



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

July 12, 2017 at 1:30 in Room 1102

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

MINUTES

July 12, 2017

1) **Call to Order**

Joanna Martin, Vice-Chair, called the meeting to order at 1:32 p.m.

2) **Roll Call**

Lori Bautista called roll with the following LTCFAB members present: Joanne Alderman, Willie Burkhart; Tracy Chlouber, Dustin Cox; Pamela Humphreys; Patricia Ingram; Adam Jordan; Joanna Martin; Alan Mason; Jim McWhirter; Kay Parsons; Dewey Sherbon; Diana Sturdevant; William Whited and Denise Wilson.

The following LTCFAB members were absent: Christean Bolding; Joyce Clark; Theo Crawley; Andrew Dentino; Terry Ferrel; Ivoria Holt; Jacki Millspaugh and Wendell Short.

The following guests were present: Michael Cook, OSDH; Don Maisch, OSDH; Sue Davis, OSDH; Natalie Smith, OSDH; Beverly Clark, OSDH; James Joslin, OSDH; John Leon, OFMQ; Mary Brinkley, Leading Age OK; Gina Stafford, OK Board of Nursing; Vicki Kirtley, OSDH; Shelba Murray, Francis Tuttle Tech; Ann Osborne, Francis Tuttle Tech. Center; Andrea Pogue, Pontotoc Technology Center; Melissa Holland, OKALA; Esther Houser, general public; William Martens, general public; Pam Glennie, Senior Dental Care; Julie Myers, OSDH; Natashia Mason, OAHCP and Lori Bautista, OSDH.

Currently, there are four vacancies on the LTCFAB, which consists of 27 members.

A quorum was met with 15 members present.

3) **Review and Action to Approve/Amend April 12, 2017 Meeting Minutes:**

Agenda Item #3

Vote 1

Motion: Approval of the April 12, 2017 Regular Meeting Minutes

Meetings are posted at:

<http://www.health.ok.gov/calendar/mtns/index.html>

<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

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

Motion Made by: Adam Jordan Seconded: William Whited Motion Carried: Yes
 Aye: 15 Abstain: 0 Nay: 0 Absent: 8

Aye: 15 Abstain: 0 Nay: 0 Absent: 8

Joanne Alderman	<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
Christean Bolding	<input 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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Alan Mason	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input checked="" 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
Joyce Clark	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millsbaugh	<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	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley	<input 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
Andrew Dentino	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Diana Sturdevant	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivorina Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	William Whited	<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	Denise Wilson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Patricia Ingram	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

4) SB774: Amendments to the Residential Care Act: (See sub-section #2 of the Long Term Care Update)

5) Humanity of the Unborn Child Act (Bathroom Signage Bill):

Don Maisch gave an update on House Bill 2797 that was passed May 27th, 2016. The bill requires that all facilities that are licensed by the State Department of Health to place signage in their public restrooms that would have the following statement “There are many public and private agencies willing and able to help you carry your child to term and assist you and your child after your child is born, whether you choose to keep your child or to place him or her for adoption. The State of Oklahoma strongly urges you to contact them if you are pregnant.” Then, a web address would be provided with contact information.

This last April 2017, Senate Bill 30 was approved by the Governor. Now, free standing clinics that complete abortions are the only facilities that would be required to have the signage. Since, this bill was passed, LTC facilities are not required to have the signage.

6) Licensure, Nurse Aide Registry and Background Check Update:

James Joslin went over the departments and projects that he oversees that pertain to the LTCFAB. James provided three reports on the Nurse Aide Registry Statistics: 1) Composite Scorecard for Oklahoma Nursing Homes: Long-stay metrics for the period ending March 31st, 2017; 2) Nurse Aide Registry Fourth Quarter Fiscal Year 2017 Statistics; and 3) Abuse, Neglect, Misappropriation (ANM) Findings through Fourth Quarter FY2017.

The first handout provided by James Joslin was the Composite Scorecard for Oklahoma Nursing Homes: Long-stay metrics for the period ending March 31st, 2017. On the handout, green lights show significant improvement, yellow lights show no significant change and any red lights show

significant decline. We are back below where we were last year. Eight metrics of the 14 showed significant improvement. Four metrics showed no significant change. Two metrics showed significant decline. A summary of the metrics is presented on page two of the handout. The table on page two showed improved performance measures for the following: 1) Self-reported pain; 2) Catheter in bladder; 3) Residents physically restrained; 4) Influenza vaccination; 5) Residents who have depressive symptoms; 6) Pneumococcal vaccination; 7) Urinary tract infections and 8) State Composite Score. The same table showed worsened performance for 1) Low-risk residents who lose control of their bowels or bladder and 2) Residents who need for help with activities of daily living.

