STATE BOARD OF HEALTH
OKLAHOMA STATE DEPARTMENT OF HEALTH
1000 N.E. 10th
Oklahoma City, Oklahoma 73117-1299

Tuesday, March 11, 2014 11:00 a.m.

R. Murali Krishna, President of the Oklahoma State Board of Health, called the 387th regular meeting of the Oklahoma State Board of Health to order on Tuesday, March 11, 2014 11:06 a.m. The final agenda was posted at 11:00 a.m. on the OSDH website on March 10, 2014, and at 11:00 .m. at the building entrance on March 10, 2014.

ROLL CALL

Members in Attendance: R. Murali Krishna, M.D., President; Ronald Woodson, M.D., Vice-President; Martha Burger, M.B.A., Secretary-Treasurer; Jenny Alexopulos, D.O.; Terry Gerard, D.O.; Charles W. Grim, D.D.S.; Robert S. Stewart, M.D.; Cris Hart-Wolfe.
Absent: Jenny Alexopulos, D.O.; Timothy E. Starkey, M.B.A.;

Central Staff Present: Terry Cline, Commissioner; Julie Cox-Kain, Chief Operating Officer; Henry F. Hartsell, Deputy Commissioner, Protective Health Services; Steve Ronck, Deputy Commissioner, Community and Family Health Services; Toni Frioux, Deputy Commissioner, Prevention and Preparedness Services; Mark Newman, Director of Office of State and Federal Policy; Don Maisch, Office of General Counsel; Leslea Bennett-Webb, Director of Office of Communications; Melissa Lang, Chief Financial Officer; VaLauna Grissom, Secretary to the State Board of Health; Commissioner's Office; Janice Hiner, Felesha Scanlan.

Visitors in attendance: (see sign in sheet)

Call to Order and Opening Remarks
Dr. Krishna called the meeting to order. He welcomed special guests in attendance.

REVIEW OF MINUTES

Dr. Krishna directed attention to review of the minutes of the January 10, 2014 Regular Board meeting.

Ms. Wolfe moved Board approval of the minutes of the January 10, 2014, Regular Board meeting as presented. Second Dr. Grim. Motion carried.

AYE: Gerard, Grim, Krishna, Stewart, Wolfe, Woodson
ABSTAIN: Burger
ABSENT: Alexopulos, Starkey

APPOINTMENTS

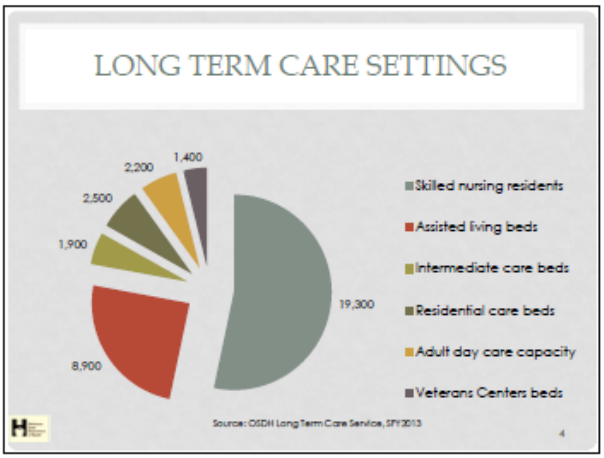
Oklahoma Food Service Advisory Council (Presented by Henry F. Hartsell, Jr.)
Appointments: John Kelly, Harold Kelly, Roy Escouba, John H. Williams, Bill Ricks, Bill Ryan, Jim Hopper, Park Ribble.
Authority: 63 O.S., § 1-106.3
Members: The Advisory Council shall consist of 13 members. Eight members are appointed by the Commissioner, with the advice and consent of the State Board of Health. Members serve three-year terms.

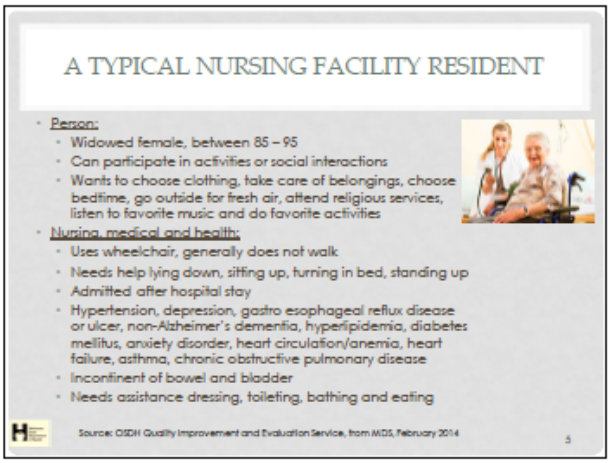
Ms. Burger moved Board approval of the recommended appointees as presented. Second Dr. Stewart. Motion carried.

