed: 04/12/2010. Incomplete: 05/04/2010. No response received as of today's date.

Care Living Center of El Reno #10-011. Exemption – Management Agreement. Date filed: 05/26/2010. Incomplete: 06/02/2010. Withdrawn: 09/14/2010.

Tuttle Care Center #10-021. Exemption – Change of Ownership- Estate Planning. Date filed: 10/01/2010.

Temple Manor Nursing Home #10-022. Exemption – Change of Ownership- Estate Planning. Date filed: 10/01/2010.

Willow Park Health #10-023. Exemption – Change of Ownership- Estate Planning. Date filed: 10/01/2010.