



Oklahoma State
Department of Health

LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

October 14, 2009 at 1:30 p.m. in Room 1102

Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK

Draft Minutes

1) Call to Order

Wendell Short, Chair, called the meeting to order at 1:35 p.m. Wednesday, October 14, 2009. The 2009 Long-Term Care (LTC) Facility Advisory Board meeting notices were filed and posted with the Secretary of State and Oklahoma State Department of Health (OSDH) website on October 10, 2008. The October 14, 2009 meeting agenda was posted October 06, 2009 on the OSDH website and at OSDH building's front entrance on October 14, 2009.

2) Roll Call

Gayle Freeman called roll with the following members present: Wendell Short, Chair; Kay Parsons, Vice Chair; Margaret Wallace, Secretary-Treasurer; Jane Carlson; Theo Crawley; H.F. Timmons; Jane Mershon; Esther Houser; Cassell Lawson; Dr. Peter Winn; and Dr. Jean Root.

The following members were absent: Dewey Sherbon; JoAnne Sellars; Chris Kincaid; Ginny Bond; and Clara Haas.

A quorum was not met. While discussion was in progress regarding the continuance or the rescheduling of the meeting, members arrived; therefore enough members were available to compose a quorum.

The following members arrived during the course of the meeting: Donna Bowers, Dawn Ann Mendenhall, Diane Hambric and Mich Magness

Currently, there are seven vacancies on the Board.

Identified OSDH staff present were: Henry F. Hartsell Jr., PHS; Dorya Huser, LTC; Jim Buck, LTC; Lisa McAlister, NAR; Donna Shumar, NAR; Darlene Simmons, HRDS; James Joslin, HRDS; Mary Womack, OSDH; Leslie Elliott, Caring Hearts; Kathryn Waller, OSDH; and Gayle Freeman, LTC.

Identified guests present were: Mary Brinkley, OKAHSa; Rebecca Moore, OAHCP; Jackye Ward, Okla.

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<http://www.health.ok.gov/calendar/mtngs/index.html>

<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

Approved minutes are posted at <http://www.health.ok.gov/calendar/mtngs/lcCab.html>

Board of Nursing; Janine Handler, ORALA; Laureen Shelton; Joyce Clark, Achievis; Marilyn Kipps; Janice Burlison; Wayne Wood, Wood Manor; Annette Prince, FMC; Harry Tolliver, Wood Manor; Janice Shively, Wood Manor; Greg Frogge, McAfee & Taft; and Crystal Mappes, OAHCP; Shelba Murray, Francis Tuttle Technology.

A quorum was reached. Introduction of LTC Facility Advisory Board members and attendees commenced.

3) Review and Action to Approve/Amend the April 8, 2009 Regular Meeting Minutes.

Approval/Amendment of minutes for April 8, 2009 regular meeting. A quorum was not met at the July 8, 2009 meeting, therefore the minutes for the April 8, 2009 meeting were brought forward to the October 14, 2009 meeting.

Agenda

Item #3

Vote 1

After brief discussion, Jane Mershon made a motion to approve the April 8, 2009 regular meeting minutes. Seconded by: Cassell Lawson. Motion: carried.

Aye: 14 Abstain: 0 Nay: 0 Absent: 5

Ginny Bond	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant-Pharmacist	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Donna Bowers	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dawn Mendenhall (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Jane Carlson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jane Mershon (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant-NH Adm	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Jean Root	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	JoAnne Sellars	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Clara Haas	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Diane Hambric (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	H.F. Timmons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Esther Houser	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Margaret Wallace (exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Chris Kincaid (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Cassell Lawson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		*Arrived after the vote
Mich Magness*	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

4) Ad Hoc Rules and Regulations Committee Report

James Joslin filled in for Dewey Sherbon; Mr. Sherbon was originally scheduled to speak. Mr. Joslin thanked those who participated in the ad hoc committee for rule review. The ad hoc committee met several times during 2009 and reviewed financial data during the six months they met, regarding survey process, financing of surveys etc. Mr. Joslin provided several handouts, including a power point, "Financial Status Summary". The committee looked at how the department might streamline and implement in rule or statute the changes to assist the Department financially and to potentially assist the industry. Mr. Joslin said that the committee had a few proposals in terms of rules. A discussion about the finances for the programs in long term care, inspection and licensure of nursing homes, assisted living

