

**CONGRATULATIONS!**

**YOU'RE AN  
OSBELTCA  
BOARD MEMBER**

***NOW WHAT?***

This “orientation” handout was developed to help a new Board member to acclimate to being on this Board more quickly. It is not all inclusive and is still a “living” document – and needs to be improved and changed as the Board continues to evolve. If, over time, you discover something that you perhaps wish you had been told earlier on, please bring it up and we can try to include it for those who follow you. Aspects of the additional disciplines will certainly need to be added as this document leans on the nursing facility aspects primarily.

In addition to this book, which is just a starting point for you, you will want to review (and will be provided):

Rules of the Board – OAC 490, Chapters 1, 10 and 15  
Statutes governing the Board – Title 63, 330.51 et seq.

### Staff Positions

Executive Director (Gaylord “Z” Thomas)  
- Hired by the Board  
Administrative Programs Officer (NHA & ICF/MR) (Pam Duren)  
Administrative Programs Officer (RC/AL & Adult Day Care) Ginger Dean

We have one additional Full Time Equivalent (FTE) vacancy.

The office is situated in Shepherd Mall (near the center of the mall) in Suite 2H. It is closed during State holidays and our normal business hours are currently 8 am to 4:30 pm, Monday through Friday.

The office address is:

OSBELTCA  
2401 NW 23<sup>rd</sup> Street, Suite 2H  
Oklahoma City, OK 73107

Phones:

ExecDir: (405)522-1624  
Office: (405)522-1616 \* this is the best number to call (Ginger)  
Direct line to Pam: (405)522-1619  
Fax: (405)522-1625

Emails: [gz.thomas@osbeltca.ok.gov](mailto:gz.thomas@osbeltca.ok.gov) OR  
[pam.duren@osbeltca.ok.gov](mailto:pam.duren@osbeltca.ok.gov) OR  
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Website: <http://www.ok.gov/osbeltca>

Mr. Thomas’ personal cell and “at home” email address is available to Board Members upon request.

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The online Board Members' Handbook (which you will be given a link to access) will contain links to additional information that you will need to review. You should keep that link as a "favorite" or "bookmark" in electronic devices that you use.

Why do we conduct these orientations of our new Board members?  
It's not only the right thing to do, it's actually required by law...

74 O.S. sec. 3101:

**§3101. Briefing of Newly Appointed Members of Governing Bodies as to Duties and Responsibilities**

"The chief executive officer of any state agency, board, commission, council or other governing body of any department, system or authority is required, as part of his duties, to brief any newly appointed member of such governing body within two (2) weeks from the date of the member's appointment regarding his duties and responsibilities and those of the body to which he has been appointed, providing the new member with a copy of the statute or Constitutional provision pertaining thereto, a copy of the last twelve (12) monthly operating budgets showing all disbursements and receipts of such department or agency, and a copy of all rules and regulations existing in said agency, and other pertinent information that will assure that the new appointee is advised of such duties and responsibilities. The briefing may be delegated in part to the executive director or other managing officer of any department, system or authority under supervision of the governing body, responsibility for its accomplishment remaining that of the chief executive officer."

That's why you get this orientation...

Other items we encourage you to look at (and how to find it):

[www.oscn.net](http://www.oscn.net)

Legal Research

Cases

Statutes

Administrative Code

Court Dockets

OCIS Counties - Search Dockets

Non-OCIS Counties

Oklahoma Open Meeting Act, Title 25 O.S. §§301-314

Open Record Act, Title 51 O.S. §§24A.1 – 29

Administrative Procedures Act, Title 75 O.S. §§308a – 323

Additionally, you will want to look over and familiarize yourself with one of our Board's Agendas for our meetings so you have an idea of how our meetings flow (please, ask questions...).

And, when you go to the Financial Orientation with the Executive Director and Board Treasurer, ask questions of the ABS (Agency Business Services) personnel and get the required copies of financial documents (mentioned above) for the last 12 months.

