



## LONG-TERM CARE FACILITY ADVISORY BOARD

Special Meeting

February 9, 2017 at 1:30 in Room 1102

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

### MINUTES

February 9, 2017

#### 1) **Call to Order**

Dr. Dentino, Chair, called the meeting to order at 1:40 p.m.

#### 2) **Roll Call**

Lori Bautista called roll with the following LTCFAB members present: Christean Bolding; Donna Bowers; Willie Burkhart; Tracy Chlouber; Joyce Clark; Dustin Cox; Andrew Dentino; Ivoria Holt; Pamela Humphreys; Joanna Martin; Jim McWhirter; Kay Parsons; Wendell Short; William Whited; and Denise Wilson.

The following LTCFAB members were absent: Theo Crawley; Terry Ferrel; Adam Jordan; Alan Mason; Jacki Millspaugh, Dewey Sherbon; and Diana Sturdevant.

The following OSDH staff were present: Michael Cook, OSDH; Debbie Zamarripa, OSDH; James Joslin, OSDH; Vicki Kirtley, OSDH; and Lori Bautista, OSDH.

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

#### 3) **Proposed Rulemaking Recommendations:**

Mike Cook presented the 2017 Proposed Amendments to the State Board of Health Rules that included changes made based on public comments from the period that closed on January 17<sup>th</sup>, 2017, along with LTCFAB member comments made at the January 11<sup>th</sup> LTCFAB Regular Meeting. Mike recommended to go through each section and to start with Chapter 663.

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;*

Meetings are posted at:

<http://www.health.ok.gov/calendar/mtngs/index.html>

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

**A. CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING  
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.

**PROPOSED CHANGES BASED ON PUBLIC COMMENT: (Presented 2/9/17)**

**SUBCHAPTER 7. PHYSICAL PLANT DESIGN**

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

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

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

**SUBCHAPTER 19. ADMINISTRATION, RECORDS AND POLICIES**

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

**LTCFAB MEMBER COMMENT:**

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

a) Wendell correction to (a)(2)(A) with a comma between "papering tiling."

**310:663-7-4: Preparation of plans and specifications: N/A**

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

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

a) Wendell liked the addition of (c)(7)

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

a) Wendell Short: asked if the section that was added actual wording out of the statute. Mike Cook responded with yes, that it is statute. Wendell then asked if it changed

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anything in relation to having a selected group of hospices for assisted living or anything like that. Mike Cook responded that it would be for all services and that is the way it has been interpreted in the law. The premise is for the resident to have a right to a choice and not to only have one option. Mike clarified that it is not unlimited choice.

- b) William Whited: clarified that the intent of the law is to limit the choice of hospice providers, but not other providers. For example for pharmacies, a resident can choose their own pharmacy, but for hospice providers, a facility can limit the options to who the facility contracts with.
- c) Dr. Dentino commented, “Freedom of choice without a fee.”

**310:663-19-1: Incident reports:**

- a) William Whited: (h) Emergency Response - mentioned Esther Houser’s comments about the facility may coordinate with the facility’s local response coordinator, and clarified that it is the local county emergency response coordinator and not the “facility’s” personal emergency response coordinator. Mike Cook responded that it will be clarified in the rule when it is finalized.

**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) James Joslin: (h) Emergency Response – recommendation to strike “facility’s” in “the facility’s local emergency response coordinator” and William Whited agreed. Mike Cook responded that Esther Houser commented with the same recommendation.

**Agenda Item #3  
Vote 1**

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

Motion Made by: Dustin Cox Seconded: Jim McWhirter Motion Carried: Yes  
Aye: 14 Abstain: 0 Nay: 0 Absent: 8

*Aye: 14 Abstain: 0 Nay: 0 Absent: 8*

Christean Bolding	<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
Donna Bowers	<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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Alan Mason	<input 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	Jim McWhirter	<input checked="" 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	Jacki Millsbaugh	<input 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	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley	<input 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
Andrew Dentino	<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
Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay

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Ivorina Holt	<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
Pamela Humphreys	<input checked="" 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
		Shading = Absent	

**B. CHAPTER 675. NURSING AND SPECIALIZED FACILITIES**

**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 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: (Presented 1/11/17)**

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]

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**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]

**PROPOSED CHANGES BASED ON PUBLIC COMMENT: (Presented 2/9/17)**

**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]

**LTCFAB MEMBER COMMENT:**

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

**310:675-5-22: Exceptions and temporary waivers: No Comment**

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

- a) Wendell correction to (a)(2)(A) with a comma between “papering tiling.”

