



Oklahoma State
Department of Health

**LONG-TERM CARE FACILITY ADVISORY BOARD
Regular Meeting**

July 8, 2009 at 1:30 p.m. in Room 1102

Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299

AGENDA

Wendell Short, Chair

1. Call to Order Wendell Short
2. Roll Call Gayle Freeman
3. Review and Action to Approve/Amend the April 8, 2009
Regular Meeting Minutes Wendell Short
4. Implementation of the CNA Career Ladder.....Andrea Pogue, RN, MSN
*The Oklahoma Department of Career and Technology Education and the Oklahoma State
Department of Health has successfully implemented the Certified Nurse Aide Career Ladder
program.*
5. Appointment of Nominating Committee for 2010 LTCFAB Officers.....Wendell Short
6. Ad Hoc Rule ReviewDewey Sherbon
*Dewey Sherbon will bring the LTCFAB up to date on the progress of the Ad Hoc Rule
Review committee.*
7. Update: “Best Practices Medical Directors Subcommittee” Dr. Peter Winn
Dr. Winn will provide an update from the sixth meeting of the “Best Practices Medical
Directors Subcommittee
8. Update from Long Term Care..... Dorya Huser
Dorya Huser will discuss the most current items concerning Long Term Care Facilities in
Oklahoma.
9. New Business
Not reasonably anticipated 24 hours in advance of meeting.
10. Public Comment
Please limit to three (3) minutes
11. Adjournment Wendell Short
The next 2009 regular meeting will be held at 1:30 p.m. in room 1102 of the OSDH building on October 7, 2009.



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

April 8, 2009 at 1:30 p.m. in Room 1102

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

Draft Minutes

1) Call to Order

Wendell Short, Chair, called the meeting to order at 1:34 p.m. Wednesday, April 8, 2009. The 2009 Long-Term Care (LTC) Facility Advisory Board meeting notices were filed and posted with the Secretary of State and Oklahoma State Department of Health (OSDH) website on October 10, 2008. The April 8, 2009 meeting agenda was posted March 20, 2009 on the OSDH website and at OSDH building's front entrance on April 3, 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; Jane Mershon; Dawn Mendenhall; Clara Haas; Esther Houser; Cassell Lawson; Mich Magness and Dr. Peter Winn.

The following members were absent: Ginny Bond; Gayla Campbell; Tracy DeForest; JoAnne Sellars; Chris Kincaid and Dr. Jean Root.

Currently, there are five vacancies on the Board.

Identified OSDH staff present was: Henry F. Hartsell Jr., PHS; Dr. Tim Cathey, PHS; Dorya Huser, LTC; Jim Buck, LTC; Mary Fleming, LTC; Karen Gray, LTC; and Gayle Freeman, LTC.

Identified guests present were: Mary Brinkley, OKAHSAs; Oralene Sherbon; Joyce Clark, Achievis; Marilyn Kipps and Crystal Mappes, OAHCP.

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

3) Review and Action to Approve/Amend the January 7, 2009 Regular Meeting Minutes.

Meetings are posted at:

<http://www.health.ok.gov/calendar/mtngs/index.html>

<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

Approved minutes are posted at <http://www.health.ok.gov/calendar/mtngs/lcab.html>

Approval/Amendment of minutes for January 7, 2009 regular meeting.

**Agenda Item #3
Vote 1**

After brief discussion, Jane Mershon made a motion to approve the January 7, 2009 regular meeting minutes. Seconded b: Kay Parsons. Motion carried.

Aye: 12 Abstain: 3 Nay: 0 Absent: 7

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
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 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 checked="" 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 checked="" 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 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 checked="" 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) Best Practices Medical Directors

Dr. Peter Winn welcomed Dr. Cathey back from his deployment to Iraq. Dr. Winn explained the Best Practices Medical Directors subcommittee had met five (5) times since the creation of the committee in December of 2007. Dr. Winn presented a review of the handout provided. The next meeting of the Best Practices Subcommittee will be Wednesday, June 10, 2009 at 2:30 in room 314 at the Oklahoma State Department of Health. Dr. Winn informed the group that Governor Brad Henry has designated April 13th – 18th as Palliative Care Week.

Wendell thanked Dr. Winn for all of his time and work.

5) Ad Hoc Rules/Regulation Review

Dewey Sherbon gave a report-update on the first meeting of the Ad Hoc committee on rule and regulation review. He related that Dr. Hartsell had provided excellent developmental information to review. Dewey provided a handout of proposals from the Thursday, March 5, 2009 Ad Hoc meeting. He advised anyone interested in the items proposed could attend the next Ad Hoc meeting to be held at Shepherd Mall, Entrance B & C, Suite 40, Roy Keen Room Thursday, April 16 - 1:00 - 3:30 Dept. of Human Services Aging Services/Ombudsman Office 2401 N.W. 23rd Street, Suite 40 Oklahoma City, OK 73107.