AYE: Burger, Gerard, Grim, Krishna, Stewart, Wolfe, Woodson
ABSENT: Alexopulos, Starkey

STRATEGIC MAP UPDATE PRESENTATION

Henry F. Hartsell, Jr., Deputy Commissioner for Protective Health Services





A TYPICAL LONG TERM CARE SURVEYOR WITH OSDH
Registered nurse (90%)
55 years of age
8 years experience surveying
Nurses practice at least 5-7 years before OSDH hire
Number of Surveyors
35
30
25
20
15
10
5
0
< 1
1
2-5
5-10
10-20
> 20
Years of Experience Surveying
Source: OSDH Long Term Care Service, February 2014
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PERFORMANCE ON MANDATES JULY – DECEMBER 2013
194 of 194 (100%) immediate jeopardy complaint investigations initiated within two days
189 of 194 (97%) complaint investigations for high priority complaints that do not constitute immediate jeopardy initiated within 10 days
261 of 296 (88%) of other lower-priority complaint investigations initiated within 25 days
Nursing facility and assisted living survey intervals within 12.9 month requirement
All residential care homes inspected at least once
Source: OSDH Protective Health Services, February 2014
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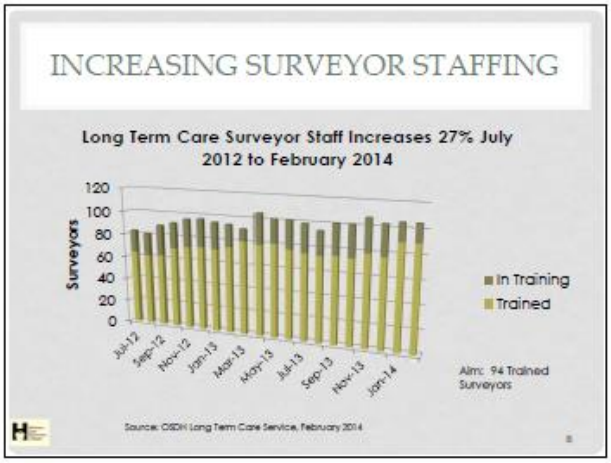
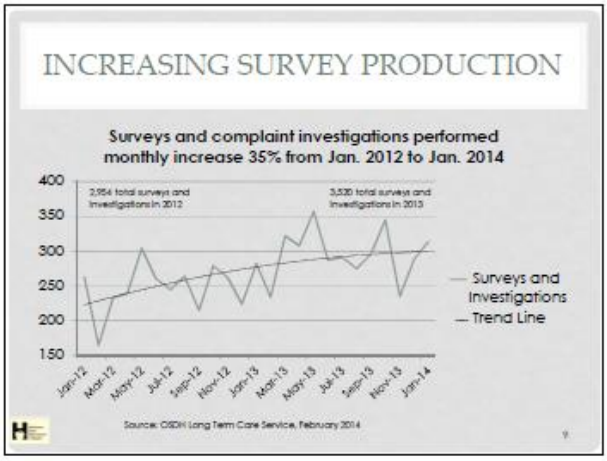
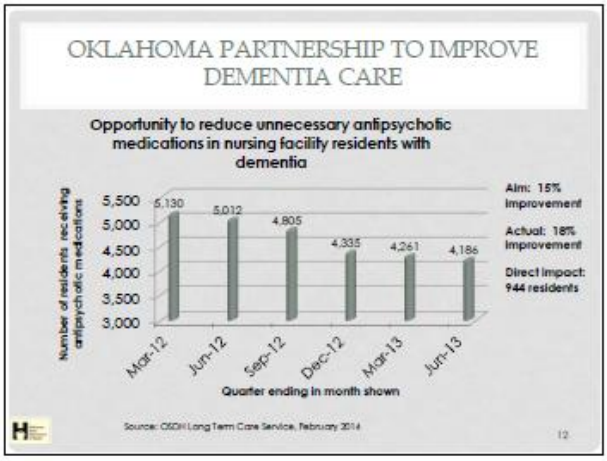

