



Oklahoma State  
Department of Health

## LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

October 10, 2012 at 1:30 in Room 1102

Oklahoma State Department of Health, 1000 NE 10<sup>th</sup> Street, Oklahoma City, OK 73117-1299

### MINUTES

October 10, 2012

#### 1) Call to Order

Kay Parsons, Chair, called the meeting to order at 1:30 pm.

#### 2) Roll Call

Natalie Smith called roll with the following LTCFAB members present: Kay Parsons, Chair; Dewey Sherbon, Vice Chair; Donna Bowers; Jane Carlson; Esther Houser; Theo Crawley; Mich Magness; Dustin Cox; Linda Brannon; Wendell Short; H.F. Timmons; Renee Hoback and Cassell Lawson and Willie Cantwell.

The following LTCFAB members were absent: Sharon Housh; Angela York; Alan Mason; Margaret Wallace; Tammy Vaughn; JoAnne Sellars; and Diana Sturdevant.

The following guest were present: Oralene Sherbon, S West; Tony Lippe, OSU-OKC; Nancy Poteete, ORALA; Mary Womack, OSDH; Jaclye Ward, LTC; Gina Stafford, OBN; Joyce Clark, Achievis Sr. Living; Mike Cook, LTC; Laura Crowley, LTC; James Joslin, HRDS.

Currently, there are 6 vacancies on the LTCFAB which consist of 27 members.

A quorum was met with 14 members present.

#### 3) Review and Action to Approve/Amend July 11, 2012 Regular Meeting Minutes:

**Agenda Item #3**

**Vote 1**

**Motion:** Approval of the July 11, 2012 Regular Meeting Minutes

Motion Made by: Mich Magness    Seconded: Rene Hoback    Motion Carried: Yes

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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Aye: 13    Abstain: 1    Nay: 0    Absent: 7

***Aye: 13    Abstain: 1    Nay: 0    Absent: 7***

Donna Bowers	<input checked="" 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
Jane Carlson	<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
Theo Crawley	<input checked="" 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
Sharon Housh	<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
Esther Houser	<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
Angela York	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Margaret Wallace	<input 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	Renee Hoback	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Mich Magness	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant- Nursing Home	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Alan Mason	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant- General Public	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant – General Public	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Dustin Cox	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant – RC Operator	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tammy Vaughn	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant – Osteopathic/GP	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Linda Brannon	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		
Willie Cantwell	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

**4) Nominating Committee for New Officers:**

Wendell Short spoke on behalf of the Nominating Committee stating that thru email and phones calls, it was the decision of the Nominating Committee to re-elect the same officers to remain the same for another term. The current officers are as follows: Kay Parsons- Chair; Dewy Sherbon- Vice-Chair; Donna Bowers- Secretary/Treasurer.

**Agenda Item #4**

**Vote 1**

**Motion:** Nomination of Officers

Motion Made by: Rene Hoback    Seconded: Linda Brannon    Motion Carried: Yes  
Aye: 14    Abstain: 0    Nay: 0    Absent: 7

***Aye: 14    Abstain: 0    Nay: 0    Absent: 7***

Donna Bowers	<input checked="" 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
Jane Carlson	<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
Theo Crawley	<input checked="" 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
Sharon Housh	<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
Esther Houser	<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
Angela York	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Margaret Wallace	<input 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	Renee Hoback	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Mich Magness	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant- Nursing Home	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Alan Mason	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant- General Public	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant – General Public	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Dustin Cox	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant – RC Operator	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay

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Tammy Vaughn	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Vacant – Osteopathic/GP	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Linda Brannon	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		
Willie Cantwell	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

**5) Long Term Care Mandates STAT Overtime Project/ QIS Update:**

Dorya Huser, Chief, Long Term Care spoke for a moment to let the LTCFAB members and guest know that Mike Cook had been promoted to Assistant Chief of Long Term Care. She then handed the floor over to Mike so he could speak on Mandates STAT and Quality Indicator Survey. Mike thanked Dorya and noted that it was an honor taking the position due to the great staff and the hard work they do.

Mike began with an update on QIS, making note of the fact that we have completed the first year and stating we now have twelve certified surveyors and three of those are certified trainers. He noted that the trainers are also qualified to instruct surveyors to become trainers. Mike mentioned that LTC has conducted over twenty five QIS surveys over different areas of Oklahoma. LTC is anticipating the next QIS class to start later this year or early next year and stating that we are still on track to complete this program in the next three to four years. Mike talked on how the surveyors liked the new survey process even though it is rigorous, they do not want to go back to the old process. He then briefly discussed the new pilot program for the new class in January; this pilot program will bring the new surveyors straight in into QIS without going thru the traditional survey process.