**PRIMARY PURPOSE OF  
THE OKLAHOMA STATE BOARD OF EXAMINERS  
FOR LONG TERM CARE ADMINISTRATORS  
(OSBELTCA)**

The primary purpose of OSBELTCA is the *protection of the public* through licensing and/or certifying long term care administrators in accordance with rules and regulations set forth in Oklahoma Administrative Code (OAC) 490, Chapters 1, 10, and 15, the applicable sections of Title 63, OAC 310, Chapters 675 and the various care acts (and other applicable directives).

One of the first major tasks of the *new* Board (November 1, 2011) was to revise the Board's rules to account for the new administrator types added to the Board's purview by the same statute change that established the new Board. There was quite a lot "in limbo" until those rules were changed, and we are still finding some conflicting rules, statutes (laws) as the Health Department and others still need to update their rules to allow for our changes (but ours take precedent). We're still working on details and issues have arisen as we've identified loopholes.

The Board is responsible for establishing minimum qualifications for licensure, and developing, imposing and enforcing rules and regulations for all long term care administrators, as well as, running the Administrators University (AU), developing guidelines for the Administrator In Training (AIT ) program to ensure AIT applicants have the proper training and experience prior to licensure.

In accordance with OAC 490: 10-5-3, the board may suspend, revoke, or refuse to issue a license, fine, or reprimand a license after due notice with satisfactory evidence of an improper act. *Reports and referrals* alleged against administrators are filed with the Board and go through a process to determine if there is probable cause to believe that the administrator broke any of the applicable rules. Appropriate legal action would be then taken in respect to any charge where probable cause was determined to exist.

The Board is responsible for final approval of all continuing education courses and administers AU (twice per year). Initial Preceptor training and Preceptor recertification for nursing home and ICF/MR administrators (same license) is now permitted by the Board to be completed by taking NAB's "Free" online Preceptor course (5 hours). We still conduct the Adult Day Care Training.

With the 2011 addition of Assisted Living, Residential Care and Adult Day Care Administrators under the purview of this Board, the responsibilities of this Board were growing and somewhat admittedly in a state of flux and have since continually become better defined to account for the differences in these levels of care.

The Board meets 11 times per year (once a month – usually the 3<sup>rd</sup> or 4<sup>th</sup> Wednesday of the month unless it's near a holiday or some other event). We have discovered that there's usually a problem getting a quorum in July and therefore we typically do not plan to meet in July. But we do adjust our June and August meetings (later and earlier, respectively to the extent we can) to sort of fill that gap.

## BOARD MEMBER CODE OF ETHICS

These principles of professional conduct are developed **for the members of Boards** that license long term care administrators. They are established to provide guidance in relationships with licensees and potential licensees, other health professionals, regulatory agencies and the public.

As a Board Member who licenses Nursing Home Administrators, I pledge:

1. to strive for the constant improvement of care and services for residents in health care facilities with emphasis on the preservation of the honor and dignity of each individual.
2. to work toward the elevation of the profession of nursing home administration through quality educational offerings, research and statistical studies, publications and professionals, regulatory agencies and the public
3. to treat all licensees and applicants on an impartial basis and respects the rights, privileges and beliefs of others regardless of race, creed, color, sex, age, handicap or any other discriminatory factors.
4. to recognize my position, as a member of this board, as a position of public trust and to keep confidential all information learned regarding licensees and applicants and that my conduct will be guided by all applicable regulations and professional standards.
5. to agree not to receive or agree to receive, directly or indirectly, any payment, gift or gratuity for any activity related to the duties or responsibilities of the board unless so provided by law.
6. to constantly seek to improve my professional knowledge and skills of the profession of long term care administration.
7. to work to improve the effectiveness of the licensure system and the board's accountability to the public.
8. to recuse myself from deliberations regarding any facility or organization with which I am directly or indirectly in a position to derive personal or financial benefit or if I have knowledge not available to others that might influence my decision.

