



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

October 8, 2008 at 1:30 p.m. in Room 1102

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

Minutes

Approved January 7, 2009

1) Call to Order

Wendell Short, Chair, called the meeting to order at 1:38 p.m. Wednesday, October 8, 2008. The 2008 Long-Term Care (LTC) Facility Advisory Board meeting notices were filed and posted with the Secretary of State's and Oklahoma State Department of Health (OSDH) website on November 15, 2007. The October 8, 2008 meeting agenda was posted October 6, 2008 on the OSDH website and at OSDH building's front entrance.

2) Roll Call

Gayle Freeman called roll with following members present: Wendell Short, Chair; Kay Parsons, Vice Chair; Margaret Wallace, Secretary-Treasurer; Jane Carlson; Theo Crawley; Esther Houser; H.F. Timmons; Dewey Sherbon; Diane Hambric; Mich Magness; JoAnne Sellars; Jane Mershon; Dawn Mendenhall and Dr. Peter Winn.

The following members absent: Ginny Bond; Donna Bowers; Gayla Campbell; Tracy DeForest; Chris Kincaid; Cassell Lawson; Clara Haas; and Dr. Jean Root

Currently, there are five vacancies on the Board.

Identified OSDH staff present were: Henry F. Hartsell Jr., Ph.D., Deputy Commissioner; James Joslin, Chief of HRDS; Eleanor Kurtz, LTC; Sue Davis, LTC; Mary Fleming, LTC; Nancy Atkinson, PHS; Mary Womack, OSDH; Darlene Simmons, OSDH; Jennifer McKinnon, LTC; Leslie Elliott, PHS; Patty Scott, LTC; Gayle Freeman, LTC.

Identified guests present were: Lynn Taylor, Autry Technology Center; Rebecca Moore, OAHCP; Mary Brinkley, OKAHSa; Lanesha Stokley, UCO Nursing; Susan Aldi, UCO Nursing; Ned Gray, Career Tech; Wes Bledsoe, A Perfect Cause; Greg Frogge, McAfee and Taft; Judy Wilson, OHCA; Charlotte Wilshire, UCO Nursing; Janine McCullough, APS; Barbara Kidder, APS; Oralene Sherbon; Tom Hoetger, General Medicine Physicians; R.J. Curnutt; Kathleen Curnutt; Scott Rowland, Okla. County D.A.; Don Brown, A.G.; Eddie Davenport, A.G.; Carolyn Stark, OHCA; Deana Rook, A Perfect Cause; Jack Crow; Terry

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Boudillon, A Perfect Cause; Peter J. Rudy, KTOK; Ann Osborne, Francis Tuttle; Sarah Cioli, Francis Tuttle; Shannon Liew, YWCA; Stephanie Merritt, T.C.C.; Nancy Smart, Tulsa Tech; Marty Kurert, SCG; Penny Ridenour, OKALA; and Andrea Pogue, Career Tech. Marietta Lynch, OAHCP

A quorum was reached. Introduction of LTC Facility Advisory Board members and attendees commenced.

3) Review and Action to Approve/Amend the July 9, 2008 Regular Meeting Minutes.

Approval/Amendment of minutes for July 9, 2008 regular meeting.

After brief discussion, Jane Mershon made a motion to approve the July 9, 2008 regular meeting minutes. Seconded by, Cassell Lawson. Motion carried.

Aye: 12 Abstain: 2 Nay: 0 Absent: 8

Ginny Bond	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant-Pharmacist	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Donna Bowers	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Gayla Campbell	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dawn Mendenhall (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Vacant-NH Adm	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Jean Root	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Cassell Lawson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		
Mich Magness	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

4) Criminal Acts in Long Term Care Facilities

Dr. Hartsell, Deputy Commission, PHS, thanked the Board for placing this item on the agenda. He discussed the statute and law regarding the reporting of criminal acts both in Long Term Care facilities and by OSDH. Dr. Hartsell explained that the discussion of reporting criminal acts in Long Term Care Facilities was a follow-up to the State Board of Health meeting held on September 11, 2008. The Board of Health agreed that the Long Term Care Facility Advisory Board would be the appropriate quorum to initiate discussion on this topic. The Long Term Care Facility Advisory Board has broad responsibilities to review services provided in Long Term Care facilities and make recommendations regarding the development and/or improvement of services. Dr. Hartsell explained that under statute, the Long Term Care Facility Advisory Board is charged, or at least has the authority to, make annual reports, including recommendations on changes in policy, laws and rules. The reports are made to the Governor, Board of Health, the Commissioner of Health, Speaker of the House and the President Pro Tempore of the Senate. Dr. Hartsell discussed the first draft of the Temporary Protocol for the Handling of Incidents/Complaints Alleging Criminal Acts prepared by the OSDH Long Term Care staff. Dr Hartsell explained as long as the Protocol was internal it did not have to be part of regulation.

