



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

January 11, 2017 at 1:30 in Room 1102

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

MINUTES

January 11, 2017

1) **Call to Order**

Wendell Short, Chair, called the meeting to order at 1:30 p.m.

2) **Roll Call**

Lori Bautista called roll with the following LTCFAB members present: Christean Bolding; Donna Bowers; Willie Burkhardt; Tracy Chlouber; Joyce Clark; Dustin Cox; Theo Crawley; Andrew Dentino; Pamela Humphreys; Adam Jordan; Joanna Martin; Alan Mason; Jimmy McWhirter; Kay Parsons; Dewey Sherbon; Wendell Short; Diana Sturdevant; William Whited and Denise Wilson.

The following LTCFAB members were absent: Terry Ferrel; Ivoria Holt; Jacki Millspaugh and Eileen Wilson.

The following guests were present: Michael Cook, OSDH; Esther Houser, general public; Claire Dower, Healthy Aging Initiative; Mary Brinkley, Leading Age OK; James Joslin, OSDH; Michael Jordan, OSDH; Henry Hartsell, OSDH; Don Maisch, OSDH; Alexandria Hart-Smith, OSDH; Diane Henry, OSDH; Sue Davis, OSDH; Patty Scott, OSDH; Kay Determan, OSDH; Beverly Clark, OSDH; Vicki Kirtley, OSDH; Julie Myers, OSDH; Debra Burris, Ombudsman; Morgan Kenyon, general public, Lori Bautista, OSDH.

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

A quorum was met with 19 members present.

3) **Nomination and Election of 2017 Officers:**

Dewey Sherbon in the absence of James Colgan submitted nominations for the following officers for the LTCFAB for 2017: Andrew Dentino, Chair; Joanna Martin, Vice-Chair; and Alan Mason, Secretary/Treasurer.

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>

Agenda Item #3
Vote 1

Motion: Approval of the new officers for 2017 for the following: Alan Mason for Secretary/Treasurer, Joanna Martin for Vice-Chair and Dr. Andrew Dentino for Chair

Motion Made by: Dewey Sherbon Seconded: Pamela Humphreys Motion Carried: Yes
Aye: 18 Abstain: 0 Nay: 0 Absent: 5

Aye: 18 Abstain: 0 Nay: 0 Absent: 5

Christean Bolding	<input 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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millsbaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" 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
Terry Ferrel	<input 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
Ivoria Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

4) Review and Action to Approve the Amended April 13, 2016 Regular Meeting Minutes:
Agenda Item #4

Vote 2

Motion: Approve the April 13, 2016 Regular Meeting Minutes: to revise agenda item #2) The following guests were present: Tawanda Cox, OHCA to Tawanda Cox, Chief of Federal & State Health Policy

Motion Made by: Kay Parsons Seconded: Wendell Short Motion Carried: Yes
Aye: 19 Abstain: 0 Nay: 0 Absent: 4

Aye: 19 Abstain: 0 Nay: 0 Absent: 4

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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millsbaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" 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
Terry Ferrel	<input 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
Ivoria Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

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Approved minutes are posted at <http://www.health.ok.gov/calendar/mtngs/lcabc.html>

5) Review and Action to Approve/Amend July 13, 2016 Regular Meeting Minutes:

Agenda Item #5

Vote 3

Motion: Approval of the July 13, 2016 Regular Meeting Minutes

Motion Made by: Pamela Humphreys Seconded: Theo Crawley Motion Carried: Yes

Aye: 18 Abstain: 1 Nay: 0 Absent: 4

Aye: 18 Abstain: 1 Nay: 0 Absent: 4

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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millsbaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" 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
Terry Ferrel	<input 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
Ivoria Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

6) Review and Action to Approve/Amend October 12, 2016 Regular Meeting Minutes:

