



Oklahoma State  
Department of Health

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

### **Regular Meeting**

**October 14, 2009 at 1:30 p.m. in Room 1102**

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

## **Minutes**

**Approved January 12, 2011**

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

Wendell Short, Chair, called the meeting to order at 1:35 p.m. Wednesday, October 14, 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 October 14, 2009 meeting agenda was posted October 06, 2009 on the OSDH website and at OSDH building's front entrance on October 14, 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; Jane Mershon; Esther Houser; Cassell Lawson; Dr. Peter Winn; and Dr. Jean Root.

The following members were absent: Dewey Sherbon; JoAnne Sellars; Chris Kincaid; Ginny Bond; and Clara Haas.

A quorum was not met. While discussion was in progress regarding the continuance or the rescheduling of the meeting, members arrived; therefore enough members were available to compose a quorum.

The following members arrived during the course of the meeting: Donna Bowers, Dawn Ann Mendenhall, Diane Hambric and Mich Magness

Currently, there are seven vacancies on the Board.

Identified OSDH staff present were: Henry F. Hartsell Jr., PHS; Dorya Huser, LTC; Jim Buck, LTC; Lisa McAlister, NAR; Donna Shumar, NAR; Darlene Simmons, HRDS; James Joslin, HRDS; Mary Womack, OSDH; Leslie Elliott, Caring Hearts; Kathryn Waller, OSDH; and Gayle Freeman, LTC.

Meetings are posted at:

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

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

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Identified guests present were: Mary Brinkley, OKAHSa; Rebecca Moore, OAHCP; Jackye Ward, Okla. Board of Nursing; Janine Handler, ORALA; Laureen Shelton; Joyce Clark, Achievis; Marilyn Kipps; Janice Burleson; Wayne Wood, Wood Manor; Annette Prince, FMC; Harry Tolliver, Wood Manor; Janice Shively, Wood Manor; Greg Frogge, McAfee & Taft; and Crystal Mappes, OAHCP; Shelba Murray, Francis Tuttle Technology.

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

**3) Review and Action to Approve/Amend the April 8, 2009 Regular Meeting Minutes.**

*Approval/Amendment of minutes for April 8, 2009 regular meeting. A quorum was not met at the July 8, 2009 meeting, therefore the minutes for the April 8, 2009 meeting were brought forward to the October 14, 2009 meeting.*

**Agenda**

**Item #3**

**Vote 1**

*After brief discussion, Jane Mershon made a motion to approve the April 8, 2009 regular meeting minutes. Seconded by: Cassell Lawson. Motion: carried.*

Aye: 14 Abstain: 0 Nay: 0 Absent: 5

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
Vacant	<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
Vacant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input 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 checked="" 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 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 checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		*Arrived after the vote
Mich Magness*	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

**4) Ad Hoc Rules and Regulations Committee Report**

James Joslin filled in for Dewey Sherbon; Mr. Sherbon was originally scheduled to speak. Mr. Joslin thanked those who participated in the ad hoc committee for rule review. The ad hoc committee met several times during 2009 and reviewed financial data during the six months they met, regarding survey process, financing of surveys etc. Mr. Joslin provided several handouts, including a power point, "Financial Status Summary". The committee looked at how the department might streamline and implement in rule or statute the changes to assist the Department financially and to potentially assist the industry. Mr. Joslin said that the committee had a few proposals in terms of rules. A discussion about the

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finances for the programs in long term care, inspection and licensure of nursing homes, assisted living centers, residential care homes and adult day care centers was reviewed. The first part of Mr. Joslin's presentation covered the financial status of long term care at OSDH. Causes of deficits, fee change history, fees changed for inflation, allocation of state licensure & inspection costs to facility type, nursing and specialized facilities, continuum of care and assisted living, residential care, adult day care, FY 2010 general revenue allocations to PHS, proportion of PHS general state revenues allocated to long term care, general revenue allocated to long term care and other PHS services, general revenue allocated to long term care by facility types, protective health services general revenue adjusted for inflation 2005-2010, new services since FY 08, examples of efficiencies achieved, planned efficiencies, inspection mandates and requirements were items presented and explained by Mr. Joslin. The handout, "Proposal for Consideration of the Broad Review Ad Hoc Committee to the Long Term Care Advisory Board", was the next item covered by Mr. Joslin. The proposals represented in the handout were brought forward for the Boards' consideration. Mr. Joslin reviewed and answered questions concerning the proposed amendments to Chapters 675 and 677. The proposals were brought forth by the Association of Health Care Providers, and included changes to: Medication services, 310:675-9-9.1 (10); Nursing Service change regarding the Director of Nursing, Nursing Service change regarding the certified medication aide, Nursing Service change regarding inservice, 310:675-13-5 (c), (f), and (i); General requirements, 310:677-13-1; Deemed to meet state certification requirements, 310:677-13-2; Competency and practice standards, 310:677-13-6; and Certification and recertification, 310:677-13-8.

