



Oklahoma State
Department of Health

LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

February 14, 2007 at 1:30 p.m. in Room 1102

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

MINUTES

Approved May 9, 2007

1) Call to Order

Diane Hambric called the meeting to order at 1:40 p.m. Wednesday, February 14, 2007. The 2007 Long-Term Care Facility Advisory Board meeting notices were filed and posted with the Secretary of State's office website and the Oklahoma State Department of Health (OSDH) website on November 15, 2006. The February 14, 2007 meeting agenda was posted January 30, 2007 on the OSDH website and at the OSDH building's front entrance. A revised agenda was distributed February 12, 2007.

2) Roll Call

Leslie Roberts called roll. The following members were present: Jane Carlson; Theo Crawley; Tracy DeForest; Clara Haas; Diane Hambric, Chair; Ann Hays; Cassell Lawson; Mich Magness; Dawn Mendenhall; Kay Parsons, Secretary-Treasurer; Ginny Rahme; Dr. Jean Root; Dewey Sherbon; Wendell Short, Vice-Chair; and H.F. Timmons.

Donna Bowers arrived after roll call.

The following members were absent: Gayla Campbell, Alice Cash, Esther Houser, Chris Kincaid, Juana Meadows, Jane Mershon, Winston Neal, Margaret Wallace, and Dr. Peter Winn.

There are currently two vacancies.

Identified OSDH staff present were: Darlene Simmons, Director of Health Facilities Division; Lisa McAlister, Director of Nurse Aide Registry; Donna James, Nurse Aide Registry; Mary Womack, Office of General Counsel, OSDH; Gary Miller, Nurse Aide Registry; Mary Fleming, Director of LTC Survey; Regina M. Glen, Life Safety Code Coordinator, LTC; Patty Scott, LTC; James Joslin, Assistant Chief of LTC; Dorya Huser, Chief of LTC; Dr. Henry Hartsell Jr., Deputy Commissioner of Protective Health Services; Tuan Tran, IT, OSDH; Espa Bowen, OSDH; Dr. Tim Cathey, OSDH; and Leslie Roberts, LTC.

Identified guests present were: Floyd Autin, Epworth Villa; Deborah *unidentifiable last name*, Metro Tech; Greg Frogge, McAfee Taft; Rachel Woods, OKALA; Shelba Murray, MN Tech Center; Belinda Arguello, Silver Oak; Oralene Sherbon; Lou Berry, Francis Tuttle; Shirley Inglis, Sereteen Wellness Center; Lynne Taylor, Autry Technology Center; Andrea L. Pogue, Pontotoc Tech. Center; Greg Guymon, Gold

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

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Medallion; Suzie Washington, GJCC (Guthrie Job Corps); Ned Gray, Okla. Dept. of CareerTech; Marietta Lynch, OAHCP; Bob Lane, BKD; Holly Mattingly, Norman Senior Care; Penny Ridenour, OKALA; Cynthia Short, Guthrie Job Corps; Nancy Smart, Tulsa Tech; Vikki Schaffner, Tulsa Tech; Sean Voskuhl, AARP; Sarah Cioli, Francis Tuttle; Suzanne Harris, family member; and Melissa Mahaffey, Good Neighbor Care.

New LTC Facility Advisory Board (LTCFAB) members Winston Neal, representative for the Fire Marshall's Office and Dr. Jean Root, OU faculty in Tulsa were introduced and welcomed. Introduction of LTCFAB members and attendees proceeded.

Agenda Item 4 was inadvertently discussed instead of agenda item 3.

3) 4) Distribution of Member Appointment Certificates

Ms. Parsons, LTCFAB Secretary-Treasurer, will distribute the Governor of Oklahoma LTCFAB Member Appointment Certificates.

Kay Parsons was unable to distribute Gayla Campbell's certificate due to her absence. This was the only certificate received from the Governor's Office to date.

4) 3) Review and Action to Approve/Amend the November 8, 2006 Regular Meeting Minutes

Approval/Amendment of minutes for November 8, 2006 regular meeting.

After brief discussion, Mich Magness made a motion to approve the November 8, 2006 regular meeting minutes.

Seconded by Cassell Lawson. Motion carried.

Aye: 16 Abstain: 0 Nay: 0 Absent: 9

Donna Bowers	<input checked="" 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
Gayla Campbell	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Juana Meadows	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Esther Houser	<input 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
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Cassell Lawson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Mich Magness	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

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5) Report from Deputy Commissioner of Protective Health Services

Dr. Hartsell will present information on the organizational structure of Protective Health Services and will discuss current State Health Department initiatives in performance management and strategic planning. State Health Department policies and goals for the elderly and long-term care providers will be discussed.

