



Oklahoma State  
Department of Health

**Ad Hoc Nursing Facilities Rule Review Committee**  
*Appointed by the Long Term Care Facility Advisory Board May 10, 2006*

**August 28, 2006 Special Meeting**

Oklahoma State Department of Health  
1000 NE 10<sup>th</sup> Street – 1:30 p.m. in Room 1102  
Oklahoma City, OK

*Consensus September 18, 2006*

**Minutes**

**1) Call to Order**

Kay Parsons called the special meeting to order at 1:45 p.m. Monday, August 28, 2006. The meeting notice was filed and posted with the Secretary of State's office August 22, 2006. The agenda was posted on the OSDH website and at the front entrance of OSDH on August 24, 2006.

Identified attendees were: Kay Parsons, Committee Chair and Long-Term Care Facility Advisory Board (LTCFAB) member; Esther Houser, State Long-Term Care (LTC) Ombudsman and LTCFAB member; Dawn Ann Mendenhall, Nursing Home Administrator and LTCFAB member; Wendell Short, RC Administrator and LTCFAB member; Mary Brinkley, Oklahoma Association for Homes and Services for the Aging (OKAHSAs); Rebecca 'Becky' Moore, Executive Director, Oklahoma Association of Health Care Providers (OAHCP); Greg Guymon, Gold Medallion; Penny Ridenour, Oklahoma Assisted Living Association (OKALA); Mary Womack, General Counsel, OSDH; Dorya Huser, Chief, LTC, OSDH; James Joslin, Assistant Chief, LTC, OSDH; Mary Fleming, Director, LTC, OSDH; Karen Gray, LTC Training Programs Manager, OSDH; Tressa Madden, Director, Consumer Protection, OSDH; and Leslie Roberts, LTC, OSDH.

**2) Review of the July 17, 2006 Special Meeting Minutes**

Discussion of the minutes included the verbage of criminal 'act' vs. 'intent' on the bottom of page 1 and top of page 2. Mrs. Roberts will check the meeting tape for wording accuracy and make amendments as necessary. On page 2, agenda item 4 in the first paragraph, the word 'of' will be corrected to 'or'. The amended minutes will be provided at the next Committee meeting.

**3) Discussion of the Food Code, Chapter 257**

*Provide information to the Committee regarding the requirements of Chapter 257.*

Ms. Parsons announced the Committee was honored to have Tressa Madden, Consumer Protection and Karen Gray, LTC to discuss the Food Code, Chapter 257. James Joslin stated that in the

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meeting packet provided for agenda item 3, the current language regarding food storage, supply and sanitation. Mr. Joslin informed the Committee that Tressa Madden is the Director of Consumer Protection. Ms. Madden is responsible for all sanitarians that do our inspections in restaurants throughout the state. In addition, sanitarians now frequently accompany LTC surveyors to do nursing facility inspections as part of LTC's inspection process because of their expertise in food service and sanitation. Ms. Gray is LTC's Training Director and is a registered dietician.

Mr. Joslin stated there is some new guidance that CMS (Centers for Medicare and Medicaid Services) is putting out on tag F371, which is titled, 'Store, prepare, and distribute food under sanitary conditions.' However, the regulation has not changed. Ms. Madden informed the Committee that approximately one-half of the proposed rules could be reduced as they are already covered in Chapter 257. She stated the 2001 FDA Model Food Code is trying to be standardized throughout the United States.

There was a lot of discussion regarding the food-training program. Ms. Madden informed the Committee the Department has staff that travel and can provide training on food service establishment regulations. She stated if a person takes the test and passes with a 75 or above, then certification is effective for two years. If an hour long class is completed, then certification is effective for one year. Ms. Moore questioned about the CareerTech course for food service training. Ms. Madden stated that there is reciprocity for vo-tech training. The Department would recognize that training.

It is critical for, the responsibility of, the person in charge of the kitchen to know the requirements set forth in Chapter 257. Clarification was requested on, 'a food service training program.' Ms. Madden stated the Department has a list of items required to be included in food service training, including in-house training. If the training is submitted to the Department for review, and contains this information, then it would be acceptable.

