



Oklahoma State
Department of Health

Ad Hoc Nursing Facilities Rule Review Committee
Appointed by the Long Term Care Facility Advisory Board May 10, 2006

Special Meeting

October 27, 2006 – 1:30 p.m.

Oklahoma State Department of Health * 1000 NE 10th Street – Room 704 * Oklahoma City, OK

MINUTES

1) Call to Order

Kay Parsons called the meeting to order at 1:40 p.m. The special meeting was filed and posted on the Secretary of State's website October 11, 2006. The agenda was posted on the OSDH website and at the front entrance of OSDH on October 26, 2006.

The Long-Term Care Facility Advisory Board (LTCFAB) members present were: Kay Parsons, Committee Chair and Dawn Ann Mendenhall, Nursing Home Administrator.

Identified OSDH attendees were: James Joslin, Assistant Chief, LTC, OSDH; Mary Fleming, Director, LTC, OSDH; Darlene Simmons, Director of Health Facilities Division; and Leslie Roberts, LTC, OSDH.

Identified guests were: Mary Brinkley, Oklahoma Association for Homes and Services for the Aging (OKAHSA) and Rebecca 'Becky' Moore, Executive Director, Oklahoma Association of Health Care Providers (OAHCP).

2) Review of the September 18, 2006 Special Meeting Minutes

After brief discussion, the Committee reached consensus on the September 18, 2006 special meeting minutes with the following changes:

- 310:675-13-7. Food service staff – Section (b)(2) – Add ~~'1-hour in-service~~ provision for sanitary food handling ~~or successful completion of food handling class and hold a current permit~~ training. *Mr. Joslin will insert the language into the proposed rule as discussed.*
- 310:675-13-7. Food service staff – Section (b)(3) – Add 'All food service staff shall have and maintain a current record of successful completion ~~at~~ of a food service training program offered or approved by the Department within 90 days of employment.'

3) Discussion of Emergency Rules

Discussion of changes in 310:675-3 regarding Federal tax waiver forms that is currently in effect as emergency rules. These need to be adopted as permanent rules.

Darlene Simmons explained the changes. The federal government is no longer using the tax waiver form; therefore, the related language needs to be removed. Ms. Parsons asked how facilities may submit proof they are in compliance. Ms. Simmons advised submitting ODH Form 953-G, Tax

Certification Affidavit, which basically states the facility is paying their taxes. She recommends facilities disclose as much information as possible such as liens.

After brief discussion, the Committee reached consensus to adopt as permanent rules.

4) Review of September 18, 2006 Changes Regarding Tuberculin Skin Testing

Brief review of tuberculin skin testing changes resulting from the Committee's discussions at the September 18, 2006 meeting.

Mr. Joslin provided an overview of the proposed changes to 310:675-7-17.1. Infection control in relation to tuberculin skin tests and 310:675-7-18.1. Personnel records. Discussion included the wording regarding risk assessment and licensed health professional. Ms. Brinley stressed the language needs to be clear on whether to do or not to do a skin test. Ms. Mendenhall stated that it should be based on the results of the risk assessment.

After discussion, the Committee reached consensus on 310:675-7-17.1. Infection control and 310:675-7-18.1. Personnel records with the following changes:

- 310:675-7-17.1. Infection control: Correct punctuation (e)(3) to ‘...test results and interpretation; ~~O~~ otherwise, a two-step Tuberculin skin test shall be done.’
- 310:675-7-17.1(e)(1) of Infection control and 310:675-7-18.1(4)(A) of Personnel record: Language in these sections will be changed from ‘licensed health professional’ to ‘licensed nurse or physician.’
- 310:675-7-17.1(c) of Infection control: Add new section, ‘(9) Annual facility TB risk assessment using a Department approved risk assessment tool performed by a licensed nurse or physician.’
- 310:675-7-18.1. Personnel records: Strike language in (5) after annual TB risk assessment following the word ‘classification’ and before the word ‘or.’ This is established in 310:675-7-17.1(c)(9).

5) Review of the September 18, 2006 Changes to 310:675-9-13.1. Food storage, supply and sanitation and 310:675-13-7. Food service staff

Brief review of changes resulting from the Committee's discussions at the September 18, 2006 meeting.

Mr. Joslin provided an overview of the proposed changes.

After brief discussion, the Committee reached consensus on 310:675-9-13.1. Food storage, supply and sanitation and 310:675-13-7. Food service staff with the following changes:

- 310:675-13-7(a)(4): Strike, as this language is a duplicate.
- 310:675-13-7(b)(3): In the first sentence, insert ‘successfully’ after the word ‘shall’ and before the word ‘complete’.

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>

Mr. Joslin updated the group on issues. At this time, the Department is dropping discussion regarding the physical therapy/occupational therapy rule. For unused prescription medications, Mr. Joslin is cleaning up the language regarding references in the current rule. He may or may not present to the LTC Facility Advisory Board at the next meeting. Mr. Joslin stated life safety code rules need to be revised to reference the new code. He informed the group that the Department's legal staff was drafting language, which will include a hearing process regarding the nontechnical registry. Mr. Joslin distributed a handout regarding 310:675-11 proposed language to address staffing in 16 beds or less intermediate care facilities for the mentally retarded. This is currently not addressed in rules. He may present referral language to the LTC Facility Advisory Board at the next meeting.

Mr. Joslin discussed the inability to prove a negative find regarding website searches for a sex offender. Brief discussion followed. Mary Brinkley stated there is legislation being introduced regarding the sex offender law. Mr. Joslin mentioned the possibility of striking the part of the proposed language regarding violation checks.

6) Adjournment

The meeting was adjourned at 3:02 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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