



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

January 7, 2009 at 1:30 p.m. in Room 1102

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

Minutes

Approved Minutes April 8, 2009

1) Call to Order

Wendell Short, Chair, called the meeting to order at 1:35 p.m. Wednesday, January 7, 2009. The 2009 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's (OSDH) website on October 10, 2008. The January 7, 2009 meeting agenda was posted December 23, 2008 on the OSDH website and at OSDH building's front entrance on January 5, 2009.

2) Roll Call

Gayle Freeman called roll with the following members present: Wendell Short, Chair; Kay Parsons, Vice Chair; Margaret Wallace, Secretary-Treasurer; Jane Carlson; Theo Crawley; H.F. Timmons; Dewey Sherbon; Diane Hambric; Donna Bowers; Jane Mershon; Chris Kincaid; Dawn Mendenhall and Dr. Peter Winn.

The following members were absent: Ginny Bond; Gayla Campbell; Tracy DeForest; Cassell Lawson; Clara Haas; Mich Magness; JoAnne Sellars and Esther Houser;

Dr. Jean Root arrived shortly after the meeting began.

Currently, there are five vacancies on the Board.

Identified OSDH staff present were: Dorya Huser, Chief, LTC; Jim Buck, Assistant Chief, LTC; James Joslin, Chief of HRDS; Eleanor Kurtz, LTC; Sue Davis, LTC; Mary Fleming, LTC; Mary Womack, OSDH; John Judge, HRDS; Karen Gray, LTC; Donna Shumar NAR; Lisa McAlister, NAR; Linda Kimmel, LTC; and Gayle Freeman, LTC.

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Identified guests present were: Rebecca Moore, OAHCP; Mary Brinkley, OKAHSA; Ned Gray, Career Tech; Wes Bledsoe, A Perfect Cause; Oralene Sherbon; Tom Hoetger, General Medicine Physicians; Deana Rook, A Perfect Cause; Michelle Billings, BVR; Sharral Tye; Greg Guymon, OKALA; Carrie Burnsed, OKALA; Matt Fox, VA; Lenney Vile, VA; Sabra Bishop, VA; JoEdda Brady, Pontotoc Technology Center; Joyce Clark, Achievis; Janine Handler, ORALA; Candace Adson, eCapitol News; Penny Ridenour, OKALA; Andrea Pogue, Career Tech; and 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 October 8, 2008 Regular Meeting Minutes.

Approval/Amendment of minutes for October 8, 2008 regular meeting.

Agenda Item #3

Vote 1

After brief discussion, Jane Mershon made a motion to approve the October 8, 2008 regular meeting minutes. Seconded by, Theo Crawley. Motion carried.

Aye: 14 Abstain: 0 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 checked="" 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
Jane Carlson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jane Mershon (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant-NH Adm	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Jean Root	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	JoAnne Sellars	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy DeForest	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Clara Haas	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Diane Hambric (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	H.F. Timmons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Esther Houser	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Margaret Wallace (exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Chris Kincaid (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Cassell Lawson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		
Mich Magness	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		

Shading = Absent

4) Social And Activities Director, Proposed rule changes for Chapter 675, Nursing and Specialized Facilities

James Joslin, Chief, Health Resources Development Services, discussed proposed rule changes for Chapter 675, Nursing and Specialized facilities. The proposed rule changes address Department course approval requirements, ownership disclosure requirements, removal or reduction of duplicative facility programmatic regulations, reductions in the application review burden of the Department and fees for registration as a feeding assistant. Handouts were provided. Mr. Joslin reviewed the material in the handouts which included a description of the changes, persons affected, persons benefitted, the economic impact and cost, the impact on political subdivisions, the adverse effect on small business, less costly methods, significant risks, and detrimental effects. The Long-Term Care Facility Advisory Board

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recommended the Board of Health approve, as amended, the proposed rule changes to Chapter 675: subchapter 3, subchapter 7, subchapter 11, subchapter 13 and subchapter 19.

After brief discussion, Theo Crawley made a motion to approve the Recommendation to the Board of Health. Seconded by, Margaret Wallace. Motion carried

**Agenda Item
Vote 2**

Aye: 14 Abstain: 0 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 checked="" 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
Jane Carlson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jane Mershon (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant-NH Adm	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Jean Root	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	JoAnne Sellars	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy DeForest	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Clara Haas	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Diane Hambric (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	H.F. Timmons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Esther Houser	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Margaret Wallace (exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Chris Kincaid (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Cassell Lawson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		
Mich Magness	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

5) Proposed rule changes for Chapter 677, Nurse Aide Training and Certification

James Joslin, Chief, Health Resource Development Service, discussed proposed rule changes and amendments to Chapter 677. Handouts were provided including a copy of the Rule Impact Statement. Mr. Joslin reviewed the information and provided clarification, answered questions and explained the proposed changes. The proposed rule amendments would increase fees associated with certain initial and renewal certifications for Home Health, Residential Care, Adult Day Care, Developmentally Disabled and Medication Aides. Chapter 677, subchapter 7, petition for removal of finding of neglect after one (1) year for a certified nurse aide or nurse aide trainee was explained by Mr. Joslin. The proposed amendments to the long-term care aide curriculum requirements along with some changes in wording were explained. The Long-Term Care Facility Advisory Board recommended the Board of Health approve, as amended, the proposed rule changes to Chapter 677: subchapter 1, subchapter 3, subchapter 5, subchapter 7, subchapter 13 and subchapter 19.