James Joslin next presented the Nurse Aide Registry (NAR) Fourth Quarter Fiscal Year 2017 Statistics handout. Nurse Aide Registry Statistics prepared by Vicki Kirtley, where data can be compared quarter to quarter and from year to year. James mentioned that there has been a decrease of 404 LTC aides since 2015. But there have been 1001 LTC aides who have transferred to Oklahoma, which is an increase of 104 from 2016. The data shows that there is a substantial increase in Certified Medication Aides (CMAs), as well as for all of the Advanced CMA Certifications from 2016 to 2017. On page two for certifications from another state, there was a significant increase from FY17Q3 to FY15Q4 from 97 to 127. In the Abuse table on page two, there are corrections to the FY17Q4 for the following: 1) Misappropriation (11 changed to 4); 2) Neglect (13 changed to 11); 3) Physical (4 changed to 2) and 4) Total (28 changed to 17). So, the FY2017 totals will be 1) Misappropriation (37); 2) Neglect (32); 3) Physical (7) and 4) Total (76). James mentioned that the significant change from FY2015 to FY2016 was caused by a backlog. James reviewed the law that had passed about a nurse aide being legally served when any petition is sent to the address on file. The backlog should be cleared out and should be settled into a new normal. James mentioned that suspensions and probations will be included in the NAR quarterly report.

The final handout James Joslin talked about was the Abuse, Neglect, Misappropriation (ANM) Findings through Fourth Quarter Fiscal Year 2017. James said that there were 17 ANM findings where 14 of those were in OK-Screen. All 14 had prior eligible determination in OK-Screen. Of the 14, 6 had minor criminal history offenses. When the employers were contacted to see if they were still employed, all 14 were either discharged at allegation, terminated prior to ANM finding or terminated after ANM finding. Termination dates are tracked.

There were three other topics James discussed. 1) Issues with No call/no shows. There have been meetings about starting a work group about collecting data and solve the problem surrounding no call/no shows. 2) Nurse Aide Certification Cards: The initial certification card will be issued, and then the status will only show up on the internet only. The option could be offered to let the Nurse Aides purchase certification cards. \$33,000 is spent issuing certification cards yearly. \$330,000 could be saved over a 10 year period, if hard copy cards were no longer mailed to nurse aides. Currently, there is an option for the Nurse Aides to be able to print a copy of their cards on their own. 3) Upper Payment Limit and the Supplemental Payment: If a Nursing Home is owned by a Non-State Governmental Entity (NSGE), then it is eligible for an enhanced Medicaid rate aka a supplemental payment. Questions have gone back and forth between CMS and OSDH. Revised management agreements were filed. There were 39 pending applications. Of the 39 pending applications, 37 were ready to be licensed as of June 30th, 2017. As of June 30th, 27 facilities are

Meetings are posted at:

<http://www.health.ok.gov/calendar/mtns/index.html>

<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

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

licensed under the city of Paul's Valley and 10 facilities are licensed under the city of Hugo. CMS may or may not approve the applications that were submitted. There is no notice requirement to let residents know of the change of ownership. If CMS does not approve the applications that were submitted, then based on the operations transfer agreements there will be a reversion to the former licensed operators.

7) Health Aging Report Ad Hoc Report:

Dr. Diana Sturdevant presented the Healthy Aging Report in place of Dr. Dentino. The last meeting was conducted June 20th, 2017. The two objectives for the Ad Hoc Committee are 1) Preventing falls with major injury and 2) Increasing influenza and pneumococcal immunizations among nursing home residents.

The goal is to reduce falls with major injury from 5.3% in September 2014 with an end goal of 3% in June 2019. The fall prevention program was developed in October 2015. The pilot project for the initial set of homes was completed in May 2016. The results indicated net positive results. The third phase of the program will expand to 40 homes. The resulting impacts of the expansion should appear in the MDS (Minimum Data Set) as early as September 2017. As results become available, the committee may consider revising the goal after the results are reviewed.

The results have appeared more quickly for immunizations in nursing homes, than with fall prevention. The activities to improve the percentage of long-stay residents in Oklahoma that are assessed and appropriately given the seasonal influenza and pneumococcal vaccines included: 1) regional meetings; 2) assessment of current practices relative to healthcare worker vaccination; 3) direct support to at least 40 homes; and 4) data analysis to lead future efforts.

Currently, the data indicate improvement in both measures. The percent of long-stay residents given the seasonal influenza vaccine improved from 95.2% in March 2015 to 96% this past March 2017. The initial goal was to be at 96% by March of 2018, and to reach 98% by March of 2019.

The percent of long-stay residents assessed and appropriately given the pneumococcal vaccine improved from 87.6% in March 2015 to 93% this past March 2017. The initial goal for this measure was to improve to 92% by March 2018, with a stretch goal of 94% by March 2019.

Given the success of the immunization pilot program, the committee agreed to replicate these efforts during the next season, instead of developing more interventions.

The Next meeting will be October 11th, 2017, which is prior to the Governor's Healthy Aging Summit.

8) Long Term Care Service Update:

Mike Cook, Director Long Term Care Services, presented the Long Term Care update.

