



Oklahoma State Department of Health  
Creating a State of Health

January 1, 2011

The Honorable Brad Henry  
Governor of Oklahoma  
State Capitol Building  
2300 N. Lincoln Blvd., Room 212  
Oklahoma City, OK 73105

Dear Governor Henry:

Pursuant to O.S. 63-1-1923.D.5. of the Nursing Home Care Act, I submit the enclosed annual report of activities from the Long-Term Care Facility Advisory Board.

The 2010 Annual Report summarizes our activities for the improvement of services, care, and treatment to Oklahoma residents of nursing and specialized facilities, intermediate care facilities for persons with mental retardation, continuum of care and assisted living centers, residential care homes, and participants in adult day care centers.

During 2010, the Long-Term Care Facility Advisory Board was appointed by the legislature to continue its work. We regret to inform you that, due to no new appointments, we have not been able to conduct official business during the year. The twenty-seven (27) member board presently has ten (10) vacancies and only five (5) members with active appointments still serving on the committee.

Respectfully,

Wendell Short, Chair  
Long Term Care Facility Advisory Board

c: Representative Kris Steele, Speaker of the House of Representatives  
Senator Brian Bingman, Senate President Pro Tempore  
Terri White, MSW, Commissioner, Oklahoma Department of  
Mental Health & Substance Abuse Services  
Michael Fogarty, CEO, Oklahoma Health Care Authority  
Howard H. Hendrick, Director, Oklahoma Department of Human Services  
Terry Cline, Ph.D., Commissioner of Health

# **Long Term Care Facility Advisory Board**

**2010 Annual Report**

# LONG TERM CARE FACILITY ADVISORY BOARD

## 2010 ANNUAL REPORT

**PURPOSE:** The Long-Term Care Facility Advisory Board is authorized by Section 1-1923 of the Oklahoma Nursing Home Care Act {63 O.S. §§ 1-1900 et seq.}. The Advisory Board, consisting of twenty-seven (27) members, is appointed by the Governor and functions as a professional advisory body to the State Commissioner of Health.

As part of their routine activities, the Advisory Board serves as an advisory body to the Department of Health for the development and improvement of services to and care and treatment of residents of facilities subject to the provision of the Nursing Home Care Act, homes subject to the provision of the Residential Care Act and facilities subject to the provisions of the Adult Day Care Act; reviews, makes recommendations regarding and approves in its advisory capacity the system of standards developed by the Department of Health; evaluates and reviews the standards, practices and procedures of the Department of Health regarding the administration and enforcement of the provisions of the Nursing Home Care Act, the Residential Care Act and the Adult Day Care Act , and the quality of services and care and treatment provided to residents of facilities and residential care homes and participants in adult day care centers. The Advisory Board may make recommendations to the Department of Health as necessary and appropriate.

The Advisory Board annually publishes a report of its activities and any recommendations for the improvement of services and care in long-term care facilities. The annual report is prepared for the Governor, the State Commissioner of Health, the State Board of Health, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chief administrative officer of each agency affected by the report.

**SERVICES:** Long-Term Care facilities provide the following services in Oklahoma:

- Nursing Facilities provide twenty-four (24) hour skilled care and related services for residents who require medical or nursing care.
- Intermediate Care Facilities for the Mentally Retarded (ICF/MR) provide care designed to meet the needs of persons with mental retardation and who require special health and rehabilitation.
- Assisted Living Centers provide assistance with personal care, medications and ambulation. The center may also provide nursing supervision and information or unscheduled nursing care. An assisted living center cannot provide twenty-four (24) hour skilled nursing care as is provided in a nursing facility.
- Continuum of Care Facilities combine the services of a nursing facility with an assisted living center and/or an adult day care.
- Residential Care Homes offer or provide residential accommodations, food service and supportive assistance. A residential care home may provide assistance with meals, dressing, bathing and other personal needs, and it may assist in the administration of medication. However, it cannot provide medical care.

- Adult Day Care Centers provide basic day care services to unrelated impaired adults for more than four (4) hours in a twenty-four-hour period.

**PROVIDERS:** At the end of 2010, there were six hundred and seventy (670) long-term care facilities operating in Oklahoma.

