



## LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

April 09, 2014 at 1:30 in Room 1102

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

### **MINUTES**

April 09, 2014

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

Dewey Sherbon, Chair, called the meeting to order at 1:30 pm.

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

Natalie Smith called roll with the following LTCFAB members present: Dewey Sherbon, Chair; Kay Parsons; Theo Crawley; Wendell Short; Dustin Cox; Ivoria Holt; Donna Bowers; Willie Burkhart; Adam Jordan; Joanna Martin; Randy McKinney; Joyce Clark; Jimmy McWhirter; James Colgan; Robert Quatro; Andrew Dentino; Eileen Wilson; Pamela Humphreys; and Monica Woodall.

The following LTCFAB members were absent: Luke Tallant; Alan Mason; Linda Brannon; Diana Sturdevant; Christean Bolding; Carrie DuRoy; Esther Houser; and Kenneth Jones.

The following guest were present: Oralene Sherbon, general public; Shelba Murray, guest; Becky Moore, OAHCP; Dr. Henry Hartsell, OSDH; James Joslin, OSDH; Terry Ferrel, guest; Bill Whited, Ombudsman; Mary Womack, OSDH; Ann Osborne, Francis Tuttle; Trish Emig, guest; Don Maisch, OSDH; Marilyn Kipps, general public; James Kipps, general public; Mary Brinkley, Leading Age Oklahoma; Walter Jacques, OSDH/ONBCP; Vicki Kirtley, OSDH/NAR; Scott Harding, LTC Ombudsman; Tim Nicholson, LTC Ombudsman; Gina Stafford, OBN; Debbie Zamarripa, OSDH; Linda Colgan, guest; Mary Fleming, OSDH/LTC; Greg Frogge, McAfee & Taft.

Currently, there are no vacancies on the LTCFAB, which consist of 27 members.

A quorum met with 19 members present.

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/lcabc.html>

**3) Review and Action to Approve/Amend January 08, 2014 Regular Meeting Minutes:**

**Agenda Item #3**

**Vote 1**

**Motion:** Approval of the January 8, 2014 Regular Meeting Minutes

Motion Made by: Donna Bowers      Seconded: James Colgan      Motion Carried: Yes

Aye: 18      Abstain: 0      Nay: 0      Absent: 9

**Aye: 18      Abstain: 0      Nay: 0      Absent: 9**

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
Eileen Wilson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Andrew Dentino	<input checked="" 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	Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Esther Houser	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Linda Brannon	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Pamela Humphreys	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Dustin Cox	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Monica Woodall	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Robert Quatro	<input checked="" 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
Joanna Martin	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Carrie DuRoy	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Randy McKinney	<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	Alan Mason	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
James Colgan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Christean Bolding	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivoria Holt	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kenneth Jones	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Luke Tallant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

**4) Quality Measures:**

Agenda item not discussed at this meeting.

**5) Board of Health Presentation:**

Dr. Hank Hartsell, Deputy Commissioner Oklahoma State Department of Health, provided an update on the State Board of Health meeting that took place on March 11, 2014. Stating this is an exciting time to be talking about progress in Long Term Care in terms of meeting the mandates as well as patient oriented initiatives. Dr. Hartsell noted five main areas he wanted to discuss in terms of Long Term Care:

- Long Term Care Settings
- Core Priorities: Mandates
- Improving Resident Outcomes
- Shared Responsibilities
- Opportunities

Dr. Hartsell discussed the demographics of the different type facilities in this state along with describing the typical nursing facility resident. In discussing mandates, Dr. Hartsell noted the most important component is the surveyor; he then discussed the average credentials for the Long Term

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Care surveyors. The Department of Health has worked hard over the last two years in an attempt to increase the number of surveyors; the number has increased by 27%. The increase in surveyors has been a significant part in the increase in surveys and complaint investigations. The average monthly increase is estimated at 35%. In the last half of 2013, 100% of Immediate Jeopardy complaints initiated within two days. Long Term Care services have done a good job over the last four to five years in keeping up with immediate jeopardy complaints. With high priority complaints, Long Term Care has maintained 97% in investigating complaints within 10 days. Lower priority complaints were maintained at 88% during the last part of 2013.

The Oklahoma Partnership to Improve Dementia Care is a collaborative. Long Term Care services accepted a challenge from the Centers for Medicare and Medicaid Services (CMS), to improve care for residents with dementia who are on anti-psychotic drugs. CMS asked for a 15% improvement within a year. The Long Term Care service accepted the challenge to see what they could do to reduce unnecessary medications. They recruited The Foundation for Medical Quality as well as Culture Change Coalition, Oklahoma Chapter of Alzheimer's Association, Oklahoma Geriatrics Institute, OU College of Pharmacy and others. A true quality approach was used by bringing the group together to discuss the data and develop a consensus for the reduction of anti-psychotic medications. This project had an 18% improvement, with a direct impact of 944 residents.

