



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

October 12, 2016 at 1:30 in Room 1102

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

MINUTES

October 12, 2016

1) Call to Order

Wendell Short, Chair, called the meeting to order at 1:34 p.m.

2) Roll Call

Lori Bautista called roll with the following LTCFAB members present: Willie Burkhart; Joyce Clark; James Colgan; Andrew Dentino; Ivoria Holt; Pamela Humphreys; Joanna Martin; Alan Mason; Jim McWhirter; Kay Parsons; Dewey Sherbon; Wendell Short; and Denise Wilson.

The following LTCFAB members were absent: Christean Bolding; Donna Bowers; Tracy Chlouber; Dustin Cox; Theo Crawley; Terry Ferrel; Adam Jordan; Randy McKinney; Jacki Millspaugh, Robert Quatro; Diana Sturdevant; William Whited; Eileen Wilson; and Monica Woodall.

The following guests were present: Michael Cook, OSDH; Mary Brinkley, Leading Age OK; Esther Houser, general public; Diane Henry, OSDH; Alex Hart-Smith, OSDH; Doris Carder, OSDH; Gina Stafford, OK Board of Nursing; Michael Jordan, OSDH; Debbie Zamarripa, OSDH; Becky Moore, general public; Melissa Holland, OKALA; Dee Downer, OKALA; Don Maisch, OSDH; Henry Hartsell, OSDH; James Joslin, OSDH; and Lori Bautista, OSDH.

Currently, there is no vacancy on the LTCFAB, which consists of 27 members.

A quorum was not met with 13 members present, so official business was not conducted.

3) Review and Action to Approve the Amended April 13, 2016 Regular Meeting Minutes:

Quorum was not met. This agenda item was tabled to the LTCFAB Meeting, January 11th, 2017

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- 4) **Review and Action to Approve/Amend July 13, 2016 Regular Meeting Minutes:**
Quorum was not met. This agenda item was tabled to the LTCFAB Meeting, January 11th, 2017

5) **Licensure, Nurse Aide Registry and Background Check Update:**

James Joslin gave an update on licensure concerning the upper payment limit and the supplemental payment. OSDH has had a number of meetings with the Oklahoma Health Care Authority (OHCA) and representatives of the nursing home industry. There is the ability in the Medicaid program for Healthcare Providers for the nursing facilities that are owned by non-state government owned entities to receive an enhanced reimbursement rate. The final approval for the state plan amendment will go through the Centers for Medicare & Medicaid Services (CMS). The rules that Oklahoma enacts to implement the state plan amendment will go through the OHCA Board for approval. Implementation is set for January 1st, 2017.

There are two pieces to be able to receive the enhanced reimbursement rate. One piece is getting permission. And the other piece is the nursing homes going under the ownership of non-state government owned entity. OSDH is working on two provisions that address the change of ownership from a nursing home to a non-state government organization (NSGO.)

The standards that must be met by the non-state government organization (NSGO) relate to the following: 1) Hospital re-admissions; 2) Flu & pneumonia; 3) Focus on excellence; and 4) The Healthy Aging Initiative. There will be quality metrics that must be fulfilled by the NSGO and they must cooperate with the quality improvement organizations (QIO) to receive the enhanced reimbursement rate. They must meet certain standards to receive the initial 75%, and to be able to stay in the program. James mentioned that it takes 45 – 90 days for change of ownership and licensure. The original licensee has the right to revoke the change of ownership, if the working relationship does not work out. One of the goals for implementing the state plan amendment is to reduce hospital re-admission rates.

James Joslin provided two reports on the Nurse Aide Registry Statistics and a brief update on licensure. The first handout is the Nurse Aide Registry First Quarter 2017 statistics and the second handout is the Abuse, Neglect, Misappropriation (ANM) Findings through First Quarter FY2017.

The Abuse, Neglect, Misappropriation (ANM) findings report has been presented quarterly for the past year. In the last quarter there were 20 findings of ANM against nurse aides or non-technical service workers. As previously mentioned a law was passed that the nurse aides must maintain a current address with the nurse aide registry, and any petition sent is considered legally served to the address on file. Of the 20 cases, 11 of those were default judgement. James mentioned there is a backlog of cases the office of general council has been working to address.