Ms. Hambric introduced Dr. Hartsell as the new Deputy Commissioner of Protective Health Services (PHS). Dr. Hartsell stated OSDH has approximately 2500 employees and hundreds of services. He provided copies of organizational charts and gave an overview of the services areas. Protective Health Services has approximately 250 employees adding that the staffing in Long Term Care is about 40% of Protective Health Services employees.

Dr. Hartsell suggested the Advisory Board consider inviting other OSDH services to their meetings. Consider the epidemics regarding disaster preparedness of facilities.

Dr. Hartsell introduced his Executive Assistant, Elvia Murrell.

Dr. Hartsell described the Step Up program. Handouts were provided with the meeting packets. Information included performance evaluation of areas and looking at 3-5 year plans. The possibility of the LTC Facility Advisory Board participating in the Step Up program was mentioned. Each program area will do performance management. There are approximately 95 programs. Protective Health Services is looking at 15 sets of measurements. They will also be looking at efficiency. The draft of the strategic map for years 2007-2009 was discussed. This was on page 5 of Agenda Item 5 in the meeting packet.

Dr. Hartsell also provided a copy of the Continuum of Care and Assisted Living Policy Paper located on pages 6-8 of Agenda Item 5 in the meeting packet. The Board of Health adopted this paper regarding LTC. Dr. Hartsell stated there are currently three LTC vacancies posted. Plans include increasing the number of surveyors and moving Oklahoma up in the national average for number of surveyors.

Greg Frogge asked when Hank's (Dr. Hartsell) old position would be filled. Dr. Hartsell stated the plans are to have someone hired by March 1, 2007.

6) Status Report on Rulemaking Activity, OAC 310:675 and 310:677

Status report on State Health Department activity under OAC 310:677, Nurse Aide Training and Certification, for fiscal year 2006. The report includes statistics on certified nurse aides, medication aides, training and competency evaluation programs. The status of recent rulemaking activity including emergency rules effective July 27, 2006 will be presented. The report will include an update on training and registration of paid feeding assistants under OAC 310:675-19. Concepts for changes in procedures for training programs and certification of aides during fiscal year 2007 may be discussed. Information on Internet-based verification of nurse aide certifications will be presented.

Review of proposed amendment to OAC 310:675 to create a new subchapter for the purposes of implementing the Nontechnical Services Workers Abuse Registry, 63 O.S. Section 1-1950.6 through 1-

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1950.9. The new subchapter includes procedures of investigations, notice, hearings, orders, and entry of findings into an abuse registry.

Dr. Hartsell provided the numbers regarding approved training and competency evaluation programs. This document was provided as Agenda Item 6 in the meeting packet. Lisa McAlister, Director of the Nurse Aide Registry gave a presentation of the online Nurse Aide Registry. The presentation was informative. It included direction to locate the nurse aide abuse registry online.

Andrea Pogue of Pontotoc Tech. Center stated approximately 20 certified medication aides have received advanced training. As a result, many have decided to continue their education to become nurses, LPN or RN. Other technology centers shared what they are seeing.

Dr. Hartsell informed the group of an 800 number they can call, which can take about one week to get a print out. However, registration can now be checked online. Ms. McAlister walked the group through the steps. Currently, only 'confirmed' abuse is listed; however, if there was a conviction it will also show it. Dawn Ann Mendenhall suggested adding a link on the webpage to other state registries.

Records are archived after two years. Ms. McAlister stated it will be available soon. She added that frequently asked questions will also be listed. It was suggested to itemize them by topic.

Charles Broadway from OSDH General Counsel discussed the implementation of the nontechnical workers abuse registry. The handout provided regarding this proposal is Agenda Item 6b in the meeting handout. All nontechnical workers such as custodial will be listed in the same registry with nurse aides.

After brief discussion, Theo Crawley made a motion to approve the proposal to create Subchapter 21. Enforcement and Registry Hearings for Nontechnical Services Workers in 310:675 as presented in Agenda Item 6b handout.

Seconded by Dewey Sherbon. Motion carried.

Aye: 16 Abstain: 0 Nay: 0 Absent: 9

Donna Bowers	<input checked="" 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
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Clara Haas	<input checked="" 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
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Esther Houser	<input 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
Chris Kincaid	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Margaret Wallace	<input 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	Dr. Peter Winn	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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7) Review, Recommendations, and Action on OAC 310:2, Procedures of the State Department of Health, Uniform Employment Applications for Nurse Aides

Review of proposed amendment to OAC 310:2 to delete the requirement for employers to submit to the State Health Department copies of employment tracking forms for all newly hired nurse aides. Hearing procedures also are modified. The Advisory Board may review, make recommendations regarding, and act to approve amendments in its advisory capacity.

Dr. Hartsell explained the proposal to Chapter 2, Subchapter 15. Employers may still use the form, but facilities would not need to submit them to OSDH. The handout provided regarding this proposal is Agenda Item 7 in the meeting packet.

