



Long Term Care Facility Advisory Board

2019 Annual Report

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LONG TERM CARE FACILITY ADVISORY BOARD

2019 ANNUAL REPORT

PURPOSE:

The Long Term Care Facility Advisory Board is authorized by Section 1-1923 of the Oklahoma Nursing Home Care Act {63 O.S. § 1-1900 et seq.}. The advisory board consists of twenty-seven (27) members appointed by the Governor and functions as a professional advisory body to the State Commissioner of Health.

The advisory board serves as an advising body to the Oklahoma State Department of Health (OSDH) for the development and improvement of services for care and treatment of residents of facilities subject to the provisions of the Nursing Home Care Act, the Residential Care Act, the Continuum of Care and Assisted Living Act, and the Adult Day Care Act. The board reviews, makes recommendations, and approves the system of standards developed by the OSDH. It further evaluates and reviews the standards, practices, and procedures of the OSDH regarding administration and enforcement.

The advisory board may make recommendations to the OSDH as necessary and appropriate.

This board annually publishes a report of its activities and any recommendations for the improvement of services and care in long term care facilities. The annual report is prepared for the Governor, the State Commissioner of Health, the Oklahoma State Board of Health, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chief administrative officer of each agency affected by the report.

PROVIDERS:

At the end of State Fiscal Year 2019, there were 685 long term care facilities operating and licensed by the Oklahoma State Department of Health. The number of facilities licensed by category are as follows:

- Nursing Facilities – 302
- Adult Day Care Centers – 42
- Assisted Living Centers – 184
- Continuum of Care Facilities – 15
- Intermediate Care Facilities for Individuals with Intellectual Disabilities – 91
- Residential Care Homes – 44
- Veterans Centers – 7

VACANCIES:

During 2019, the Long Term Care Facility Advisory Board had a quorum and was able to conduct official business in three of the four regular meetings (January 19, April 19 and July 19). The Long Term Care Facility Advisory Board currently has three vacancies, which the board recommended be filled by the Office of the Governor. Members will work individually to encourage potential candidates to apply electronically at https://www.ok.gov/governor/Serve_Oklahoma/index.html.

ACTIVITIES:

The Long Term Care Service accomplished mandated investigations with recertification and relicensure surveys at 99.9 percent. Immediate Jeopardy complaints were initiated within two days at 100 percent. High-priority complaints were investigated within 10 days at 100 percent. Most other complaints were conducted within 90 days.

Long Term Care Service - Inspection Frequency Mandates for State Fiscal Year 2019

Long Term Care Service	SFY19 Q1		SFY19 Q2		SFY19 Q3		SFY19 Q4		SFY19 Total	
Inspection Frequency Mandates	24		24		24		24		24	
Inspections Meeting Mandates	577		445		499		509		2030	
Inspections Required	577	100%	447	100%	499	100%	509	100%	2032	100%

The Centers for Medicare and Medicaid Services (CMS) revised the national goal for the reduction of antipsychotics on residents with dementia to focus on those facilities which did not reach the goal of 15 percent reduction. In a joint effort, the OSDH and TMF Health Quality Institute contacted 36 facilities in Oklahoma which were considered late adopters. Those late adopters posted a combined quarterly prevalence of antipsychotic use at 32.1 percent for 2017 Q3 and had decreased to 25.0 percent for 2018 Q4.

Civil monetary penalties (CMP) may be imposed by the CMS against nursing homes for either the number of days or for each instance a nursing home is not in substantial compliance with one or more Medicare and Medicaid participation requirements for long term care facilities. A portion of CMPs collected from nursing homes are returned to the states in which CMPs are imposed. State CMP funds are reinvested to support activities that benefit nursing home residents and that protect or improve their quality of care or quality of life.

During 2019, the fund provided approximately 275 in-service trainings and 25 workshops to improve care provided to residents on topics such as: Payroll based journal (PBJ), Long Term Care provider trainings, quality assurance performance improvement, leadership, oral health, immunizations, walking and bathing with dementia, reducing inappropriate antibiotics, medications, and falls with a major injury.