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Mr. Wes Bledsoe, founder of “A Perfect Cause” and Citizen Advocate, addressed the Board. He thanked them for their time and for the opportunity to work with them in protecting and safeguarding loved ones in Long Term Care Facilities. Mr. Scott Rowland, from the Oklahoma County District Attorney’s office, Mr. Don Brown, representing the Attorney General’s Office, Mr. Jack Crow, Oklahoma Citizen and other members and guests provided information, input and asked questions of the Board. Wendell Short, asked Kay Parsons to chair an Ad Hoc committee on Reporting Criminal Acts. The committee was asked to review the language in the rule regarding criminal acts, the rule itself on reporting criminal acts in Long Term Care and to clean up any confusion on reporting criminal acts in Long Term Care. The following members of the Long Term Care Facility Advisory Board volunteered to be on the Committee, Theo Crawley, Dawn Ann Mendenhall, Diane Hambric, Esther Houser, and Wendell Short. Others who asked to be included in the Ad Hoc meeting were, Wes Bledsoe; A Perfect Cause”, Shannon Liew: YWCA, (S.A.N.E). and Barbara Kidder; OKDHS-APP. Handouts pertaining to the reporting of Criminal Acts were provided by OSDH and Wes Bledsoe.

5) Funding and Workload for Long Term Care Surveys

Dr. Hartsell expressed his appreciation for the opportunity to speak regarding the current budget and workload issues. He explained the information presented to the Long Term Care Facility Advisory Board was also presented to the Board of Health at the September 11, 2008 meeting. Dr. Hartsell provided a handout; information included in the handout identified funding sources and costs for Fiscal Years 2008 and 2009 for Long Term Care Survey and other divisions under Protective Health Services. The budget shortfall for FY 2009 on Long Term Care was explained to include inspection frequencies for all facility types.

- Inspections of Assisted Living centers occur once every two years (rule requires annual inspections). Inspections of Residential Care Homes occur at a rate of once every four years (law requires biennial inspections, and visits 3 times a year).
- Seventy-five percent of complaints are held until the next routine survey, except for Immediate Jeopardy (IJs) incidents
- No routine inspections for Adult Day Care are being conducted at this time.

Current average for long-term care surveys of nursing facilities average is at 12.6-months, up from 12.3 a year ago. Dr. Hartsell reviewed the budget picture and explained that after being short over one million dollars last year and taking money from other programs this fiscal year there is still a shortage \$100,000 to support our current staff. Dr. Hartsell indicated that the legislature and CMS are being asked for funds to meet the needs of the Department to satisfy workload requirements. James Joslin provided additional information through handouts that detailed Protective Health Services responses to the current fiscal shortfall under consideration: becoming more efficient, reducing services provided and increasing revenues.

6) Ownership Disclosure in License Applications

James Joslin presented information on a proposed rule change to Chapter 675, subchapter 3, concerning ownership disclosure in nursing home acquisition. Mr. Joslin explained that there is a rule in licensing that when an individual applies for a license they disclose the various owners, lessees and managers of a facility. Representatives of Crow & Dunlevy law firm, on behalf of Manorcare, submitted a petition for a rule amendment. The amendments address the extent to which shareholders must be identified. In some instances, with publicly traded corporations there are several levels of shareholders. Who has authority and

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who are the decision makers is what is being looked for in the disclosure process. The proposed rule changes and the Department's comments regarding the amendments were provided in the handout.

At this point in the meeting, a quorum was lost. Feedback from the Long Term Care Facility Advisory Board on this topic will be carried over to the Long Term Care Facility Advisory Board meeting scheduled January 2009.