INCREASING SURVEYOR STAFFING
Long Term Care Surveyor Staff Increases 27% July 2012 to February 2014
Surveyors
120
100
80
60
40
20
0
Jul-12
Sep-12
Nov-12
Jan-13
Mar-13
May-13
Jul-13
Sep-13
Nov-13
Jan-14
In Training
Trained
Aim: 94 Trained Surveyors
Source: OSDH Long Term Care Service, February 2014
8

TARGETED IMPROVEMENTS
RESIDENT OUTCOMES
11


INCREASING SURVEY PRODUCTION
Surveys and complaint investigations performed monthly increase 35% from Jan. 2012 to Jan. 2014
2,954 total surveys and investigations in 2012
3,520 total surveys and investigations in 2013
400
350
300
250
200
150
Jan-12
Mar-12
May-12
Jul-12
Sep-12
Nov-12
Jan-13
Mar-13
May-13
Jul-13
Sep-13
Nov-13
Jan-14
Surveys and Investigations
Trend Line
Source: OSDH Long Term Care Service, February 2014
9


OKLAHOMA PARTNERSHIP TO IMPROVE DEMENTIA CARE
Opportunity to reduce unnecessary antipsychotic medications in nursing facility residents with dementia
Number of residents receiving antipsychotic medications
5,500
5,000
4,500
4,000
3,500
3,000
5,130
5,012
4,805
4,335
4,261
4,186
Mar-12
Jun-12
Sep-12
Dec-12
Mar-13
Jun-13
Quarter ending in month shown
Aim: 15% Improvement
Actual: 18% Improvement
Direct Impact: 944 residents
Source: OSDH Long Term Care Service, February 2014
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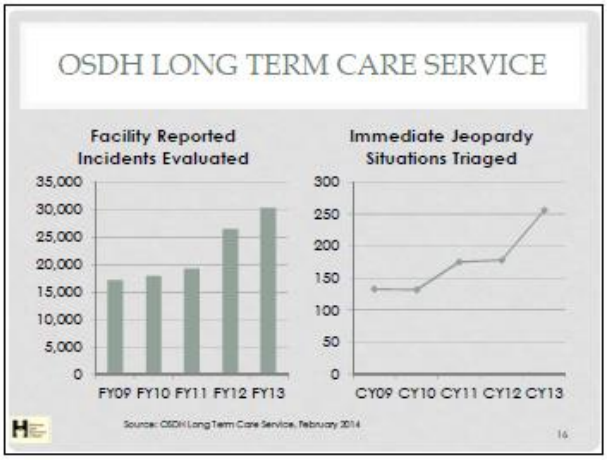
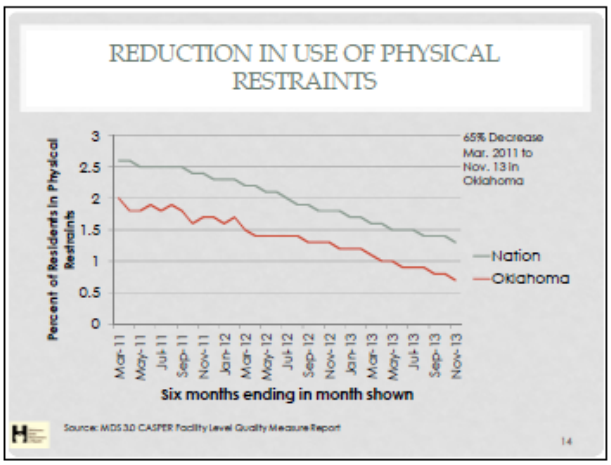
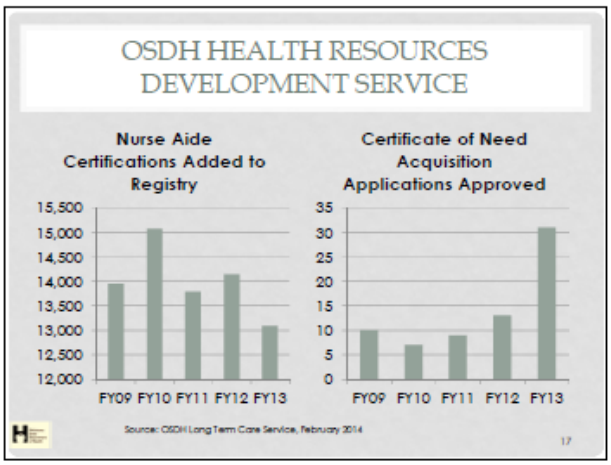
SUCCESS STORY
Dementia patients administered fewer drugs
Adverse side effects decreased
Death
Heart attack
Stroke
Falls
Hospitalizations
Benefits
Enhanced quality of life
Enhanced relationships
Reduced medication error risk
Opportunity for person-centered care
Function at highest practicable well-being
13