Agenda Item #6

Vote 4

Motion: Approval of the October 12, 2016 Regular Meeting Minutes

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

Aye: 13 Abstain: 6 Nay: 0 Absent: 4

Aye: 13 Abstain: 6 Nay: 0 Absent: 4

Christean Bolding	<input type="checkbox"/> Aye <input checked="" 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 checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay	Alan Mason	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millsbaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" 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 type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay
Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	William Whited	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivoria Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

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7) Proposed Rulemaking Recommendations:

Mike Cook presented the 2017 Proposed Amendments to the State Board of Health Rules in a PowerPoint. The public comment period for proposed rulemaking changes was open until January 17th, 2017. Mike stated that the projected SFY 2017 deficit is estimated to be \$330, 836. Mike then went over the proposed fee increases that would be included in the rule changes. There were 22,000 incidents reported to OSDH in FFY 2015. In the diagram, green shaded areas could not be touched. But 10,000 incidents were reported under head injury. Head injuries were looked at to see if they would be reportable or not. 80% were determined to be not required to report. A reduction of 50% and up to 80% would save the state a significant amount of money. The provider savings was not calculated. Another area that was looked at was complaints. Assisted Living does not have regulations that the nursing homes have. In 2016, complaints dropped significantly. Time spent processing complaints take up almost 32% of total staff time. Long Term Care analyzed 2 day, 10 day and next onsite timelines to see if it would be feasible to change from 2 day, 10 day, 25 day and 30 day. For G scope and severity, next onsite was scheduled at 60 days. Oklahoma was compared to other states for investigation timelines. The yellow highlighted sections followed the federal were states that did not have state regulations pertaining to complaint processing timelines. There is substantial savings for Nursing homes and licensure facilities for changing investigation timelines. The overall savings was calculated to be \$159,873 to change to 2 day, 10 day and next onsite for complaints based on scope and severity. Continuum of Care and Assisted Living Centers would provide the most savings with the proposed fee increases. Reduction of service for complaints also has a significant savings. Mike Cook presented the December 15th, 2016 version of the rules and distributed a handout showing additional changes to OAC 310:675 based on public comment to date. Mike recommended to go through each section and to start with Chapter 675.

Pursuant to Title 63 of the Oklahoma Statutes, at section 1-1923(D), *the Advisory Board shall have the power and duty to: ... 2. Review, make recommendations regarding, and approve in its advisory capacity the system of standards developed by the Department;*

Discussion and possible action on approval and/or recommendations for adoption to the Board of Health for the following proposed rules:

A. **CHAPTER 675. NURSING AND SPECIALIZED FACILITIES (Moved from Agenda Item B)**

RULEMAKING ACTION: PERMANENT

PROPOSED RULES:

SUBCHAPTER 5. PHYSICAL PLANT

310:675-5-18. Design and construction [AMENDED]

310:675-5-22. Exceptions and temporary waivers [NEW]

310:675-5-23. Submission of plans and specifications and related requests for services [NEW]

310:675-5-24. Preparation of plans and specifications [NEW]

310:675-5-25. Self-certification of plans [NEW]

SUBCHAPTER 7. ADMINISTRATION

301:675-7-5.1 Reports to state and federal agencies [AMENDED]

310:675-7-6.1. Complaints [AMENDED]

310:675-7-12.1 Incident Reports [AMENDED]

SUBCHAPTER 11. INTERMEDIATE CARE FACILITIES OF 16 BEDS AND LESS FOR THE MENTALLY RETARDED INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF/MR 16 BEDS AND LESS) (ICF/IID-16)

310:675-11-5. Physical plant [AMENDED]

310:675-11-5.1 Plans and specifications requirements applicable to ICF/IID-16 [NEW]

SUMMARY: Amends construction and physical plant requirements in Subchapter 5 to require submittal of plans and specifications for new buildings or major alterations; establishes fees for review of design and construction plans and specifications; sets fees for related services including review of temporary waivers and applications for self-certification; establishes a process to ensure timely review of design and construction documents; establishes requirements and a process for assisted living

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centers to self-certify compliance of their plans for certain types of projects; sets requirements for stage one, stage two, and special construction plan submittals, and to give assisted living centers the option to move directly to the stage two plan submittal; adds criteria and a process for facilities to request exceptions and temporary waivers from the design and construction requirements of this Chapter.