**There is a “Code of Ethics” (adopted from the ACHCA) included in our rules that applies to long term care administrators. This is your code of ethics as a Board member.**

## **ROLE OF BOARD MEMBER**

### **What are your responsibilities as a Board Member?**

You have responsibility to several groups:

- Residents (#1) and general public
- Potential licensees
- Other board members & staff
- Stakeholders (various associations)

### **What does it mean to "serve in the interest of consumers?"**

"Consumer Bill of Rights" - set forth by President Kennedy 1960

- Right to safety
- Right to be informed
- Right to choose
- Right to be heard

In 1975, President Ford added a fifth consumer right - Right to education

### **What kind of person makes the best Board member?**

1. Those who demonstrate interest in public service
2. Those who possess common sense and a willingness to ask questions
3. A commitment to attendance is paramount
4. A certain degree of assertiveness, and
5. A willingness to become informed about the board structure and resources

### **How can a board member effectively participate in board work?**

- ability to work with a group to make decisions
- understand and follow democratic processes
- willingness to devote time and effort to the work of the board
- work to find alternative solutions to problems
- good communication skills
- be aware that authority is granted by law to the Board as a whole and not to any member individually, & can only be used in open meeting or executive session by vote of the majority of Board Members
- **recognize the primary role of the Board is to protect the public**
- avoid becoming involved with daily functions of staff
- delay making judgments until adequate evidence is in and has been fully discussed
- don't let personal feelings toward others affect their decisions

**What are the board member's responsibilities about serving as a representative of the board?**

- all inquiries regarding matters within the board's jurisdiction should be directed to the board office so it can be brought to the full attention of the entire board at a duly-constituted meeting
- no details of board activity should be released by a board member unless and until it becomes part of the public record – especially investigations, informal hearings or conferences
- Board members are seen as representatives of the Board at public gatherings, but *they must not speak for the Board* unless they are specifically authorized to do so

**The single most important thing for Board Members to do is to “be prepared.” Read the materials provided to you prior to the meetings and if/when you have questions or concerns, raise them to the Executive Director as soon as possible and perhaps have them answered prior to the meeting.**

THE PURPOSE OF LICENSURE IS TO RAISE STANDARDS OF PRACTICE, ENSURE QUALITY OF SERVICE, AND ESTABLISH ACCEPTED CODES OF ETHICAL BEHAVIOR.

While each licensing law is unique, most licensing acts have many features in common:

<u>Section</u>	<u>Purpose</u>
Definitions	Define key words such as board, director, permit...
Board Structure and functions	Outlines the number of board members, duties, terms, compensation
Licensing Requirements	Sets out minimum qualifications for practice, age, Education, Testing requirements, etc.
Scope of Practice	Lists the areas that licensees may lawfully perform
Administrative Provisions	Covers application procedures, fees, renewals, permits, etc.
Examinations	Defines exam topics, type of test
Endorsement	List conditions under which persons licensed in another state may be licensed in Oklahoma (the term "reciprocity" is frequently, but erroneously, also used)
Continuing Education	Sets minimum number of hours for post-licensing training required for renewal (continued competency)
Grounds for Suspension Or Revocation	Gives circumstances under which a licensee may be barred from practice, frequently includes: violation of licensing law requirements; conviction of a felony related to applicant's profession; unprofessional, unsafe or unethical conduct
Penalties for Violating the Law	Sanctions in addition to suspension or revocation for violations, may be civil or criminal

## SOME BACKGROUND

During the late 1960's Title 18 & 19 (Social Security Act) was amended mandating that nursing home administrators be licensed. Therefore, the Oklahoma State Board of Examiners for Nursing Home Administrators (originally OSBENHA) was created and we are a "sunset" board. In 2005, the Board was reconstituted as the Oklahoma State Board of Examiners for Long Term Care Administrators (OSBELTCA) and had Nursing Home Administrators (NHA) and ICF/MR administrators under its purview (one license enabling one to be an administrator at either type facility) as well as the added "certified assistant administrator" for which rules were defined. The Board evolved again, acknowledging the growth of "long term care" in 2011 to include Assisted Living, Residential Care AND Adult Day Care administrators under its purview (none of which were licensed but "certified") leaving the Board with the ability to set licensing standards or to change the certification standards as it sees fit. The evolution of the Board continues as the professional standards of ALL Long Term Care (LTC) administrators continue to evolve and improve.