Out of the 20 findings 15 had applications in OK Screen. Of the 15 that had applications in OK Screen, three applications were withdrawn, and 12 went through and had a determination of eligible. Of the 12 that were found to be eligible, three had prior criminal history that did not have disqualifying offenses. Four of 12 were discharged when the allegation was found. Three of 12 had their employment terminated prior to the finding in OK Screen. And four were terminated after the

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finding in OK Screen. Six of the 12 were employed with pending allegation prior to the ANM finding. James pointed out that the system of follow-ups and notifications is working.

6) Nurse Aide Investigations Ad Hoc Report:

Joanna Martin presented the Executive Summary for the thirteenth meeting of the Ad Hoc Committee for Nurse Aide Investigations that met October 12th, 2016. The committee reviewed various items, which included data on nurse aides and non-technical service workers for formal findings of abuse, neglect or misappropriation, and data on F225 and F226. She spoke about the two charts on the handout. The F225 & F226 chart shows the improvement and change over three year a period. The chart on the back sheet shows the processing time of allegations of abuse, neglect and misappropriation. The committee discussed whether it would be more effective to focus on a different AIM and objective. The committee would like to survey the LTCFAB. The findings will be brought to the next LTCFAB meeting for recommendations and discussion. The next meeting is scheduled for 10:00 a.m. on January 11th, 2017.

A survey will be sent out via e-mail to the members of the LTCFAB for prioritizing items for the committee to focus on next.

7) Health Aging Report Ad Hoc Report:

Dr. Andrew Dentino gave a progress report from the Ad Hoc Committee on Healthy Aging. He mentioned that the committee met on August 23rd, 2016 for their twelfth meeting. He spoke about the two objectives for 2016: 1) Monitor the progress of the nursing home fall prevention pilot program, and 2) Formulate an approach to increase the percent of nursing home residents assessed and appropriately given the influenza and pneumococcal vaccines.

Dr. Dentino talked about the AIM Statement for Fall Prevention, and then presented two charts with graph lines representing Oklahoma, Region VI and US: 1) Percent of Nursing Home Residents with at least one Fall with Major Injury; 2) Pilot Project: Aggregated Composite Score and Percent of Falls with Major Injury (4 facilities.) Dr. Dentino mentioned the graphs show a negative slope overall.

Dr. Dentino next spoke about the Vaccination Initiative. He talked about statistics the Centers of Disease Control and Prevention (CDC) estimates for hospitalizations and death caused by seasonal flu, as well as hospitalizations caused by pneumococcal disease. The Ad Hoc Committee chose to focus on Influenza and Pneumococcal vaccinations in LTC facilities. Dr. Dentino mentioned additional prevention measures. The committee plans to continue to define project parameters. Dr. Dentino then went over the matters of concern for the vaccination initiative.

Dr. Dentino talked about the AIM Statement for Vaccinations, and then presented two charts with graph lines representing Oklahoma, Region VI, US and Goal: 1) Percent of Residents Assessed and Appropriately Given the Seasonal Influenza Vaccine (Long Stay) Observed

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Percentage; 2) Percent of Residents Assessed and Appropriately Given the Pneumococcal Vaccine (Long Stay) Observed Percentage. Dr. Dentino mentioned this effort should improve physical, mental, social, and emotional well-being.

8) House Bill 2280 Ad Hoc Report:

Joyce Clark said the committee was tasked with coming up with a classification system for violations to include a scope & severity grid and corresponding fines. In two meetings, the committee accomplished everything they wanted to complete. They used the scope & severity grid used for nursing homes as a template. The fines range from \$30 to \$500 per day for a violation. The grid shows the fining structure based on the scope and severity. This scope and severity grid and corresponding fines will go into effect November 1st, 2016. The LTCFAB will vote to recommend the Assisted Living Scope and Severity Grid at the next LTCFAB meeting.

9) Nomination of 2017 Officers:

James Colgan wanted to recognize the following members who served on the nominating committee: Dewey Sherbon, William Whited, Tracy Chlouber, and himself, James Colgan. The officers nominated for the LTCFAB for 2017 are: Dr. Andrew Dentino, Chair, who is currently Vice-Chair; Joanna Martin, Vice-Chair, who is currently the Secretary/Treasurer; and Alan Mason, Secretary/Treasurer. Approval of the nominated officers for 2017 is tabled to the LTCFAB Meeting, January 11th, 2017, since quorum was not met.