Dewey Sherbon asked if there had been enough QIS surveys done to get a feel for the time differential of the old way versus the new way. Mike responded by letting the board know that when they first started it did take the surveyors longer, but by splitting the class of new QIS surveyors and bringing in more qualified QIS surveyors we can have the process back to four or five days versus six to seven. One of the teams did a very large facility over two hundred beds in five days. Esther Houser asked with the larger sample size how many residents are in the sample. Mike spoke on the size stating that the census is forty and the admissions are thirty which is the same no matter what the facility size is, but if it is less than that then it's all of them. So if there is a home with 30 residents then they will be split over four surveyors. Currently CMS is working on developing a smaller sample size for facilities that have fewer beds.

Wendell Short asked if Mike sees the QIS process being built into the complaint process. Mike follows up with stating that CMS has talked about that and they are working on a module to incorporate complaints and was supposed to be out in the first or second quarter this year, they did not release that, but they did release an update to ASE-Q with a certification and a revisit module built in. Wendell then asked Mike to explain what the complaint module might look like from the providers prospective. Wendell then asked if there were things they could do as providers to better assist the surveyors in the QIS process. Mike then explained that one of the things that providers have difficulty with is when the surveyors come in for the first time and stating that they may come across as not having time to talk to them, which is not the case, they are doing much needed research at the time and getting prepared, but the surveyors are more than willing to talk and answer any questions. Dorya then followed up with letting the board know that CMS is beginning to look at some feedback that they have had with the QIS process. Out of the twenty five states

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there has been some consistent feedback and CMS stated at the meeting last week that there might be some changes, but QIS is not going away. Kay then asked if every state in our region was set up with QIS. Mike stated that not all of the states in our region were doing QIS as of yet, there is a list with what year each state will begin.

Mike Cook then began with the Mandates update, noting that in March Protective Health Services started a mandate stat team that would look at specific mandates across PHS and rate them in accordance of what needed to be looked at. The list of mandates started at over fifty mandates and they shortened the list to twenty three. LTC has been a part of that project since March and there has been some very good results come out of it. For LTC we were allowed to develop an overtime project to assist in specific investigations as approved by management. These investigations include the NIJ-H which by mandate are to be investigated within ten working days and the NIJ-M which are to be investigated within 25 calendar days. Senior management approved this project for nursing facilities and residential care facilities. Since the project began in April LTC has been able to perform over eighty additional investigations in accordance with those mandates, the surveyors have devoted over twelve hundred hours above their forty hour work week. At present the over time project has been approved thru December of this year. The surveyors have done a very good job at utilizing these hours and of the eighty additional investigations all but four were met on time.

#### **6) Update from Long Term Care:**

Dorya Huser provided an update for Long Term Care on the Dementia Training. She noted that the dementia training currently had a full room and has wonderful speakers. She spoke on the dementia reduction goal being a fifteen percent decrease by the end of December. At the conference last week she met with the CMS contractor and he reminded her that this was only the first step, and there will be more work on this program. In the Dementia care training there are stakeholders, doctors, nurses, OFMQ, ombudsmen all there to help make a difference and help meet the reduction goals. This is a really big issue for providers out there and we know that this can be very difficult to understand and to handle effectively. All of this raising awareness will help us to bring a better quality of life for residents and facilities. Next provider training is next week and it is for assisted living, it will take place at the Moore Norman Technology center on the 16<sup>th</sup> at 8:00 am.

Dorya also spoke on the LTC Insider newsletter, stating it was dedicated to only two issues; one being the ongoing dementia project with tools and websites and it also shows some of the sponsors. The second issue that it refers to is the Oklahoma Honor flight sponsor trip for WWII veterans, this arranges for anyone who can make the trip to go to Washington to see the memorial, this was brought to us from Representative Gary Banns to get the word out about this program. They were expecting approximately 300 and the last word received was that they had 400 individuals that they were taking this year.

Esther Houser asked where the sources for the handouts received today at the dementia training could be found. Dorya noted that they did not have a copy right and should be able to receive copies of them. Esther spoke for a moment about Dr. Richard Taylor, a speaker at the training who has been diagnosed with dementia. She noted that he spoke on the risk of dehumanizing the individual diagnosed with dementia. He also spoke on how it would not be hard to meet the 15%

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reduction and he asked the audience “have you done everything you can do before calling the doctor to prescribe medications?” Mich Magness also expressed his concern about individuals who over the course of their lives have not had a major psychiatric diagnosis in the past, and at age 55, 60, 65 they all of a sudden are given an antipsychotic medication and as a result of a consulting pharmacist visit they are told they have to have a diagnosis to go with this medication and rather than the medication being removed the diagnosis is added. It’s rare to see the appearance of Schizoaffective Disorder this late in life; these conditions most always emerge prior to age thirty. Mich expressed that part of his concern in meeting the 15% reduction is that the diagnosis be added to their chart.

