



Oklahoma State  
Department of Health

## **LONG-TERM CARE FACILITY ADVISORY BOARD**

### **Regular Meeting**

**November 8, 2006 at 1:30 p.m. in Room 1102**

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

## **MINUTES**

*Approved February 14, 2007*

### **1) Call to Order**

Diane Hambric called the meeting to order at 1:45 p.m. Wednesday, November 8, 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 November 8, 2006 meeting agenda was posted November 3, 2006 on the OSDH website and at the OSDH building's front entrance on November 2, 2006.

### **2) Roll Call**

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

The following members were absent: Gayla Campbell, Tracy DeForest, and Jane Mershon.

There are currently two vacancies.

Identified OSDH staff present were: James Joslin, Assistant Chief of LTC; Mary Womack, Office of General Counsel, OSDH; Dorya Huser, Chief of LTC; Mary Fleming, Director of LTC Survey; Lisa McAlister, Director of Nurse Aide Registry; Darlene Simmons, Director of Health Facilities Division; Louis A. Smith, LTC; Regina M. Glen, Life Safety Code Coordinator, LTC; Dr. Henry Hartsell Jr., Chief of Health Resources Development Service (HRDS); and Leslie Roberts, LTC.

Identified guests present were: Norma Noles, Silver Oak; Penny Ridenour, OKALA; Tammy Crawford, OKALA; Kristi Allison, ORALA; Sharral Tye, ORALA; Scott Brasier, Norman Senior Care; L. Louise Drake, Oklahoma Board of Nursing; Rita Cook, Angel House; Holly Mattingly, Norman Senior Care; Dirk O'Hara, Norman Senior Care; Greg Frogge, McAfee Taft; Greg Guymon, OKALA; Belinda Arguello, Silver Oak; Lisa Croston, OSU Wellness Center; Shelba Murray, MN Tech Center; Macy Tooke, Family; and Sue Looney, Arbors-Tulsa.

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New LTC Facility Advisory Board (LTCFAB) members Winston Neal, representative for the Fire Marshall's Office and Dr. Jean Root, OU faculty in Tulsa were introduced and welcomed. Introduction of LTCFAB members and attendees proceeded.

**3) Review and Action to Approve/Amend the August 9, 2006 Regular Meeting Minutes**

*Approval/Amendment of minutes for August 9, 2006 regular meeting.*

*After brief discussion, Mich Magness made a motion to approve the August 9, 2006 regular meeting minutes.*

*Seconded by Dewey Sherbon. Motion carried.*

Aye: 15 Abstain: 7 Nay: 0 Absent: 3

Donna Bowers	Aye	Vacant	
Gayla Campbell	Absent	Juana Meadows	Aye
Jane Carlson	Aye	Dawn Mendenhall	Abstain
Alice Cash	Aye	Jane Mershon	Absent
Vacant		Winston Neal	Abstain
Theo Crawley	Abstain	Kay Parsons	Aye
Tracy DeForest	Absent	Ginny Rahme	Aye
Clara Haas	Aye	Dr. Jean Root	Abstain
Diane Hambric	Aye	Dewey Sherbon	Aye
Ann Hays	Abstain	Wendell Short	Aye
Esther Houser	Aye	H.F. Timmons	Aye
Chris Kincaid	Aye	Margaret Wallace	Aye
Cassell Lawson	Aye	Dr. Peter Winn	Abstain
Mich Magness	Abstain		

**4) Distribution of Member Appointment Certificates**

*Mr. Sherbon, LTCFAB Secretary-Treasurer, will distribute the Governor of Oklahoma LTCFAB Member Appointment Certificates.*

Mr. Sherbon distributed certificates. He sincerely appreciates everything the Advisory Board does. He expressed his heartfelt gratitude of the hard work that is done. Mr. Sherbon further stated it is a privilege and honor to serve on this Advisory Board and thanked everyone.