- *1) Rules and Regulations:* The rules and regulations that LTC worked on for Chapters 663, 675 and 680 were passed. The effective date for the rules and regulations is October 1st, 2017.

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>

For all sets of rules and regulations, there were many changes made for many different areas, which included physical plant, incident reports pertaining to head injuries, freedom of choice for physicians and medical services, emergency response procedures. Changes not included in Chapter 663, but were in both Chapter 675 and 680 were changes pertaining to complaints. Mediums and lows were extended to the next visit. If there is an IJ (Immediate Jeopardy), then LTC will be out within 2 days. If there is a Non-IJ High, then LTC will out within 10 days. LTC has done a great job getting caught up, and staying caught up. LTC puts a limit of 90 days maximum to investigate medium or low level complaints.

- 2) **SB 774 (Moved from agenda item 4):** Mike Cook spoke about SB774 concerning its amendments to the Residential Care Act that was signed into law May 31st, 2017. There a couple important changes to the following for Residential Care facilities that came from SB 774 being passed: 1) Fees 2) Residential Care required visits is reduced to once a year, rather than three. The same complaint investigation structure remains intact. SB774 will be effective November 1st, 2017. William Whited said that part of the SB 774 states that OSDH shall promulgate rules on when it is appropriate to complete an announced visit. He mentioned that any announced visit should never be counted as an inspection. William also mentioned that the bill changed the requirement that OSDH invite at least one member of one advocacy organization. Mike Cook's response is that there is no intent for LTC to notify facilities of initial visits, revisits and complaint visits or make any changes to the way LTC completes inspections. Occasionally, LTC will conduct pilot surveys where the department will announce their visits to the facilities. Mike Cook said that LTC will continue to invite an advocate to continue to be a citizen observer.
- 3) *Medical Administration Technicians (MATS) and Physical Plant Concerns:* There have been questions about MATS and the Physical Plant amendments in Chapter 675. Mike Cook has requested legal opinion from Don Maisch, general counsel, on MATS and exactly what OSDH has the statutory ability to do in relation to MATS. The questions about MATS concern what duties they can perform and who has the authority to regulate their programs. Questions about medical administration and plant building will be addressed during the visit with CMS in Dallas for the CMS Annual State Agency Director's Meeting scheduled July 18th – 20th, 2017.
- 4) *Centers for Medicare & Medicaid Services (CMS) Update:* There has been a lot going on for 2017. The CMS Annual State Agency Director's Meeting is scheduled July 18th – 20th, 2017 in Dallas. Appendix Z for Emergency Preparedness has been released. CMS is in the process of going to conducting all webinar training. Appendix Q - Guidelines for Determining Immediate Jeopardy is currently being reviewed by CMS. Mike Cook was told at Survey Executives Training Institute (SETI) that a draft for review will be released. An S&C Letter 17-37-NH was released July 7th, 2017 on CMP Policies and the CMP Analytical Tool. Appendix PP has been released along with new F-tags. There will be training on new to old tags and old to new tags.
- 5) *LTC Positions Filled:* 1) Strategic Planner and Compliance Officer: Natalie Smith; and 2) Manager of Survey: Lisa McAlister alongside Debbie Zamarripa. Lisa will be in charge of Assisted Living, Adult Day Care and Residential Care.
- 6) *Provider Training:* Nursing Home Trainings: September 26th, 2017 (Oklahoma City) and October 10th, 2017 (Tulsa). Beverly Clark, LTC Training Coordinator, spoke about the topics that will be covered, which includes Dementia and the CMS updates. AL, RC, ADC Provider training has not been approved for 2017.

Meetings are posted at:

<http://www.health.ok.gov/calendar/mtns/index.html>

<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

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

- 7) *New Survey Process*: The training for the new LTC survey process is going to be conducted October 2nd – 5th, 2017 for the OSDH LTC Staff. Implementation of the new survey process would start October 6th, 2017. The survey process has been traditional for half of the 50 states and Quality Indicator Survey (QIS) for the other half. Oklahoma was part of the last group to transfer to QIS. After review, a completely new survey process was developed. The new process is being presented and implemented by all 50 states within a timespan of a month.

9) New Business:

1. *Appoint Nominating Committee for 2018 LTCFAB Officers*: William Whited, Kay Parsons, Diana Sturdevant were appointed to the nominating committee. The Chair for the nominating committee will be William Whited.

10) Public Comment:

1. *Senate Bill 775*: Esther Houser asked about OK SB775 authored by Senator David, which would require nursing facilities to have emergency generators, along with requested clarification about Appendix Z from CMS concerning Emergency Preparedness and having generators to run in case of emergency. Mike Cook mentioned that Appendix Z does not technically state that facilities are required to have emergency generators. But facilities must have an alternate power source that will maintain temperatures to protect patient health and safety, along with maintain food storage, medication storage.

11) Adjournment

The meeting adjourned at 3:15 p.m.