



Oklahoma State Department of Health  
Creating a State of Health

**LONG TERM CARE FACILITY ADVISORY BOARD  
AD HOC RULE REVIEW COMMITTEE  
WEDNESDAY, JUNE 3, 2009 at 12:30 p.m.**

DEPARTMENT OF HUMAN SERVICES / AGING SERVICES DIVISION  
ROY KEEN CONFERENCE ROOM  
SHEPHERD MALL, ENTRANCE B & C  
2401 N.W. 23rd St., SUITE 40 \* OKLAHOMA CITY \* 73107  
PHONE (405) 521-6734

**MINUTES**

Dewey Sherbon, Committee Chair

**1. Call to Order and Introductions**

Mr. Sherbon called the meeting to order at 12:32 p.m. Introductions followed.

**Attendees**

Committee Members: Dewey Sherbon, Wendell Short, Kay Parsons, Cassell Lawson.

Committee Participants and Guests: Mary Brinkley, OKAHS (Oklahoma Association for Homes & Services for the Aging); Janice Burleson; Rita Cook, ORALA (Oklahoma Residential and Assisted Living Association)/Angel House; Janine Handler, ORALA; Marietta Lynch, OAHCP (Oklahoma Association of Health Care Providers); Rebecca Moore, OAHCP; Marilyn Kipps; Penny Ridenour, OKALA (Oklahoma Assisted Living Association); Joyce Clark, Achievis Sr. Living; Janine McCullough, DHS/APS; Bill Whited, LTC Ombudsman; Judy Unruh, BVRC (Baptist Village Retirement Center).

OSDH Staff: James Joslin, Chief, HRDS (Health Resources Development Service); Leslie Roberts, HRDS; Darlene Simmons, Director, Health Facility Systems; Walter Jacques, Director of Quality Assurance/QIES (Quality Improvement and Evaluation Service); Nancy Atkinson, Chief, QIES; Dr. Henry Hartsell, PHS Deputy Commissioner; Dorya Huser, Chief, LTC; Lisa McAlister, Director of NAR (Nurse Aide Registry); Jay Holland, Internal Audit.

**2. Overview of the April 16, 2009 Meeting Minutes**

Item discussion postponed.

**3. Review of Committee Charge**

Mr. Sherbon asked for comments regarding the 'Ad Hoc Charge'. There were no comments. The 'Charge' will be referenced to keep the Committee focused.

**4. Discussion Items**

*The Committee will hear reports on the following and use the information to consider policy and/or rule proposals in furtherance of the Committee charge:*

- Progress Towards Compliance with Inspection Standards Henry Hartsell  
Consumer Health Services will assist with onsite visits by focusing on environmental issues such as the kitchen.

Walter Jacques provided update on database reports. The residential care data is finished and he is moving to other types. This will help reduce staff time. Reports also identify non-compliance areas and errors such as dates. Facility performance reports included. Mr. Jacques provided the background on database reports and how they can be used. He is also working on an analysis.

- Impact of Federal Budget Henry Hartsell  
Reference CMS Handout regarding the Federal budget impact. The \$194,000 increase offset the costs of staff benefits, etc. No additional monies from grants for LTC.
- Impact of Oklahoma State Budget on Long Term Care Henry Hartsell  
Federal fiscal year begins October 1 and state fiscal year started July 1. There was an approximate 4% budget cut. Esther Houser suggested looking at rule/statute changes to increase fees.
- Update on Fee Revision Proposals in Rule and Statute James Joslin  
SB541 changed the CN (certificate of need) fee. HB1113 and SB599 are dormant. HB1113 would have set ranges for the BOH (Board of Health) to set fees within set ranges but the legislature did not want an administrative Board to have that much authority. OSDH proposed rules regarding fees but they did not pass.

July 11, 2009 is the effective date of fee changes for Chapters 664, 675, and 677. Will provide some additional monies but not sure how much will be left over after benefits are calculated for the new surveyor FTEs.

Mr. Joslin posed the questions: Should fees be increased further?; How can the cost of inspections be calculated?

Dr. Hartsell stated the Department requested additional funds of \$2 million, but we did not get funding. This would have funded approximately 25 surveyor FTEs. The Department Budget and Funding staff provided that benefits are now 5% of staff salary. Dr. Hartsell added there are no significant increases this fiscal year.

- Update on Budget Analysis Tool (BAT) Henry Hartsell  
Dr. Hartsell stated the BAT tool is a 'work in progress' and guided the group through the handout provided.

Discussion included ideas to assist surveyors in meeting mandates, such as:

- ✧ Reduce time of the surveyor process
  - ✧ Change frequency of surveys
  - ✧ Utilize county health department sanitarians to investigate complaints of environmental issues
  - ✧ Base survey frequency on certain factors
- Adjustment of Survey Frequencies Henry Hartsell  
Discussion included suggestion of developing an internal protocol for survey cycle such as basing inspections on a facility's deficient practices. Residential care statute and assisted living center rule amendments would be needed to allow changes to the survey cycles.

The use of CMP (civil monetary penalties) monies and the Federal and state restrictions of their use was briefly discussed.

It would be difficult to slash hours of a survey. It is more practical to decrease the survey visit frequency. Suggestions included decrease audit time, conduct abbreviated surveys, and look at what indicators to use to identify whether to do a full survey or an abbreviated survey. Mr. Joslin stated if we become 10% more efficient it would save ½ of an FTE. Ms. Houser added that the survey frequency needs to reflect the type of residents served.

- Report on Forms Automation and Related Processes                      Walter Jacques/Becky Moore  
Mr. Jacques provided an overview of the Form Automation Worksheet handout.
  
- Comparison of Federal and State Requirements                                      Henry Hartsell  
*GAO-09-64: Medicare and Medicaid Participating Facilities; CMS Needs to Reexamine Its Approach for Funding State Oversight of Health Care Facilities*  
<http://www.gao.gov/new.items/d0964.pdf>

Dr. Hartsell briefed the group on the comparison of federal and state requirements.

**5. Review of General Recommendations/Suggestions from the April 16, 2009 Meeting**  
*Committee may form consensus on proposals to present to the LTCFAB (Long-Term Care Facility Advisory Board).*

It was noted that the handout provided was not a final document. Its purpose is to review items that have been discussed. At a later date counter suggestions and the pros/cons on items will be discussed, then provided to the LTCFAB (Long-term Care Facility Advisory Board).

**6. Adjournment**

The meeting was adjourned at 2:53 p.m.