



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

October 07, 2015 at 1:30 in Room 1102

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

MINUTES

October 07, 2015

1) Call to Order

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

2) Roll Call

Natalie Smith called roll with the following LTCFAB members present: Dewey Sherbon, Chair; Christean Bolding; Donna Bowers; Linda Brannon; Theo Crawley; Andrew Dentino; Ivoria Holt; Pamela Humphreys; Joanna Martin; Alan Mason; Randy McKinney; Jimmy McWhirter; Kay Parsons; Robert Quatro; Wendell Short; Diana Sturdevant; Eileen Wilson; William Whited and Monica Woodall.

The following LTCFAB members were absent: Willie Burkhardt; Joyce Clark; James Colgan; Dustin Cox; Carrie DuRoy; Kenneth Jones; Adam Jordan; and the Fire Marshal Representative.

The following guests were present: Tanya Rideaux, OHAI; Henry Hartsell, OSDH; Mary Brinkley, Leading Age OK; Denise Wilson, ORALA; Ann Osborne, Francis Tuttle Tech. Center; Shelba Murray, Francis Tuttle Tech. Center; Phyllis Browning, LTC facility; Gina Stafford, OK Board of Nursing; Melissa Holland, OKALA; Lisa Dimonico, Brookdale AL; Sue Davis, OSDH; Patty Scott, OSDH; Nancy Atkinson, OSDH; Don Maisch, OSDH; Julie Myers, OSDH; Michael Jordan, OSDH; James Joslin, OSDH; Lyndie McKinney; Residential Care; Michael Cook, OSDH; Lori Bautista, OSDH; Natalie Smith, OSDH.

Currently, there is one vacancy on the LTCFAB, which consists of 27 members.

A quorum was met with 19 members present.

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>

3) Review and Action to Approve/Amend July 07, 2015 Regular Meeting Minutes:

Agenda Item #3

Vote 1

Motion: Approval of the July 07, 2015 Regular Meeting Minutes

Motion Made by: Wendell Short Seconded: Joanna Martin Motion Carried: Yes

Aye: 15 Abstain: 3 Nay: 0 Absent: 9

Aye: 15 Abstain: 3 Nay: 0 Absent: 9

Christean Bolding	<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
Donna Bowers	<input 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
Linda Brannon	<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
Willie Burkhardt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jimmy McWhirter	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay
James Colgan	<input 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
Dustin Cox	<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
Theo Crawley	<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
Andrew Dentino	<input checked="" 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
Carrie DuRoy	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Fire Marshal Rep	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivorina Holt	<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
Pamela Humphreys	<input checked="" 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
Kenneth Jones	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Monica Woodall	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

4) Long Term Care Service Update (agenda revision):

Mike Cook, Director Long Term Care Services, spoke about two conferences he attends annually. One of the conferences is the Centers for Medicare and Medicaid Services' (CMS) Survey Executives Training Institute (SETI) three-day meeting held last April, 2015. The other conference is the Association Health Facility Survey Agency (AHFSA).

Mike briefly went over the following CMS updates:

- 1) Proposed rule change for CMS-3260-P would revise the requirements that LTC facilities must meet in order to participate in the Medicare and Medicaid Programs. The requirements have not been updated since September 26, 1991. It has been open for comment and has been extended for comment until October 14th, 2015. If anyone has comments, they can send them to Mike Cook and he will forward them to AHFSA.
- 2) CMS is looking at making revisions to the State Operations Manual (SOM) Appendix PP.
- 3) CMS is doing an analysis of the entire survey process for Quality Indicator Survey (QIS) and Traditional. They are looking at both QIS and traditional process to come up with a new model of the survey process. It could take up to three years for CMS to make any changes to the survey process. QIS training for LTC will still be going on as planned. The next class starts October 19th, 2015. QIS Training is scheduled for January, April and July, 2016.