The Board is made up of fifteen individuals, 12 of whom are appointed by the Governor. The remaining three are representatives from the Oklahoma State Department of Health (OSDH), the Oklahoma Department of Human Services (DHS) and the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) where ODMHSAS was added in 2011 and the structure of the remaining Board members was modified to include representation from all of the disciplines of long term care facility types as well as to maintain public representation and medical expertise.

Another way to understand the primary purpose of the board is that it is here to develop, impose and enforce standards that must be met by individuals in order to be licensed (or certified) as a long term care administrator.

A few other things you will want to understand...

## **“NAB”**

This is the National Association of Long Term Care Administrator Boards...the national not-for-profit association serving entities such as ours that license, credential, and regulate administrators of organizations across the long term care continuum. NAB enhances the effectiveness of its members to protect public interests.

**The most common reference to the NAB, in the field, is the NAB exam...** But, there are actually now 4 NAB exams. There is a “common” exam – common to all lines of service – called the “Core” exam. The Professional Practice Analysis (PPA) which NAB periodically (every 5-7 years) conducts has shown that approximately 82% of all that administrators do is the same, regardless of the line of service. The “Line of Service” or “LOS” module exams are specific to either Nursing Homes, RCAL (Residential Care and Assisted Living) or HCBS (Home and Community Based Services).

Our Board is a member of the NAB and as such, our registration at either the annual or mid-year convention (for one person) is paid for (registration only – not travel, etc). In recent years, the Executive Director has been attending and representing the Oklahoma Board and has served on numerous committees to include the NHA Item Writing Committee, the By Laws Committee (twice Chaired it) and is currently (elected at the June 2018 Annual Meeting) the Treasurer. As such, NAB pays for his travel expenses for him to attend meetings to carry out those tasks. This is allowing one other person (a Board member) to attend once per year...

Included at these meetings are such forums as the “State Board Member Forum” which assists state licensing Boards in resolving problems and issues relating to the practice of long term care administration, discuss matters relating to licensure and reciprocity and shares best practices. It is a great networking opportunity and in the past, as many as 8-9 Oklahoma Board members would attend regularly. We don’t actually have the funding for that level of attendance.

Additional forums include a similar forum for State Executives, an “Academic Forum” and a “NCERS Forum” which deals with NAB approved continuing education programs.

There are also opportunities for Board members to be members of other committees with the NAB and one of NAB’s earliest Presidents (now called the “Chair”) was from Oklahoma...so we have a long and storied history with this organization that faded for awhile following the reconstitution of the Board in 2005, but it’s something this Board should consider getting active with again.

## “ACHCA”

Sometimes referred to as “**The College**,” the American College of Health Care Administrators (ACHCA) was Founded in 1962. It is a non-profit professional membership association which provides superior educational programming, professional certification, and career development opportunities for its members. It should be to long term care administrators, as professionals, what the “Bar Association” is to lawyers. They are guided by the vision that dynamic leadership forges long term health care services that are desired, meaningful, successful, and efficient. The organization identifies, recognizes, and supports long term care leaders, advocating for their mission and promoting excellence in their profession. It aspires to be the leading force in promoting excellence in leadership among long-term care administrators.

At the time this was first written, there was no “chapter” in Oklahoma (and that was a shame) but there is a small chapter of a couple hundred members that is now, finally gaining some momentum (see Appendix B for more insight into the Board’s Executive Director’s philosophy about “professionalism”).