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centers, residential care homes and adult day care centers was reviewed. The first part of Mr. Joslin’s presentation covered the financial status of long term care at OSDH. Causes of deficits, fee change history, fees changed for inflation, allocation of state licensure & inspection costs to facility type, nursing and specialized facilities, continuum of care and assisted living, residential care, adult day care, FY 2010 general revenue allocations to PHS, proportion of PHS general state revenues allocated to long term care, general revenue allocated to long term care and other PHS services, general revenue allocated to long term care by facility types, protective health services general revenue adjusted for inflation 2005-2010, new services since FY 08, examples of efficiencies achieved, planned efficiencies, inspection mandates and requirements were items presented and explained by Mr. Joslin. The handout, “Proposal for Consideration of the Broad Review Ad Hoc Committee to the Long Term Care Advisory Board”, was the next item covered by Mr. Joslin. The proposals represented in the handout were brought forward for the Boards’ consideration. Mr. Joslin reviewed and answered questions concerning the proposed amendments to Chapters 675 and 677. The proposals were brought forth by the Association of Health Care Providers, and included changes to: Medication services, 310:675-9-9.1 (10); Nursing Service change regarding the Director of Nursing, Nursing Service change regarding the certified medication aide, Nursing Service change regarding inservice, 310:675-13-5 (c), (f), and (i); General requirements, 310:677-13-1; Deemed to meet state certification requirements, 310:677-13-2; Competency and practice standards, 310:677-13-6; and Certification and recertification, 310:677-13-8.

**.Agenda Item #4
 Vote 2**

Motion: I move that we take the proposed amendments to chapter 675 and 677 to the State Board of Health.

Motion Made by: Dawn Ann Mendenhall **Seconded:** Cassell Lawson **Motion Carried:** Yes
Aye: 14 Abstain: 0 Nay: 0 Absent: 5

Ginny Bond	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant-Pharmacist	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Donna Bowers	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Vacant (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant-NH Adm	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Jean Root	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	JoAnne Sellars	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Clara Haas	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Diane Hambric (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	H.F. Timmons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Esther Houser	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Margaret Wallace (exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Chris Kincaid (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Cassell Lawson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		*Arrived after the vote
Mich Magness*	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

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Wendell thanked the members of the Rule Review Ad Hoc committee for their hard work. The ad hoc committee was suspended effective October 14, 2009.

5) Nomination and Election of 2010 Officers

The nominating committee for the 2010 Long Term Care Facility Advisory Board Officers were Kay Parsons, Cassell Lawson and Esther Houser. The committee recommended the 2009 officers continue in the same positions for the year 2010. By unanimous consent, the committee chooses to re-elect the existing officers: Wendell Short, Chair; Kay Parsons, Vice-Chair and Margaret Wallace, Secretary. Kay Parsons made the recommendation from the nominating committee and Esther Houser seconded the motion.

**Agenda Item #5
 Vote # 3**

Motion: Nomination of the 2010 Officers **Chair:** Wendell Short **Vice-Chair:** Kay Parsons
Secretary: Margaret Wallace.

Motion Made by: Kay Parsons Seconded: Esther Houser Motions Carried: Yes
Aye: 14 Abstain: 0 Nay: 0 Absent: 5

Ginny Bond	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant-Pharmacist	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Donna Bowers	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dawn Mendenhall (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Vacant (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant-NH Adm	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Jean Root	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	JoAnne Sellars	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Clara Haas	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Chris Kincaid (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Cassell Lawson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		*Arrived after the vote
Mich Magness*	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

6) Nursing Facility Transfer Forms/End of Life Task Force Recommendations

Annette Prince brought to the Board for review a patient transfer form for nursing facilities and hospital emergency departments. The form was one of the recommendations of the Attorney General’s task force to improve end of life care. There have been a number of studies on this issue and there have been some piloting projects throughout the state. Until the form is required by the Board of Health it will not be effectual. Ms. Prince urged the Board to recommend this form. Dr. Winn and Dr. Root suggested the Medical Directors Best Practice sub-committee would be an excellent venue to review the transfer form and the Physicians Order for Life Sustaining Treatment (POLST) form.

