



Oklahoma State Department of Health
Creating a State of Health

December 28, 2006

The Honorable Brad Henry
Governor of Oklahoma
State Capitol Building
2300 N. Lincoln Blvd., Room 212
Oklahoma City, OK 73105

Dear Governor Henry:

Pursuant to O.S. 63-1-1923.D.5. of the Nursing Home Care Act, I submit the enclosed annual report of activities from the Long-Term Care Facility Advisory Board.

The 2006 Annual Report summarizes our activities for the improvement of services, care, and treatment to Oklahoma residents of nursing and specialized facilities, intermediate care facilities for persons with mental retardation, continuum of care and assisted living centers, residential care homes and participants in adult day care centers.

Respectfully,

Diane Hambric, Chair
Long-Term Care Facility Advisory Board

- c: Representative Lance Cargill, Speaker-elect of the House of Representatives
Senator Mike Morgan, Senate President Pro Tempore
Rand Baker, Ph.D., Interim Commissioner, Oklahoma Department of
Mental Health & Substance Abuse Services
Mike Fogarty, CEO, Oklahoma Health Care Authority
Howard H. Hendrick, Cabinet Secretary for Human Services &
Director, Oklahoma Department of Human Services
James M. Crutcher, MD, MPH, Commissioner of Health & State Health Officer
Oklahoma State Board of Health



Long Term Care
Oklahoma State
Department of Health

LONG-TERM CARE FACILITY ADVISORY BOARD 2006 ANNUAL REPORT

The Long-Term Care Facility Advisory Board held four regular meetings during 2006. The regular meetings were held February 8, May 10, August 9, and November 8. The following is a brief summary of issues discussed and actions taken by the Board.

The Advisory Board reviewed and approved or made recommendations for proposed rule amendments.

Proposed rules at the February 8 meeting included amendments to:

- Chapter 663. Continuum of Care and Assisted Living OAC 310:663.
- Chapter 675. Nursing and Specialized Facilities OAC 310:675.
- Chapter 677. Nurse Aide Training and Certification OAC 310:677.

Proposed rules at the May 10 meeting included amendments to:

- Chapter 663. Continuum of Care and Assisted Living OAC 310:663.
- Chapter 675. Nursing and Specialized Facilities OAC 310:675.
- Chapter 677. Nurse Aide Training and Certification OAC 310:677.

Proposed rules at the August 9 meeting included amendments to:

- Chapter 663. Continuum of Care and Assisted Living OAC 310:663.
- Chapter 675. Nursing and Specialized Facilities OAC 310:675.

Proposed rules at the November 8 meeting included amendments to:

- Chapter 663. Continuum of Care and Assisted Living OAC 310:663.
- Chapter 675. Nursing and Specialized Facilities OAC 310:675.

Ad Hoc Committees:

1. The Ad Hoc Safety of Medication Administration by Certified Medication Aides Committee was appointed at the August 11, 2004 meeting to study OAC 310:675-13 Certified Medication Aides (CMA's). *This Committee met February 8, 2006. Discussion included rule amendments intended for permanent adoption that would supersede the emergency rules currently in effect. In addition, amendments regarding medication aides were proposed for permanent adoption. The proposed amendments to OAC 310:677, Nurse Aide Training and Certification, Subchapter 13 were presented to the Advisory Board on February 8, 2006 for permanent adoption. The Subchapter 13 approved rules regarding CMAs will be revisited at year one to determine if changes are needed to improve the implementation of the new programs. Subchapter 19 established standards for training and registration of feeding assistants in accordance with Title 42 of the Code of Federal Regulations, Parts 483 and 488, and Section 13 of Enrolled House Bill 1688 of the 1st Session of the 50th Oklahoma Legislature.*

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2. The Ad Hoc Assisted Living Regulation Review Committee was originally appointed at the August 11, 2004 meeting. This Committee was reconvened at the February 8, 2006 Long-Term Care Facility Advisory Board regular meeting to further review the proposed amendments to OAC 310:663, Continuum of Care and Assisted Living and report consensus to the Advisory Board. *This Committee met in 2006 on March 2, March 30, April 27, June 1, July 17, August 17, September 27, and October 12. Issues discussed this year included definitions; other provisions applicable to continuum of care facilities and assisted living centers; appropriateness of placement in assisted living center; involuntary transfer or discharge; food storage, preparation and service; privacy and independence; minimum staff for services; resident service contract; resident rights; guardians and power of attorney; incident reports; medication administration; maintenance of records; outcome standards; notice of violation, plans of correction, and right to hearing; notice of voluntary closure; reference list for standards of practice.*

