



Oklahoma State
Department of Health

Ad Hoc Assisted Living Regulation Review Committee
Appointed by the Long Term Care Facility Advisory Board August 11, 2004

Special Meeting

October 12, 2006 – 1:30 p.m.

OSDH – 1000 NE 10th Street – Room 1102 – Oklahoma City, OK

Minutes

Consensus reached January 9, 2007.

1) Call to Order

Esther Houser called the special meeting to order at 1:35 p.m. Thursday, October 12, 2006. The meeting notice was filed and posted with the Secretary of State's office October 5, 2006. The meeting notice was posted on the OSDH website and at the front entrance of OSDH on October 10, 2006.

Ms. Houser announced anyone is welcome to speak and ask questions during the meeting. Introductions proceeded. Identified attendees were: Esther Houser, Committee Chair, State Long-Term Care (LTC) Ombudsman and LTC Facility Advisory Board (LTCFAB) member; Diane Hambric, LTCFAB Chair; Wendell Short, LTCFAB member; Chris Kincaid, LTCFAB member; Kay Parsons, LTCFAB member; James Joslin, Assistant Chief, LTC, OSDH; Penny Ridenour, Executive Director, Oklahoma Assisted Living Association (OKALA); C. Craig Cole, Attorney, C. Craig Cole & Associates and OKALA; Mary Womack, General Counsel, OSDH; Patricia Shidler, LTC Ombudsman Program; Belinda Arguello, Silver Oak Senior Living; Dirk O'Hara, Norman Senior Care; Holly Mattingly, Norman Senior Care; Scott Brasier, Norman Senior Care; Mary Brinkley, Oklahoma Association for Homes and Services for the Aging (OKAHSa); Mary Fleming, Director, LTC, OSDH; Nicholas Kliever, BVHL; Carolyn Miller, LTC, OSDH; Darlene Simmons, Director, Health Facilities Division, OSDH; Kathy Waller, Health Facilities Division, OSDH; Pattie Dominiak, LTC, OSDH; Debra Cothren, LTC, OSDH; Tina Williams, LTC, OSDH; Dorya Huser, Chief, LTC, OSDH; Laura Lindo, Ombudsman; Martin Hall, OKAHSa & Corn Heritage Village; Caryl Ridgeway, Brookdale/Alterra; Debbie McKinney, Attorney; Angie Shephard, Silver Oak Senior Living; Germaine Odenheimer; Brandon French, SMG; and Leslie Roberts, LTC, OSDH.

2) Review Amendments of the August 17, 2006 Special Meeting Minutes

Review amendments to the August 17, 2006 special meeting minutes discussed at the last meeting.

After a brief discussion, consensus was reached regarding the amendments to the August 17, 2006 special meeting minutes.

3) Review of the September 27, 2006 Special Meeting

Brief review of the September 27, 2006 special meeting.

Meetings are posted at:

<http://www.health.state.ok.us/calendar/mtngs/index.html>
<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

Ms. Houser recapped on the meetings discussions. No consensus was reached regarding 310:663-3-4. Appropriateness of placement in assisted living center. There was disagreement from Provider-to-Provider and among other attendees.

There will not be a meeting before the next regular LTCFAB meeting to allow time for the Advisory Board to review.

4) Review, Continued Discussion, and Consensus of Proposed Amendments to OAC 310:663, Continuum of Care and Assisted Living Rules

These proposed amendments were presented at the February 8, 2006 LTC Facility Advisory Board Regular Meeting. This special meeting is to focus on the proposed amendments and continue the line-by-line discussion. The goal of the Committee is to discuss and try to reach consensus on the proposed amendments and present them to the LTC Facility Advisory Board.

i) 310:663-25-4. Notice of violation, plans of correction, and right to hearing

Mr. Joslin provided an overview of the proposed language. The days referenced are now identified as ‘business’ days throughout the rule. Discussion included identifying when a deficiency is corrected and the time a facility has to correct. The date of correction is based on evidence found at the revisit conducted at the facility. Mr. Cole questioned the determination of compliance date. Discussion also included plan of correction dates.

Ms. Huser commented that the proposed language in this section limits both sides. Ms. Ridenour stated it is a “very tight rule.” Ms. Huser added that the Commissioner of Health can issue an emergency if needed. Ms. Hambric emphasized that rural towns would find it difficult to get service contractors. Mr. Cole suggested having an ‘open door’ in the case of a unique circumstance. Mr. Short stated it has never been an issue in nursing facilities in 15 years and cannot foresee an issue in assisted living centers. Mr. Cole stated (b)(4) is an excellent compromise. The provider is looking for approval of their plan of correction.

After further discussion, consensus was reached with amendments as discussed today.

ii) 310:663-13-1. Resident service contract

After discussion, consensus was reached with the exception of amending (d) as follows:

(d) The assisted living center shall provide not less than the services that are specified in the ~~current~~ resident’s current service contract ~~including any staffing ratios or licensed nurse coverage specified in the contract.~~

iii) ~~310:663-3-5. Inappropriate placement or length of stay in assisted living center~~ Involuntary termination of residency

Mr. Joslin stated this requirement is not new. Discussion included grievances, hearings, and inappropriate placement. Ms. Houser stated limits should be identified with residents up front. Mr. Joslin stated he will look at this section again. There were issues of offering a hearing for the termination of residency due to inappropriate placement.

iv) 310:663-9-6. Minimum staff for services to cognitively impaired residents

Discussion included some minor changes to the wording.

Meetings are posted at:

<http://www.health.state.ok.us/calendar/mtngs/index.html>
<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

After discussion, consensus was reached with the exception of the term ‘direct care staff.’

v) 310:663-3-4. Appropriateness of placement in assisted living center

[The Department has postponed discussion of amendments to this section. The Department will seek continued input from all parties to develop language to ensure appropriate placement and health care services for the frail elderly in Assisted Living Centers.]

vi) 310:663-3-1. Service in an assisted living center

Mr. Joslin provided an overview of the changes. Ms. Ridenour stated it doesn't depart from the way things should already be done. Mr. Joslin added there is a breakdown in coordination of services and that he will continue to work on this section.

vii) 310:663-1-2. Definitions

After some discussion, there was no consensus reached.

Discussion included presenting the updated proposed language to the Advisory Board. Ms. Houser stated she will present a report to them. Ms. Ridenour thanked Mr. Joslin on behalf of OKALA for his work on the proposed rules. She questioned if the ‘Provider Bill of Rights’ would be discussed. Mr. Joslin replied the Department does not feel the protection of providers is priority – it is the residents, but it can be presented to the Board of Health. Those issues can be addressed in the contracts.

5) Adjournment

The meeting was adjourned at 5:25 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>.