OSDH LONG TERM CARE SERVICE
Facility Reported Incidents Evaluated
35,000
30,000
25,000
20,000
15,000
10,000
5,000
0
FY09 FY10 FY11 FY12 FY13
Immediate Jeopardy Situations Triaged
300
250
200
150
100
50
0
CY09 CY10 CY11 CY12 CY13
Source: OSDH Long Term Care Service, February 2014
16


REDUCTION IN USE OF PHYSICAL RESTRAINTS
Percent of Residents in Physical Restraints
3
2.5
2
1.5
1
0.5
0
65% Decrease Mar. 2011 to Nov. 13 in Oklahoma
Nation
Oklahoma
Mar-11 May-11 Jul-11 Sep-11 Nov-11 Jan-12 Mar-12 May-12 Jul-12 Sep-12 Nov-12 Jan-13 Mar-13 May-13 Jul-13 Sep-13 Nov-13
Six months ending in month shown
Source: MDS 3.0 CASPER Facility Level Quality Measure Report
14


OSDH HEALTH RESOURCES DEVELOPMENT SERVICE
Nurse Aide Certifications Added to Registry
15,500
15,000
14,500
14,000
13,500
13,000
12,500
12,000
FY09 FY10 FY11 FY12 FY13
Certificate of Need Acquisition Applications Approved
35
30
25
20
15
10
5
0
FY09 FY10 FY11 FY12 FY13
Source: OSDH Long Term Care Service, February 2014
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TARGETED IMPROVEMENTS
SHARED RESPONSIBILITIES
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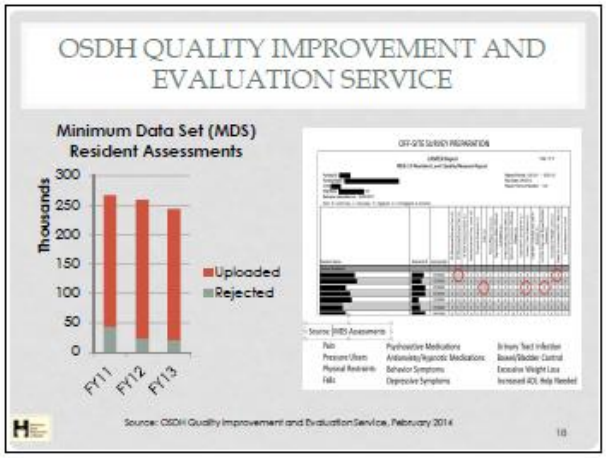
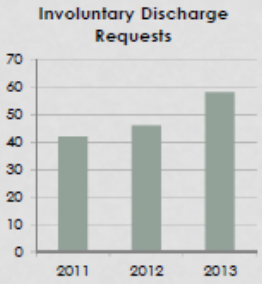

OSDH QUALITY IMPROVEMENT AND EVALUATION SERVICE
Minimum Data Set (MDS) Resident Assessments
Thousands
300
250
200
150
100
50
0
Uploaded
Rejected
FY11 FY12 FY13
Source: OSDH Quality Improvement and Evaluation Service, February 2014
18

OSDH OFFICE OF GENERAL COUNSEL

- Involuntary discharges
- Nurse aide incidents
- Office of the Attorney General
- CLEET certified investigators
- Enforcement and litigation



Source: OSDH Office of General Counsel, February 2014

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TARGETED IMPROVEMENTS

OPPORTUNITIES

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FEDERAL AND STATE AGENCIES AFFECTING LONG TERM CARE

- U. S. Department of Health and Human Services
  - Centers for Medicare & Medicaid Services
  - Office of Inspector General
- Oklahoma Department of Human Services
  - Adult Protective Services
  - Long Term Care Ombudsman
  - State Council on Aging
- Oklahoma Health Care Authority
- Oklahoma Attorney General, Medicaid Fraud Control and Abuse Unit
- Oklahoma Department of Mental Health and Substance Abuse Services
- Oklahoma State Fire Marshal
- Oklahoma State Board of Examiners for Long Term Care Administrators
- Oklahoma State Board of Nursing
- Oklahoma Vocational Technical Centers (nurse aide training)
- Oklahoma State University – OKC (nurse aide training)
- Local Law Enforcement Agencies, (Police, Sheriff, District Attorney)
- Oklahoma Department of Veterans Affairs
- Oklahoma State Department of Health
  - County Health Departments
- Long Term Care Facility Advisory Board

