



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

### **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.

Meetings are posted at:

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

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

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. Parsons 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 19<sup>th</sup>, 2009, and provided a short synopsis of issues that were 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 14<sup>th</sup>, 2010. At 1:30 p.m. in room 1102 of the Oklahoma State Department of Health.*

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