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Approved minutes are posted at <http://www.health.ok.gov/calendar/mtngs/lcabc.html>

6) Update on Long Term Care Facility for Sex Offenders

Dr. Hartsell, Deputy Commissioner, Public Health Services, provided an update-status report on the Long Term Care Facility for sex offenders. Dr. Hartsell explained the legislature in 2008 enacted H.B. 2704 which added a new section of law in the public health code that directed the State Department of Health to initiate a Request for Proposal (RFP) through the state central purchasing system. The RFP was for the operation of a Long Term Care Facility for sex offenders who are assigned a numeric risk level of level two (2), or three (3) under the Sex Offenders Registration Act. (Dr. Hartsell explained the definition of a level 1, 2, or 3-sex offender.) A solicitation for an RFP was published in December 2008, and the request ran for approximately sixty days, through February 3, 2009. A provision in the bidding process for questions was provided. The solicitation was issued by the Health Department asking bidders to submit proposals to establish and operate a long-term care facility for level two or three sex offenders. The bid was set to accommodate any range of long-term care facilities. The statute did not limit this to nursing facilities only; the facility could have been an assisted living facility, residential care home or an adult day care center. The statute did not provide any funding mechanism. It was thought the funding might come through Medicaid, Medicare, or some other source of funding. Bids were requested, the bid time was opened for sixty days and no bids were received, also no questions or inquires were received during the solicitation period. Dr. Hartsell indicated that the Health Department has satisfied the duty under the statute to initiate the proposal. A time of questions and answers followed Dr. Hartsell's report

7) Update from Long Term Care

Dorya Huser presented information on Provider Training dates for 2009; she announced the theme for this year's long term care facility provider training will be: "Reaching for the Stars." Residential Care, Assisted Living and ICF/MR have been added to the schedule. Ms. Huser announced the scholarship money for the Certified Nurse Aide (CNA) Career ladder is in the process of being launched within the next thirty to sixty days. Jim Buck is working with several of the Technology Centers and is close to having the details of the contracts finalized. The scholarships for the Career Ladder for CNAs are funded by the Civil Money Penalty fund. Dorya announced that Dr. Terry Cline is the new Commissioner of Health and is deployed to Iraq at this time; his anticipated time to begin work at the Oklahoma State Department of Health is in July.

8) New Business

Esther Houser announced that H.B. 2030 had passed today, April 7, 2009. H.B. 2030 creates a Silver Alert for missing vulnerable adults / elderly. The Bill is similar to the Amber Alert. Esther also advised another Bill passed the house yesterday, April 7, 2009; the Bill would eliminate licensure rules for ICF/MR facilities.

9) Public Comment

Public comment was made throughout the meeting.

10) Adjournment

The meeting adjourned at 2:31 p.m.

The next regular Long Term Care Facility Advisory Board Meeting is scheduled for October 7, 2009 At 1:30 p.m. in room 1102 of the Oklahoma State Department of Health

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Approved minutes are posted at <http://www.health.ok.gov/calendar/mtngs/ltcab.html>

STATUS REPORT – LTCFAB AD HOC RULES/REGS COMMITTEE

ESTABLISHED JANUARY 7, 2009 TO WIT: “AN AD HOC COMMITTEE WOULD HAVE A BROAD UMBRELLA OF THINGS TO LOOK AT IN TERMS OF FEE RECOMMENDATION, SURVEY PROTOCOL, SURVEY FREQUENCY, ETC. PART OF THE REVIEW WOULD EVALUATE A MORE EFFICIENT WAY OF OPERATING.”

DURING OUR LAST MEETING, JUNE 3, 2009, JAMES JOSLIN SUGGESTED THAT OUR CHARGE BE RESTATED:

TO REVIEW LONG-TERM CARE STATUTE AND RULE FOR NEEDED REVISIONS TO SURVEY PROTOCOL AND FREQUENCY FOR GREATER EFFICIENCIES, TO DEVELOP SUGGESTIONS FOR GENERAL IMPROVEMENTS IN DEPARTMENT EFFICIENCY; AND TO REVIEW LICENSURE FEES FOR NEEDED ADJUSTMENTS, IN THE FACE OF REDUCED REVENUES TO THE AGENCY.