10) Governor Appointments of the LTCFAB:

Wendell Short went over a list of appointments that are expiring. Willie Burkhart, James Colgan, Dustin Cox, Andrew Dentino, Pamela Humphreys, Joanna Martin, Randy McKinney, Kay Parson, Robert Quatro, Dewey Sherbon and Monica Woodall are up for renewal November 1st, 2016. Of the above mentioned, Randy McKinney and Monica Woodall will decline renewal of their appointments to the LTCFAB. Those interested in continuing to serve as a member of the LTCFAB, please contact Natalie Smith. Mike Cook mentioned that the application for renewal does not need to be re-submitted, if there is little change since the previous application was submitted.

11) Long Term Care Service Update:

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

- *1) Composite Scorecard for Oklahoma Nursing Homes:* Mike presented a handout showing long stay metrics for the period ending June 30th, 2016. Mike spoke about the charts that support the Falls Initiative and the Vaccination Initiative that the Healthy Aging Ad Hoc Committee has been working on. And went on to talk about the top three greatest

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opportunities for improvement, which are: 1) Residents who self-report moderate to severe pain; 2) Residents who received antipsychotic medication; and 3) Residents assessed and appropriately given pneumococcal vaccine. Mike gave an overview of the top three quality measures that are better than the National and/or Regional average: 1) Low risk residents who lose control of their bowels or bladder; 2) Residents physically restrained; and 3) Residents whose need for help with ADLs has increased. The goals that have been set have been hit every single year. For 2) Residents who received antipsychotic medications, Oklahoma was ranked 47th with the most prevalence. The goal was met to reduce by antipsychotic use by 15% in 2013, with other goals of 20% in 2014, 25% in 2015, and 30% for 2016. Oklahoma has moved up to 39th nationally. Mike will bring the percentages of improvement to the next LTCFAB meeting.

- 2) *Informal Dispute Resolution (IDR) Training*: Mike announced that there will be Assisted Living/Residential Care IDR Training October 19th, 2016. The Nursing Home and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) IDR Training will be November 8th, 2016. The trainings are set tentatively at the University of Oklahoma Health Sciences Center.
- 3) *Nursing Home Regulations*: November 28th, 2016 is the effective date. Mike has not received any new information than what was already presented originally. As new information is received, Mike will make periodic announcements.
- 4) *Recent Survey & Certification Letter from Centers for Medicare & Medicaid Services (CMS)*: Mike talked about the different scope and severity levels of A, B, C do not require a Plan of Correction (POC); D, E, F would have the opportunity to correct; G, H, I would be immediately assigned remedies; and J, K, L would be immediate jeopardy. Effective September 1st fines went up and we are currently waiting on guidance from CMS.
- 5) *Life Safety Code Training*: Life Safety Code surveyors are currently completing training. They will take the test soon and will be up and running by November 1st.
- 6) *Legislation for 2017*: Mike will talk about any changes next year as they come up. But there will be changes to complaint processing timelines, and whether or not it is more efficient to complete complaints on follow-ups and/or re-certifications.
- 7) *LTC FAB Annual Report*: Mike mentioned that the Annual Report is due November 7th, 2016 by Long Term Care. Please send any recommendations on the content that should be included in the report to Mike Cook at the following e-mail address: mikec@health.ok.gov.

12) New Business:

1. *LTCFAB 2017 Meeting Dates*: A handout was passed out with next year's LTCFAB meeting dates.
 - January 11th, 2017 at 1:30 p.m.
 - April 12th, 2017 at 1:30 p.m.
 - July 12th, 2017 at 1:30 p.m.
 - October 11th, 2017 at 1:30 p.m.

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13) Public Comment:

1. *Music and Memory Program:* Mary Brinkley spoke about the Music and Memory Program that was part of the Provider Training in Oklahoma City and Tulsa. She explained that it is a \$353,000 grant that will implement the program in 100 nursing homes throughout the state of Oklahoma. A video on YouTube called “Alive Inside Film of Music and Memory Project - Henry's Story” tells how music impacted a resident of a nursing home. Assisted Livings, Adult Day Cares, and other non-Medicare/Medicaid facilities can still participate at a reduced rate. Currently, the program is only for Medicare & Medicaid facilities.

14) Adjournment

The meeting adjourned at 3:17 p.m.