



## LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

July 10, 2013 at 1:30 in Room 1102

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

### **MINUTES**

July 10, 2013

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

Kay Parsons, Chair, called the meeting to order at 1:36 pm.

#### **2) Roll Call**

Natalie Smith called roll with the following LTCFAB members present: Kay Parsons, Chair; Esther Houser; Theo Crawley; Alan Mason; Ivoria Holt; Linda Brannon; Diana Sturdevant; Renee Hoback and Willie Burkhart.

The following LTCFAB members were absent: Dewey Sherbon, Vice Chair; Jane Carlson; Donna Bowers; Sharon Housh; Wendell Short; Angela York; Dustin Cox; Margaret Wallace; Tammy Vaughn; JoAnne Sellars and Mich Magness.

The following guest were present: Becky Moore, OAHCP; Mary Brinkley, Leading Age OK; Marilyn Kipps; Jim Kipps; Mary Womack, OSDH; Carrie Burnsed, C. Craig Cole and Associates; Susan Daniels, LTC ONBCP; Gina Stafford, OK Board of Nursing; Ann Osborne, Francis Tuttle; Mike Cook, OSDH; Michael Jordan, OSDH; Walter Jacques, HDRS; Vicki Kirtley, NAR OSDH and James Joslin, HRDS.

Currently, there are 7 vacancies on the LTCFAB which consist of 27 members.

A quorum was not met with 9 members present.

#### **3) Review and Action to Approve/Amend January 09, 2013/ April 10, 2013 Regular Meeting Minutes:**

No Quorum.

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>

#### **4) Legislative Update:**

Esther Houser began with HB 1467 stating this consolidation bill did not affect the Long Term Care Facility Advisory Board. There is a provision in the Nursing Home Care Act permitting a statewide family and resident council, which has never been seated; if it is seated they make reports to the LTCFAB.

HB 1745 is a follow up to last year's legislation requiring Assisted Living providers to permit individuals to use any outside providers without charging the resident or family a fee for using someone who is not the contract provider for the facility. This bill adds a disclosure stating that the family or resident must disclose to the assisted living operator who the 3<sup>rd</sup> party provider is, so the know who is coming in and out of their building.

SB 629, this bill places state run Veterans centers under the Health Department's Nursing Home Care Act. This should prove to be an improvement to the resident's rights and oversight of unannounced inspections and complaints investigations. This legislation provided the health department to add 10 surveyors and provided a provision in the health department's appropriations bill as well as some provisions for the savings from the consolidation of the advisory boards and task forces. This money will be used to support the new staff positions. Alan Mason asked since they are federal entities do they fall under the same monetary penalties. Dorya Huser noted that these are state homes and are under the Oklahoma State Department of Veterans Affairs, and the law instructs LTC to do the surveys and once the plan of correction is received, we provide the POC and survey to the governor's office, speaker of the house, president protemp, DVA, and the administrator of the facility.

SB 235 there was an amendment to title 72, states statute to the Oklahoma Department of Veterans Affairs and The War Veterans Commission that the reference to referring to the residents as inmates was changed and updated. Esther noted these facilities are not federal facilities they are state operated facilities, they receive reimbursement from the United States Department of Veterans Affairs, and they are owned and operated by the OKDVA. Kay Parsons asks if the same programs will apply to the VA facilities that are being worked with in nursing facilities, i.e. reduction of meds and background check program. Dorya noted that LTC has had a great response from the VA centers and it is also expected that they do not over medicate.

SB 578 a request by the state health department that sets up a revolving fund for use of the civil money penalties from the LTC facilities has been approved and passed.

SB 592 provides an opportunity for assisted living facilities to utilize the Informal Dispute Resolution process at the health department when they wish to dispute a deficiency; this is the same process that nursing homes have been using for several years. This will be implemented November 1, 2013.

SB 587 this camera bill allows residents or their representative to place a camera in the residents room if the resident or representative agrees, if there is a roommate in the room, the roommate must also give consent. A copy of the written consent of the residents or legal representatives must be provided to the administrator on a form that is created by the state department of health and available on the OSDH website no later than November 1, 2013.

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**5) Oklahoma Long Term Care Background Check Program:**

James Joslin updates on the National Background check program and introduces Walter Jacks, Director of the program and has been with the Health Department for 19 years. Suzan Daniels, administrative assistant to Walter. The Health Care Authority has been advising providers on the background check requirements. The long term care security act authorizes the department to establish the effective date for fingerprinting thru our rulemaking which is still being worked on. Those who are participating in the pilot program can complete part of the screening process online now. Mr. Joslin's staff is continuing to push the pilot forward and anyone who would like to participate in the pilot program can do so by completing the forms provided by James Joslin. A number of options are being looked at for training of this software to possibly include live and recorded webinars.

The next step is to pursue emergency rule making with an emergency effective date, possibly December 2013. There will be discussion with the ADHOC on how to tier the rules and implement the software. The department did receive the extension on the grant and is eligible for an additional extension.

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

The following individuals have been selected for the nominating committee to determine next year's officers: Esther Houser; Theo Crawley; Alan Mason; Ivoria Holt; Linda Brannon; Diana Sturdevant; Renee Hoback and Willie Burkhart.

Esther Houser will chair this committee.

**7) Long Term Care Update:**

Dorya Huser provides the board with an update from LTC stating the training staff has put in long hours preparing for the provider training for 2013. This is the 9<sup>th</sup> year for provider training and each session is full, the provider training held in Tulsa was extremely successful. Dr. Cline made an appearance at the Tulsa training and was extremely impressed with the content and turn out.

Dorya noted that she is looking for volunteers to help with the electronic surveillance forms that will be provided to individuals in facilities based on the camera bill, we plan on scheduling a meeting some time after August. These meetings will not consist of rule development, but form development. Mrs. Kipps questioned who will be reviewing the footage according to the camera bill. Dorya stated that there has been no instruction on this but LTC does not have a part in the reviewing process seeing as the surveyors cannot rely on this for survey purposes. The health department does not have a policy on viewing the video from the cameras.

The dementia project continues, CMS still wants to see the numbers come down and we should start seeing the reports soon. The Assisted Living enforcement group proposed rules approximately 1 ½ years ago, they were not received well and were essentially pulled back. LTC was approached by OKALA about discussing these again, and it was determined that we will participate with OKALA in a QI group. This will be an organized exercise with a facilitator; this group will be a step by step on how enforcement works. OKALA has offered to open the room for those who would like to come to

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and enforcement presentation, this will take place on 18 September 2013 at the Hard Rock in Tulsa. Mary Brinkley stated that this will be a no cost training and is open to anyone who would like to attend.

Dorya then introduced Michael Jordan as the new Strategic Planner/ Compliance officer for LTC, noting that he has worked around LTC for many years and he is bringing a great wealth of knowledge to the Long Term Care program.

**8) New Business:**

Theo Crowley suggested a letter to the Governor be sent regarding vacancies and lapsed appointments.

**9) Public Comment**

Public Comment was made throughout the meeting.

**10) Adjournment**

The meeting adjourned at 3:39 p.m.