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Other LTC updates included the following:

- 1) Minimum Data Set (MDS) focus surveys have concluded. The top two deficiencies cited were F278, assessment accuracy, represented 36% of the deficiencies, and F356, posted staffing, and represented 28%. Those two alone represent 65% of the deficiencies written for the MDS focus surveys.
- 2) On the national partnership to improve dementia care, the goal for 2015 is 25% reduction for anti-psychotic drugs. They are looking at 30% reduction in 2016. Provider Trainings have covered this topic and LTC will take a step back and look at it again and will come up with further implementation to meet the 30% reduction goal for 2016. There were five states, which did not include Oklahoma that participated in a dementia targeted survey.
- 3) Online submission of the CMS-671 and CMS-672 forms, which is currently voluntary, will be mandatory starting July 2016.
- 4) CMS will be looking at the imposition of remedies by enforcement and the effectiveness of remedies across all the states.
- 5) CMS wants a reduction in the length of the stay in the program for special focus facilities. Currently, a special focus facility can stay in the program for 18 months and must have 2 re-certification surveys where deficiencies do not have a scope and severity higher than a level E.

5) Nurse Aide Investigations Ad Hoc Report:

Wendell Short provided an update on the work of the Ad Hoc Committee for Nurse Aide. The Ad Hoc Committee had their tenth meeting on September 16th, 2015 and they reviewed data on the frequency of nurse aides appearing at hearings. In FY 2015, out of the 30 cases filed against nurse aides, 28 have been finalized and two are ongoing. Of the 28 finalized, 14 nurse aides appeared and 14 did not appear at the hearings. In FY 2016 to date, 11 cases have been filed. Of the 11 cases, two are still ongoing. Of the nine cases finalized, three nurse aides appeared at the hearings, five did not appear, and one was concluded with an agreed order. The committee also reviewed data on residents most at risk of abuse. Data on factors that result in nursing facility deficiencies related to possible abuse, neglect and misappropriation was also reviewed by the committee and failure to report or thoroughly investigate was the most common factor.

The group did a root-cause analysis exercise on the two most important opportunities for improvement, which were: 1) Fulfilling the obligation to report incidents, and 2) Facility processes and policy development. The committee reviewed a handout on the mean processing time on pending notations of abuse, neglect and misappropriation. For 2015 from February through September 2015, the mean processing time was five days. This is a great improvement from the original mean processing time of 49 days. Wendell lastly, went over the next steps of the committee.

6) Health Aging Report Ad Hoc Report:

Dr. Andrew Dentino gave a progress report from the Ad Hoc Committee on Healthy Aging. The committee had their eighth meeting on August 13th, 2015 and their ninth meeting on September 3rd, 2015.

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The committee simplified the AIM Statement to read as follows: “AIM Statement for Fall Prevention: To reduce the rate of falls with major injury in Oklahoma nursing facilities starting with a rate of 5.3% in September 2014, moving through 5.0% by June 2016, to 3.0% by June 2019. This effort should improve physical, mental, social, and emotional well-being and functioning of residents of nursing facilities as currently measured in the composite score.”

Dr. Dentino mentioned that the diagram on page one of the executive summary shows the numbers of nursing facility residents with falls with major injury (%) still tend to trend up. Due to the increased trend, the committee reviewed and approved the revised fall prevention project.

The next steps include contract approval, program refinement and nursing home recruitment. Dr. Dentino presented a 3-dimensional plan, which was presented in three diagrams. The first diagram presented the overall plan, including interventions, intervention components and desired outcomes. The second diagram presented the steps for the intervention components and the third diagram specifically outlined the desired outcomes. The left column of the first diagram identified the current fall rate of 5.6% and the right column stated an ultimate fall rate goal of less than or equal to 3%. The program will start with a small group of homes and field work is expected to start about January 15th, 2016.

The committee discussed other areas of focus, which included pneumococcal vaccination, pain and depression. They are recommended based on the potential to positively impact the issue of falls with major injury, as well as the degree of performance statewide relative to related clinical measures.

Making the use of Oklahoma State Immunization Information System (OSIIS) mandatory for anyone administering shots was discussed. The only groups that use the system are physicians and OSDH. Any physicians who accepts SoonerCare has to update shot records in OSIIS.