## “CEUs”

There are two aspects of continuing education units (CEUs) that you will want to be familiar with. First, the requirements for administrators, and second, the approval of programs in the state of Oklahoma.

Generally, each administrator type is required to accomplish a certain number of CEUs per year. New licensees’ requirements are pro-rated for the remainder of their first calendar year. The Board’s requirement is to audit only 5% of all administrators each year (but we normally audit up to 10%). We do not “track” CEUs for our administrators. They attest, when they renew their license (annually), that they have completed the required number of CEUs (or will by year’s end). When we randomly select them for an audit, they’re required to show us proof of their completion (and we can now look them up in the NAB CE Registry when they complete NAB approved CEUs. It’s really not difficult for most people as they’re fairly organized and have maintained records of their CEUs for the year in a folder and simply pull them out of the file and fax a copy to us. But, a few don’t get the required CEUs or have lost their documentation.

## **“CEU Programs”**

The Board approves requests for CEU programs in Oklahoma. Additionally, if NAB (NCERS) has approved a program, Oklahoma presumptively also approves and accepts that program for CEUs. *You can (and should) review the general provisions, criteria and approval rules in subchapter 9 of our “rules” in OAC 490.*

## **“AU” or Administrator University**

We offer this training twice each year. It’s a course that generally meets once a week for 18 weeks and culminates with the administration of our State Standards exam, one of our requirements for licensure for NHAs.

While this is another (important) source of income for us (it costs \$2500 per student to take this course), our instructors are primarily State employees, experienced administrators and a few other professionals related to the field, but none are compensated by this Board for their time instructing. We really depend on a lot of people to pull this together and teach our students. While the fall course is being taught, preparations and scheduling for the next spring course are underway which includes de-conflicting the schedules of the instructors, reserving the classroom space and even finding new instructors occasionally.

Where this program is designed primarily to expose the students to many facets of the profession and *help them prepare for the State Standards exam*, there are also aspects that *start* them preparing for the NAB exam as well, though the bulk of that preparation should come during the AIT program.

## **Budget**

OSBELTCA is currently, and for the foreseeable future, non-appropriated. We operate from fees collected (less 10% of the fees we collect going back to the State). For a new Board members orientation, we try to give you a separate Budget briefing to get you current on these issues, typically by inviting you to meet with our OMES/ABS (Agency Business Services) contacts at a monthly update briefing with the Board’s Treasurer. Sources of income include annual licensing fees, licensure application fees, fees for AU, fees for AIT, fees workshops, fines collected, fees for state standards examinations and various other fees as listed in the “rules” governing the Board. We are what I call a “tithing” agency, which means in addition to not being appropriated, 10% of what we collect, except fines, goes back to the state, *plus* we pay multiple agencies for the services they render to us, to include the Office of the Attorney General and several things the OMES do for us. The rent for our office and conference room space runs right at \$2200/month, currently.

## “Probable Cause Committee”

The determination of probable cause is one of the most important functions of this Board. The process has evolved over time and even went through a period of time where the AG’s office determined that the process was unconstitutional and that temporary “shut down” and revamping of the process likely contributed to a backlog of cases at one point that was a real challenge to clean up. However, at this point, we’re pretty well caught up and running on a pretty smooth keel. The process itself (what happens when a case is determined to have “probable cause” or not) is lengthy enough that it has a separately devoted explanation with flowcharts and explanations attached at the end of this document (Appendix A).

But, what does it mean...*probable cause*? When we are determining whether a case has probable cause or not, we are looking at the facts presented in the referral or report (see the Appendix...**they are NOT complaints**), to include a response from the Administrator if they choose to provide one, and determining if we think it is probable that this administrator may have broken one or more of our rules. If so, then it becomes a “complaint” and the case moves forward to either a hearing or they’re given the opportunity to agree to certain facts and negotiate a settlement. The Probable Cause Committee (PCC) will have provided input as to what they believe should be a minimum acceptable penalty.

