



Oklahoma State
Department of Health

Ad Hoc Rule Review Committee

Appointed by the Long Term Care Facility Advisory Board, January 11, 2012

Oklahoma State Department of Health
1000 NE 10th Street – Room 1102

*Identify
Renee Hoback as
co-chair*

MINUTES

February 6, 2012

*Penny requested
'7' items/points
of concern be
included.
She will give
a list to be included*

1) Call to Order

Esther Houser, Committee Chair, called the meeting to order at 10:05 a.m.

Identified attendees: Esther Houser, Chair & DHS Aging Services/State Ombudsman; Renee Hoback, Co-Chair & Assisted Living Owner-Operator; Wendell Short, Member & RC Home Operator-Administrator; Linda Brannon, Vice Chair & NH Operator-Administrator; Pam Humphreys, Alpha Care Properties; Mary Brinkley, Leading Age OK; Bryan Culliton, Emeritus; Vicki Burrow, Emeritus; Carrie Burnsed, OKALA; Bill Whited, State Ombudsman; Becky Moore, OAHCP; Dorya Huser, Chief LTC; Jim Buck, Asst. Chief, LTC; Mary Fleming, Director of LTC Surveys; Patty Scott, LTC Director of Enforcement, Intake, & Incidents; Jerry Taylor, Enforcement Coordinator; Debra Zamarripa, LTC AL/RC/ADC Coordinator; Terri Cook, LTC Health Facilities Consultant; Don Maisch, OSDH Executive General Counsel; and Mary Womack, OSDH Asst. General Counsel

2) Introductions

Esther Houser requested everyone in attendance to introduce themselves by name and professional affiliation pertaining to attendance of the meeting. All attendees were asked to sign in if they wanted to be identified as attending.

3) Overview

Esther Houser explained this was an informal meeting to broadly discuss changes and/or ideas to rules to Chapters 663, 675, and 680, which will be presented to the Health Department. The Ad Hoc Committee doesn't have decision making authority, but recommends and/or suggests to get a consensus from the committee. The committee will meet as planned with OSDH and consumers in an open forum. This allows time as needed to discuss proposed changes to the rules as stated on the agenda. If a point has already been presented and discussed, however, please refrain from bringing it up again.

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/ltcab.html>

Jim Buck read the first paragraph from Chapter 663, Continuum of Care and Assisted Living; Chapter 675, Nursing and Specialized Facilities; and Chapter 680, Residential Care Homes.

4) Review of Proposed Rule Changes

Chapter 663, Continuum of Care and Assisted Living:

Jerry Taylor said the intent is to codify processes already in existence. This thought process started with the Assisted Living Act passed in 1997 for provisions for penalties because the previous calculations didn't seem consistent. The calculation procedures were passed out and explained (one page). The facilities are given a chance to correct any deficiency. If the follow up visit proves the facility is still out of compliance, they are fined as described in the handouts provided for this meeting. The intent of the regulatory guidance is so everyone can look at something and understand the process. The penalties are not per tag but by scope and severity for the deficiencies, which are not cumulative. He then explained the scale provided in the handout(s). There is no statutory penalty cap in assisted living facilities right now.

Dorya Huser explained any changes implemented will all be in the rules. There are no time lines for revisits; they are determined by dates for correction. The deficiency(s) should be corrected by the date given by the facility. Fines stop on the date of the correction regardless of when the revisit takes place, with credible evidence being the key. If the deficiency(s) is not corrected the facility's license can be suspended with penalties. The IDR process is administered by law so it would have to be legislated for assisted living facilities.

Mary Fleming explained that an incident report may help identify where to look for deficiencies but rarely defines a deficiency.

Chapter 675, Nursing and Specialized Facilities:

Becky Moore, OAHCP, expressed concerns from her membership about adding any additional rules, regardless of purpose. They are feeling over regulated and struggling with many issues, Medicaid reimbursement being one of those.

Dorya Huser said these proposals clarify but don't address fining rules between State and Federal Governments. Proposed changes are from requests received for how enforcement is calculated. They are not new procedures, but disclosure of existing procedures. The goal is for the language to be understood by those who use the guidance.

Esther Houser said there is little attention paid to the meal services provided and the importance of them to health concerns. Mary Fleming said the diets of those identified with dietary health concerns are strictly reviewed. A facility may have 150 or 200 residents. Rather than documenting meals on all of those residents, it might be good if the facilities could focus on the few residents who are at nutritional risk that really need accurate documentation. There are no federal requirements to document meals; only Oklahoma state rules. Meal intake focuses on those with nutritional risks. Esther Houser was concerned that those with cognitive impairment have assistance with dining.

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

Chapter 680, Residential Care Homes:

Esther Houser asked for comments but no one from a residential care home attended and no other suggestions were made from the committee or other attendees.

5) General Discussion

Dorya Houser emphasized the importance of looking at our web site for posted meeting times even though e-mails are sent to those who have provided them.

6) Schedule Next Meeting

The next meeting is scheduled for February 17, 2012, from 1:30 to 3:30 p.m. in Room 1102.

7) Adjournment

The meeting was adjourned at 11:55 a.m.

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