7) Update-“Best Practices Medical Directors Subcommittee

Dr. Peter Winn provided an update from the third meeting of the “Best Practices Medical Directors Subcommittee”. Dr. Winn provided handouts to the Advisory Board and guests. He explained information contained in each of the handouts and emphasized the continuing direction of the Sub-Committee. The action items from the September 17, 2008 meeting were reviewed along with the information regarding the tasks of The Oklahoma Health Care Quality Improvement Advisory Committee Long Term Care Subcommittee (aka The Best Practices Medical Directors Subcommittee.)

8) Activities and Social Directors Training Ad Hoc Committee

James Joslin thanked Margaret Wallace for her chairmanship and for the great job she did leading this committee, and thanked everyone who participated in the ad hoc committee. The progress of the Ad Hoc committee on the Activities and Social Directors Training program was reviewed and a handout of the draft rules was presented. A quorum was not available and approval of the proposed rules by the Long Term Care Facility Advisory Board will be brought forward for consideration at the January 2009 meeting.

9) Board of Nursing Meeting

Wendell Short advised the Long Term Care Facility Advisory Board that he, along with Dewey Sherbon attended a Board of Nursing meeting, and listened to several presenters. Currently the Board of Nursing is in the process of evaluating what will be done concerning the continuing education units for licensed Oklahoma nurses. Mr. Sherbon and Mr. Short presented the information as discussed in the Long Term Care Advisory Board meeting in July of this year. The Board of Nursing did not indicate a timeline or plan for implementing a CEU program.

10) Nominations and Election of 2009 Officers

Diane Hambric advised the Board that she had contacted via email and telephone, the members of the nominating committee regarding the nominations for the 2009 election of Long Term Care Facility Advisory Board officers. The nominating committee members were Kay Parson, Jane Mershon, Clara Haas, and Esther Houser. By unanimous consent, the committee chooses to re-elect existing officers: Margaret Wallace, Secretary, Kay Parsons, Vice-Chair and Wendell Short as Chair. The committee recommended these Board members continue in the same position for the 08-09 sessions. Ms. Hambric made the recommendation from the nominating committee and Jane Carlson seconded the motion

Motion: Nomination of 2009 Officers Chair: Wendell Short Vice Chair: Kay Parsons
Secretary-Treasure: Margaret Wallace

Motion Made By: Diane Hambric Seconded: Jane Carlson Motion Carried: Yes
Aye: 14 Abstain: 0 Nay: 0 Absent 9

Ginny Bond Aye Abstain Nay || Mich Magness Aye Abstain Nay

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Cassell Lawson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		

11) Announcement of the 2009 Regular Meeting Schedule

Wendell Short announced the 2009 Long Term Care Facility Advisory Board regular meeting schedule: The meetings will be held at 1:30 p.m. in 1102 of the OSDH on Jan 7th, April 8th, July 8th and Oct. 7th.

12) Update from Long Term Care-OSDH

- Mary Fleming, Director of Long Term Care Survey, addressed updates from Long Term Care. Five Long-Term Care provider-training seminars were held this year.
- Two, two-day sessions for nursing facilities,
- One, two-day session for ICF/MR facilities, (these are providers for the developmentally disabled)
- Two-one day sessions for assisted living providers.

The Alzheimer's Association brought in psychologists and specialists from the schools for the developmentally disabled to speak. For the last training session of the year, David Troxell, nationally and internationally known writer and co-publisher of, "The Best Friends Approach to Alzheimer and Dementia Care" will speak. Long Term Care has focused on Alzheimer care in provider trainings this year and Ms. Fleming encouraged everyone who is interested in Alzheimer care to attend the upcoming training with Mr. Troxell. Administrators, who attend this training, will receive six hours towards their CEUs. The dates are Oct. 23 and 24th at the Moore-Norman Technology Center on South Pennsylvania. Ms. Fleming advised that the Long Term Care staff is in the beginning processes of reviewing provider-training topics for 2009. Ms. Fleming explained the Survey Evaluation form that goes out with every 2567 survey report. Some of the information requested is in regards to the surveyor's knowledge, the respect shown to staff and others, dialogue with facility, etc, and that the survey results will go directly to Dorya Huser.

13) No New Business

Not reasonably anticipated 24 hours in advance of meeting

14) No Public Comment

Public comments and discussion were heard throughout the meeting.

15) Adjournment

The meeting adjourned at 4:38 p.m.

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