

LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

May 10, 2006 at 1:30 p.m. in Room 1102

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

APPROVED AUGUST 9, 2006

MINUTES

1) Call to Order

Diane Hambric called the meeting to order at 1:34 p.m. Wednesday, May 10, 2006. The 2006 Long-Term Care Facility Advisory Board meeting notices were filed and posted with the Secretary of State's office website on November 18, 2005. They were filed November 18, 2005 and posted on the Oklahoma State Department of Health (OSDH) website. The May 10, 2006 agenda was posted May 5, 2006 on the OSDH website and at the OSDH building's front entrance on May 4, 2006.

2) Roll Call

Leslie Roberts called roll. The following members were present: Donna Bowers; Jane Carlson; Steve Cox; Theo Crawley; Clara Haas; Diane Hambric, Chair; Ann Hays; Esther Houser; Chris Kincaid; Cassell Lawson; Mich Magness, Vice-Chair; Juana Meadows; Dawn Mendenhall; Jane Mershon; Kay Parsons; Ginny Rahme; Cindy Roberts; Dewey Sherbon, Secretary-Treasurer; Wendell Short; H.F. Timmons; and Margaret Wallace.

The following members were absent: Gayla Campbell; Alice Cash; Ed Chappel; Tracy DeForest; Dr. Terence Grewe; Ralph Palmer; and Dr. Peter Winn.

Introductions proceeded following roll call.

Identified OSDH staff present were: Rocky McElvany, Deputy Commissioner, Protective Health Services; Mary Womack, Office of General Counsel, OSDH; Dorya Huser, Chief of LTC; Sue Davis, LTC; Darlene Simmons, Director of Health Facilities Division; Lisa McAlister, Director of Nurse Aide Registry; Mary Fleming, Director of LTC Survey; Nancy Atkinson, Chief of Quality Improvement & Evaluation Service (QIES); James Joslin, Assistant Chief of LTC; Gary Miller, Nurse Aide Registry; Dr. Henry Hartsell Jr., Chief of Health Resources Development Service (HRDS); Kathryn Waller, HRDS; and Leslie Roberts, LTC.

Identified guests present were: Becky Moore, Oklahoma Association for Health Care Providers (OAHCP); Ned Gray, OK Dept. of Career Tech; Louise Drake, OK Board of Nursing; Emma Jordan, Beadles Nursing Home; Mary Brinkley, Oklahoma Association of Homes and Services for the Aging (OKAHSAs); Belinda Arguello, Silver Oak; Stephanie Merritt, Tulsa Tech; Sarah Strecker, LTC Ombudsman; Oralene Sherbon, LTC Ombudsman Volunteer; Joyce Clark, Achievis Sr. Living; Dirk O'Hara, Norman Senior Care; Scott Brasier, Norman Senior Care; and Norma Noles, Silver Oak.

Meetings are posted at:

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

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

After discussion, Kay Parsons made a motion to approve the February 8, 2006 regular meeting minutes with one amendment. The last sentence on page 3 will be amended to 'Ms. Hambric requested the Department to look at the IDR's and Administrative Reviews for assisted living centers and residential care homes and see what the numbers are.'

Seconded by Jane Mershon. Motion carried.

Aye: 19 Abstain: 1 Nay: 0 Absent: 7

Donna Bowers	Aye	Cassell Lawson	Aye
Gayla Campbell	Absent	Mich Magness	Aye
Jane Carlson	Aye	Juana Meadows	Abstain
Alice Cash	Absent	Dawn Mendenhall	Aye
Ed Chappel	Absent	Jane Mershon	Aye
Steve Cox	Aye	Ralph Palmer	Absent
Theo Crawley	Aye	Kay Parsons	Aye
Tracy DeForest	Absent	Ginny Rahme	Aye
Dr. Terence Grewe	Absent	Dewey Sherbon	Aye
Clara Haas	Aye	Wendell Short	Aye
Diane Hambric	Aye	H.F. Timmons	Aye
Ann Hays	Aye	Margaret Wallace	Aye
Esther Houser	Aye	Dr. Peter Winn	Absent
Chris Kincaid	Aye		

4) Update on the Ad Hoc Assisted Living Regulation Review Committee

Update on the progress 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.

Esther Houser provided an update on the Committee's activities. A handout was provided listing sections of the rule in which the Committee reached consensus. Ms. Houser stated discussions have been lively at times. Among the future items to be discussed is facility staffing. A member asked what is the cycle of the proposed rules. James Joslin explained after the Long-Term Care Facility Advisory Board (LTCFAB) approves, the proposed rules are presented to the Board of Health. If the Board of Health approves, the proposed rules are then sent to the Governor and Legislature.