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7) Specialized Facilities or Units for Residents with Alzheimer's Disease or Related Dementias

Esther Houser presented information and explained the handout provided on Specialized facilities or Units for residents with Alzheimer's disease or related dementias was drafted in November 1992, but was not adopted. It was the recommendation of Ms. Houser to form an Ad Hoc committee to look at the original draft. An Ad Hoc Committee was formed to look at Specialized Facilities for Alzheimer's and Related Dementias. The following are members of the committee: Kay Parson, Chair; Margaret Wallace; Theo Crawley; Esther Houser; Dr. Winn; Mich Magness; Mary Brinkley; Cassell Lawson; Wendell Short; Rebecca Moore; Janine Handler; Diane Hambric and Janice Shively.

Esther Houser provided a copy of the Ombudsman bi-annual report.

8) Announcement of the 2010 Regular Meeting Schedule

Wendell Short announced the 2010 regular meetings of the Long Term Care Facility Advisory Board would be as follows: January 13, 2010; April 14, 2010; July 14, 2010 and October 13, 2010.

9) Update from Long Term Care

Dorya Huser and James Buck gave an update concerning the most recent events pertaining to Long Term Care. Mr. Buck presented information regarding Immediate Jeopardy (IJs), the scope and severity grid information on the top twenty five deficiencies, CNA II career ladder and the implantation of the IDR panel as a permanent part of the IDR process.

10) New Business

Not reasonably anticipated 24 hours in advance of meeting.

11) Public Comment

Public comment was made throughout the meeting.

12) Adjournment

The meeting adjourned at 4:36 p.m.

The next regular Long Term Care Facility Advisory Board Meeting is scheduled for January 13, 2010. At 1:30 p.m. in room 1102 of the Oklahoma State Department of Health

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Oklahoma State
Department of Health

LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

January 13, 2010 at 1:30 p.m. in Room 1102

Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK

Draft Minutes Informational Only

1) Call to Order

Wendell Short, Chair, called the meeting to order at 1:45 p.m., Wednesday, January 13, 2010. The 2010 Long-Term Care (LTC) Facility Advisory Board meeting notices were filed and posted with the Secretary of State and Oklahoma State Department of Health (OSDH) website on October 10, 2009. The January 13, 2010 meeting agenda was posted January 6, 2010 on the OSDH's website and at the OSDH building's front entrance on January 13, 2010.

2) Roll Call

Carla Cook called roll with the following members present: Wendell Short, Chair; Kay Parsons, Vice Chair; Margaret Wallace, Secretary-Treasurer; Jane Carlson; Theo Crawley; Esther Houser; Cassell Lawson; Diane Hambric; Mich Magness; Dawn Mendenhall; Dewey Sherbon; and Dr. Peter Winn.

The following members were absent: JoAnne Sellars; Chris Kincaid; Ginny Bond; Gayla Campbell; Jane Mershon; H.F. Timmons; and Clara Haas.

Currently, there are seven (7) vacancies on the Board.

A quorum was not reached. Introduction of LTC Facility Advisory Board members and attendees commenced.

Identified OSDH staff present were: James Buck, LTC; James Joslin, HRDS; Dr. Tim Cathy, OSDH; Mary Womack, OSDH; Mary Fleming, LTC; Lisa McAlister, NAR; Sue Davis, LTC; Karen Gray, LTC; Pam Hall, LTC; Michelle Raney, LTC; Paula Terrel, LTC; Patty Scott, LTC; Terri Doughtie, HRDS; and Leslie Roberts, HRDS.

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Identified guests present were: Rebecca Moore, OAHCP; Mary Brinkley, OKAHSa; Marietta Lynch, OAHCP; Oralene Sherbon; Shelba Murray, Francis Tuttle Technology; Patricia Shidler, Areawide Aging Agency; Penny Ridenour, OKALA; Nathan Purifoy, BVC; Sara Gaither, Gold Medallion; Sherryl White, Brookdale Senior Living; Renee Hoback, Brookdale Senior Living; Brian Wolff, ORALA; Marilyn Kipps; Mary Richards, Scroggins & Cross; Joyce Clark, Achievis Sr. Living; Jackye Ward, OBN; Ann Osborne, Francis Tuttle.

