

Ad Hoc Assisted Living Regulation Review Committee

Appointed by the Long Term Care Facility Advisory Board August 11, 2004

June 1, 2006 Special Meeting

1:30 p.m.

Oklahoma State Department of Health
1000 NE 10th Street – Room 1102
Oklahoma City, OK

Consensus July 17, 2006

AMENDED

Minutes

1) Call to Order

Esther Houser called the special meeting to order at 1:40 p.m. Thursday, June 1, 2006. The meeting notice was filed and posted with the Secretary of State's office May 19, 2006. The agenda was posted at the front entrance of OSDH and on the OSDH website on May 29, 2006.

Introductions proceeded. Identified attendees were: Esther Houser, Committee Chair, State Long-Term Care (LTC) Ombudsman and LTC Facility Advisory Board (LTCFAB) member; Eric Lindsey, Silver Oak; Diane Hambric, Residential Care (RC) and LTCFAB Chair; Penny Ridenour, Executive Director, Oklahoma Assisted Living Association (OKALA); Neeley Snyder, Alzheimer's Association; Marcy Gardenhire, Alzheimer's Association; Mary Fleming, Director, LTC, OSDH; Ayanna Harris, LTC, OSDH; Mary Brinkley, Oklahoma Association for Homes and Services for the Aging (OKAHSa); William 'Bill' Whited, LTC Ombudsman; Lesley Smiley, LTC Ombudsman Program; Sarah Strecker, LTC Ombudsman Program; Patricia Shidler, LTC Ombudsman Program; H.L. Wright, OK State Council on Aging; Shirley Wright, Ombudsman; Suzanne Harris, Family member in assisted living (AL); Sean Voskuhl, AARP; Steve Lantz, Valir Health/Hospice; Latonya Robinson, OK Hospice & Palliative Care Association; Kay Stewart, Tamarack-Altus; Carrie Burnsed, Attorney, various AL facilities; George R., Renaissance; Chad Higbu, Preferred Hospice; Norma Noles, Silver Oak; Laurie Park; Greg Guymon, OKALA; Paul Williams, Assisted Living Federation of America (ALFA); Dirk O'Hara, Norman Senior Care; Scott Brasier, Norman Senior Care; Mary Shelton, Alterra/Brookdale; Jeanene Bales, TSG Incorporated; Wendell Short, RC Administrator and LTCFAB member; Chris Kincaid, AL and LTCFAB member; Clara Haas, Area Aging and LTCFAB member; Ginny Rahme, AL and LTCFAB member; Leslie Roberts, LTC, OSDH; James Joslin, Assistant Chief, LTC, OSDH; Jason Wiley, Legend Senior Living; Bryan Moore, Legend Senior Living; Jackie Bell, Homestead of Owasso; Wendy Duncan, Homestead of Owasso; Darlene Simmons, Director, Health Facilities Division; Melissa Mahaffey, Rambling Oaks Courtyard AL; Belinda Arguello, Silver Oak Senior Living; Diana Hendrix, Sommerset; Louis Smith, The Parke Assisted Living; and C. Garner, Valir Health.

2) Review of the April 27, 2006 Special Meeting Minutes

Brief review of the April 27, 2006 special meeting minutes.

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>

The decision was made to postpone the review of the April 27, 2006 special meeting minutes until the next meeting.

Ms. Houser provided an overview of the Food Code discussion from the April 27, 2006 special meeting. There was concern expressed regarding proposed staffing ratios. Greg Guymon requested information be disseminated 24-hours in advance of the meeting. Ms. Houser stated Mrs. Roberts disseminates the information as it is received. Penny Ridenour requested to hear from Hospice guests at today's meeting.

3) **Alzheimer's Care in the Assisted Living Community**

Discussion of the services needed for those living with Alzheimer's disease in Assisted Living facilities.

James Joslin introduced Marcy Gardenhire, Community Education Coordinator for the Central OK Regional Alzheimer's Association. Ms. Gardenhire thanked the Committee for being invited to the meeting. Her presentation is on dementia. A handout of the slide presentation was included in the meeting packet. She provided an overview of the Alzheimer's Association Assisted Living Policy Recommendations. A copy was provided in the meeting's handout packet. The Alzheimer's Association's recommendations include: identification of cognitive impairment/dementia; 24-hour awake staff; security for wandering residents; care for people with cognitive impairment/dementia and dementia special care units and facilities; pre-admission disclosure for specialized programs of care; activities for special care residents; and resident rights and provider responsibilities.

Alzheimer's disease is a progressive disease – there is no going back. People diagnosed with Alzheimer's disease cannot age in place in assisted living centers. Ms. Gardenhire clarified this statement is not the position of the Alzheimer's Association, but it reflects her knowledge of the progressive nature of the disease and her understanding that assisted living centers do not generally provide ongoing, 24-hour skilled nursing care.