You will want to be familiar with the entire list of possible violations and they are written in our rules at OAC 490: 10-5-3(b) but *the most common violations* that the Board finds fault and penalizes administrators for include:

(5) Gross negligence, or negligence that constitutes a danger to the health, welfare or safety of the residents or the public.

(6) Physical or verbal abuse of a resident or misappropriation of a resident’s funds or property; failure to report an allegation of physical or verbal abuse of a resident or misappropriation of a resident’s funds or property to appropriate state authorities as required by law.

(7) Fraudulent, deceptive or dishonest conduct in the management of a long term care facility, or other conduct unbecoming to a person licensed or subject to licensure under this law when, in the judgment of the Board, such conduct is detrimental to the best interest of the long term care profession and the public.

(9) Failure to comply with State or federal requirements applicable to the facility.

(13) Failure to provide verification of continuing education hours.

There are actually 27 violations but these are the most common and they actually cover quite a bit. Many of the remaining violations are for relatively specific and less common infractions.

Historically, this committee has had other names, and at one point, recently, was comprised of “three board members” by statute; however, with three board members having to recuse from actual hearings (because they had been pre-disposed to the case and some of what they had read may not be admissible in an actual hearing along with a 4<sup>th</sup> from a reporting agency...), we discovered frequent difficulty in establishing a quorum (sometimes discussed as our “quorum within a quorum” issue). For example, with a Board of 15, we have to have 8 present to establish a quorum. If you happen to have 10 present, and three of them were on the PCC and recuse along with the Board member from OSDH (the most common case), you would no longer have a sufficient quorum for that case and it would be delayed, creating a backlog.

To remedy that, or attempt to do so, the requirement for “three board members” was changed in the current statute to reflect “three persons,” with the intent of keeping at least one Board member on each committee (we actually ran several different sub-committees of three Board members with the same purpose) and recognizing, too, that we would need Board member expertise from the newly added fields (Assisted Living, Residential Care and Adult Day Care) to deal specifically with those issues as they start to come up. So, with “three persons” we are now able to use the Executive Director as a member of this committee and there was also a time when our Prosecuting Attorney also participated (but no longer since the AG has taken on the Prosecuting duties).

### **And Finally...**

*Why was this information prepared for you, again?* Essentially, this information was prepared for you and is being provided to you as a reference. As things change, we may provide “updates” to it...and it has evolved to an online product for our Board members to access rather than having a very large book requiring you to remove certain pages and replace them with more current ones, such as when rules are updated. Previous OSBELTCA Board members were not given anything such as this, but their “spin up” time may have been shorter had they had such a tool. We have provided access to this same information to Board staff as well as to our AG representatives, to be certain we’re all on the same page as much as possible.

As your Executive Director, it was my understanding that I was hired to this job to help give the Board some (then) much needed direction...essentially, to be a leader, as well as a manager in the office. I view leading and managing as two distinctly different animals. I believe you lead people and you manage things such as projects and programs. Personally, I don't want anyone managing me, but I would probably follow any of you – even if only out of morbid curiosity! Nobody likes being managed or micromanaged though.

Leadership, with my background, *as one might expect from a retired USAF Lieutenant Colonel*, has been something I've studied quite a lot of my entire adult life. One of the often overlooked aspects of leading, from my perspective is that the best leaders are also good teachers. This relates to the creation of this reference material – and **originally I spent time with the whole “new” Board, orienting them, together...** this material should enable you to learn more on your own. If I don't teach you, at least I will have provided the “support” aspect so you can still learn more in areas that you want or need to know more about.

Becoming an OSBELTCA Board Member is an important thing... you should be proud to have been selected for this duty, whether Governor appointed or appointed by a State department. *Your* success as a Board is my primary goal which means each of you need to be set up to succeed, individually, so that as a group, there is no doubt we will all succeed. Welcome! I look forward to working with each of you.