Amends Subchapter 7 requirements for reporting incidents; amends language for reporting utility failures, storm damage and fires to local emergency response managers; adds language to clarify reporting of injuries that have certain physician diagnoses or require treatment at a hospital. Amends 310:675-7-6.1(b)(4)(C) and (D) relating to complaints made to the Department: authorizes the Department to investigate, during the next required onsite inspection at the facility, complaints that do not represent immediate jeopardy or actual harm to the resident. Amends OAC 310:675-7-12.1 relating to facility non-reportable incidents, removing language on facility non-reportable incident reports.

Subchapter 11 is updated to use current terminology for individuals with intellectual disabilities, and to incorporate the most recent Life Safety Code adopted by the Centers for Medicare & Medicaid Services; a section is added to incorporate into Subchapter 11 the updated plans and specifications requirements of Subchapter 5.

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; 63 O.S. Section 1-106.1; 63 O.S. Section 1-1908; and 63 O.S. Section 1-1942.

PROPOSED CHANGES BASED ON PUBLIC COMMENT:

SUBCHAPTER 7. ADMINISTRATION

301:675-7-5.1 Reports to state and federal agencies [AMENDED]

310:675-7-6.1. Complaints [AMENDED]

310:675-7-12.1 Incident Reports [AMENDED]

SUBCHAPTER 11. INTERMEDIATE CARE FACILITIES OF 16 BEDS AND LESS FOR THE MENTALLY RETARDED INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF/MR-16 BEDS AND LESS) (ICF/IID-16)

310:675-11-5. Physical plant [AMENDED]

310:675-11-5.1 Plans and specifications requirements applicable to ICF/IID-16 [NEW]

LTCFAB MEMBER COMMENT:

310:675-5-18: Design and construction: No Comment

310:675-5-22: Exceptions and temporary waivers

- a) **Alan Mason: Major Alterations Included?** Response from Hank Hartsell, “Major alterations included and we’ve included a list of the major alterations that would require designs and some things that don’t.” Hank referred to 310:675-5-23
- b) **Wendell Short: Are you suggesting that it would be listed somewhere in here that we would be recognizing the national standards as well as a keeping a list of waivers and publication of those?** Response from Hank Hartsell, “Yes, those would both be added to 310:675-5-22.”
- c) **Alan Mason: “How many states are using these national standards?”** Response from Hank Hartsell, “For hospitals, the number is higher. For Residential facilities, I do not know. We can provide that information.”
- d) **Alan Mason: “Is it being done fairly widespread?”** Response from Hank Hartsell, “The information we have is that it is fairly widespread.”
- e) **Alan Mason: “So, it is not a requirement for nursing homes. It is a suggestion?”** Response from Hank, “If a facility chooses to design to those standards, we will recognize those and accept those.”
- f) **Christean Bolding: “Is this all LTC facilities?”** Response from Hank Hartsell, “It was just requested for 675. I don’t know why we couldn’t for 663 and 680.”
- g) **Alan Mason: “Is the reason we’re doing now instead of in 20 years is because the hospitals are now looking at purchasing LTC facilities?”** Response from Hank Hartsell, “It was really a desire on the part of industry to upgrade. There are significant differences between 1996 and 2014.”

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Response from Mike Cook, “The adoption of the 2012 Life Safety Code, CMS just approved that this year. That’s another reason to put it in here and to update that so that the requirements are met for certification.