The caregivers of people with dementia generally lack understanding of the disease. The environment should be adjusted to meet their needs. For example, paint the toilet red to keep a resident from using the ficus tree as a toilet. There is an activity for every resident. A resident's disorientation increases in situations out of the 'norm' such as emergency sirens. These residents will need more direction in these types of situations.

Discussion included: the increase in Alzheimer's and other dementias: thorough criteria needed for admissions; increasing staff; focus on staff qualifications, training, education, and design of buildings. Patricia Shidler added that home health and hospice are great assistance, but they are not present at all times. Where is the line between social vs. medical model?

4) **Review, Discussion, and Consensus Regarding the Provider's Bill of Rights and AARP's Provider's Responsibilities**

Discussion of the Provider's Bill of Rights and AARP's Provider's Responsibilities. Evaluation from Ombudsmen, OSDH legal, surveyors, etc. regarding discussion from the April 27, 2006 meeting.

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This discussion was postponed at the request of OKALA (Oklahoma Assisted Living Association) to allow time for Paul Williams of ALFA (Assisted Living Federation of America) to speak.

His comments included that consumer disclosure is very important. There are tools available for consumers on ALFA's website at www.ALFA.org and also on OKALA and the Alzheimer's Association websites. In reference to Mr. Joslin's previous presentation, Mr. Williams asked about the following information: what is the total number of substantiated complaints; what citation types and frequency thereof; and to look at the number of corrected and repeat deficiencies?

Communities have changed. There are options available today that were not in the past. Assisted living has led the way to create designs of facilities. There is a lot of training available today. Assisted living centers differ from nursing homes in the use of restraints. Mr. Williams continued, stating it would be a shame for people with Alzheimer's and dementia to not have the choice of an assisted living center. Hospice is available in homes and facilities. ALFA works with hospice.

Mr. Williams spoke of Alzheimer's in assisted living centers and pathways to safety – provide cueing and/or assistance. He stated fire safety hasn't been an issue and that he has not seen any significant information regarding two-person transfers. He agrees with consumer disclosures. Ms. Houser asked about different assisted living levels offered in other states. Mr. Williams stated there are two models or levels of care. Each model or level of care specifies the services available.

Mr. Williams stated typically citations are in the administrative and medication administration areas. He added it would be very constructive to look at the top categories of citations. He suggested providing trainings on medication administration and an annual review of top deficiencies would be a great tool. Ms. Hambric stated that Mr. Joslin is good at keeping them updated on the top deficiencies. Mr. Joslin will provide an updated list at the next meeting including substantiated complaints. Mr. Williams cautioned about the cost of regulation. He doesn't like minimum staffing ratios. He stated it is best to regulate by meeting the needs of the resident. Ms. Gardenhire suggested creating ways of training – promote trainings. Mr. Williams stated providers have to be competitive. Ms. Houser commented that maybe OSDH could do a provider training for assisted living staff. Mr. Williams revisited fire safety standards and added that Alzheimer's and dementia were not top issues. He stated he could make available a report issued by fire chiefs. Mr. Williams suggested looking at occurrence rates in assisted living centers. He added he did not have any compelling information.

5) Review, Continued Discussion, and Consensus of Proposed Amendments to OAC 310:663, Continuum of Care and Assisted Living Rules

These proposed amendments were presented at the February 8, 2006 LTC Facility Advisory Board Regular Meeting. Consensus was reached on some of the proposed amendments at the special meetings held on March 2nd, March 30th, and April 27th of 2006. This special meeting is to continue review and discussion of the proposed amendments. The goal of the Committee is to reach consensus on the proposed amendments and present them to the LTC Facility Advisory Board.

This agenda item was not discussed. Hospice guests were allowed to express their concerns.

Latonya Robinson of OK Hospice & Palliative Care Association stated that hospice wants to continue to provide services in assisted living centers. The amount of time spent with a patient can be increased. Chad Higbu of Preferred Hospice stated Alzheimer training is required in Missouri. Ms. Gardenhire stated that 60% of LTC residents have dementia. Steve Lantz of Valir Health/Hospice added to allow patients to choose hospice. Options should be kept open. Residents can receive services at an earlier time. Ms. Robinson also expressed concern regarding dignity issues. Mr. Higbu stressed the importance of support at 'end of life'. Mr. Joslin stated a high percent of assisted living residents are ambulatory. Ms. Brinkley added that the safety of the resident should be looked at. Ms. Houser suggested copies of other state regulations be obtained for review.

Ms. Houser stated the next meeting would focus on the proposed rules.

6) Adjournment

The special meeting was adjourned at 5:00 p.m.

For reference, the link to the current and complete Continuum of Care and Assisted Living Rules is <http://www.health.ok.gov/PROGRAM/condiv/663ccast.pdf>.

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