- Nursing Facilities – 325
- Adult Day Care Centers – 38
- Assisted Living Centers – 138
- Intermediate Care Facilities for the Mentally Retarded (ICF/MR) – 87
- Residential Care Homes – 82

**The Long Term Care Facility Advisory Board was unable to conduct any official business as a public body by not having a majority of its members present for any of the regular scheduled meetings held in 2010.**

#### **VACANCIES:**

The Long Term Care Facility Advisory Board consists of twenty-seven (27) members. Currently at the end of 2010 there are ten (10) vacancies on the Board and only five (5) members with active appointments.

**ACTIVITIES:** The Long Term Care Facility Advisory Board met on a quarterly basis during 2010 to evaluate and review the standards and practices of the Department of Health in administration and enforcement of the provisions of the Nursing Home Care Act, the Residential Care Act and the Adult Day Care Act. The Board received reports on emerging health care issues in long-term care facilities; nursing facility transfer forms; rule and regulation review; implementation of the Certified Nurse Aide Level II Career Ladder Program (sponsored by OSDH); implementation of the Informal Dispute Resolution (IDR) panel; and a grant proposal for a national background check system.

**RECOMMENDATIONS:** At the January 13, 2010 meeting, the Advisory Board reviewed the following proposed amendments to Chapter 663, Continuum of Care and Assisted Living; Chapter 675, Nursing and Specialized Facilities; and Chapter 680, Residential Care Homes of the Oklahoma Administrative Code.

- Amendments to Chapter 663 address abuse, neglect and the misappropriation of resident's property by requiring written policy statements to include investigation protocol and actions to be taken when incidents of abuse, neglect and misappropriation of resident's property occur and the amendment further addresses training criteria and timeframes for staff.

- Amendments to Chapter 675 address in-service training intervals for direct care staff in the areas of pain screening, management and assessment and amend the requirement for Intermediate Care Facilities for the Mentally Retarded (ICF/MR) to use a minimum data set (MDS) form for resident assessments.
- Amendments to Chapter 680 address the requirement for licensed facilities to comply with the definition of “Residential Care”, update the reference to OAC 310:257 (food service establishment rules) as it pertains to the storage, preparation and serving of food, and clarifies the term “critical” incidents as it relates to incidents reportable to the Department of Health.

At the July 14, 2010 meeting, the Advisory Board reviewed the following proposed amendments to Chapter 675, Nursing and Specialized Facilities of the Oklahoma Administrative Code.

- Proposed amendments to Chapter 675 address the need to amend the requirement for facilities to submit policies and procedures for safe and appropriate storage and application of powdered over-the-counter medication to the Department of Health for approval prior to implementation; amend the requirement for medication storage areas to be in a location that is convenient to the nursing station; amend the requirement for medication areas to have a work counter; amend the procedures and terms for destruction of medication prescribed to residents who have died and medications which have been discontinued; and amend the requirement that a facility shall have a contract or letter of agreement with a licensed pharmacist or a hospital pharmacy to serve as the emergency pharmacist and that the licensed pharmacist shall practice in a licensed pharmacy within a ten (10) mile radius of the facility.

### **COMMITTEE REPORTS:**

Chairman Wendell Short formed an Ad Hoc Committee on Alzheimer’s Disease and Related Dementias at the October 14, 2009 regular Long Term Care Facility Advisory Board meeting to review the definition of a specialized unit, the training and staffing requirements for this type of unit, and what, if any, type of special regulations that should be in place. The committee met three times during 2010 on January 25, February 19, and May 12.

At the July 14, 2010 regular meeting of the Long Term Care Facility Advisory Board, the board members came to a consensus on the work of the Ad Hoc Committee to amend ODH Form 613, Alzheimer’s Disease or Related Disorders Special Care Disclosure Form, but were unable to take any action on the recommendations of the committee due to not having a quorum present at the meeting.

### **AGENDAS:**

The meeting agenda items addressed various aspects of the long-term care industry. The Long-Term Care Facility Advisory Board allocated time at each regular meeting to discuss other long-term care issues that may become the responsibility of this Board at some future date.

**BOARD OFFICERS:**

Advisory Board Officers for 2011 were not elected at the October 13, 2010 Advisory Board meeting due to the inability to reach a quorum. Currently elected officers are Wendell Short, Chair; Kay Parsons, Vice-Chair; and Margaret Wallace, Secretary-Treasurer and these officers will remain in place until such time that a quorum can be obtained by the Long Term Care Facility Advisory Board and a vote taken.

**MEETING SCHEDULE FOR 2010**

The 2011 regular meetings are scheduled on January 12, April 13, July 13, and October 12, 2011.