Bill Whited spoke about the Oklahoma Health Care Authority being currently engaged in a request for information and ultimately a request for a proposal to create a coordinated health care system for aging blind and disabled population. If the process would require that immunization records be updated in OSIIS, then it would prevent the extra expenses associated with additional immunizations. Bill will bring this topic up at the next stakeholder’s meeting. Nursing facilities will not be included for two years.

7) Nurse Aide Registry Update and Background Check Update:

James Joslin provided two reports on the Nurse Aide Registry Statistics. The handouts were actually First Quarter 2016 statistics instead of Fourth Quarter 2016 statistics. Certifications are up to date. Since November 1st, 2015, the law requires that Nurse Aides must maintain a current address with the registry. A form was developed that has been put on the internet and put it through OK Screen, which sends updates to providers. A new inspector has been hired.

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On the Abuse, Neglect, Misappropriation (ANM) findings report, there has been ten findings against nurse aides for Fiscal Year 2016 to October 1, 2015. This year, 60% appeared for their scheduled hearing, whereas, last year 40% appeared. The average years of certification has been six years, with a minimum of two years and a maximum of 16 years for 2016. The average age at finding was 33 years old. The population of certified aides with findings there were male was 30%. The certification aide types were broken down as follows, LTC/HHA (long term care/home health aide) was equal to 0, LTC (long term care) was equal to 7, one was a CMA (certified medication aide), one was a DDCA (developmentally disabled care aide), and NTSW (non-technical service worker) was 0. The next group was finding type, which was grouped by misappropriation with sub-groups: meds, cash, and property; neglect with sub-groups; services, transfer; and abuse with sub-groups: physical, sexual and verbal. The highest incidence for misappropriation was with misappropriation with cash. The highest incidence for neglect was under transfers. Then, finally, for finding type, under abuse, there were 2 incidents. 90% of the incidents occurred in nursing facilities. Under training sources, 40% were trained in career tech, 20% were facility based, 20% were private, and 20% were unknown.

Of the ten findings, five had an application in OK Screen. Of the five, two were previously determined to be eligible. There was no criminal history for the two that were determined eligible. For those two, one was terminated in OKS prior to abuse; neglect, misappropriation finding and the other has been terminated, but does not show they have been terminated in OKS.

For OK Screen, over 5,500 applications are processed monthly. About 45% of all the applicants are disconnecting prior to termination. Since, now allowing billing and improved the receipt process, they will now request providers to migrate to online payment within the next month. Fingerprinting sites are continuing with the current vendor, since the new vendor lost the bid.

A request was made by Dewey Sherbon to have a slideshow or PowerPoint presentation for the Oklahoma State Department of Health and for Hank Hartsell to show how everything flow together and the different areas that have been studied the last few years. It would help with the budgeting process going forward in the short term.

8) Nomination of 2016 Officers:

Kay Parsons wanted to recognize the following members who served on the nominating committee: William Whited, Linda Brannon, Pamela Humphreys, Randy McKinney, Kenneth Jones, and Diana Sturdevant. Natalie Smith supplied attendance records for 2014 and 2015 to the nominating committee. Committee members nominated for the 2016 officers had 100% attendance for the past 2 years. Dewey Sherbon had 100% attendance, but has opted to step down from Chair. The officers for the LTCFAB for 2016 will be: Wendell Short, Chair; Andrew Dentino, Vice-Chair; and Joanna Martin, Secretary/Treasurer.

Agenda Item #7

Vote 2

Motion: Approval of the new officers for 2016 for the following: Joanna Martin for Secretary/Treasurer, Andrew Dentino for Vice-Chair and Wendell Short for Chair

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Motion Made by: Monica Woodall Seconded: Eileen Wilson Motion Carried: Yes
Aye: 19 Abstain: 0 Nay: 0 Absent: 9

Aye: 19 Abstain: 0 Nay: 0 Absent: 9

Christean Bolding	<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
Donna Bowers	<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
Linda Brannon	<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
Willie Burkhart	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jimmy 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	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
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Andrew Dentino	<input checked="" 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
Carrie DuRoy	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Fire Marshal Rep	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivorla Holt	<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
Pamela Humphreys	<input checked="" 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
Kenneth Jones	<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
Adam Jordan	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

9) **Governor Appointments to the LTCFAB:**

Dewey Sherbon mentioned that according to a schedule he has been receiving for Governor Appointments. He went over a list of appointments that are expiring. Eileen Wilson, Theo Crawley, and Linda Brannon have reapplied. Dewey will send a message to Joyce Clark and Adam Jordan. Adam Mason, Christean Bolding will re-apply.