Dr. Hartsell spoke about the health departments shared responsibilities in the different service areas. Long Term Care (LTC), under the direction of Dorya Huser, is responsible for intake of incidents, complaints, investigations, inspections and enforcement. Last year LTC received 30,000 incident reports. Health Resources Development Services (HRDS), directed by James Joslin, handle the Nurse Aide Registry (NAR), Certificate of need and National Background Check Program. Last year HRDS processed 13,000 nurse aide certifications. Quality Improvement Evaluation Service (QIES) is under the direction of Nancy Atkinson.

The Department of Health is always looking for ways to improve the system. One of the process changes is the Quality Assurance and Performance Improvement (QAPI). QAPI is a new process coming to nursing facilities. It is a system oriented improvement effort. With QAPI, you are correcting the system not just the problem. The Quality Indicator Survey (QIS) applies to the state health department. This new system uses data in a computer driven system to guide the surveyor thru the survey process. This is for nursing facilities and intended nationwide to make the survey process more consistent from state to state and more efficient. There are a number of projects dealing with clinical outcomes. These areas include medications, mobility, infections, pain, and pressure ulcers. The big push in LTC, particularly in the facilities is transforming the culture of care and working together.

**6) Discussion of opportunities for improvement relating to State Health Department investigations and registry notations on nurse aides:**

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Dr. Hank Hartsell, Deputy Commissioner Oklahoma State Department of Health, discussed opportunities for improvement. The volume, depth, and complexity of the quality improvement activities are nothing short of overwhelming. Hospitals have been engaged in the effort to improve patient safety and patient outcomes. This effort has gained mobility in nursing centers, not just fixing the immediate problem but also looking deeper into systems. Dr. Hartsell discussed the letter to the board from Dr. Cline. Dr. Cline recognizes the range of experience the LTCFAB brings to Long Term Care issues. The Department of Health would like to take a step back, look at the system standards, and have an outside public body do an evaluation on how the Department of Health handles nurse aide issues. Nurse aides are the largest health occupation group in the state. In 2009, nurse aides had a turnover rate of 100%. The Health Department would like to form an ad hoc committee to perform a structured QI approach to get to the root cause of the issues with nurse aides.

#### **7) Legislative Update:**

William Whited presented the board with a legislative update. The legislative session has been underway for a couple months now. HB 3195, Sunset Bill for the Long Term Care Facility Advisory Board, is to renew this board. There is no anticipation of problems with this bill right now. HB 2901 is a request bill by A Perfect Cause. It takes away some protection in the Nursing Home Care Act. At this, time HB 2901 has not been heard by the Chairman of the Long Term Care Committee, but will be coming back next year. SB 1777 is to allow smoking at the Oklahoma Department of Veteran Affairs centers. It has passed the public health committee. HB 1836 allows the ODVA Veterans Nursing Homes' pharmacies to be licensed as hospital pharmacies. This will give them the ability to administer certain medications thru bulk supplies. SB 1243, request bill by the Oklahoma Bureau of Narcotics and dangerous drugs (OBN) would make nursing facilities a required registrant with the OBN. This has been laid over to next year. SB 1450 has passed out of committee. This bill would require the Health Department upon exit to identify any substandard quality of care or immediate jeopardy to the facilities before they leave the building. SB 1455 is a certificate of need bill. This allows life care communities to admit up to 50% of their nursing home residents from the community at large. SB 1905 disallows the Affordable Care Act from being used as a basis to determine a standard of care or any kind of negligence or finding of that nature in Oklahoma State Court that applies to tort.

#### **8) Update to the Implementation of the Fingerprint Based National Background Check:**

James Joslin gave a brief update on the National Background Check Program. There have been 52 determinations of eligibility. There are currently 54 applicants pending. There are currently 144 providers live on the site. There have been 22 trainings conducted across the state so far, with 14 more scheduled thru May. There are 24 finger print sites statewide and six that are currently being vetted. There are two in Oklahoma City and one in Norman.

#### **9) Long Term Care Update:**

Dorya Huser, Chief of LTC, noted there are a few proud moments recently in LTC. The results of the annual review by the Centers of Medicare and Medicaid showed LTC met all but one of the performance measures. The performance measure that was not met is the 10-day complaints. These are up to 71% from 32% last year. Staff will run provider training this year. Mike Cook is

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currently in Baltimore at the Senior Executive Training Institute (SETI). Mike Cook and Michael Jordan were invited to do a presentation on “Data Mining”. They have both been invited back to do four breakout sessions at the Association of Health Facilities Survey Agencies (AHFSA). Mary Fleming will also be presenting at that conference on the dementia project. Oklahoma has also received the largest budget increase from CMS. Provider training dates:

- June 12- Nursing Facilities (Tulsa)
- July 22- Nursing Facilities (Oklahoma City)
- August 13- Residential Care (Oklahoma City)
- September 18- ICF/IID (Oklahoma City)
- October 8- Assisted Living (Oklahoma City)
- October 23- Assisted Living (Tulsa)

#### **10) New Business:**

Dewey Sherbon, Chair, recommended an email to the board members to determine if the LTCFAB member’s pictures would go on the webpage. Mary Brinkley, Leading Age Oklahoma, stated April 28 thru May 2 is “Culture Change in Long Term Care Week”.

#### **11) Public Comment**

Public comment made throughout the meeting.

#### **12) Adjournment**

The meeting adjourned at 3:36 p.m.