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QUALITY IMPROVEMENT

- Process changes
  - Quality assurance and performance improvement (QAPI)
  - Quality indicator surveys (QIS)
- Clinical outcomes
  - Medications
  - Mobility
  - Infections
  - Pain
  - Pressure ulcers

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OTHER PARTNERS

- Oklahoma Foundation for Medical Quality
- LeadingAge Oklahoma
- Oklahoma Association of Health Care Providers
- Oklahoma Assisted Living Association
- Oklahoma Residential and Assisted Living Association
- Alzheimer's Association – Oklahoma Chapter
- More than 700 long term care facilities

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TRANSFORM THE CULTURE OF CARE TOGETHER

- Promote choice, purpose, meaning in daily life
  - Consistent assignments
  - Staff stability
- Make long term care facilities better places to live, work and visit
- Innovate to enhance environment & quality
- Funding opportunities this year

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Mary Fleming, Director of Long Term Care Surveys was asked to define Immediate Jeopardy complaints in nursing facilities and provide examples of complaints or incidents that would be triaged as Immediate Jeopardy under that definition.

The presentation concluded.

CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION

Executive Committee

Dr. Krishna congratulated to Dr. Alexopulos. She has been re-appointment to the Board of Health through 2023 and awaiting full Senate Confirmation. Dr. Krishna provided a few reminders to Board members.

- Board Ethics Commission forms due May 15, 2014.
- The April Board of Health meeting will be held in Cherokee County.
- Board members will receive a draft of the State of the State's Health report for review and feedback beginning April 1st through April 15, 2014.

Finance Committee

Dr. Woodson directed attention to the Financial Brief provided to each Board member and presented the following SFY 2014 Finance Report and Board Brief as of February 18, 2014:

- Approximately $426 million budgeted for state fiscal year 2014.
- Forecasted expenditure rate of 99.16% through June 30, 2014.
- "Green Light" overall for Department and all divisions.
- Overall projected available balance for the Department is less than last month due to increased payroll obligations and the transfer out, per legislation, of numerous licensing boards and associated revenue.

The ***Financial Brief*** this month focuses on Federally Qualified Health Centers (FQHCs)

- The department has a program that provides reimbursement to the FQHCs for providing primary health care services to the uninsured.
- The Legislature appropriated $3.2 million this year for the program with an additional $674 thousand available from carryover funding.
- Due to increased demand for services and eligible billing to the fund, the FQHC budget is nearly exhausted and will be totally exhausted after making partial payments for December services.
- Studies have shown that children of pregnant women who participate in WIC have better medical outcomes, including fewer premature births and fewer fetal and infant deaths.
- Medicaid participants on WIC have an average 29% lower Medicaid costs for infant hospitalization.

Accountability, Ethics, & Audit Committee

The Accountability, Ethics, & Audit Committee met with Lloyd Smith and Jay Holland. Ms. Wolfe reported that there are no known significant audit issues to report at this time.

Public Health Policy Committee

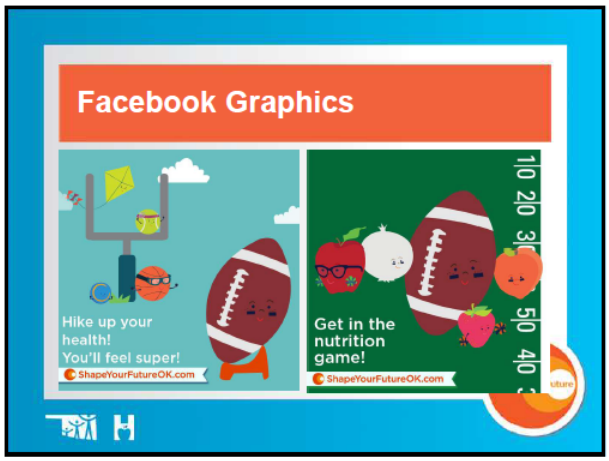
The Policy Committee met on Tuesday, March 11, 2014. Dr. Gerard and Dr. Grim were present. Both met with Mark Newman at the Oklahoma State Department of Health in Oklahoma City, Oklahoma. The Policy Committee discussed the legislative priorities of the Board and the fact that only one agency request bill, HB 2904 by Rep. Ownbey and Sen. Simpson remained alive. HB 2904 would prohibit the sale of e-cigarettes to minors and has no tax implications. Copies of the legislative tracking reports are being sent electronically to each member of the BOH and will continue on a weekly basis throughout the legislative session.

