

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 4. CERTIFICATE OF NEED REGULATIONS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 4. Certificate of Need Regulations [AMENDED]
Subchapter 1. General [AMENDED]
310:4-1-1. Purpose [AMENDED]
310:4-1-2. Applicability and burden of proof [AMENDED]
310:4-1-5. Review process [AMENDED]
310:4-1-13. Description of application forms [AMENDED]
Subchapter 9. Standards for Psychiatric and Chemical Dependency Service Beds [REVOKED]
310:4-9-1. Definitions [REVOKED]
310:4-9-2. Service area [REVOKED]
310:4-9-3. Population-based need [REVOKED]
310:4-9-4. Availability of alternative services [REVOKED]
310:4-9-5. Financial resources [REVOKED]
310:4-9-6. Staffing [REVOKED]
310:4-9-7. Other [REVOKED]
310:4-9-8. Temporary emergency admissions [REVOKED]
Appendix A. MENTAL HEALTH SERVICES AREA [REVOKED]

SUMMARY:

The state legislature removed the certificate of need requirements for psychiatric and chemical dependency facilities in the 2024 legislative session. The proposed rule amendment will remove the certificate of need requirements for psychiatric and chemical dependency facilities to align with the statutory repealer for these requirements.

AUTHORITY:

Commissioner of Health, Title 63 O.S. § 1-104; Title 63 O.S. §§ 1.880.1 – 1.880.11.

COMMENT PERIOD:

November 1, 2024 through December 2, 2024. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through December 2, 2024, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 3, 2024 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is December 5, 2024 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the

proposed rule. Business entities may submit this information in writing through December 2, 2024, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.