310:675-5-23: Submission of plans and specifications and related requests for services:

- a) **Alan Mason: Major Alterations Included? Response from Hank, “Major alterations included and we’ve included a list of the major alterations that would require designs and some things that don’t.”**

310:675-5-24: Preparation of plans and specifications: No Comment

310:675-5-25: Self-certification of plans: No Comment

301:675-7-5.1: Reports to state and federal agencies

- a) **Alan Mason: “The only thing about head injuries that it really doesn’t include is neurological deficits that occurred due to head injuries. Did your nurses look at that?” Response from Mike Cook, “We did. We want you to evaluate. You may evaluate it and make the determination that it was abuse. At that point in time, you file an incident report as abuse. You may need to go to the hospital and do an evaluation to see if there is any neurological damage. At a time that you would need more than first aide, then you would have to report it.”**
- b) **Pam Humphreys: A neuro-check should be done in the home. Mike Cook response is that head injuries should still be documented, but do not need to be reported to OSDH.**
- c) **Utility Failure: Why from 4 Hours to 8 Hours? Response from Mike Cook, “Still waiting on public comment.” Denise Wilson Question: “Is that still going through the emergency response manager or through the department?” Response from Mike Cook, Unless it’s a widespread outage, then normally don’t notify emergency response.**
- d) **William Whited: Difference between utility outage due to facility not paying utility bills versus outages caused by storms, etc? Response from Mike Cook, facilities have financial responsibility to pay utility bills. Could be complaint with IJ to High.**

310:675-7-6.1: Complaints

- a) **William Whited: “We’ve already clarified that it’s no later than the next onsite survey that you would investigate these matters. Could there be a process by which the health department could accept input from resident’s family, ombudsman or whatever the case may be to elevate up to a more responsive timeframe.” Response from Patty Scott, “We do that. When we receive additional information that would elevate the priority, we do that automatically.” Response from Mike Cook, “If there is some language you would like develop to put in there, let me know what it looks like. We would like to look at that.”**

310:675-7-12.1: Incident Reports: No Comment

310:675-11-5: Physical plant: No Comment

310:675-11-5.1: Plans and specifications requirements applicable to ICF/IID-16: No Comment

PUBLIC COMMENT:

310:675-5-18: Design and construction: No Comment

310:675-5-22: Exceptions and temporary waivers

- a) **Esther Houser: Asked clarification about the second sentence about the word “deviation” and whether it was “deviation from the rule” in 310:675-5-22(a). Response from Hank Hartsell, “Yes, deviation from the standards and meeting the intent or objective of the standards.”**
- b) **Guest with the Oklahoma Association of Health Care Providers: The group he is a part of has gone through the subchapters of 675 and has made suggestions and updated nursing home standards and they were submitted to Hank Hartsell January 10th, 2017. Response from Mike Cook, “What we are looking at right now is what we submitted December 15th, 2017. We still have to take all the comment, review all the comment and determination has to be made on the final representation will be. So we haven’t been able to take everybody’s comment and apply it.”**

310:675-5-23: No Comment

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- 310:675-5-24: Preparation of plans and specifications: No Comment**
- 310:675-5-25: Self-certification of plans: No Comment**
- 301:675-7-5.1: No Comment**
- 310:675-7-6.1: Complaints**

- a) **Mary Brinkley:** It says other than immediate jeopardy or actual harm and that would be in rule that it would be on the next onsite survey. There might be an incident or issue that would cause you concern but says in rule next onsite. Could it be that in there that there could be some language in there about the determination of the health department about going out earlier than the next onsite. It is not clearly defined whether to wait for the next onsite or discretion or as determined by the health department to go earlier than 180 days or next onsite. Response from Mike Cook, "It says not later than, but I see no problem inserting something like that."
- b) **Esther Houser:** Likes the changes from the original proposal. But had a question, "Am I right that you intend use the same language in the rules for Residential Care, and by reference in Assisted Living, as well?" Response from Mike Cook, "Definitely, in Residential Care. If it's the same or not, then we will adjust it, so it is about the same." Esther Houser: "The corollary concern would be you're out in nursing homes a lot more than the other facilities just getting back to the size of the workforce and also the number of complaints and that sort of thing. That's my impression. So, I'm wondering if that language would need to be tweaked further, because the next onsite survey in a residential care or assisted living might actually be 12 months as opposed to the frequency of which your teams are in nursing homes. Is that something to consider?" Response from Mike Cook, "Absolutely."