Dr. Hartsell distributed a handout from Ted Rossier, Assistant General Counsel of OSDH. This handout identifies the proposed changes to hearing procedures. The proposal defines the general operation and procedures in Chapter 2, Subchapter 3.

After brief discussion, Ginny Rahme made a motion to approve the proposed amendments to 310:2-15, Procedures of the State Department of Health, Uniform Employment Applications for Nurse Aides.

Seconded by Ann Hays. Motion carried.

Aye: 16 Abstain: 0 Nay: 0 Absent: 9

Donna Bowers	<input checked="" 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
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8) Review, Recommendations, and Action on OAC 310:677, Nurse Aide Training and Certification

Review of proposed amendment to OAC 310:677 to include updates in training requirements for certified medication aides. Certified nurse aide requirements are amended to be consistent with state and federal laws. Training program requirements are modified to reduce paperwork filed by training programs. Requirements for nurse aide waivers, retesting and renewals are clarified. The criteria for waivers of training prohibitions are expanded. Criteria and procedures for approval of medication aide continuing education programs are added. The Advisory Board may review, make recommendations regarding, and act to approve amendments in its advisory capacity.

The Ad Hoc Committee met on February 8 and developed some changes. Dr. Hartsell provided an overview of those changes. Discussion included the consistency of wording regarding ‘home health aides’ versus ‘home care aides’. A new hire certified medication aide (CMA) has to be evaluated by a licensed nurse. There was discussion of providing specific trainings for CMA’s or continued education for CMA’s such as 2 hours. Currently, it has to be 6 hours.

After brief discussion, Kay Parsons made a motion to approve the proposed amendments to 310:677, Nurse Aide Training & Certification regarding CMA training, CNA requirements, training program requirements, nurse aide waivers, continued education for medication aides to include the suggested changes from the Ad Hoc Committee and consistent wording of ‘home care aides’ vs. ‘home health aides’.

Seconded by Cassell Lawson. Motion carried.

Aye: 16 Abstain: 0 Nay: 0 Absent: 9

Donna Bowers	<input checked="" 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
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Congratulations to Dr. Hartsell!

9) Update and/or Findings of the Ad Hoc Assisted Living Regulation Review Committee

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Update on the progress and/or findings of the Ad Hoc Assisted Living Regulation Review Committee regarding the review of proposed amendments to OAC 310:663, Continuum of Care and Assisted Living rules, which were presented at the February 8, 2006 Long-Term Care Facility Advisory Board meeting. The Advisory Board may review, make recommendations regarding, and act to approve amendments in its advisory capacity.

a) Committee Report

Mr. Joslin provided the overview of the Committee Report in Esther Houser’s absense.

b) Proposed Rules

Mr. Joslin provided an overview of the Ad Hoc Committee meeting and discussion of the changes. Handouts referring to this information are identified as Agenda Item 9a and 9b. In regards to fires, they will be referred to as ‘accidental fires and fires not planned or supervised on the licensed real estate’. Dr. Root asked that the words ‘pen and’ be stricken in the section ‘All services charted in resident record’, section (a).

After brief discussion, Cassell Lawson made a motion to approve the proposed amendments to 310:663, Continuum of Care and Assisted Living to include the suggested changes to ‘Accidental fires’ as discussed and to stricken ‘pen and’ from ‘All services charted in resident record’.

Seconded by Mich Magness. Motion carried.

Aye: 16 Abstain: 0 Nay: 0 Absent: 9

Donna Bowers	<input checked="" 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
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Cassell Lawson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Mich Magness	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

Ms. Hambric absolved the Ad Hoc Assisted Living Regulation Review Committee. Ms. Ridenour thanked Mr. Joslin for his hard work. She believed it was very advantageous and very fortunate for the Associations to be able to completely express themselves in the final round of things. She just wanted to say thank you [to Mr. Joslin] for the last Ad Hoc Committee for being listened to on behalf of OKALA. Ms. Hambric added that Mr. Joslin did wonderful work for this Committee.

Meetings are posted at:

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

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

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

10) Update from Long Term Care

Ms. Huser informed the Advisory Board and attendees that public facility files are being scanned to allow availability online. Mr. Joslin provided information regarding flu outbreaks in Oklahoma, Ottawa and Craig Counties. A blast fax was sent for all to get immunizations. This was followed with a poster facilities could post at their entrances stating if guest had cough, etc. to please not enter facility. The poster can be emailed. Ms. Huser added that facilities should take reasonable precautions such as putting in an incident command center and emergency preventions. Oklahoma is leading states in emergency preparedness and we are still learning.

11) New Business

Not reasonably anticipated 24 hours in advance of meeting.

None.

12) Public Comment

Please limit comments to three (3) minutes.

Public comments were made throughout the meeting.

13) Adjournment

The meeting was adjourned at 3:45 p.m.

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