



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

April 11, 2018 at 1:30 in Room 1102

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

MINUTES

April 11, 2018

1) **Call to Order**

Alan Mason, Chair, called the meeting to order at 1:32 p.m.

2) **Roll Call**

Lori Bautista called roll with the following LTCFAB members present: Willie Burkhart; Joyce Clark; Theo Crawley; Pamela Humphreys; Adam Jordan; Alan Mason; Jim McWhirter; Jacki Millspaugh; Charles Schwarz; Dewey Sherbon; Diana Sturdevant; William Whited; and Denise Wilson.

The following LTCFAB members were absent: Joanne Alderman; Christean Bolding; Jonathan Bushman; Tracy Chlouber; Dustin Cox; Terry Ferrel; Ivoria Holt; Krisinda Housh; Patricia Ingram; Joanna Martin; and Kay Parsons.

The following guests were present: Michael Cook, OSDH; Diane Henry, OSDH; Julie Myers, OSDH; Lisa McAlister, OSDH; Natalie Smith, OSDH; James Joslin, OSDH; Wendell Short, Baptist Village; Gina Stafford, OK Board of Nursing; Esther Houser, general public; Marie Moore, DHS; Wanda Felty, Developmental Disabilities Advocate; Scott Chisholm, OSDH; Vicki Kirtley, OSDH; Alexandria Hart-Smith, OSDH; Greg Frogge, McAfee & Taft Law Firm; Beverly Clark, OSDH; and Lori Bautista, OSDH.

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

A quorum was not met with 13 members present.

3) **Review and Action to Approve/Amend January 10, 2018 Regular Meeting Minutes:**

Quorum was not met. This agenda item was tabled to the LTCFAB Meeting, July 11th, 2018

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) Licensure, Resident Assessment, Nurse Aide Registry, and Background Check Update:

James Joslin, Director of Health Resources Development Services, went over the departments and projects that he oversees that pertain to the LTCFAB. James provided three reports on the Nurse Aide Registry Statistics and one report on the Oklahoma National Background Check Program: 1) Composite Scorecard for Oklahoma Nursing Homes: Long-stay metrics for the period ending December 31st, 2017; 2) Nurse Aide Registry Third Quarter Fiscal Year 2018 Statistics; 3) Abuse, Neglect, Misappropriation (ANM) Findings through Third Quarter FY2018; and 4) Oklahoma National Background Check Program.

The first report James Joslin presented was the composite Scorecard for Oklahoma Nursing Homes: Long-stay metrics for the period ending December 31st, 2017. Alexandria Hart-Smith and her team completed the report. On the handout, green lights show significant improvement, yellow lights show no significant change and any red lights show significant decline. Nine metrics of the 14 showed significant improvement over the last year. Four metrics showed no significant change. One metric showed significant decline. A summary of the metrics is presented on page two of the handout highlighting significant information. The table on page two showed improved performance measures for the current year from the previous year for the following: 1) Self-reported pain; 2) Catheter in bladder; 3) High Risk Residents with Pressure Ulcers; 4) Residents Receiving Antipsychotic Medications; 5) Influenza vaccination; 6) Residents who have depressive symptoms; 7) Pneumococcal vaccination; 8) Urinary tract infections and 9) State Composite Score. The same table showed worsened performance for low-risk residents who lose control of their bowels or bladder. James along with Diane Henry had a brainstorming session to find out why this metric has worsened and they do not know why. Oklahoma continues to be 8 points better than the regional and national average for that metric. Discussion was opened up to the LTCFAB and public. The following comments were made as possible reasons there has been a decline in Low-Risk Residents Who Lose Control of Their Bowels or Bladder: 1) An increase in acuity levels in residents; 2) Staffing issues that would affect the response time of helping residents use the bathroom; 3) Residents with mental deficits not knowing that they need to go to the restroom. Diane Henry explained that severely cognitively impaired residents are excluded from this quality measure, but it is possible that there may be residents that have been misdiagnosed as low-risk, than high risk for decrease in acuity levels; and 4) Back Pain, except the metric for pain has shown improvement, but might be a possibility. The research will continue to find the cause(s). The combined composite score in Table 14 (page 1) shows a statistically significant improvement from 9.25% (December 2016) to 8.7% as of December 2017. Overall, Oklahoma's combined composite score has improved.