310:675-7-12.1: Incident Reports

- a) **Esther Houser:** Asked about 310:675-7-12-1(a): "Do you really mean for facilities not to even do internal incident reports on medication and treatment errors? That seem like that would be problematic if they didn't have to keep a record of that." Response from Mike Cook, "The intent wasn't to say you don't need to do that. The intent was not to get specific to say that this kind of looks like we only need to do. In the new part it says "unusual occurrences. Not receiving medication would not be an unusual occurrence."

310:675-11-5: Physical plant: No Comment

310:675-11-5.1: Plans and specifications requirements applicable to ICF/IID-16: No Comment

**Agenda Item #7
Vote 5**

Motion: To support proposed amendments with proposed changes as they have been presented here today for Chapter 675

Motion Made by: Kay Parsons Seconded: Denise Wilson Motion Carried: Yes
 Aye: 16 Abstain: 2 Nay: 1 Absent: 4

Aye: 16 Abstain: 2 Nay: 1 Absent: 4

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
Willie Burkhart	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millsbaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input type="checkbox"/> Aye <input checked="" 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

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<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>

Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	William Whited	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input checked="" type="checkbox"/> Nay
Ivoria Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

**B. CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING (Moved from Agenda Item A)
RULEMAKING ACTION: PERMANENT**

PROPOSED RULES:

SUBCHAPTER 7. PHYSICAL PLANT DESIGN

310:663-7-3. Submission of plans and specifications and related requests for services [NEW]

310:663-7-4. Preparation of plans and specifications [NEW]

310:663-7-5. Self-certification of plans [NEW]

310:663-7-6. Exceptions and temporary waivers [NEW]

SUBCHAPTER 15. RESIDENT RIGHTS AND RESPONSIBILITIES

310:663-15-4. Prohibited restrictions and fees [NEW]

SUBCHAPTER 19. ADMINISTRATION, RECORDS AND POLICIES

310:663-19-1. Incident reports [AMENDED]

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; Title 63 O.S. Section 1-106.1, 1-890.3. and 1-890.3(A)(8).

SUMMARY: Amends construction and physical plant requirements in Subchapter 7 to require submittal of plans and specifications for new buildings or major alterations; establishes fees for review of design and construction plans and specifications; sets fees for related services including review of temporary waivers and applications for self-certification; establishes a process to ensure timely review of design and construction documents; establishes requirements and a process for assisted living centers to self-certify compliance of their plans for certain types of projects; sets requirements for stage one, stage two, and special construction plan submittals, and to give assisted living centers the option to move directly to the stage two plan submittal; adds criteria and a process for assisted living centers to request exceptions and temporary waivers from the design and construction requirements of this Chapter.

Adds new rule in Subchapter 19 at OAC 310:663-15-4 to address requirements in statute related to a resident's freedom of choice in physician and pharmacist and prohibits any financial penalty or fee for their choice.

Amends Subchapter 19 requirements for reporting incidents; amends language for reporting utility failures, storm damage and fires to local emergency response managers; adds language to clarify reporting of injuries that have certain physician diagnoses or require treatment at a hospital.

LTCFAB MEMBER COMMENT:

General Comments:

Hank Hartsell: Life Safety Code and National Fire Protection Association standards are not a part of OSDH licensure assisted living centers.

Wendell Short: Are we accepting similar changes that were made in 675? Mike Cook indicated that the 310:675 handout and changes discussed should apply to assisted living centers and residential care homes. Mike Cook said the exception is that the Life Safety Code and National Fire Protection Association requirements incorporated into the nursing facility rules are not incorporated into the assisted living or residential care rule.