Wendell Short welcomed all and thanked them for taking the time to attend the meeting.

3) Review and Action to Approve/Amend the October 14, 2009 Regular Meeting Minutes

A quorum was not reached therefore a vote was not taken on the October 14, 2009 minutes. The approval of the minutes will be addressed at the April 14, 2010 meeting. A change to the draft minutes was requested by Shelba Murray, who asked that her name be removed from the identified staff paragraph and replaced under the identified guest paragraph. Oralene Sherbon asked that her name be struck from the identified guest paragraph due to the fact that she was not present at the last meeting. Carla Cook advised she would make the change.

4) Alzheimer's Ad Hoc Committee Report

Kay Parsons informed the LTC Facility Board as well as other parties that the Alzheimer's Ad Hoc Committee was formed in the prior board meeting on October 14, 2009. Ms. Parsons also informed the LTC Facility Advisory Board that the first scheduled committee meeting would be on January 25, 2009. Wendell Short, Chair, clarified to the Board that the committee was charged to review the definition of a specialized unit, the training and staffing requirements for this type of unit, and what, if any, type of special regulations that should be in place. Esther Houser further suggested that the Oklahoma Department of Health (ODH) Form 613 be reviewed for any needed changes. Ms. Houser also asked that there be further review of the proposed rules from 1992 that were presented at the last board meeting. Ms. Parson's identified those individuals who had volunteered to be on the committee: Margaret Wallace, Theo Crawley, Esther Houser, Dr. Peter Winn, Mich Magness, Mary Brinkley, Cassell Lawson, Wendell Short, Becky Moore, Janine Handler, Diane Hambric, and Janice Shively.

5) Emergency Rule Proposal OAC 310:675-5-21.4 – Nurse Call System

Jim Buck, Long Term Care Assistant Chief, discussed the proposed rule as it relates to the Nurse Call System. Mr. Buck stated that several new technologies have been demonstrated at trade shows that would hopefully help foster culture change within long term care facilities. Mr. Buck also stated that these new technologies may help provide for a more home-like environment for the residents of facilities. A handout was provided identifying the proposed rule amendment to OAC 310:675-5-21.4. The proposed language was recited and subsequent discussion commenced.

6) Chapter 675 Waiver

Jim Buck presented proposed new rule language to Chapter 675, Nursing and Specialized Facilities, relating to waiver requirements as directed by House Bill 1510. Discussions on the proposed amendment lead to recommendations to include language regarding existing hardwired systems.

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7) Proposed Rule Changes

Jim Buck discussed proposed rule changes to Chapter 663, Continuum of Care and Assisted Living; Chapter 675, Nursing and Specialized Facilities; and Chapter 680, Residential Care Homes.

- The proposed rule changes to Chapter 663 address abuse, neglect and the misappropriation of resident's property by requiring written policy statements to include investigation protocol and actions to be taken when incidents of abuse, neglect and misappropriation of resident's property occur and the amendment further addresses training criteria and timeframes for staff. Handouts were provided. Mr. Buck reviewed the information within the handouts and fielded questions and recommendations as requested. Recommendations were made by the board to address numerous language changes within the proposed rule change.
- The proposed rule changes to Chapter 675 address in-service training intervals for direct care staff in the areas of pain screening, management and assessment; amends the requirement for Intermediate Care Facilities for the Mentally Retarded (ICF/MR) to use a minimum data set (MDS) form for resident assessments. Handouts were provided. Mr. Buck reviewed the information within the handouts and fielded questions and recommendations as requested.
- The proposed rule changes to Chapter 680 address a requirement for licensed facilities to comply with the definition of "Residential Care"; reference to OAC 310:257 (food service establishment rules) as it pertains to the storage, preparation and serving of food; clarifies the term "critical" incidents as it relates to incidents reportable to the Department. Handouts were provided. Mr. Buck reviewed the information within the handouts and fielded questions as requested.

The LTC Facility Advisory was unable to take any action for approval due to no quorum.