- 1) IDENTIFY AREAS OF REGULATION THAT HAVE REDUNDANT ELEMENTS SUCH THAT IF ONE REQUIREMENT WERE REMOVED IT WOULD REDUCE THE WORKLOAD BURDEN FOR THE PROVIDER OR DEPARTMENT WHILE THE REDUNDANT PROTECTION REMAINS.
- 2) IDENTIFY MEANS OF ESTABLISHING OR CONFIRMING COMPLIANCE WITH THE REGULATORY INTENT THAT CAN BE REPLACED WITH MORE EFFICIENT, TIME SAVING METHODS.
- 3) DEVELOP SUGGESTIONS FOR GENERAL IMPROVEMENTS IN DEPARTMENT PROCESS FOR GREATER EFFICIENCY IN LONG TERM CAE OPERATIONS.
- 4) REVIEW PROGRAM FEES FOR ADEQUACY TO COVER INSPECTIONS MANDATES IN STATUTE AND RULE.

THREE MEETING – MARCH 5, 2009; APRIL 16, 2009 AND JUNE 3, 2009

ITEMS WE HAVE DISCUSSED INCLUDE:

1. LANGUAGE CHANGES TO 310.675 (PROPOSALS TO LTCFAB ATTACHED)
2. FREQUENCY OF SURVEYS – ASSISTED LIVING, RESIDENTIAL CARE
3. SURVEY WITHIN PROTECTIVE HEALTH SERVICES TO ASSESS COMPUTER-AIDED REFORM RESULTING IN SIGNIFICANTLY INCREASED AUTOMATION
4. DR. HARTSELL ORIGINATING AN RFP TO INITIATE DEPARTMENT REVIEW OF ALL MANUAL AND FORM PROCESSES
5. HEALTH DEPARTMENT BENEFITS COSTS IN RELATION TO LOWERING COST IMPACT
6. FINANCIAL BENEFITS TO INCREASED FEES AND MOVING SURVEY TIMING CONSTRAINTS FROM ANNUAL TO BIENNIAL
7. CPR LANGUAGE REVIEW FOR RESIDENTIAL CARE

8. REVIEW OF INCIDENT REPORTS (ODH 283, ODH 718, AND A PROPOSAL FOR ASSISTED LIVING)
9. DR. HARTSELL HAS PROVIDED REVIEW INFORMATION PERTAINING TO :

COMPLIANCE WITH INSPECTION STANDARDS

IMPACT OF FEDERAL BUDGET

IMPACT OF OKLAHOMA STATE BUDGET ON LONG TERM CARE

UPDATE ON FEE REVISION PROPOSALS IN RULE AND STATUTE

UPDATE ON BUDGET ANALYSIS TOOL

COMPARISON OF FEDERAL AND STATE REQUIREMENTS

SUMMARY STATEMENT – WE ARE AT THE POINT OF NARROWING OUR FOCUS TO THOSE THINGS WE THINK MAY PROVIDE THE MOST BENEFIT TO PROTECTIVE HEALTH SERVICES. OUR GOAL IS TO IDENTIFY THE AREAS OF MOST BENEFIT AND MAKE RELATED RECOMMENDATIONS TO THE LTCFAB AT OUR NEXT MEETING IN OCTOBER. I SUSPECT THAT DUE TO THE SIZE AND COMPLEXITY OF SOME OF THE ISSUES IT WILL BE NECESSARY TO CARRY THEM OVER INTO NEXT YEAR.

1. I make a motion that the language at 675-9-9.1(a)(10)A be revised as follows:

(A) The facility develops policy and procedures for safe and appropriate storage and application of the powder; and

2. I make a motion that the language at 675-13-5(c)(1)(2) and (3) be revised as follows:

(1) A licensed nurse shall be designated as the director of nursing on a full time basis.

(2) The director of nursing shall be responsible for resident care including, but not limited to, the physical, mental, and psycho-social needs. The director of nursing or designee shall be available by telephone when needed by facility staff.

(3) Replaced with, "The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of 60 or fewer residents".

3. I make a motion that the language at 675-13-5 (f)(5) be revised as follows:

(1) A certified medication aide shall complete sixteen ours of continuing education every two years that is approved by the Department.

NOTE: *If this is approved there is other language - especially in chapter 677 that will require revision.*

4. I make a motion that the language at 675-13-5 (i) (6) (7) (8) be revised as follows:

(6) Each certified nurse aide shall be provided training in pain screening at the time of orientation and at least once every year thereafter.

(7) Each licensed practical nurse shall be provided training in pain screening and pain management at the time of orientation and at least once ever year thereafter.

(8) Each registered nurse shall be provided training in pain assessment and pain management at the time of orientation and at least once ever year thereafter.