**5) Nomination and Election of 2007 LTCFAB Officers**

*The Nominating Committee will announce the nominations for 2007 Officers and the LTCFAB will elect officers for Chair, Vice-Chair, and Secretary-Treasurer.*

Mr. Sherbon made the following outstanding comments:

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*I'd like to thank Esther Houser, Chris Kincaid, and Ginny Rahme for their counsel and guidance [on the Nominating Committee].*

*I'd like to thank the Board members who responded to the survey in regard to potential nominees. Out of 27 Board members, 17 responded to the survey (63%). Your [Advisory Board] comments were very well made and our [Nominating Committee] thanks to you for sharing your thoughts!*

*I'm finishing my second year. I never cease to be amazed at the talent, character and abilities of the members of this Board. You all are a fantastic group from my perspective and deserving of all the bonuses associated with membership. Unfortunately, you will have to accept an "atta boy" or two as a bonus, we're a bit short on funds!*

*I do want to especially thank Leslie Roberts for sending out the survey and tabulating the results. Leslie is a tireless worker and is not only professionally, but also personally outstanding in every way. She is so kind and answers my questions (which often times are probably not at the highest level of wisdom). She's terrific! And I hope, James [Joslin], you're able to keep her.*

*And now for the Board Chair, we [Nominating Committee] nominate Diane Hambric to serve another term.*

*We [Nominating Committee] nominate Wendell Short as Vice-Chair.*

*And we [Nominating Committee] nominate Kay Parsons as Secretary-Treasurer.*

*These individuals have all agreed to serve in the stated capacities if elected by the Board. We [Nominating Committee] believe they are all very talented and will contribute to the ongoing success of this Board!*

***After brief discussion, Dewey Sherbon made a motion to elect Diane Hambric as Chair, Wendell Short as Vice-Chair, and Kay Parsons as Secretary-Treasurer for the 2007 LTCFAB Officers.***

***Seconded by Mich Magness. Motion carried.***

***Aye: 21 Abstain: 1 Nay: 0 Absent: 3***

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Donna Bowers	Aye	Vacant	
Gayla Campbell	Absent	Juana Meadows	Aye
Jane Carlson	Aye	Dawn Mendenhall	Aye
Alice Cash	Aye	Jane Mershon	Absent
Vacant		Winston Neal	Aye
Theo Crawley	Aye	Kay Parsons	Aye
Tracy DeForest	Absent	Ginny Rahme	Aye
Clara Haas	Aye	Dr. Jean Root	Aye
Diane Hambric	Aye	Dewey Sherbon	Aye
Ann Hays	Aye	Wendell Short	Abstain
Esther Houser	Aye	H.F. Timmons	Aye
Chris Kincaid	Aye	Margaret Wallace	Aye
Cassell Lawson	Aye	Dr. Peter Winn	Aye
Mich Magness	Aye		

**6) Announcement of the 2007 Regular Meeting Schedule**

*The 2007 regular meetings will be held at 1:30 p.m. in room 1102 of the OSDH building on February 14, May 9, August 8, and November 14.*

Ms. Hambric announced the 2007 regular meeting schedule.

**7) Update from Long-Term Care**

Ms. Huser reported the ICFs/MR (Intermediate Care Facilities for the Mentally Retarded) provider training was well attended. She announced the nursing facility provider training is next week. Ms. Huser informed members and guests that the brochure for the nursing facility provider training was submitted to the National Public Health Information Coalition for an award. The Agency (OSDH) received five awards including a Silver Award in which James Joslin received for his innovative participation in the design idea and language of the “Road to Excellence” provider training brochure.

The next provider training is scheduled for November 14-15, 2006. The Department is currently holding three trainings for nursing facilities and one training for ICFs/MR per year. The trainings are posted on the Department’s website. Ms. Huser added the Department’s goal is to have two ICFs/MR provider trainings per year.

Other discussion included who is responsible for the oversight of persons that come into facilities to provide services. Ms. Huser stressed she does not want people to feel ambushed. LTC is moving forward to meet with Hospice and Home Health. She wants people to understand regarding the oversight of outside services being provided to the facility’s residents. Ms. Huser stated to call or email her regarding clarification of this topic and wanted to provide a ‘heads up’ on the issue. Facilities need to be aware of the services provided by an aide in the building. Ms. Huser reminded all aides cannot treat pressure sores. Ms. Hambric requested Ms. Huser report back to the Advisory Board regarding this issue at the February meeting.