The second report provided by James Joslin was the Nurse Aide Registry (NAR) Third Quarter Fiscal Year 2018 Statistics handout. Nurse Aide Registry Statistics are prepared by Vicki Kirtley, where data can be compared quarter to quarter and from year to year. Nurse Aides had 13 revocations that had to do with allegation of abuse, neglect and misappropriation in the Third Quarter Fiscal Year 2018. James pointed out under Abuse; there were 10 findings for Misappropriation and three findings for Neglect for a total of 13 findings for FY18-Q3.

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>

The third report James Joslin presented was Abuse, Neglect, Misappropriation (ANM) Findings through Third Quarter FY2018. Sarah Waters completed the ANM Findings Report. There were 13 findings for ANM for SFY18-Q3. The average days to posting increased to 9.8 days, but have been improved to 9.0 days. The percentage number that it takes to get to a final order of less than 9 months has improved from 33% to 54%. 69% of the applicants were found to be terminated in OKS prior to ANM findings.

The final Report James Joslin presented was about the Oklahoma National Background Check Program. Scott Chisolm, Program Manager for both the Background Check Program and Jail Inspection Program generated the report James presented. Four staff members process over 5000 hires every month through the National Background Check System. The first graph showed the Oklahoma Monthly Screening Volume from May 2014 to January 2018. The second graph presented the data from the first graph in ratios. The third graph displayed Eligibility Decisions, where James mentioned the reason there was a decline between January 2016 and January 2018 is due to the decline in the amount of people fingerprinted. The fourth graph presented Appeals that were granted and denied from November 2016 and January 2018. The fifth graph exhibited the Average Appeal Duration between July 2016 to January 2018. The average appeal duration declined considerably since July 2016. The sixth graph showed the data from the previous graph in ratios. The seventh graph presented Rap Backs Opened This Period from April 2016 and January 2018. The system automatically sends an e-mail if someone in is arrested. A Rap Back is opened for an arrest identified as an automatic disqualification. The eighth graph displayed the Rap Backs Ineligible This Period between June 2016 and January 2018. Anyone who has direct contact with the resident is required to be screened in the National Background Check System. The ninth graph exhibited the Fingerprint Rejection Rates. James mentioned that there was a problem with the software not the quality of the prints taken. Once the software was fixed, the rates drastically decreased. The tenth and eleventh graphs presented the OK-Screen Criminal History Breakout: February 2018 by count and by ratios. Oklahoma had a contract with a company, IDEMIA, completing the fingerprinting with sites called Identigo. The announcement will be made on the new vendor soon. James thanked Jim McWhirter, who has a television show called "Baby Boomers in Action" for having him as a guest on the show to talk about screening. The show airs on channel 52 on Saturdays at 11:30am and on channel 9 at midnight, as, well as on Tuesdays at different times throughout the day. A .pdf document is available here for Oklahoma Screening Websites: <https://www.ok.gov/health2/documents/Screening%20Websites.pdf>

5) **Long Term Care Service Update:**

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

- *1) Nursing Home New Survey Process:* LTC is 120 days into implementing the new survey process. Beverly Clark and Mike Cook are on a committee that meets with CMS monthly to discuss any issues with the new survey process. Originally, with the traditional process when the MDS and areas of concern were pulled, there was a grid that pointed out areas of interest/care areas. The new process does not seem to have any triggers that will point out areas of interest/care areas. Now, on average up to 45 care areas and upwards of 100 care areas are triggered. The survey process is taking longer than usual due to the increase of