**Oklahoma State Department of Health
“Best Practices Medical Directors Subcommittee”
Long Term Care Subcommittee to the OK Health Care QI Advisory Committee**

**Meeting # 6
Wednesday, June 10, 2009
Oklahoma City, OK
Minutes**

1. **Called to order** at 2:30 PM by Chair
2. **Introductions:** Subcommittee members, guests, Department of Health staff.
3. **Opening remarks:** Chair inquired as to who had received meeting notice and agenda by e-mail. All had except for one member who does not have internet access. Chair announced that all future communications will be done by e-mail while one member without e-mail will receive his by US Post.
4. **Review of Minutes of meeting #5**, February 11, 2000. Motion to accept was seconded and unanimously accepted.
5. **Oklahoma Health Care Quality Improvement Advisory Committee**
 - 5.1 Next meeting pending arrival of new Commissioner of Health, Dr Terry Cline. When known, the date of that meeting will be forwarded to subcommittee members. Reiterated that the meetings are open to subcommittee members.
 - 5.2 **Transitions in Care:** this is an important issue, part of which is CMS desire to decrease hospital readmissions. It is envisioned that the LTC Subcommittee will need to interact with the hospital and home care subcommittee in order to better address hospital readmissions. (from home and LTC SNFs and NFs)
 - 5.3 **The following surveys were brought to the attention of subcommittee members:**
 - Interdisciplinary Report. A Survey of Long-Term Care Health Professionals. Managed Care Digest Services. 2008. available at www.managedcaredigest.com. (Results of a survey completed by medical directors, pharmacists, directors of nursing and nurse practitioners that examined contemporary issues that affect the work of health care professionals in the LTC setting)
 - 2008 National Survey of Consumers and Workforce Satisfaction in Nursing Homes. My InnerView. Available at www.myinnerview.com. (Contained some information on Oklahoma as a pay-for-performance state for nursing home care).
 - 5.4 Also brought to attention was the Center to Advance Palliative Care report “Improving Palliative Care in Nursing Homes”.2008. (Palliative care initiatives/programs in the LTC setting are part of the puzzle to improving care quality).

6. Distributed copy of letter to be sent by to the OK Department of Health to all of Oklahoma's nursing facilities' medical directors informing them of the various quality initiatives in the State related to SNFs and NFs.
7. **OFMQ Update of CMS 9th Scope of Work (Lisa Bewley)**
- 7.1 **Physical restraints:** has decreased from 11.6% (3 Q 2003) to 5.3% (4 Q 2008). Ranking decreased to 40th (4 state tie) from 49th.
- 7.2 **Pressure Ulcers:** has decreased from 15.9 (3 Q 2003) to 14.6% (4 Q 2008). Remaining 48th
- 7.3 Review of Pressure Ulcer Focus Project
- 33 facilities picked who had pressure ulcer prevalence of 20% or greater for 6 months over a 12 month period
 - Project has hired wound care specialist to work with these nursing facilities
- 7.4 Review and distribution of "SOS" (Save Oklahoma's Skin)
Tool kit for Pressure Ulcer Prevention and Treatment (Melissa Hill)
- Aim: current, usable across all health care settings
Available at www.ofmq.com
It was commented (Andrea Pogue) that content should be incorporated into LPN and NA trainings at Oklahoma's VOTECs.
8. **Oklahoma QM/QI data (Dorya Huser)**
- Comparative data for CMS Region VI should be available by next subcommittee meeting.
9. **Oklahoma Pressure Ulcer Coalition**
- Coalition has helped promote "skin fairs" across Oklahoma.
 - Coordinator: Marietta Lynch
 - Convener: Oklahoma Hospital Association
10. **Best Practices**
- Dr. Qayyum presented a power point on how Meadow Lakes is using QM/QI data for for quality improvement in their facility. Brief and enthusiastic discussion ensued. Most important issue is consistent assignment of nurse aides and recognize participation of nurse aides in the process of quality improvement.
11. **Other Business**
- 11.1 Long Term Care Provider Training
- Oklahoma City, OK June 23rd & 24th presented by Peter Winn, MD, CMD
Tulsa, OK - July 22nd & 23rd presented by Jean Root, DO, CMD
- 11.2 Ongoing Career Ladder training by Department of Health (Dorya Huser and Jim Buck)
- 11.3 OHCA Focus on Excellence (Cassell Lawson) Report pending
- 11.4 OHCA Money Follows the Person program called "Living Choice" in Oklahoma, has had program extended by CMS from 2011 to 2013.
- 11.5 Brief mention made of "Project 2020: Fulfilling the Promise of the Older Americans Act" (Ester Houser). E-mail copy of draft project was sent to subcommittee chair. Available at website of the National Association of States Units on Aging (NSAUA)

12. Next meeting will be scheduled after the next meeting of the Commissioners of Health QI Advisory Committee, likely in the fall.
13. Meeting adjourned at 4:00 PM.

Submitted By:

Peter Winn, MD, CMD
Chairman
"Best Practices Medical Directors Subcommittee"
June 22, 2009