After brief discussion, Theo Crawley made a motion to approve the Recommendation to the Board of Health. Seconded by, Jane Mershon. Motion carried

**Agenda Item 5
Vote 3**

Aye: 14 Abstain: Nay: 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 checked="" 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	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay

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		(Exp)	
Jane Carlson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jane Mershon (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant (Exp)	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Vacant-NH Adm	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Jean Root	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	JoAnne Sellars	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy DeForest	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Clara Haas	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Diane Hambric (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	H.F. Timmons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Chris Kincaid (Exp)	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dr. Peter Winn	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Cassell Lawson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		
Mich Magness	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

6) Criminal Acts Ad Hoc Report

Kay Parsons, Vice-Chair of the Long Term Care Facility Advisory Board, reported on the November 6, 2008 Ad Hoc committee regarding the reporting of criminal acts in long-term care facilities. The report states that in the event any person witnesses / or suspects a criminal act in a long-term care facility, that that person must immediately report the witnessed and / or suspected criminal act to the on-site individual in charge of the facility. Then together they must immediately notify emergency medical services, if requested or required by the victim; then the local municipal police department or sheriff’s office. Ms. Parsons explained the six (6) points of the reporting policy. A handout, Reporting Policy of Criminal Acts in Long-Term Care Facility to Law Enforcement and other Agencies, was provided.

7) Update-“Best Practices Medical Directors Subcommittee”

Dr. Peter Winn provided an update from the fourth meeting of the OK Healthcare Quality Improvement Advisory Committee, aka “Best Practices Medical Directors Subcommittee”. and provided handouts. Dr. Winn discussed and reviewed Oklahoma State Health Department and Commissioner’s goals for quality improvement in Oklahoma. Dr. Winn offered information on the quality measures/quality indicators for nursing facilities; an update on OFMQ 9th Scope of Work; and an interim recommendation for improvement in performance indicators. The next meeting of the OK Healthcare Quality Improvement Advisory Committee is scheduled for Feb. 11, 2009 at the Oklahoma State Department of Health.

8) Proposed Statutory Fee Increases

James Joslin discussed fees, funding, and increases in fees or reductions in expenses or a combination of both. He explained that most fees for licensure are set in statute and therefore could not be changed without a change in the law. An Ad Hoc committee would have a broad umbrella of things to look at in terms of fee recommendations, survey protocol, survey frequency, etc. Part of the review would evaluate a more efficient way of operating. Wendell Short established an Ad Hoc with the following individuals volunteering to serve on the committee; Donna Bowers, Kay Parson, Mary Brinkley, Penny Ridenour, Becky Moore, Andrea Pogue, Dewey Sherbon, Janine Handler, Wes Bledsoe, Joyce Clark, Diane Hambric, Mary Fleming, Bill Weaver, and Lisa McAlister. Dewey Sherbon volunteered to chair the Ad Hoc committee.

9) Announcement of Long Term Care Facility Advisory Board re-appointments

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Margaret Wallace announced the Governor's recent re-appointments to the Long Term Care Facility Advisory Board. Clara Haas, expiration November 1, 2011; Dewey Sherbon, expiration November 1, 2010; Donna Bowers, expiration November 1, 2011; Dr. Peter Winn, expiration November 1, 2011; H.F. Timmons, expiration November 14, 2011; Jane Carlson, expiration January 14, 2012; Kay Parson, expiration November 1, 2010; and Wendell Short, expiration November 1, 2011.

10) Update from Long Term Care

Dorya Huser provided an update from Long Term Care Services. Ms. Huser made additional comments concerning agenda item six (6), stating that if the "law is broken, the law is broken". She stated that there is no situation that is okay for a facility to not act appropriately, when a law is broken. Ms. Huser stated on the part of survey that this discussion has brought a lot of heightened awareness; surveyors are looking at everything very closely to make sure appropriate action is taken.

Long Term Care forms on-line are being updated. Long Term Care will be sending information to the facilities letting them know that the forms are online. Ms. Huser stated that in the meantime we are going to try to cover all the bases from a couple of directions and make sure people are always aware of recent rule changes or policy changes or anything that is going on in Long Term Care. One of the goals is to be able to submit incident forms online.

Ms. Huser thanked Jim Buck and announced she was thrilled to have him back from Iraq and working in Long Term Care.

The Advantage Waiver program is moving closer to their goal of having waivers in Assisted Living. Long Term Care will be writing survey protocol and procedures for these facilities.

Ms. Huser explained the critical shortage of surveyors for Adult Day Care, Residential Care, and Assisted Living Centers. At this time, Long Term Care will only work serious complaints in these facilities due to staff shortages. Ms. Huser explained that the Health Department is very concerned they are not able to meet the mandates in the law, but due to the loss of funds, only the serious complaints will be investigated.

At this time, there are only two (2) surveyors for the approximately two hundred seventy five State Licensed facilities. The majority of the survey staff has been shifted to nursing homes.

Ms. Huser announced that The CMS Five-Star Rating system has been launched; which is a different rating system than Oklahoma Health Care Authority initiative, Focus on Excellence. Both are excellent tools for consumers to use.

11) New Business

Not reasonably anticipated 24 hours in advance of meeting.

12) Public Comment

Public comments and discussion were heard throughout the meeting.

13) Adjournment

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The meeting adjourned at 3:45 p.m.

The next regular Long Term Care Facility Advisory Board Meeting is scheduled for July 8, 2009 at 1:30 p.m. in room 1102 of the Oklahoma State Department of Health

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