Members recommended to the Commissioner of Health the following proposed rules changes for Chapter 625. Certificate of Need Standards for ICF/MR, Chapter 630. Certificate of Need

Standards for Licensed Nursing Facility Beds, Chapter 663. Continuum of Care and Assisted Living, Chapter 675. Nursing and Specialized Facilities and Chapter 677. Nurse Aide Training and Certification. The proposed Chapter revisions will amend numerous sections within these chapters to replace the terms “Mental Retardation,” “Mentally Retarded” and “Qualified Mental Retardation Professional.” This proposal replaces the aforementioned terms with “Individuals with Intellectual Disabilities,” “Individuals with Developmental Disabilities,” or “Qualified Intellectual Disability Professional.” Pursuant to Title 25 O.S. § 40, statutes and administrative rules should avoid language that equates persons with their condition and should replace disrespectful language by referring to persons with disabilities as persons first.

Additionally, members recommended review of the Oklahoma Administrative Code (OAC): OAC 310:605 Adult Day Care Center Rules; OAC 310:663 Continuum of Care and Assisted Living Rules; OAC 310:675 Nursing and Specialized Facilities Rules and OAC 310:680 Residential Care Homes Rules.

A recommendation was proposed to assemble a workgroup with members from the Advisory Board, Care Providers Oklahoma, LeadingAge Oklahoma, Oklahoma Residential and Assisted Living Association and Oklahoma Assisted Living Association to review the rules and regulations for Assisted Living, Medication Administration Technicians, unlicensed facilities and other regulatory concerns. A workgroup through the OSDH was encouraged. The workgroup was formed and began meeting monthly with the first meeting in August 2019.

Staffing for nursing homes has been a topic of discussion for many years. In 2019, the CMS required facilities to begin reporting staffing in the new Payroll Based Journal (PBJ) system. Based on reports provided by CMS, Oklahoma had several facilities that failed to meet the minimum RN nursing requirements of eight hours per day seven days per week. The board recommended the OSDH begin researching the data and report back at each meeting.

The advisory board continues to receive updates and reviews the OSDH-prepared composite score card of 13 nursing home clinical quality care indicators for long stay residents. Members encouraged the OSDH to continue the analysis and publication of the composite score card. The board requested the OSDH continue to present the quarterly score card results as a standing agenda item.

The board received updates concerning the OSDH Nurse Aide Registry.

RECOMMENDATIONS:

The Long Term Care Facility Advisory Board currently has three vacancies, which the board recommended be filled by the Office of the Governor.

Members recommended changes to the rules and regulations referring to “mental retardation” and replacing it with “individuals with intellectual disabilities.”

The board requests a workgroup be established to review assisted living, medication administration technicians, unlicensed facilities and other regulatory concerns.

The advisory board recommends that OSDH continue to provide quarterly reports for the Payroll Based Journal data, the composite score card of 13 nursing home clinical quality care indicators for long stay residents and Nurse Aide Registry.

COMMITTEE REPORTS:

Members were appointed to form the Nominating Committee for the 2020 Long Term Care Facility Advisory Board Officers at the October 2019 meeting. Kay Parsons and Jacki Millspaugh were appointed.

AGENDAS:

The meeting agenda items addressed various aspects of the long term care industry. The Long Term Care Facility Advisory Board allocated time at each regular meeting to discuss other long term care issues which may become the responsibility of this board in the future. The advisory board looks forward to prioritizing and addressing important issues in 2020 with the benefit of a full complement of members.

ADVISORY BOARD OFFICERS:

Advisory Board officers for 2019 were Alan Mason, Chair; Denise Wilson, Vice Chair; and Jim McWhirter, Secretary / Treasurer. The Advisory Board officers for 2020 will be elected at the January 15, 2020 meeting.

MEETING SCHEDULE FOR 2020:

The following regular meetings have been scheduled for 2020: January 15, April 8, July 8, and October 14 at 1:30 p.m. at the OSDH.