Dorya then noted that the reason Diane Sturdevant is not at the meeting is because she is one of the speakers at the dementia training, she is speaking on this from a clinical perspective. She embraces this 100% and she currently has a 3.6 percentage in her home. These efforts are targeting the mindset of physicians and pharmacists. Rene Hoback stated their consultant is sharing graphs and charts on the reduction. Kay noted that it is being well covered in the provider training that has been ongoing this year.

#### 7) **New Business:**

Kay Parsons introduced Donna Bowers. Ms. Bowers stated that we need to take a look at the regulations for adult day care, assisted living, continuum care, all of the managers have to be licensed by the state of Oklahoma and Nursing home board, regulations need to be changed to say you need to be licensed by Oklahoma State Board of Examiners for Long Term Care Administrators. Dorya noted that she had received another email from Mr. Thomas this morning, he is still nervous because he still has a list of people he has not heard from to be grandfathered in, which was part of the legislation. In order to be grandfathered in you had to have your letter in by October 1<sup>st</sup>, if they did they in turn did not have to pay for the administrator program and those who do not have their license are now working illegally and cannot be the administrator’s course and pay for a licenses. Ms. Hoback questions if there are going to be a difference between the types of license they have. Ms. Houser stated there will be different licenses for the different types of facilities. She also suggested that we have Mr. Thomas come speak on the license to the board. The board was in favor to having him come speak.

Kay then introduced James Joslin to speak on the Background check program. James began by answering Ms. Houser question from a previous meeting. The question was what is requiring folks to check their staff to see if they are sex offenders now? James noted that was under a separate section of the law. James noted that they are not as far along as they had hoped they would be, but Oklahoma is still ahead of the other states and they have requested that their new software be put out there as a pilot because it is further advanced than what anyone else has. James spoke that the effective date of the law is November 1<sup>st</sup> and have provided in the law staggered implementation of the law. What is effective November 1<sup>st</sup> are the barrier offenses for nurse aides and non technical assistants. There is a new list of barrier offenses that will be listed on the web page: <http://onbc.health.ok.gov> . James also noted that there are tiered offenses now and referred to the handout HB2582 Certified Nurse Aides; this lists the basic information and list the barrier offenses. There is a list of non hire offenses and a list of may hire offenses. He also spoke on completion of sentence, meaning that after

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they complete their time, complete their probation and seven years after that they may be eligible for employment. Theo Crawley stated that they still have to put it on their application but they will be eligible anyway. Kay clarifies that pursuant to which is completion of time and probation then the seven years begins. Mich questions the kind of impact this has on the population of people who typically work as non technical service workers. James states that it actually frees up a pool of employees and creates jobs. With many concerns from the board on different aspects of this new law, James noted that as of right now you are still getting the basic report and you may still not employ them, when we get to the fingerprinting their ability to be hired is entered into the system and although you will not be getting the report you may still know if there was something found due to a delay in the response. They are still trying to determine if they will be releasing the results of the OSBUI check.

James spoke on the grant money, stating the grant expires in April 2013 and it is already looking that it will be extended, they will be filing in December for the extension. Dewey Sherbon asked what the cost will be after the grant runs out. James explained that the fees charged will be in a revolving account. Dewey then asked if this was built to be neutral revenue cost. James explained that it was not but it was built to sustain itself for seven years while we build and get a sense of how much we can match Sooner Care funds. This was built so that in about seven years we could go back in and assess where the price needs to be. Esther Houser asked if the finance models were still on the web, James states they are. He also noted that they are moving forward on the software and one of the big pieces is the Life Scan contract. Staffing should not be grant based, they will need permanent staffing, they are waiting on approval on this. Dewey Sherbon made sure to let James know that the board thought he was doing an outstanding job.

#### **8) Public Comment**

Tony Lippe representing OSU-OKC informed the board that as an institution that trains these staff, they have had two dozen individuals already come in requesting to enroll in their November 2<sup>nd</sup> class because of the new law James spoke about. They told them they didn't know yet if it was going to be in the verbiage to allow that, nineteen out of twenty of those people have threatened to sue. They cannot enroll them until November 1<sup>st</sup>.

#### **9) Adjournment**

The meeting adjourned at 3:34 p.m.

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