The Committee reached consensus, generally with amendments to the original proposed language, on the following sections:

- 310:663-1-4. Other provisions applicable to continuum of care facilities and assisted living centers
 - Consensus reached March 30, 2006.
- 310:663-3-8. Food storage, preparation and service
 - Consensus reached April 27, 2006.
- 310:663-7-2. Privacy and independence
 - Consensus reached March 30, 2006.
- 310:663-9-6. Minimum staff for services ~~to cognitively impaired residents~~
 - Consensus reached October 12, 2006, excluding the term 'direct care staff'.
- 310:663-13-1. Resident service contract
 - Consensus reached October 12, 2006.
- 310:663-15-1. ~~Familiarity with~~ Resident rights
 - Consensus reached March 30, 2006.
- 310:663-15-2. Guardians and power of attorney
 - Consensus reached March 30, 2006.
- 310:663-15-3. Complaints
 - Consensus reached August 17, 2006.
- 310:663-19-2. Medication administration
 - Consensus reached March 2, 2006.
- 310:663-19-3. Maintenance of records
 - Consensus reached August 17, 2006.
- 310:663-25-3. Outcome standards
 - Consensus reached March 2, 2006.
- 310:663-25-4. Notice of violation, plans of correction, and right to hearing
 - Consensus reached October 12, 2006 for 310:663-25-4(b) Plan of Correction. The Committee will continue review and discussion on other items in this section.
- 310:663-29-2. Notice of voluntary closure
 - Consensus reached March 2, 2006.
- Appendix B. Reference List For Standards Of Practice [NEW]
 - Consensus reached March 2, 2006.

Note: Subsequent to the consensus language, various parties suggested additional changes.

The Ad Hoc Assisted Living Regulation Review Committee will meet in 2007 to continue review and discussion of proposed amendments to OAC 310:663, Continuum of Care and Assisted Living.

3. The Ad Hoc Nursing Facilities Rule Review Committee was appointed at the May 10, 2006 Long-Term Care Facility Advisory Board regular meeting to review and develop rules regarding OAC 310:675, Nursing and Specialized Facilities. *This Committee met in 2006 on June 26, July 17, August 28, September 18, and October 27.*

The Committee reached consensus and/or discussed proposed amendments to OAC 310:675, Nursing and Specialized Facilities rules on the following sections and items:

- 310:675-7-5.1. Reports to state and federal agencies
- 310:675-7-21 Sex or violent offender status
- Appendix B. Reference List For Standards Of Practice [NEW]
(Referring to OAC 310:675-1-2. Definitions: Standards of care)
- 310:675-7-12.1. Incident reports
- Chapter 257, Food Code
 - 310:675-9-13.1. Food storage, supply and sanitation
 - 310:675-13-7. Food service staff
- Tuberculin skin testing: specifications for tuberculin skin testing of facility employees and residents.
- The Committee agreed further discussion was needed regarding the Sex Offender Law in order to incorporate the new law at 63 O.S. 1-1946.
- The Committee discussed the need to adopt changes in 310:675-3 as permanent rules regarding Federal tax waiver forms currently in effect as emergency rules.

The Chair of the Long-Term Care Facility Advisory Board absolved this Committee at the November 8, 2006 regular meeting.

The meeting agenda items are related to the Long-Term Care industry. The Advisory Board allocated time at each regular meeting to discuss other Long-Term Care issues that may become the responsibility of this Board at some future date.

Advisory Board Officers for 2007 were elected at the November 8, 2006 meeting. Elected officers are Diane Hambric, Chair; Wendell Short, Vice-Chair; and Kay Parsons, Secretary-Treasurer.

Four regular meetings are scheduled for 2007. The dates are February 14, May 9, August 8, and November 14.