8) Long Term Care Involuntary Transfer and Discharge Notice

Jim Buck introduced and discussed the Long Term Care Involuntary Transfer and Discharge Form. Handouts were provided that included the proposed form and also the references that were used in the creation of the form. Mr. Buck fielded questions and concerns involving the form and subsequent references. Due to time constraints Mr. Buck asked that the Board compile their concerns and suggestions and provide them to the department for further review.

9) Hospice Services

Dorya Huser, Long Term Care Chief, discussed Hospice Services in long term care facilities as it relates to resident rights in the choice of a hospice provider. There was discussion relating to the number of choices that facilities should be required to provide to residents. Comments were received from the Board members and general public for consideration. Wendell Short made a notice to extend discussion on the topic into the next scheduled Board meeting on April 14, 2010.

10) Immediate Jeopardy Report

Mary Fleming, Long Term Care Services Director of Survey, introduced and discussed the Immediate Jeopardy Report. Handouts were made available to the public as well as LTC Facility Advisory Board members. Ms. Fleming explained the definition of the term "Immediate Jeopardy" as well as what constitutes an "Immediate Jeopardy". Ms. Fleming explained the processes in which an "Immediate Jeopardy" is determined and the penalties that are assessed to facilities. Ms. Fleming fielded questions from the Board and the public as they pertained to the report.

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11) Update From Long Term Care

Dorya Huser provided an update from Long Term Care. Ms. Huser stated that the Informal Dispute Resolution (IDR) Panel has been put in place. Ms. Huser also stated that there has been a very enthusiastic response from individuals to serve as panel members. Panel members have been through a training exercise on the IDR process.

12) New Business

Marietta Lynch discussed rules that were to go before the Board of Pharmacy. These rules will be an agenda item at the next Board meeting. Dr. Peter Winn stated that Best Practices Medical Director Sub Committee met on November 19th, 2009, and provided a short synopsis of issues that discussed.

13) Public Comment

Public comment was made throughout the meeting.

14) Adjournment

The meeting adjourned.

The next regular Long Term Care Facility Advisory Board Meeting is scheduled for April 14th, 2010. At 1:30 p.m. in room 1102 of the Oklahoma State Department of Health.

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1
2 **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH**
3 **CHAPTER 675. NURSING AND SPECIALIZED FACILITIES**
4 **Draft Amendments**

5
6 **SUBCHAPTER 1. General Provisions**

7
8 310:675-1-2. Waiver

9 (a) The Commissioner of Health, in accordance with 63 O.S.
10 Section 1- 1900.2, may waive provisions of the Nursing Home Care
11 Act and this Chapter, if the Department of Health determines that
12 such waiver would not endanger the life, safety or health of any
13 resident of a nursing facility and the waiver application meets
14 the requirements specified in this section.

15 (b) Any facility requesting a waiver shall apply in writing to
16 the Department of Health. Such application shall include:

17 (1) The specific statute(s) or regulation(s) for which the
18 waiver is requested;

19 (2) Reason(s) for requesting a waiver;

20 (3) An explanation of how the requested waiver fosters the
21 development of resident autonomy, individualization and
22 culture change in support of a deinstitutionalization model;

23 (4) The specific relief requested; and

24 (5) Any documentation which supports the application for
25 waiver.

26 (c) In consideration of any application for waiver, the
27 Commissioner of Health may consider the following:

28 (1) Compliance with 63 O.S. Section 1-1900.2

29 (2) The level of care provided;

30 (3) The maximum resident capacity;

31 (4) The impact of a waiver on care provided;

32 (5) Alternative policies or procedures proposed.

33 (d) The Department of Health shall consider each request for a
34 waiver and shall approve or disapprove request in writing within
35 sixty (60) business days of receipt of the request.

36 (e) If the Department of Health finds that an application is
37 incomplete, the Department shall advise the applicant in writing
38 and offer an opportunity to submit additional or clarifying
39 information.

40 (f) The Department of Health and applicant may negotiate
41 consensus language in arriving at a final waiver.

42 (g) The facility that is granted a waiver shall notify residents
43 of the facility or, where appropriate, the guardians or legal
44 representatives of such residents of the waiver in writing.

