



Oklahoma State
Department of Health

Ad Hoc Assisted Living Regulation Review Committee

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

July 17, 2006 Special Meeting

1:30 p.m.

Oklahoma State Department of Health
1000 NE 10th Street – Room 314
Oklahoma City, OK

Consensus August 17, 2006

Minutes

1) Call to Order

Esther Houser called the special meeting to order at 1:30 p.m. Monday, July 17, 2006. The meeting notice was filed and posted with the Secretary of State's office June 28, 2006. The agenda was posted at the front entrance of OSDH and on the OSDH website on July 13, 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); Marcy Gardenhire, Alzheimer's Association; Mary Fleming, Director, LTC, OSDH; Mary Brinkley, Oklahoma Association for Homes and Services for the Aging (OKAHSAs); Suzanne Harris, Family member in assisted living (AL); Kay Stewart, Tamarack-Altus; Carrie Burnsed, Attorney, C. Craig Cole & Associates; C. Craig Cole, Attorney, C. Craig Cole & Associates; Gayla Moren, C. Craig Cole & Associates; Norma Noles, Silver Oak; Greg Guymon, OKALA & Gold Medallion; Dirk O'Hara, Norman Senior Care; Holly Mattingly, Norman Senior Care; Scott Brasier, Norman Senior Care; Melissa Mahaffey, Rambling Oaks Courtyard AL; Jeanene Bales, TSG Incorporated; Wendell Short, RC Administrator and LTCFAB member; Chris Kincaid, AL 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; Belinda Arguello, Silver Oak Senior Living; Gerald Duehning, Silver Oak Senior Living; Amy Camarala, Vistech; Grant Gilchrist, Arbor House; Karen Elliott, Areawide Aging; Shari Beguin, Aberdeen Heights; Greg Frogge, McAfee Taft; Danny Eischen, Fountains of Canterbury; Chris Manen, Alterra; Caryl Ridgeway, Alterra; Regina Glen, LTC, OSDH; Patty Scott, LTC, OSDH; Kathleen Best, Touchmark at Coffee Creek; Teresa Johnson, Jefferson's Garden AL; Karen Nelson, Jefferson's Garden; Janine McCullough, APS LTCl; Darlene Simmons, Director, Health Facilities Division, OSDH; Rick Billings, LTC Authority of Enid; Shirley Inglis, Sereten Wellness Center; Sam Crosby; Donna Bowers, Daily Living Centers and LTCFAB member; and Rita Cook, Angel House Residential Assisted Living.

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>

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

A decision was made at the June 1, 2006 special meeting to postpone the review of these minutes until the next meeting scheduled.

After a brief review of the minutes, the Committee reached consensus with one amendment to agenda item 4 on page 2, 2nd sentence: replace 'assisted living' with 'OKALA'.

3) Review of the June 1, 2006 Special Meeting Minutes

Brief review of the June 1, 2006 special meeting minutes.

After a brief review of the minutes, the Committee reached consensus with one amendment to agenda item 3 on page 2, 2nd paragraph, 2nd sentence: clarify this statement to reflect it is Ms. Gardenhire's personal knowledge and is not the position of the Alzheimer's Association.

The next meeting is scheduled for August 17, 2006 at 1:30 p.m. The meeting will be held at Aging Services located in Shepherd Mall.

4) 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 focus on the proposed amendments and continue the line-by-line discussion.** The goal of the Committee is to reach consensus on the proposed amendments and present them to the LTC Facility Advisory Board.*

a) 310:663-15-3. Complaints

Mr. Joslin read the proposed rule changes. Penny Ridenour stated the posting of the procedures in a conspicuous place "...outside the administrator's office..." may not be appropriate as many assisted living facilities' administrator's offices are not located in such place. Suggestion to strike that language and amend section (a)(1) was made. Suggested amendment follows:

(a)(1): *"The facility shall list in its procedures and shall require to be posted in a conspicuous and public area the following information:"*

Other suggestions included amendments to sections (a)(1)(C), (a)(2), and (b).