A copy of the proposed rules in which the Committee reached consensus will be provided at the August LTCFAB meeting.

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5) Discussion of the Long-Term Care Issues

- *Announcement of upcoming Provider Training for Nursing Facilities: June 28th and 29th in Oklahoma City and July 26th and 27th in Tulsa.*
- *Announcement of upcoming Provider Training for Intermediate Care Facilities for the Developmentally Disabled: September 20th.*

Dorya Huser announced the dates of the upcoming 'Excellence Through Understanding – 2006 Road Map' provider training workshops. The flyer for the provider training will be posted on the Department website soon. Ms. Huser added that a provider training for Intermediate Care Facilities for the Mentally Retarded (ICFs/MR) is in the planning stages.

Ned Gray asked if these were mandatory trainings. Ms. Huser replied they are not. The workshop curriculum is submitted to the Oklahoma State Board of Examiners for Nursing Home Administrators (OSBENHA) for approval of continuing education units (CEU) for nursing home administrators. The provider training workshops are provided to facilities free of charge, though there is a limit of four (4) attendees per facility. Ms. Huser stated they are very successful and productive. She added the Department tries to address issues the Department is currently seeing in facilities. Ms. Huser provided an overview of the upcoming workshop topics. There will be an Oklahoma City encore provider training in November. Esther Houser added monies collected from civil money penalties are used to pay for these trainings. Mr. Joslin clarified that the training is open to all licensed administrators.

6) Review, Recommendations, and Action on Proposed Amendments to OAC 310:677, Nurse Aide Training and Certification

Amendments are proposed for emergency adoption to be effective upon approval by the Governor. The proposed amendments will stop the imposition of certification and application fees for long-term care aides, which is the category of nurse aides eligible to work in nursing facilities and skilled nursing facilities. Currently, fees ranging from \$5 to \$15 are charged for all categories of nurse aides. After this change, the fees will apply to certifications and applications for home care aides, certified medication aides, aides providing direct care to persons with developmental disabilities, residential care aides and adult day care aides. The elimination of certification and application fees for long-term care aides is intended to comply with Sections 1819(e)(2) and 1919(e)(2) of the Social Security Act, and Title 42 Code of Federal Regulations Section 483.156(b)(4), and with recent instructions from the Centers for Medicare and Medicaid Services. The amendments include a brief description of the application form required for recertification. The Advisory Board may review, make recommendations regarding, and act to approve in its advisory capacity the proposed amendments.

Hank Hartsell explained the conflict with the Federal requirements regarding certification and application fees charged to long-term care aides.

After discussion, Kay Parsons made a motion to approve the proposed amendment to OAC 310:677, Nurse Aide Training and Certification.

Seconded by Jane Mershon. Motion carried.

Aye: 20 Abstain: 0 Nay: 0 Absent: 7

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Donna Bowers	Aye	Cassell Lawson	Aye
Gayla Campbell	Absent	Mich Magness	Aye
Jane Carlson	Aye	Juana Meadows	Aye
Alice Cash	Absent	Dawn Mendenhall	Aye
Ed Chappel	Absent	Jane Mershon	Aye
Steve Cox	Aye	Ralph Palmer	Absent
Theo Crawley	Aye	Kay Parsons	Aye
Tracy DeForest	Absent	Ginny Rahme	Aye
Dr. Terence Grewe	Absent	Dewey Sherbon	Aye
Clara Haas	Aye	Wendell Short	Aye
Diane Hambric	Aye	H.F. Timmons	Aye
Ann Hays	Aye	Margaret Wallace	Aye
Esther Houser	Aye	Dr. Peter Winn	Absent
Chris Kincaid	Aye		

7) Review, Recommendations, and Action on Proposed Amendments to OAC 310:675, Nursing and Specialized Facilities

Proposed is the deletion of provisions that require nursing facilities to submit the Federal Tax Waiver, ODH Form 953-H. The Internal Revenue Service will no longer accept the ODH Form 953-H. The Internal Revenue Service in April 2006 advised the State Department of Health that all requests for verification of federal taxes must be submitted on the IRS Form 4506-T. The Internal Revenue Service can no longer provide the Department of Health with a "yes/no" answer as to whether an entity is in compliance with federal tax requirements. Emergency action on this rule is needed to avoid unnecessary costs for facilities and the Health Department to prepare and process the unusable ODH Form 953-H. If this rule amendment is approved, then the ODH Form 953-H will not be required of approximately 430 nursing and specialized nursing facilities that are due to file for license renewals in July 2007. The Advisory Board may review, make recommendations regarding, and act to approve in its advisory capacity the proposed amendments.