45 (h) An effected party who disagrees with the Department's
46 decision of the waiver application may file a written petition
47 requesting review by an administrative law judge in an individual
48 proceeding under the Oklahoma Administrative Procedures Act.

49 (g) The Department may revoke a waiver through administrative
50 proceeding upon a finding the nursing facility is operating in
51 violation of the waiver or the waiver endangers the life, safety
52 or health of any resident in the nursing facility.¹

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ⁱ The amendment fosters the development of resident autonomy, individualization and culture change in support of deinstitutionalization.

1 TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
2 CHAPTER 675. NURSING AND SPECIALIZED FACILITIES
3 Draft Amendments
4

5
6 SUBCHAPTER 5. Physical Plant
7

8 310:675-5-21. Electrical requirements
9

10 (4) ~~Nurses' call system~~ Notification System

11 (A) ~~General resident areas. Each room shall be served by at least~~
12 ~~one calling station and each bed shall be provided with a call~~
13 ~~button. Two call buttons serving adjacent beds may be served by one~~
14 ~~calling station. Calls shall register with the floor staff and~~
15 ~~shall activate a visible signal in the corridor at the resident's~~
16 ~~door, in the clean workroom, in the soiled workroom, and in the~~
17 ~~nourishment station of the nursing unit. In multi-corridor nursing~~
18 ~~units, additional visible signals shall be installed at corridor~~
19 ~~intersections.~~

20 ~~In rooms containing two or more calling stations, indicating~~
21 ~~lights shall be provided at each station. Nurse's calling system~~
22 ~~which provide two-way voice communication shall be equipped with an~~
23 ~~indicating light at each calling station which lights and remains~~
24 ~~lighted as long as the voice circuit is operating.~~ Resident Areas.
25 Each room, toilet and bathing area shall have a means for residents
26 to directly contact nursing staff. This communication may be
27 through audible or visual signals, electronic systems and may
28 include "wireless systems."

29 (B) Wireless nurse call system. Facilities may substitute a
30 wireless nurse call system for wired call systems or operate both a
31 wireless and a wired nurse call system in parallel.¹

32 ~~(B)~~ (C) Resident's emergency. A nurse's call emergency button shall
33 be provided for resident's use at each resident's toilet, bath, and
34 shower room. Such button shall be usable by a collapsed resident
35 lying on the floor (inclusion of a pull cord will satisfy this
36 item).
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¹ The amendment fosters culture change.

1 **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH**
2 **CHAPTER 675. NURSING AND SPECIALIZED FACILITIES**
3 **Draft Amendments**

4
5 **SUBCHAPTER 9. Resident Care Services**

6
7 **310:675-9-9.1. Medication services**

8 (a) **Storage.**

9 (1) Medications shall be stored in a medication room, a
10 locked cabinet, or a locked medication cart, that is
11 convenient to the nursing station and used exclusively for
12 medication storage.

13 (2) The medication storage area temperature shall be
14 maintained between 60° F. (15.5° C.) to 80° F. (26.6° C.)

15 (3) The medication room, the medication storage cabinet, and
16 medication cart shall be locked when not in use.

17 (4) The key to the medication storage areas shall be in the
18 possession of the person responsible for administering
19 medications.

20 (5) Scheduled medications shall be in a locked box within the
21 locked medication area or cart.

22 (6) Medications for external use shall be stored separately
23 from medications for internal use.

24 (7) Medications requiring refrigeration shall be kept within
25 a temperature range of 36° F. (2.2° C.) to 48° F. (8.8° C.)
26 and separated from food and other items. There shall be a
27 method for locking these medications.

28 (8) The medication areas shall have a work counter; the
29 counter and cabinet shall be well lighted, clean and
30 organized.

31 (9) Running water shall be in close proximity to the
32 medication area.

33 (10) Powdered over-the-counter medication for topical use may
34 be kept in the resident's room for administration by a nurse
35 aide if:

36 (A) ~~The facility submits its~~ develops and implements
37 policies and procedures for safe ~~and appropriate storage~~
38 and application of the powder ~~to the Department and~~
39 ~~receives written approval from the Department prior to~~
40 ~~implementation~~; and

41 (B) Each aide who applies the over-the-counter topical
42 medication is trained in accordance with the established
43 policies and procedures of the facility.¹