Mr. Joslin will bring certified nurse aide (CNA) and trained feeding assistant curriculum to the next meeting.

Discussed changes to the proposed rules included:

- 310:675-9-13.1(a): Amendment as follows, "...with Chapter 257 of this Title (relating to food service establishments)..."
- 310:675-9-13.1(a)(1): Strike. This is covered in Chapter 257.
- 310:675-9-13.1(a)(2): Strike.
- 310:675-9-13.1(a)(3): Strike.
- 310:675-9-13.1(b): Strike first sentence.
- 310:675-9-13.1(c): Strike first and second sentences. Insert as first sentence "A whole, intact, fruit or vegetable is an approved food source."

- 310:675-9-13.1(d)(1): Amend to read “Only grade A pasteurized fluid milk, as defined by the Oklahoma Milk and Milk Products Act, Title 2, Section 7-401 et seq., shall be used for beverage and shall be served directly into a glass from a milk dispenser or container.”
- 310:675-9-13.1(d)(2): Amend to read “Powdered or evaporated milk products approved by the U.S. Department of Health and Human Services [add reference of PMO Pasteurized Milk Ordinance] may be used only as additives in cooked foods. This does not include the addition of powdered or evaporated milk products to milk or water as a milk for drinking purposes. Powdered or evaporated milk products may be used in instant desserts and whipped products, or for cooking. When foods, in which powdered or evaporated milk has been added, are not cooked, the foods shall be consumed within twenty-four hours.”
- 310:675-9-13.1(d)(3): Amendment as follows, “Milk for drinking shall be stored at a temperature of 35° F. (1.6° C.) to 40° F. (4.4° C.) 41° or below and shall not be stored in a frozen state.”
- 310:675-9-13.1(d)(4): Amend to read “Only clean, whole eggs with shell intact, pasteurized liquid, frozen, dry eggs, egg products and commercially prepared and packaged hard boiled eggs may be used. All eggs shall be thoroughly cooked except pasteurized egg products or pasteurized in-shell eggs may be used in place of pooled eggs or raw or undercooked eggs.”
- 310:675-9-13.1(e): Strike. This is covered in Chapter 257.
- 310:675-9-13.1(f): Strike. This is covered in Chapter 257.
- 310:675-9-13.1: Add section, (g) **Food service training.** All staff assisting in, or responsible for, food service shall have attended a food service training program offered or approved by the Department or city/county health department.”
- 310:675-9-13.1: Add section, (h) This section shall only apply to food prepared or served by the facility, within the licensed facility.

Mr. Joslin will bring discussed changes to the next meeting for review.

#### 4) **Review of Changes to Incident Reporting**

*A brief review of the rule changes resulting from the Committee’s discussions.*

Mr. Joslin provided an overview of the changes. Discussed changes to the proposed rules included:

- 310:675-7-5.1(d): Insert language regarding reference to communicable disease and injury reporting.
- 310:675-7-5.1: Correct section identifiers, (b)>(e) – (d)>(f) – (f)>(g) – (g)>(h) – (h)>(i) – (i)>(j) and (j)>(k).
- 310:675-7-5.1(j): Correct section identifier to (k). Change language to reflect footnote 3, “...situations where a criminal intent act is suspected. Such situations...”
- 310:675-7-12.1(a): Insertion of rule reference 310:675-7-5.1.

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Mr. Joslin will bring discussed changes to the next meeting for review.

**5) Sex Offender Law: to incorporate new law at 63 O.S. 1-1946**

*The Committee agreed further discussion on this item was needed at the July 17, 2006 special meeting.*

Mr. Joslin provided an overview of the proposed changes.

*After a brief discussion, the Committee reached consensus on 375:675-7-21 Sex or violent offender status.*

**6) Adjournment**

The special meeting was adjourned at 4:10 p.m.

For reference, the link to the current and complete Continuum of Care and Assisted Living Rules is <http://www.health.ok.gov/PROGRAM/condiv/663ccast.pdf>.

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