



Oklahoma State
Department of Health

Ad Hoc Nursing Facilities Rule Review Committee

Appointed by the Long Term Care Facility Advisory Board May 10, 2006

July 17, 2006 Special Meeting

Oklahoma State Department of Health
1000 NE 10th Street – 10:00 a.m. in Room 704
Oklahoma City, OK

AMENDED

Consensus September 18, 2006

Minutes

1) Call to Order

Kay Parsons called the special meeting to order at 10:09 a.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 on July 14, 2006.

Identified attendees were: Kay Parsons, Committee Chair and Long-Term Care Facility Advisory Board (LTCFAB) member; Esther Houser, State Long-Term Care (LTC) Ombudsman and LTCFAB member; Dawn Ann Mendenhall, Nursing Home Administrator and LTCFAB member; Wendell Short, RC Administrator and LTCFAB member; Mary Brinkley, Oklahoma Association for Homes and Services for the Aging (OKAHSAs); Norma Noles, Silver Oak; Leslie Roberts, LTC, OSDH; James Joslin, Assistant Chief, LTC, OSDH; Dorya Huser, Chief, LTC; Darlene Simmons, OSDH; Dr. Henry 'Hank' Hartsell, OSDH; and Becky Moore, Executive Director, Oklahoma Association of Health Care Providers (OAHCP).

Agenda item #3 was moved to agenda item #2.

2) Review of the June 26, 2006 Special Meeting Minutes

The Committee reached consensus on the June 26, 2006 special meeting minutes.

3) 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.I(1)

This discussion is continued from the June 26, 2006 special meeting to include reporting requirements and the definition of 'criminal intent'.

Mr. Joslin provided an overview of the changes as discussed at the last meeting. Discussion included inserting reference to the rule instead of the Division name in section 7-5.1(a). The term criminal 'intent' was changed to 'act' in section 7-5.1(h). In section 7-5.1(c), suggestion of a footnote regarding the submittal of this report does not relieve [facility] of meeting the requirements of the Vulnerable

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Adults Act. Footnotes are not included in the formal rule, but the Department includes them in their copy of 'unofficial rules' for clarification purposes.

Section 7-12.1(g) regarding storm damage, etc. is removed and will be inserted before section 7-5.1(h). Numbering will be changed accordingly. The word 'also' will be inserted into section 7-5.1(d) to read, "The facility shall **also** report..." Sections 7-5.1(c) and (d) were originally together. These are now separated. Ms. Moore suggested links be inserted within the rule.

4) Sex Offender Law: to incorporate new law at 63 O.S. 1-1946

This discussion is continued from the June 26, 2006 special meeting to include development of the process set forth in §63-1-1946.2. which requires facilities to determine the offender status of an applicant for admission, a resident, or an employee.

Mr. Joslin presented draft language for sex or violent offender status in Long Term Care Facilities, 310:675-7-21 Sex or violent offender status. Clarification was discussed for section (a) Determination of status. Suggested clarification:

(a) *Language removal and addition:* The facility shall determine the registration status of the following individuals ~~who are required to register~~ pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act:

3. ~~an~~ all employees of a long-term care facility, in addition to the required criminal check.

Other changes discussed included:

Section (b) *Add the word prospective:* "...registries to determine whether the prospective employee or accepted resident or participant..."

Section (c), *Strike the word annually in the third sentence:* "The facility shall ~~annually~~ review the..."

Section (d) regarding requirements to post offender notices in the facility was discussed. No changes noted in section (d) or (e).

Section (f) *Language removal and addition:* "...make determination in 310:675-7-21(a) ~~(Regarding Determination of Status)~~ (c) Documentation of search."

Section (g) *Strike language:* "...the facility shall notify the Department ~~of Corrections and local law enforcement~~ and shall be subject to all other requirements within this section."

In summary of today's meeting, all changes discussed regarding incident reports were okay. Further discussion regarding sex offenders revealed that more discussion is needed. Discussion topics included sex offender care plans, can the facility meet the resident's needs, and clarification regarding discharge of resident. Mr. Joslin stated a complete and thorough assessment prior to admission would be needed.

Other topics the Committee will be discussing are Standards for Physical and Occupational Therapy facilities, compliance with the newly adopted Chapter 257, nontechnical services worker abuse registry, Tuberculin skin testing, and ICF/MR staffing in 16 bed or less.

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The next meeting will be held August 28, 2006 at 1:30 p.m. The room will be announced.

5) Adjournment

The special meeting was adjourned at 12:00 p.m.

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