310:663-7-3: Submission of plans and specifications and related requests for services

310:663-7-4: Preparation of plans and specifications

310:663-7-5.: Self-certification of plans

310:663-7-6.: Exceptions and temporary waivers

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<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>

310:663-15-4: Prohibited restrictions and fees

310:663-19-1: Incident reports:

- a) **Alan Mason: Are the incident reports that we’re looking at for Assisted Living the same as 675? Response from Mike Cook, “Our intent is to go in and make sure the language is close to parallel as possible.”**

PUBLIC COMMENT:

310:663-7-3: Submission of plans and specifications and related requests for services: No Comment

310:663-7-4: Preparation of plans and specifications: No Comment

310:663-7-5.: Self-certification of plans: No Comment

310:663-7-6.: Exceptions and temporary waivers: No Comment

310:663-15-4: Prohibited restrictions and fees: No Comment

310:663-19-1: Incident reports:

- a) **310:663-19-1(h) “power outage of four (4) hours or more” will be changed to “power outage of eight (8) hours or more.”**

Agenda Item #7

Vote 6

Motion: To support proposed amendments with proposed changes as they have been presented here today for Chapter 663

Motion Made by: Wendell Short Seconded: Diana Sturdevant Motion Carried: Yes

Aye: 16 Abstain: 2 Nay: 0 Absent: 5

Aye: 16 Abstain: 2 Nay: 0 Absent: 5

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
Willie Burkhart	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millspaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input type="checkbox"/> Aye <input checked="" 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
Terry Ferrel	<input 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
Ivorla Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

C. CHAPTER 680. RESIDENTIAL CARE HOMES

RULEMAKING ACTION: PERMANENT

PROPOSED RULES:

SUBCHAPTER 3. LICENSURE REQUIREMENTS

310:680-3-3. Applications [AMENDED]

310:680-3-6. Records and reports [AMENDED]

310:680-3-9. Complaints [AMENDED]

310:680-3-14. Appropriate occupancy [AMENDED]

SUBCHAPTER 5. CONSTRUCTION REQUIREMENTS AND PHYSICAL PLANT

310:680-5-6. Building elements [AMENDED]

Meetings are posted at:

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<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>

310:680-5-7. Resident rooms [AMENDED]

310:680-5-9. Submission of plans and specifications and related requests for services [NEW]

310:680-5-10. Preparation of plans and specifications [NEW]

310:680-5-11. Self-certification of plans [NEW]

SUBCHAPTER 7. ENVIRONMENTAL HEALTH AND SANITARY REQUIREMENTS

310:680-7-5. Housekeeping [AMENDED]

SUBCHAPTER 11. STAFFING REQUIREMENTS

310:680-11-1. Requirements [AMENDED]

SUMMARY:

Amends licensure requirements in Subchapter 3 to authorize the use of a physician assistant or advanced practice registered nurse to provide services and consultation; amends requirements regarding zoning of the home's location consistent with the Residential Care Act; amends requirements for records and reports to be kept in the home to reflect current laws for administrators and communicable diseases; removes obsolete or unnecessary record references.

Amends requirements for reporting incidents: utility failures, storm damage and fires will be reported to local emergency response managers; adds language to clarify reporting of injuries that have certain physician diagnoses or require treatment at a hospital. Amends 310:680-3-9(b)(4)(C) and (D) to authorize the Department to investigate, during the next required onsite inspection at the home, complaints that do not represent immediate jeopardy or actual harm to the resident. Amends 310:680-3-14 to accurately state statutory requirements for appropriate occupancy.