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**8) Update and/or Findings of the Ad Hoc Nursing Facilities Rule Review Committee, Review and Action to Approve/Amend the Proposed Nursing Facility Rules**

*Update on the progress and/or findings of the Ad Hoc Nursing Facilities Rule Review Committee. The LTCFAB may review, make recommendations regarding, and act to approve in its advisory capacity the proposed amendments.*

Ms. Parsons thanked Norma Noles, Wendell Short, Dawn Ann Mendenhall, Esther Houser, Mary Brinkley, James Joslin, Leslie Roberts, and Becky Moore for the work done on this Committee. The Committee covered eight items in which four were statutory requirements. Ms. Parsons provided an overview of the topics.

1. 310:675-7-5.1. Reports to state and federal agencies
2. 310:675-7-21 Sex or violent offender status
3. APPENDIX B. REFERENCE LIST FOR STANDARDS OF PRACTICE [NEW]  
(Referring to OAC 310:675-1-2. Definitions: Standards of care)
4. 310:675-7-12.1. Incident reports
5. Chapter 257, Food Code
  - a. 310:675-9-13.1. Food storage, supply and sanitation
  - b. 310:675-13-7. Food service staff
6. Tuberculin skin testing: specifications for tuberculin skin testing of facility employees and residents.
7. The Committee agreed further discussion on the Sex Offender Law: to incorporate new law at 63 O.S. 1-1946 was needed.
8. The Committee discussed 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.

There was no consensus regarding sex offenders; there are unresolved issues with the Department of Corrections. Mr. Joslin expanded on this item regarding the issues of receiving validation from law enforcement and that there is not a way to validate a sex offender search has been conducted. Discussion continued and review of the proposed rules commenced.

***After discussion, Mich Magness made a motion to approve proposed amendments from the Ad Hoc Nursing Facilities Rule Review Committee to OAC 310:675 including the amendments and comments discussed.***

(Agenda Item 8 handout)

- Page 11, line 6: capitalize 'c' in the word 'centers'
- Page 11, line 22: strike 'break' and insert 'prevent'
- Page 12, line 13: strike 'health professional' and insert 'nurse or physician'
- Page 12, line 17: insert 'tuberculin' after 'positive' and before 'skin'
- Page 12, line 20: change capital 'T' in Tuberculin to lowercase 't'
- Page 13, line 17: insert 'tuberculin' after 'positive' and before 'skin'
- Page 13, lines 18-19: strike 'health care professional' and insert 'nurse or physician'
- Page 13, line 20: change capital 'T' in Tuberculin to lowercase 't'

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- Page 18, line16: insert ‘or equivalent Department approved program’ after ‘certification’ and before ‘within’
- Page 18, line 28-20: strike
- Page 20: include publication dates

**Seconded by Alice Cash. Motion carried.**

**Aye: 22 Abstain: 0 Nay: 0 Absent: 3**

Donna Bowers	Aye	Vacant	
Gayla Campbell	Absent	Juana Meadows	Aye
Jane Carlson	Aye	Dawn Mendenhall	Aye
Alice Cash	Aye	Jane Mershon	Absent
Vacant		Winston Neal	Aye
Theo Crawley	Aye	Kay Parsons	Aye
Tracy DeForest	Absent	Ginny Rahme	Aye
Clara Haas	Aye	Dr. Jean Root	Aye
Diane Hambric	Aye	Dewey Sherbon	Aye
Ann Hays	Aye	Wendell Short	Aye
Esther Houser	Aye	H.F. Timmons	Aye
Chris Kincaid	Aye	Margaret Wallace	Aye
Cassell Lawson	Aye	Dr. Peter Winn	Aye
Mich Magness	Aye		

Ms. Hambric absolved the Ad Hoc Nursing Facilities Rule Review Committee.

Attendees thanked Mr. Sherbon for bringing a new clock. Ms. Hambric thanked all for attending Paul Klaasan’s meeting.