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

**310:675-5-25: Self-certification of plans:**

- a) Joyce Clark: (c)(1) Why is the total cost of design and construction two million and five hundred thousand dollars (\$2,500,000) and not one million dollars (\$1,000,000) like Assisted Living? She doesn't see a reason for the huge gap. Mike Cook responded that it was requested by the Nico Gomez from the Oklahoma Health Care Authority (OHCA) that the amount be moved to \$2.5 million. Joyce Clark recommended to make the amount equitable between Chapter 663, 675 and 680.
- b) Joyce Clark: (c)(1) clarification question – Is the \$2.5 million only for sections where the residents are not to be examined or treated? Wendell Short clarification question is if a facility can self-certify if a project is \$6 million and \$4 million is where residents are not examined or treated? A project would be certified in total, since the plans would be submitted altogether. Dustin Cox response question was if it was possible for cost segregation.
- c) Kay Parsons: (c)(1) Change “five hundered” to “ five hundred.”

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

- a) William Whited: (l) Emergency Response – recommendation to strike “facility’s” in “the facility’s local emergency response coordinator” as in Chapter 663.
- b) Wendell Short: (k) posed question about “all fires occurring on the licensed real estate.” Recommended to be changed to “accidental fires and fires not planned or supervised by facility staff, occurring on licensed real estate.” William Whited agreed and recommended to change to “accidental or unplanned fires.” After much discussion, the LTCFAB agreed on Wendell Short’s recommendation to change to the verbiage in Chapter 663:310:663-19-1(b)(4) – “Reporting Fires. The facility shall report to the Department all fires occurring on the licensed real estate,” changed to “Reporting Fires. Accidental fires and fires not planned or supervised by facility staff, occurring on the licensed real estate.”

**310:675-7-6.1: Complaints: No Comment**

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

**310:675-11-5: Physical plant: N/A**

**310:675-11-5.1: Plans and specifications requirements applicable to ICF/IID-16: N/A**

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**PUBLIC COMMENT:**

**310:675-5-18: Design and construction:**

- a) **James Joslin:** clarified that there was a recommendation to add , “or latest edition” and that the OSDH response was that based on the OK Administrative Code, “or latest edition” cannot be added. The edition that is used must be specified.

**310:675-5-22: Exceptions and temporary waivers: No Comment**

**310:675-5-23: No Comment**

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

**310:675-5-25: Self-certification of plans:**

- a) **James Joslin:** clarification in response to Joyce Clark’s member comment – “The evaluation was done that there was a difference in physical plant requirements between an Assisted Living and a Nursing Home.” Based on that difference, the evaluation and the accompanying cost, nursing homes were set a higher. Recommended that OSDH go back and reexamine the amounts in Chapter 663, 675 and 680 and make sure they are correct, since they are varying amounts.

**301:675-7-5.1:**

- a) **James Joslin:** response to Wendell Short’s question about the verbiage about “all fires occurring on the licensed real estate” was if a fire was not planned or it was an accident, then it needs to be reported.

**310:675-7-6.1: Complaints: No Comment**

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

**310:675-11-5: Physical plant: N/A**

**310:675-11-5.1: Plans and specifications requirements applicable to ICF/IID-16: N/A**

**General Comments:**

- a) **James Joslin:** Per the Oklahoma Administrative Code, changes can only be made to sections where the public was notified in advance that those sections would be amended. Comments made to sections that were not in the public notice will be looked at in the future.
- b) **Kay Parsons:** Asked if Mary Brinkley and Esther Houser’s comments from the previous meeting were taken into account. **Mike Cook:** clarified fee structure and how LTC triages allegations. General consensus was Mary Brinkley and Esther Houser’s comments were included with the current rule changes.