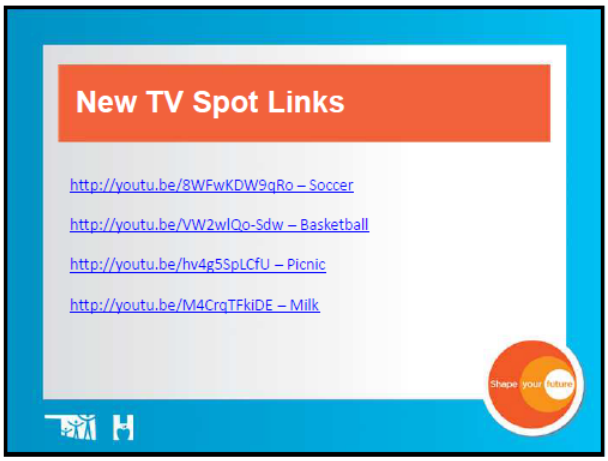
The Policy Committee also discussed legislation regarding those bills which could have an impact on current and future state employees and the agency going forward. Some of the legislation discussed involved changes to open meetings, retirement, pay increases, shared services, and the merit system. If members of the Board have any questions regarding any policy issues or proposed legislation, please do not hesitate to contact Mark Newman for additional information or to provide your input.

The next meeting of the Policy Committee will be prior to the May Board Meeting.

PRESIDENT'S REPORT

Dr. Krishna asked Julie Cox-Kain to briefly address the new Shape Your Future campaign which launched in February 2014. Julie Cox-Kain displayed some media clips from the campaign that have begun airing in February 2014.





COMMISSIONER'S REPORT

Dr. Cline highlighted the recent Bridges to Access meeting. There were approximately 350 medical students in attendance whose primary focus around volunteerism and giving back to the community. The keynote address was presented by Dr. Steven Schroeder, Distinguished Professor of Health and Healthcare at the University of California, San Francisco, and former President of the Robert Wood Johnson Foundation. The event is concluded by awarding the R. Murali Krishna award for volunteerism. Dr. Cline thanked Dr. Krishna for his leadership in this area.

Next, Dr. Cline discussed his participation in a recent House interim study on ecigarettes. The initial interim study agenda had overrepresentation of the Tobacco Industry and Vaping Association. The agenda was later modified to include representatives from the Cancer Association. The concern around ecigarettes is that this field is completely unregulated. Because these devices are an excellent chemical delivery system there is also concern about the use of illegal substances in these devices as well as increased calls to the poison control center for children obtaining these devices. We are seeing many of the same tactics used in the tobacco legislation push.

Lastly, Dr. Cline highlighted the 5th annual Mission of Mercy event conducted in Enid, Oklahoma. The purpose of the event is to provide free dental services to Oklahomans in need. Volunteers provided free dental services to approximately 1400 people. As part of the collaboration, Christy Love organized transportation from the panhandle for a group of 162 individuals needing dental services. Dr. Cline recognized the efforts of these remarkable volunteers during the February ice storm.

The presentation is concluded.

NEW BUSINESS

No new business.

PROPOSED EXECUTIVE SESSION

Ms. Burger moved Board approval to go in to Executive Session at 12:21 PM pursuant to 25 O.S. Section 307(B)(4) for confidential communications to discuss pending department litigation, investigation, claim, or action; pursuant to 25 O.S. Section 307(B)(1) to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee and pursuant to 25 O.S. Section 307 (B)(7) for discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law.

- Discussion of potential or anticipated investigation or litigation concerning long term care issues
- Office of Accountability Systems Complaint #2014-005

Second Ms. Wolfe. Motion carried.

AYE: Burger, Gerard, Grim, Krishna, Stewart, Wolfe, Woodson
ABSENT: Alexopulos, Starkey

Dr. Grim moved Board approval to move out of Executive Session. Second Ms. Burger. Motion carried.

AYE: Burger, Grim, Krishna, Stewart, Wolfe, Woodson
ABSENT: Alexopulos, Gerard, Starkey

ADJOURNMENT

Ms. Wolfe moved Board approval to Adjourn. Second Ms. Burger. Motion carried.

AYE: Burger, Grim, Krishna, Stewart, Wolfe, Woodson
ABSENT: Alexopulos, Gerard, Starkey

The meeting adjourned at 1:40 p.m.

Approved

R. Murali Krishna M.D

R. Murali Krishna, M.D.
President, Oklahoma State Board of Health
April 8, 2014