**9) Update and/or Findings of the Ad Hoc Assisted Living Regulation Review Committee, Review and Action to Approve/Amend the Proposed Assisted Living Rules**

*Update on the progress and/or findings 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. The LTCFAB may review, make recommendations regarding, and act to approve in its advisory capacity the proposed amendments.*

Esther Houser stated meeting attendance was excellent. Attendance varied from 40-80 people with an average of 50. There was good participation from the Associations (OKALA & OKAHSA), AARP, and the Alzheimer’s Association. Ms. Houser provided an overview of the consensus and non-consensus items. Ms. Houser thanked the group and noted they made astonishing progress.

***Esther Houser made a motion to approve the proposed amendments to OAC 310:663 from the Ad Hoc Assisted Living Regulation Review Committee as presented.***

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**Seconded by Dewey Sherbon.**

Discussion commenced in controversy over the proposed rules. Penny Ridenour proposed a timeline regarding 310:663-25-4(c) Right to Hearing which would require the Department to hold a hearing within 10 days. Mary Womack, General Counsel for the Department stated 10 days is not realistic. As discussion continued, it was noted that Ms. Houser did not withdraw her motion.

Ms. Ridenour stated the Department should have limited days to hold a hearing. Margaret Wallace asked why we cannot have the same level of trust as we had on the nursing facility rules? Dirk O'Hara proclaimed to vote down the motion. Discussion was tense.

**Theo Crawley made a motion to call the question. Seconded by Clara Haas. Motion carried.**

**Aye: 17 Abstain: 0 Nay: 4 Absent: 4**

Donna Bowers	Aye	Vacant	
Gayla Campbell	Absent	Juana Meadows	Aye
Jane Carlson	Aye	Dawn Mendenhall	Nay
Alice Cash	Aye	Jane Mershon	Absent
Vacant		Winston Neal	Aye
Theo Crawley	Aye	Kay Parsons	Aye
Tracy DeForest	Absent	Ginny Rahme	Nay
Clara Haas	Aye	Dr. Jean Root	Aye
Diane Hambric	Nay	Dewey Sherbon	Aye
Ann Hays	Nay	Wendell Short	Aye
Esther Houser	Aye	H.F. Timmons	Aye
Chris Kincaid	Aye	Margaret Wallace	Aye
Cassell Lawson	Aye	Dr. Peter Winn	Aye
Mich Magness	Absent		

Ms. Houser stated there is still ample opportunity for input on the proposed rules before they go the State Board of Health during the public comment period. Ms. Huser added that the State Board of Health can consider all comments. Ms. Womack reported no one is losing anything by passing the rules today. Ms. Parsons inquired when the deadline is for notice of rulemaking intent. Mr. Joslin replied the notice must be submitted by December 13.

**Esther Houser's motion was to approve the proposed amendments to OAC 310:663 from the Ad Hoc Assisted Living Regulation Review Committee as proposed by the OSDH and was seconded by Dewey Sherbon. Roll was called. Motion carried.**

**Aye: 17 Abstain: 0 Nay: 4 Absent: 4**

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Donna Bowers	Aye	Vacant	
Gayla Campbell	Absent	Juana Meadows	Aye
Jane Carlson	Aye	Dawn Mendenhall	Aye
Alice Cash	Aye	Jane Mershon	Absent
Vacant		Winston Neal	Aye
Theo Crawley	Aye	Kay Parsons	Nay
Tracy DeForest	Absent	Ginny Rahme	Nay
Clara Haas	Aye	Dr. Jean Root	Aye
Diane Hambric	Nay	Dewey Sherbon	Aye
Ann Hays	Nay	Wendell Short	Aye
Esther Houser	Aye	H.F. Timmons	Aye
Chris Kincaid	Aye	Margaret Wallace	Aye
Cassell Lawson	Aye	Dr. Peter Winn	Aye
Mich Magness	Absent		

Mr. Sherbon expressed his appreciation to Leslie Roberts for her hard work.

**10) New Business**

*Not reasonably anticipated 24 hours in advance of meeting.*

None.

**11) Public Comment**

*Please limit comments to three (3) minutes.*

Public comments were made throughout the meeting.

**12) Adjournment**

The meeting was adjourned at 4:05 p.m.

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