**Agenda Item #3  
Vote 2**

**Motion:** To review the costs for Self-Certification in Chapter 663, 675, and 680

Motion Made by: Joyce Clark Seconded: Denise Wilson Motion Carried: Yes  
Aye: 15 Abstain: 0 Nay: 0 Absent: 7

**Aye: 15 Abstain: 0 Nay: 0 Absent: 7**

Christean Bolding	<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
Donna Bowers	<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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Alan Mason	<input 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	Jim McWhirter	<input checked="" 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	Jacki Millsbaugh	<input 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	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley	<input 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
Andrew Dentino	<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

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Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivoria Holt	<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
Pamela Humphreys	<input checked="" 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
		Shading = Absent	

**Agenda Item #3**  
**Vote 3**

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

Motion Made by: Dustin Cox Seconded: Wendell Short Motion Carried: Yes  
Aye: 14 Abstain: 1 Nay: 0 Absent: 7

*Aye: 14 Abstain: 1 Nay: 0 Absent: 7*

Christean Bolding	<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
Donna Bowers	<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
Willie Burkhart	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay	Alan Mason	<input 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	Jim McWhirter	<input checked="" 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	Jacki Millspaugh	<input 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	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley	<input 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
Andrew Dentino	<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
Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivoria Holt	<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
Pamela Humphreys	<input checked="" 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
		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]

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

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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.

**PROPOSED CHANGES BASED ON PUBLIC COMMENT: (Presented 2/9/17)**

**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]

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

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

**LTCFAB MEMBER COMMENT:**

**310:680-3-3: Applications:**

- a) **Dr. Dentino:** (e)(1) recommended "clinical consultation" instead of medical consultation."

**310:680-3-6: Records and reports:**

- a) **Wendell Short:** (d) recommended "utilities failures" changed to "utility failure."  
b) **William Whited:** (d) recommended to strike "home's" in "home's local emergency response coordinator."

**310:680-3-9: Complaints:**

- a) **Denise Wilson:** asked about timeframes in Chapter 663 for Assisted Living and about civil money penalties (CMP) and when penalties start. **Mike Cook:** responded that LTC treats all complaints the same for all facility types, and he went over the fine structure and when fines start.  
b) **Joyce Clark:** How far back do you look back on complaints? **Mike Cook:** responded, in practice is to look back up to one year, but rule does not say how far back LTC can look back.

**310:680-3-14: Appropriate occupancy:**

- a) **Joyce Clark:** asked, "It also doesn't mean that storage doesn't have to be enclosed, right?" **Mike Cook:** responded that the intent is to make sure the resident's needs are

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met. William Whited: responded that per his comments at the previous LTCFAB Meeting that the resident has the right to secure storage of their property. Joyce Clark wanted to clarify that once not all their storage areas have to be secured. After discussion, as long as the resident has access to secure enclosed storage, other storage areas do not have to be enclosed and secure.

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

310:680-5-7: Resident rooms: N/A

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: N/A

310:680-11-1: Requirements: N/A

**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: No Comment

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

310:680-5-7: Resident rooms: N/A

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: N/A

310:680-11-1: Requirements: N/A

**General Comments:**

- a) James Joslin: In the title of the Rule Comment Summary and Response: "Chapter 675" should be "Chapter 680."

**Agenda Item #3  
Vote 4**

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

Motion Made by: Wendell Short Seconded: Kay Parsons Motion Carried: Yes  
Aye: 15 Abstain: 0 Nay: 0 Absent: 7

**Aye: 15 Abstain: 0 Nay: 0 Absent: 7**

Christean Bolding	<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
Donna Bowers	<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
Willie Burkhart	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Alan Mason	<input 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	Jim McWhirter	<input checked="" 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	Jacki Millspaugh	<input 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	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley	<input 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

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Andrew Dentino	<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
Terry Ferrel	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivoria Holt	<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
Pamela Humphreys	<input checked="" 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
		Shading = Absent	

4) **New Business:**

No new business

5) **Public Comment:**

Made throughout the meeting

6) **Adjournment**

The meeting adjourned at 2:55 p.m.