Hank Hartsell mentioned that it is appointment season. The Governor's office holds all applications and makes decisions all at once. If they are missing some, it could potentially delay the process. It is also important to replace the appointments for those who have not been attending. We are looking for a member of the general public who is over the age of 65. Willie Burkhart currently has that position, but has not attended during 2015. Also, one of the Residential Care Home operator administrator positions is expiring in November 2015. The person currently holding the position has not attended the last three meetings and would most likely be disqualified by the Governor to hold the position again. If the Governor does not make the appointments before the January 2016 meeting, then they would continue to serve until replacements are filled.

10) **Long Term Care Service Update (continued):**

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

1. *Long Term Care Service Staff:* Introduction and reports from Patty Scott, LTC Service Manager for Enforcement, Incidents and Intakes and Michael Jordan, Strategic Planner and Compliance Officer.

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- *Patty Scott:* The topics Patty covered some basic information, but if there is any data that anyone would like, feel free to call her anytime. There are 705 active long term care facilities. 316 of the 705 are nursing homes, which are certified for Medicaid and Medicare. 86 of the 705 are ICF/IID and the remaining 389 are licensure only facilities, which include Assisted Living, Residential Care and Adult Day Care. In 2014, there were 144 enforcement cases. 42 enforcement cases were referred to the legal department for licensure only facilities. For the past two years, LTC has had 120 complaints per month. For this year, it has gone down to 112 complaints per month. We have received approximately 2,300 incident reports per month for the past three years. For this year, we are on target for about 2,000 per month for incident reports. LTC is letting facilities know at Provider Trainings which types of incidents do not need to be reported. LTC is meeting their mandates since July 1st, 2015. Provider training for Adult Day Care should be scheduled for a half-day in 2016.
- *Michael Jordan:* He spoke about data and its importance. A lot of what he does is pull reports for the LTC survey staff weekly to see where the survey teams are in their intervals, what complaints need to be investigated by whom, enforcement actions coming up, revisits that need to be completed, etc. Michael presented a PowerPoint titled, “The proof is in the data.” Topics covered were: Why use data?, Oklahoma’s Complaints, Oklahoma Non-IJ High Complaints by Federal Fiscal Year, The Importance of Data, Infection Control of Endoscopes, Power in the data, and Importance of the Data. He followed up with the importance of training, where LTC supplies a lot of training, and facilities should make sure they are sending the right people to the training.

11) New Business:

1. *Rules for the Residential Care, Assisted Living and Adult Day Care:* Randy McKinney mentioned that the last time the rules and regulations have been looked at was in 1987. Currently, looking at what is actually there, what is good, what is bad, what could be improved, what could be deleted. Randy is receiving input from a lot of different facilities about being able to give better care to the residents. He is requesting an Ad Hoc committee be set up to look at the rules and regulations for licensure only facilities as an advisory board. Mike Cook has had discussions with Randy McKinney and James Joslin. Mike recommended using Plan-Do-Check-Act to guide the process starting in January 2016. Dewey Sherbon will start a discussion via e-mail with Hank Hartsell and Mike Cook and include the members of the LTCFAB to initiate forming an Ad Hoc Committee.
2. *Meeting Schedule for 2016:* Natalie Smith has included the 2016 meeting schedule in the LTCFAB member binders and within the public meeting packets.
3. *Thank Dewey Sherbon for Service:* Dewey was thanked for his service the last couple years. Dewey said it has been a thrill for him and he has enjoyed it and thanked everyone for their support.

12) Public Comment:

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1. *Don Maisch*: Don said that everyone is doing a wonderful job and to keep it going.
2. *Rules and Regulations*: Comment was made that “advance practice nurses” has not been used consistently where it states “will accept an order by physician” in the rules and regulations.

13) Adjournment

The meeting adjourned at 3:39 p.m.