

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: OKLAHOMA

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Denial of Payment for New Admissions: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

Alternative Remedy

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

(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 a ban on all admissions under State licensure laws in lieu of denial of payment for new admissions.

The Oklahoma State Department of Health (OSDH) has utilized bans on admissions in nursing facilities, intermediate care facilities for the mentally retarded, residential care facilities, and hospitals. Since 1990, OSDH has successfully utilized bans on all admissions to expedite compliance in nursing facilities that are providing substandard care.

Bans on all admissions provide a more extensive remedy because of the following:

1. All residents residing in nursing facilities, regardless of payment source, are entitled to quality of care provided by nursing facilities.
2. A denial of payment for admissions can be discriminatory to those residents that receive Medicaid as the primary payment source. Providers could continue to admit private pay residents and only deny admission to those needing Medicaid assistance.

A ban on all admissions prevents the unknowing public from being introduced into a non-compliant facility.

Since July 1, 1995, under State law, OSDH has utilized bans on admissions in (10) Oklahoma nursing facilities that were determined through Federal and/or State criteria, to be providing substandard care. Of those (10) facilities, substandard care came into compliance within (2) to (45) days. To this date, providers have not requested a hearing concerning the imposition of this State remedy. This alternative remedy has proven to be successful in gaining the cooperation of providers to expedite compliance. Oklahoma's experience has established that poor performing nursing facilities need to concentrate on the areas where non-compliance exists instead of admitting new residents.

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.

STATE	A
DATE REC'D	SEP 26 1995
DATE APPV'D	JUN 20 1996
DATE EFF	JUL 21 1995
HCFA 179	