

Revision: HCFA-PM-95-4 (HSQB)  
JUNE 1995

Corrected  
Attachment 4.35-C

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: OKLAHOMA

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Temporary Management: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

X Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

Oklahoma chooses to utilize temporary managers under State licensure law in lieu of temporary managers under Title XIX in immediate jeopardy situations. In cases of widespread actual harm where there is not immediate jeopardy, Oklahoma will use temporary managers under Title XIX, when appropriate.

The Oklahoma State Department of Health (OSDH) has utilized the appointment of receivers in nursing facilities, intermediate care facilities for the mentally retarded, and/or residential care facilities. Effective July 1, 1995, OSDH was given authority to appoint temporary managers under the Nursing Home Care Act in nursing facilities. These temporary managers have the same responsibilities and duties as temporary managers under the enforcement regulations.

State temporary managers provide a more extensive remedy because State temporary managers may be imposed without the consent of the nursing facility.

The criteria to be used in this remedy will be the same as those specified in the enforcement regulation.

The State uses the federal notice requirements specified in 42 CFR 488.402(f).

The factors utilized in determining the selection of alternative remedies are the same as those specified in 42 CFR 488.404.

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| STATE <u>Oklahoma</u>          | A |
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