(a)(1)(C): *"...but that the person may submit a complaint to the Department or other entity without prior notice to the facility."*

(a)(2): *"...or designated complaint staff a ~~written~~ complaint concerning resident abuse, neglect..."*

(b): *"...post for display in an area ~~of its offices~~ accessible to residents, employees..."*

The Committee consented to these amendments. These suggested amendments to the proposed rules will be presented to the Committee at the next meeting.

b) 310:663-19-1. Incident Reports

Mr. Joslin expressed the need for consistency of reporting incidents across all facility types. He provided an overview of the proposed changes. Discussion and clarification of reporting followed. Sam Crosby expressed disagreement with the proposed changes to the rules. Ms. Houser stated the group (Committee and attendees) has been very responsible in coming to consensus on proposals. Ms. Hambric cautioned when rules are passed it results in a cost increase to residents.

Ms. Huser informed the group that incident reports are reviewed and it seems to help facilities improve their investigations. Ms. Fleming explained how incident reporting could help a facility. Family members, staff, or former staff of a facility reports incidents to the Department frequently. In addition, the Department staff becomes familiar with facility incidents that are reported in the media. When the Department becomes aware of incidents that have resulted in resident harm and have not been reported by the facility with a corresponding investigation, the Department must go to the facility and investigate. Facility incident reports submitted to the Department that include the investigations and the corrective actions taken by the facility would save the facility and the Department time and resources spent during the investigative process. Discussion continued.

Suggested amendments to 310:663-19-1. include:

(a)(1), (a)(2), (a)(3), (d), and (e): Delete the word ‘occurrences’ and insert the word ‘incidents’.

(a)(4): “fires on premises;”

(a)(7): Strike second sentence: “...after a search of the facility and facility grounds.~~In addition, the facility...if the resident is still missing;~~”

(a)(9): “~~any unusual occurrence~~ accidents that results in injury requiring medical...”

(a)(10): Insert the rule. “reportable diseases and conditions as specified by the Communicable Disease Division of the Department;”

(a)(11): Delete the word ‘intent’ and insert the word ‘act’.

(d): Mr. Joslin will check with the licensing board for reporting limit. (24 hours vs. 5 business days)

(f): “...hours of discovery of the reportable incident.” This section will be moved and changed to section (a). All other section identifiers will be changed accordingly.

(g)(2)(B): “the extent of the injury, if any, or damage; and”

Mr. Joslin will amend 310:663-19-1. Incident reports and present them to the Committee at the next meeting.

c) 310:663-19-3. Maintenance of records

Meetings are posted at:

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

Mr. Joslin provided an overview of the proposed rules. Discussion followed and the suggested amendments include:

(f): "...within five business days of discovery whenever any resident's records..."

(h): "...licensee shall have ~~custody~~ access to a copy of the residents' records..."

Add a sentence stating "The former owner shall preserve the residents' records for a period of five (5) years.

(i): "...~~unauthorized use for a period of five (5)~~ two (2) years."

Mr. Joslin will bring amendments to the next Committee meeting for review.

d) 310:663-25-4. Notice of violation, plans of correction, and right to hearing

Mr. Joslin provided an overview of the proposed language. Discussion proceeded. Dirk O'Hara suggested moving section (c) Right to Hearing to create section (d) and proposed a new section (c) that provides facilities with an informal dispute resolution process. Plans of correction were discussed including the evaluation of the implementation and acceptable plans of correction. Suggested amendments follow:

(b)(1): "A facility shall submit ~~an acceptable~~ plan of correction..."

(b)(2)(D): "At the revisit, the ~~quality assurance plan~~ monitoring records/notes shall be reviewed to determine the earliest date of compliance.

(b)(4): "The Department shall provide within ten (10) working days written notice of the acceptance or rejection of a plan of correction."

Mr. Joslin will work on amendments for this section.

5) Adjournment

The meeting was adjourned at 4:25 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>.