Amends construction and physical plant requirements in Subchapter 5 to require submittal of plans and specifications for new buildings or major alterations; establishes fees for review of design and construction plans and specifications; sets fees for related services including review of temporary waivers and applications for self-certification; establishes a process to ensure timely review of design and construction documents; establishes requirements and a process for assisted living centers to self-certify compliance of their plans for certain types of projects; sets requirements for stage one, stage two, and special construction plan submittals, and to give assisted living centers the option to move directly to the stage two plan submittal; adds criteria and a process for facilities to request exceptions and temporary waivers from the design and construction requirements of this Chapter.

Amends housekeeping requirements to clarify allowable differences between handling of general and soiled laundry. Amends staffing requirements to require first aid and CPR training for direct care staff, and removes the restriction on crediting first aid and CPR training towards the administrator's annual job-related training requirement.

AUTHORITY: Oklahoma State Board of Health, Title 63 O.S. Section 1-104; 63 O.S. Section 1-106.1; and 63 O.S. Section 1-821.

LTCFAB MEMBER COMMENT:

310:680-3-3: Applications:

- a) **Joyce Clark had a question about striking "emergency" in 310:680-3-3(e)(1). Response from Mike Cook was the intent was to include PA and advanced practice registered nurse and have more comprehensive services other than emergency services. Denise Wilson mentioned that you call 911 for emergencies and it would make it less restrictive to remove emergency. Hank Hartsell recommended to remove "emergency medical services." Residential Cares do not need 3-3(e)(1) at all or remove "emergency medical services." Alan Mason said that to make it vague, so PA and advance practice registered nurse can offer consultation. Group Consensus was to remove "emergency medical services" after discussion.**

310:680-3-6: Records and reports: No Comment

310:680-3-9: Complaints: No Comment

310:680-3-14: Appropriate occupancy:

- a) **Response from Dustin Cox: In Assisted Living facilities, if ambulatory, then in an evacuation, then residents must be able to transfer independently, which is the definition of ambulatory.**

310:680-5-6: Building elements:

- a) **310:680-5-6(d): William Whited: Question about removing "enclosed"? Wanted to add "enclosed secure" prior to "storage space." Request that resident needs to be able to lock their belongs which matches resident rights. After discussion, consensus is to not strike "enclosed" and to change to "enclosed secure storage space."**

310:680-5-7: Resident rooms: No Comment

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>

310:680-5-9: Submission of plans and specifications and related requests for services:

- a) **310:680-5-9(a)(1)(v): Denise Wilson question about modifications? Response from Mike Cook and Jim McWhirter: 310:680-5-9 (a) mentions “major alterations,” so minor modifications would fall under repair/maintenance. After discussion the consensus was that minor modifications would fall under repair/maintenance instead.**

310:680-5-10: Preparation of plans and specifications: No Comment

310:680-5-11: Self-certification of plans: No Comment

310:680-7-5: Housekeeping: No Comment

310:680-11-1: Requirements: No Comment

PUBLIC COMMENT:

310:680-3-3: Applications: No Comment

310:680-3-6: Records and reports: No Comment

310:680-3-9: Complaints: No Comment

310:680-3-14: Appropriate occupancy:

- a) **Esther Houser: A person can have 24 hour hospital care in their home. Her belief is that that is not what is intended by the proposed changes. Response from Joyce Clark: They have to be ambulatory. Response from Mike Cook: The statute basically states that have to be ambulatory, have to be capable of ADL’s and cannot require routine services. Don Maish: defined ambulatory from the statute as “any resident who is capable of self-movement including in and out of wheelchairs to all areas of the home.”**

310:680-5-6: Building elements: No Comment

310:680-5-7: Resident rooms: No Comment

310:680-5-9: Submission of plans and specifications and related requests for services: No Comment

310:680-5-10: Preparation of plans and specifications: No Comment

310:680-5-11: Self-certification of plans: No Comment

310:680-7-5: Housekeeping: No Comment

310:680-11-1: Requirements: No Comment

Agenda Item #7

Vote 7

Motion: To support proposed amendments with proposed changes as they have been presented here today for Chapter 680

