## Request to Distribute Programmatic Report

This is a request to distribute the attached report(s) entitled:

Long Term Care Advisory Board 2013 Annual Report

**(NOTE: Please complete this form and deliver a hard copy along with the report and a draft of the transmittal letter to be signed by the Commissioner to Pam Archer, Director of the Office of Scientific and Research Integrity.)**

Please highlight in yellow the party(ies) you wish to receive this report:

**Governor, President Pro Tempore of Senate, Speaker of the House**

Other DHS, DMHSAS, OHCA, OSDH, Board of Health

Is this mailing mandated by Oklahoma Statutes? (If so, please specify.)

Yes. Title 63, Nursing Home Care Act, 1-1923

What is the deadline for this distribution?

January 1, 2014

**NOTE: 74 OS § 464 requires that these reports be transmitted electronically to the legislature.**

Is this document currently on the OSDH website? No

URL Address (if applicable) _____

Submitted by: Dorya Huser Date: 12/11/2013

Dorya Huser — Signature

Chief — Title

Long Term Care / Protective Health Services — Division

**Distribution Approved:**

Pam Archer — Date: 12-16-2013

Deputy Commissioner — Date

Mark S. Newman, Ph.D. — Date

Terry Cline, Ph.D., Commissioner of Health — Date

Revised October 2012

Oklahoma State Department of Health
Creating a State of Health

January 1, 2014

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

Dear Governor Fallin:

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

The 2013 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 individuals with intellectual disabilities, continuum of care and assisted living centers, residential care homes, and participants in adult day care centers.

If you have any questions, please contact Dr. Mark Newman, Office of State and Federal Policy, at (405) 271-4200 or at marksn@health.ok.gov.

Respectfully,

Terry Cline, Ph.D.
Commissioner of Health
Secretary of Health and Human Services

Terry L Cline, PhD
Commissioner of Health
Secretary of Health
and Human Services

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# Long Term Care Facility Advisory Board

## 2013 Annual Report

# LONG TERM CARE FACILITY ADVISORY BOARD
# 2013 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, facilities subject to the Continuum of Care and Assisted Living Act, and facilities subject to the provisions of the Adult Day Care Act. The Advisory Board reviews, makes recommendations and approves in its advisory capacity the system of standards developed by the Department of Health. It 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, the Continuum of Care and Assisted Living Act, and the Adult Day Care Act. The Advisory Board also reviews and evaluates 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 Individuals with Intellectual Disabilities (ICF/IID) provide care designed to meet the needs of persons with developmental disabilities and those who require special health and rehabilitation.

- Assisted Living Centers provide assistance with personal care, medications and ambulation. The centers 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 2013, there were seven hundred and eight (708) long-term care facilities operating in Oklahoma.

- Nursing Facilities – 328
- Adult Day Care Centers – 45
- Assisted Living Centers – 149
- Continuum of Care Facilities – 18
- Intermediate Care Facilities for Individuals with Intellectual Disabilities – 88
- Residential Care Homes – 80

## VACANCIES:

During 2013, the Long Term Care Facility Advisory Board had difficulty convening a quorum of its 27 members. As of the Advisory Board's last meeting on October 9, 2013, the Board had nine (9) vacancies and eighteen (18) members with active appointments. Subsequent to that meeting, the Governor filled numerous vacancies on the Board. As of December 10, 2013, there were two (2) vacancies on the Board and twenty-five (25) members with active appointments.

## ACTIVITIES:

The Long Term Care Facility Advisory Board met on a quarterly basis during 2013 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, the Continuum of Care and Assisted Living Act, and the Adult Day Care Act. The Board received reports on emerging health care issues in long-term care facilities; rule and regulation review; updates of the Quality Indicator Survey (QIS) process; updates of the awarded grant for a national background check system; legislative updates; neighborhood covenants; nurse aide registry updates; proposed rule changes regarding nonprescription drugs in nursing facilities; and proposed rule changes to implement the fingerprint-based national background check.

## RECOMMENDATIONS:

At the October 9, 2013 Advisory Board meeting, the Advisory Board had an extended discussion on the requirements in Oklahoma Administrative Code 310:675 regarding dispensing of over-the-counter medications from bulk supplies in nursing facilities. Participants in the discussion included members of the Advisory Board, as well as

representatives of the University of Oklahoma School of Pharmacy, pharmacy consultants for nursing facilities, and staff members from the Oklahoma State Department of Health.

Concerns were expressed that the current language was not broad enough as far as medications that would be eligible for bulk purchase and that the rule would not serve both residents and facilities as hoped. Participants and experts who were present provided important information about maintaining safety to residents and described the complex process and medication protocols involved in ordering and administering the medications to reassure those with safety and quality control concerns. New language proposed at this meeting was crafted as a result of this feedback. A quorum of the Board was not present to allow a formal vote in support of the proposed rule changes; however, the members present expressed a consensus opinion in support of changes to the rule language. The recommended language is as follows:

> **310:675-9-9.1. Medication services**
> (8) **Allowed nonprescription drugs.** Facilities may have only oral analgesics, antacids, and laxatives for bulk dispensing and/or drugs listed in a facility formulary developed or approved by the consultant pharmacist, medical director and director of nurses. Non-formulary over-the-counter medications may be prescribed if the resident has therapeutic failure, drug allergy, drug interaction or contraindications to the formulary over-the-counter medication.

## COMMITTEE REPORTS:

Chairman Kay Parsons formed a nomination committee to elect officers for 2014 at the July 10, 2013 meeting. It was the decision of the nominating committee to elect Dewey Sherbon as Chair; Donna Bowers as Vice Chair; and Renee Hoback as Secretary-Treasurer for the 2014 term. The board was unable to vote on this matter due to lack of a quorum.

## AGENDAS:

The meeting agenda items addressed various aspects of the long-term care industry. The Long-Term Care Facility Advisory Board also 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. The Advisory Board looks forward to prioritizing and addressing important issues in 2014 with the benefit of a full complement of members.

## BOARD OFFICERS:

Advisory Board officers for 2014 were not elected at the October 9, 2013 Advisory Board meeting due to lack of a quorum. Currently elected officers are Kay Parsons, Chair; Dewey Sherbon, Vice-Chair; and Donna Bowers, Secretary-Treasurer. Officers will be elected in early 2014.

## MEETING SCHEDULE FOR 2014

The 2014 regular meetings are scheduled on January 8, April 9, July 9, and October 8, 2014.