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>

- care areas for investigation. LTC is discussing the increase in care areas with CMS. A pilot program is about to be launched to troubleshoot how to deal with the increase of care areas.
- 2) *CMS Annual Conference – Baltimore, MD*: Mike will be in Baltimore for the CMS Annual Conference scheduled for April 16th – 20th, 2018. He will report updates at the next LTCFAB Meeting. S&C (Survey and Certification) has been changed to QSO (Quality, Safety and Oversight). Immediate Jeopardy (IJ) and the complaint process will be just a couple of the topics to be discussed at the conference. CMS released
 - 4) *National Partnership to Improve Dementia Care by reducing unnecessary antipsychotic medications in nursing homes*: Mike mentioned that CMS released a new guidance on the national partnership to reduce antipsychotic medications for nursing home residents. The goal is that any facilities that did not manage to make a significant reduction would now be a CMS focus. Those facilities would be considered “late adopters.” A huge panel was formed to brainstorm a new approach to get the “late adopters” on board. LTC has teamed up with TMFQIO (TMF Quality Innovation Organization) which includes 11 other states. A joint letter will be released to the 36 “late adopters” to let them know that TMFQIO would be happy to work with them to reduce their antipsychotic medication use by 15% by the end of 2019. Oklahoma’s rating is 51 and had a 29% reduction in antipsychotic medication use.
 - 5) *Long Term Care New Survey Process Progress*: Learning the new survey process has been a struggle through the furlough and not being able to hire new surveyors. 98% of what LTC does is dictated by CMS. CMS releases the Mission and Priority document yearly. Tier 1 are Complaint Investigations triaged as Immediate Jeopardy and Re-certifications; Tier 2 are Non-IJ Highs or actual harm; Tier 3 are Medium Complaints and Tier 4 are Low Complaints and Initial Certifications. Tier 1 and 2 are priority over Tier 3 and 4. Revisits are not included in the Tiers. Based on Mike’s calculations, there is enough time to complete Tier 1 and Tier 2, but every Monday Mike meets with the survey managers and coordinators to discuss what will be completed beyond those tiers. For the past four years, surveys have been completed on time. LTC is down 9 surveyors, which is 10% of the total workforce equal to 10,000 working hours. There is considerable time involved with training new surveyors. In 2012 and 2013 LTC went through a slump with having an adequate amount of surveyors. So, LTC has been through having a lack of surveyors before. The turnover rate is much better than it has been. Ads will need to start running again and then LTC will be able to get in applicants.
 - 6) *Licensure Department*: Currently, there is one opening in the Licensure Department, except it is funded by state appropriations. A cut of 15% funding is due to occur for the next fiscal year starting July 1st, 2018. So, a couple of positions in the Licensure Department were moved to Nursing Home Survey Staff Section. The Licensure staff has been able to keep up with the workload without those positions.
 - 7) *Assisted Living Centers*: Mike presented a handout with data for Assisted Living Centers. SFY is from July 1st – June 30th yearly. Table 1, shows the number of Assisted Living Centers from 2014 and 2017. Table 2 showed the number of different types of investigations that were completed. Table 3 shows Investigations vs Number of Facilities. Mike noted that the number of facilities has increased, but the number of investigations has decreased between SFY 2016 and SFY 2017. On the top of page 2 is the Scope and Severity Grid that was developed last year. Mike did an overview of the different levels of scope and severity of the grid. The grid has not been in effect for one full SFY. On page 2,

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>

the bottom table shows the deficiencies since inception for Calendar Year 2017 based on each level of Scope and Severity. Mike went over the data in the table. The IJs were most likely concerning an increase in elopement (a resident having a high risk of leaving the facility, if unsupervised), and the lack of residents receiving pain medication.

6) New Business:

1. *Nursing Home Involuntary Transfers sent to Ombudsman Office:* William Whited said that he would like to have uniform communication and a standardized process concerning involuntary transfer notifications reported to the Ombudsman Office. He, currently, is receiving faxes, letter mail, as well as phone calls asking how to submit notification about involuntary transfers. The regulation states that notification must be made to the Ombudsman Office of any involuntary discharge notice when that notice is issued to the resident. For any other transfer or discharge of an emergency nature can be reported periodically, i.e. monthly. A recommendation was made to prepare a letter from Ombudsman Office to be sent out to the providers going over the notification process. Prior to next LTCFAB meeting the Ombudsman Office and OSDH will collaborate to develop interpretive guidelines and then present it to the LTCFAB at the next LTCFAB Meeting in July, 2018. William Whited will come up with the draft process. Until the process is finalized, William Whited has been recommending reporting involuntary transfers via fax to the Ombudsman Office.

7) Public Comment:

1. *Multi-State Nursing Licenses:* Gina Stafford from the OK Board of Nursing brought up the topic about multi-state nursing licenses. There are 29 states are a part of the multi-state licensure, including Oklahoma. Gina talked about the history of how the multi-state nursing license came into effect. Nurses are able to apply for a multi-state license or apply for a single state when their licenses are due to expire. It allows for tele-medicine and traveling nurses to be able to move and practice nursing among the 29 states participating in the licensing program. It became effective as of January 19th, 2018. A nurse needs to be licensed where the patient they are giving care to is located. It has been a challenge to work with multi-license nurses in conjunction with the national background check. The website to validate out of state nursing licenses is www.nursys.com. The website will be added to the OK-Screen website. Nurses will still be screened through OK Screen. They would be required to fingerprinted, if not in the national background check system.

8) Adjournment

The meeting adjourned at 3:08 p.m.