Motion Made by: Denise Wilson Seconded: Adam Jordan Motion Carried: Yes
 Aye: 17 Abstain: 0 Nay: 1 Absent: 5

Aye: 17 Abstain: 0 Nay: 1 Absent: 5

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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millsbaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" 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
Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	William Whited	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input checked="" type="checkbox"/> Nay

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>

Ivorla Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

8) Nurse Aide Investigations Ad Hoc Report: (Moved from agenda item 9)

Joanna Martin presented the Executive Summaries for the thirteenth and fourteenth meetings of the Ad Hoc Committee for Nurse Aide Investigations that met October 12th, 2017 and January 11th, 2017 respectively. She spoke about the average processing time for allegations received to posting of pending investigations being reduced to seven days in 2016 from 49 days in 2013. The intention of the committee was to dissolve after the last meeting on January 11th, 2017. The LTCFAB will vote to dissolve the Ad Hoc Committee for Nurse Aide Investigations at the next LTCFAB Regular Meeting scheduled for April 12th, 2017.

9) Licensure, Nurse Aide Registry and Background Check Update: (Moved from agenda item 8)

James Joslin provided two reports on the Nurse Aide Registry Statistics. The first handout is the Abuse, Neglect, Misappropriation (ANM) Findings through Second Quarter FY2017 and the second handout is the Nurse Aide Registry Second Quarter 2017 statistics. The third handout provided was the Composite Scorecard for Oklahoma Nursing Homes: Long-stay metrics for the period ending September 30th, 2016. James mentioned to contact him with any questions.

10) Health Aging Report Ad Hoc Report:

Dr. Andrew Dentino gave a progress report from the Ad Hoc Committee on Healthy Aging. For the Fall Prevention Initiative, he mentioned the average rate of falls has been reduced to 5.19% from 5.6% for the State of Oklahoma. The AIM Statement for Fall Prevention states a goal of 3.0% by June 2019. Dr. Dentino spoke about the Vaccination Initiative’s stretch goals and getting through the winter influenza season.

The next meeting is scheduled for June 20th, 2017 to review data and progress.

11) 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 went into effect November 1st, 2016.

**Agenda Item #11
 Vote 8**

Motion: To accept the House Bill 2280 Ad Hoc Committee’s recommendation for the use of the scope & severity grid for the enforcement process for Assisted Living Facilities

Motion Made by: Joyce Clark Seconded: Denise Wilson Motion Carried: Yes
 Aye: 15 Abstain: 0 Nay: 0 Absent: 8

Aye: 15 Abstain: 0 Nay: 0 Absent: 8

Christean Bolding	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Joanna Martin	<input 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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jim McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Tracy Chlouber	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jacki Millspaugh	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" 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
Dustin Cox	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input 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
Terry Ferrel	<input 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
Ivor Holt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Denise 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	Eileen Wilson	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

12) Long Term Care Service Update:

Mike Cook, Director Long Term Care Services, requested the Long Term Care update be tabled to the next LTCFAB Regular Meeting scheduled for April 12th, 2017.

13) New Business:

1. *LTCFAB Member Eileen Wilson:* Kay Parsons mentioned that Eileen Wilson has moved out of the state of Oklahoma. Eileen is no longer a state resident and is not eligible to serve on the LTCFAB anymore. The Governor’s Office needs to be notified. Mike Cook said it will be noted and will be taken care of.
2. *LTCFAB Special Meeting:* If a LTCFAB special meeting is called by the Chair, Dr. Andrew Dentino with the Secretary of State notification 48 hours prior to the meeting and quorum must be met to approve and vote on the proposed rule amendments to Chapter 663, Chapter 675 and Chapter 680 of Title 63 of the Oklahoma Statutes.

14) Public Comment:

Public comment made throughout the meeting.

15) Adjournment

The meeting adjourned at 4:14 p.m.