

Relationship with Health, Vocational Rehabilitation and Crippled Children's Program

The Department of Institutions, Social and Rehabilitative Services has a working relationship with the State Department of Health with respect to licensing and classification of intermediate care facilities and with respect to joint participation in Crippled Children's Clinics held in various communities.

Effective July 1, 1975, in accordance with the revised agreement, the State Department of Health will license and certify the medical facilities which are a part of the schools for the mentally retarded.

The State Department of Health, in its certification surveys of hospitals participating in the Title XVIII and Title XIX Programs, will assure that the Title XIX patients are included in the hospital's utilization review process.

The State Crippled Children's Program and the State Vocational Rehabilitation Program are administered by the Department of Institutions, Social and Rehabilitative Services, and services of both programs are utilized to the maximum in the Medical Assistance Program.

BETWEEN THE
OKLAHOMA STATE DEPARTMENT OF INSTITUTIONS, SOCIAL
AND REHABILITATIVE SERVICES
AND THE
OKLAHOMA STATE DEPARTMENT OF HEALTH
RELATING TO THE
OKLAHOMA STATE MEDICAL ASSISTANCE PROGRAM (TITLE XIX)

This Agreement made and entered into this 1st day of July, 1975, by and between the Oklahoma State Department of Health, party of the first part, hereinafter referred to as Health Department, and the Department of Institutions, Social and Rehabilitative Services of the State of Oklahoma, party of the second part, hereinafter referred to as DISRS, witnesseth:

WHEREAS, the United States Department of Health, Education, and Welfare has promulgated regulations concerning the certification of hospitals, skilled nursing facilities and intermediate care facilities, which impose duties and responsibilities upon the parties hereto;

WHEREAS, the Oklahoma State Department of Institutions, Social and Rehabilitative Services and the Oklahoma State Department of Health have both mutual and individual responsibility and interest in the Oklahoma Medical Assistance Program (Title XIX), and whereas the relationship between these two Departments in the specific program under Title XIX of the Social Security Act, must be clearly defined, the following sections constitute a formal agreement between the two Departments;

NOW, THEREFORE, it is hereby mutually agreed by and between the parties hereto as follows:

SECTION I

RESPONSIBILITIES OF THE OKLAHOMA STATE DEPARTMENT OF HEALTH

It is hereby agreed that Health Department shall:

1. Perform the following duties in accordance with standards established by 45 CFR, Chapter II, Section 249.33 for Skilled Nursing Facilities and Intermediate Care Facilities participating in the Oklahoma Medical Assistance Program (Title XIX);

- a. Accumulate, maintain, and furnish or verify to DISRS, upon request, full and complete information on the ownership of each licensed skilled nursing homes and intermediate facility, including the identity of each person having ten (10) percent or more interest; and if organized as a corporation, information as to the officers and the director; and if organized as a partnership, information of each of the partners.
 - b. Validate licensure status and report each such action to DISRS on each home licensed and eligible to participate in the Oklahoma Medical Assistance Program (Title XIX), and certify in writing, the level of compliance of each licensed skilled nursing home with reference to the standards set forth in 45 CFR, Chapter II, Section 249.33.
 - c. Validate licensure status and report each such action to DISRS on each intermediate care facility licensed and eligible to participate in the Title XIX Program and certify in writing the level of compliance of each such facility with the standards established by Federal and State Regulations.
 - d. Survey and certify all skilled nursing facilities or intermediate care facilities located in the State institutions for the mentally retarded as to compliance with the provisions of Title XIX and the Federal Regulations applicable to such facilities.
2. Make a written report to DISRS for any Skilled Nursing Facility or Intermediate Care Facility which meets the requirements established by DISRS for participation in Title XIX but which fails to meet any or all of the requirements set out in the applicable Federal Regulations. Said report shall include: (1) the skilled nursing homes' or intermediate care facilities' areas of deficiency, (2) the reasonable prospects for correction of the deficiency(s) within a six (6) month period; (3) the plan for correction of the deficiency(s); and (4) the official opinion with any supporting information of the Health Department as to whether the deficiency does or does not jeopardize the health and safety of the patients residing in each such licensed skilled nursing home or intermediate care facility.
 3. Make on-site inspections, with qualified personnel, at least once during the term of the provider agreement, or more frequently if there is a question of compliance. With respect to such on-site inspection or survey made within one of the facilities operated by DISRS, a designated staff member from DISRS shall accompany the team making the inspection. Any differences of opinion, as to a question of compliance, will be resolved between the two agencies before a formal written report is compiled. After such an agreement is reached, Health Department will complete a written report setting forth any deficiencies and send it to the State Director, DISRS. When there is a question as to compliance, the deficiency will be discussed with the administrator of the facility and a formal letter regarding the plans for correcting the deficiency and meeting the required standards will be sent to the facility by the State Director, DISRS.

For all other on-site inspections, Health Department will file a report with DISRS, which report shall:

(1) ascertain whether the item(s) of deficiency has been corrected or is in the process of being corrected; (2) indicate the progress being made by the skilled nursing home or intermediate care facility in correcting the deficiency(-); and, render an official opinion, with any supporting information, as to whether the deficiency(s) does or does not jeopardize the health and safety of the patients.

4. Survey and certify hospital facilities operated by DISRS as to compliance with the provisions of Title XVIII and Title XIX of the Social Security Act of 1974, as amended, and the Federal Regulations applicable to such facilities.
5. In its certification survey of hospitals participating in the Title XVIII and Title XIX program, the Health Department will assure that the Title XIX patients are included in the hospital's utilization review process.
6. Employ adequate qualified personnel to perform the functions set forth in paragraph #3 above. Adequate shall be defined to include one team of surveyors for every 100 skilled nursing homes or intermediate care facilities. Qualified personnel shall mean those personnel who satisfy the Federal Surveyor Qualifications standards as specified in the Medical Services Administration Medical Assistance Manual.
7. As to maintenance of information and reports, Health Department shall:
 - a. Maintain all information and reports used in determining whether a skilled nursing home or intermediate care facility meets the requirements set forth in the Federal Regulations, for a period of not less than three (3) years, or provide, by separate agreement, for the transferral of all such information to DISRS.
 - b. Make such reports in such form and containing such information as DISRS may require and will comply with such instructions issued to insure the correctness of such reports, including provisions made for the inspection and review at all reasonable times, or fiscal, statistical, and other records for the review of operations within the scope of this Agreement.
 - c. Keep DISRS informed of questions arising about failure of skilled nursing homes and intermediate care facilities to comply with Federal Regulations. When Health Department learns or is informed by DISRS of the failure of a facility to maintain the prescribed standards, Health Department will take effective action to correct the situation and will keep DISRS informed of progress being made in correcting the deficiency.
8. Provide consultative services as described in Section 1902(a)(24) of the Social Security Act. Such consultative service shall be provided as indicated and will be directed toward assisting the facility in meeting the prescribed Federal Regulations.
9. Provide such staff as is necessary to assist the DISRS in drafting informational and instructional materials to be used for the purposes of training staff. Such training shall not be limited to surveying and certification but shall include indepth training as to the nature and scope of the Title XIX Program including policies, procedures, and requirements.