Dr. Hartsell explained the proposed changes and the reason for them. The requirement that all requests for verification of federal taxes be submitted on the IDR Form 4506-T is a national move. Discussion followed.

After discussion, Mich Magness made a motion to approve the proposed amendment for adoption as permanent rule to OAC 310:675, Nursing and Specialized Facilities for the deletion of provisions that require nursing facilities to submit the Federal Tax Waiver, ODH Form 953-H. The motion included for corrections needed to dates referenced, from 2007 to 2006.

Seconded by Theo Crawley. Motion carried.

Aye: 20 Abstain: 0 Nay: 0 Absent: 7

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Donna Bowers	Aye	Cassell Lawson	Aye
Gayla Campbell	Absent	Mich Magness	Aye
Jane Carlson	Aye	Juana Meadows	Aye
Alice Cash	Absent	Dawn Mendenhall	Aye
Ed Chappel	Absent	Jane Mershon	Aye
Steve Cox	Aye	Ralph Palmer	Absent
Theo Crawley	Aye	Kay Parsons	Aye
Tracy DeForest	Absent	Ginny Rahme	Aye
Dr. Terence Grewe	Absent	Dewey Sherbon	Aye
Clara Haas	Aye	Wendell Short	Aye
Diane Hambric	Aye	H.F. Timmons	Aye
Ann Hays	Aye	Margaret Wallace	Aye
Esther Houser	Aye	Dr. Peter Winn	Absent
Chris Kincaid	Aye		

8) Consideration and Action to Appoint an Ad Hoc Nursing Facility Rule Review Committee

Consider the appointment of an Ad Hoc Nursing Facility Rule Review Committee for the development of rules and amendments to OAC 310:675, Nursing and Specialized Facilities. Identified items for review are:

- Statutory Change in incident reporting: Incident reporting change to 24 hours; OAC 675-7-5.1(e) to incorporate statutory change at 63 O.S. 1-1939.1(1)
- Sex Offender Law: to incorporate new law at 63 O.S. 1-1946
- Standards for Physical and Occupational Therapy facilities for future construction in all nursing homes OAC 675-5-6 & 7
- Review of 310:675-5-9 for compliance with newly adopted Chapter 257, Food Service Establishment
- §63-1-1950.7. B. The State Board of Health shall promulgate rules to establish and maintain the nontechnical services worker abuse registry.
- Update of Appendix B: Reference List for Standards of Practice
- ICF/MR Staffing in 16 bed or less:
§63-1-1925.2. D. The State Board of Health shall promulgate rules prescribing staffing requirements for intermediate care facilities for the mentally retarded serving six or fewer clients and for intermediate care facilities for the mentally retarded serving sixteen or fewer clients.
- Tuberculin skin testing: specifications for tuberculin skin testing of facility employees and residents.

James Joslin explained the reasoning for requesting consideration to appoint an ad hoc committee to review and develop rules, bring to the Advisory Board, then present the approved amendments to the Board of Health in January or February. Among items to be addressed are necessary amendments to meet statutory changes. Discussion included which items are related to statutory changes and which

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are not. Mr. Joslin informed members Bill Culver (OSDH Plan Review) has ran into problems regarding 'Standards for Physical and Occupational Therapy facilities for future construction in all nursing homes OAC 675-5-6 & 7'. Other non-statutory items are Chapter 257, Appendix B, and Tuberculin skin testing.

Following discussion, an ad committee was appointed to review rules of nursing facilities. Kay Parsons was appointed to chair the Ad Hoc Nursing Facility Rule Review Committee. The following were identified to participate: Wendell Short, Mich Magness, Esther Houser, Margaret Wallace, Steve Cox, Dawn Mendenhall, Norma Noles, Becky Moore, and Mary Brinkley.

9) New Business

Not reasonably anticipated 24 hours in advance of meeting.

The GAO released a report regarding sex offenders. This report will be sent to all members.

Mary Brinkley urged everyone to call your legislators, senators, and etc. requesting needed funding for nursing homes.

Brief discussion included: certification medication aide (CMA) curriculum and training; geriatric specialty training; scholarships; and obtaining new monies.

10) Public Comment

Please limit comments to three (3) minutes.

Public comments were made throughout the meeting.

11) Adjournment

The meeting was adjourned at 3:03 p.m.

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