**.Agenda Item #4  
 Vote 2**

**Motion:** I move that we take the proposed amendments to chapter 675 and 677 to the State Board of Health.

**Motion Made by:** Dawn Ann Mendenhall **Seconded:** Cassell Lawson **Motion Carried:** Yes

Aye: 14    Abstain: 0    Nay: 0    Absent: 5

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
Vacant	<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 (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
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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
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Esther Houser	<input checked="" 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
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Cassell Lawson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		*Arrived after the vote
Mich Magness*	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

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Wendell thanked the members of the Rule Review Ad Hoc committee for their hard work. The ad hoc committee was suspended effective October 14, 2009.

**5) Nomination and Election of 2010 Officers**

The nominating committee for the 2010 Long Term Care Facility Advisory Board Officers were Kay Parsons, Cassell Lawson and Esther Houser. The committee recommended the 2009 officers continue in the same positions for the year 2010. By unanimous consent, the committee chooses to re-elect the existing officers: Wendell Short, Chair; Kay Parsons, Vice-Chair and Margaret Wallace, Secretary. Kay Parsons made the recommendation from the nominating committee and Esther Houser seconded the motion.

**Agenda Item #5  
 Vote # 3**

**Motion:** Nomination of the 2010 Officers      **Chair:** Wendell Short      **Vice-Chair:** Kay Parsons  
**Secretary:** Margaret Wallace.

Motion Made by: Kay Parsons      Seconded: Esther Houser      Motions Carried: Yes  
Aye: 14    Abstain: 0    Nay: 0    Absent: 5

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
Vacant	<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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Cassell Lawson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		*Arrived after the vote
Mich Magness*	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

**6) Nursing Facility Transfer Forms/End of Life Task Force Recommendations**

Annette Prince brought to the Board for review a patient transfer form for nursing facilities and hospital emergency departments. The form was one of the recommendations of the Attorney General’s task force to improve end of life care. There have been a number of studies on this issue and there have been some piloting projects throughout the state. Until the form is required by the Board of Health it will not be effectual. Ms. Prince urged the Board to recommend this form. Dr. Winn and Dr. Root suggested the Medical Directors Best Practice sub-committee would be an excellent venue to review the transfer form and the Physicians Order for Life Sustaining Treatment (POLST) form.

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**7) Specialized Facilities or Units for Residents with Alzheimer's Disease or Related Dementias**

Esther Houser presented information and explained the handout provided on Specialized facilities or Units for residents with Alzheimer's disease or related dementias was drafted in November 1992, but was not adopted. It was the recommendation of Ms. Houser to form an Ad Hoc committee to look at the original draft. An Ad Hoc Committee was formed to look at Specialized Facilities for Alzheimer's and Related Dementias. The following are members of the committee: Kay Parson, Chair; Margaret Wallace; Theo Crawley; Esther Houser; Dr. Winn; Mich Magness; Mary Brinkley; Cassell Lawson; Wendell Short; Rebecca Moore; Janine Handler; Diane Hambric and Janice Shively.

Esther Houser provided a copy of the Ombudsman bi-annual report.

**8) Announcement of the 2010 Regular Meeting Schedule**

Wendell Short announced the 2010 regular meetings of the Long Term Care Facility Advisory Board would be as follows: January 13, 2010; April 14, 2010; July 14, 2010 and October 13, 2010.

**9) Update from Long Term Care**

Dorya Huser and James Buck gave an update concerning the most recent events pertaining to Long Term Care. Mr. Buck presented information regarding Immediate Jeopardy (IJs), the scope and severity grid information on the top twenty five deficiencies, CNA II career ladder and the implantation of the IDR panel as a permanent part of the IDR process.

**10) New Business**

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

**11) Public Comment**

Public comment was made throughout the meeting.

**12) Adjournment**

*The meeting adjourned at 4:36 p.m.*

*The next regular Long Term Care Facility Advisory Board Meeting is scheduled for January 13, 2010. At 1:30 p.m. in room 1102 of the Oklahoma State Department of Health*

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