

OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 11-30-2011

MINUTES

The Regular Board meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators (OSBELTCA) was held November 30, 2011. The meeting was held at the Oklahoma Health Care Authority, Seminole Meeting Room, Ste 2B, in the Shepherd Mall Office Complex, 2401 NW 23rd, Oklahoma City, Oklahoma with Mr. Gaylord Z. Thomas, Executive Director, presiding.

MEMBERS PRESENT

Ms. Nancy Atkinson, OK City
Ms. Susan Barnes, Marlow
Mr. Jim Jakubovitz, Tulsa
Ms. Jacki Millspaugh, OK City
Ms. Nancy Pfeifer, Tulsa
Mr. Bill Pierce, OK City
Mr. Brett Coble, Ardmore
Mr. Bill Weaver, OK City
Mr. Warren Meador, Elk City

MEMBERS ABSENT

Ms. Stella Church, OK City

OTHERS PRESENT

Mr. Gaylord Z. Thomas, Executive Director
Ms. Brinda White, Assistant Attorney General
Mr. Richard Mildren, Prosecuting Attorney for the Board
Ms. Ginger Dean
Ms. Pam Duren
Dr. Terry Cline, OK Secretary of Health & Human Services
Mr. Gus Pekara
Ms. Pat Bean
Ms. Marilyn Kipps
Ms. Esther Houser
Mr. David Blair

Mr. Gaylord Z. Thomas, Executive Director, called the meeting to order at 9:05 a.m. and stated that we were in compliance with the Open Meeting Act and Authority.

Mr. Thomas asked Ms. Pam Duren to call roll to establish a quorum.

Present were, Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble, Mr. Bill Weaver and Mr. Warren Meador. There was a quorum present.

OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 11-30-2011

Mr. Thomas asked that the Board members, staff and public introduce themselves.

Ms. Brinda White, Assistant Attorney General, administered the Oath of Office to the new Board.

Mr. Thomas led the election of officers.

Mr. Thomas asked for nominations for Chair.

Mr. Jim Jakubovitz nominated Mr. Bill Weaver for Chair.

Mr. Weaver accepted the nomination for Chair.

Motion was made by Mr. Jim Jakubovitz, seconded by Ms. Nancy Pfeifer, to approve Mr. Bill Weaver as Chair. Motion carried with voting as follows: Affirmative- Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble and Mr. Warren Meador. Negative – None. Abstaining – Mr. Bill Weaver.

Mr. Thomas turned control of the meeting over to Mr. Bill Weaver, Chair.

Mr. Weaver asked for nominations for Vice-Chair.

Mr. Jim Jakubovitz nominated Mr. Bill Pierce for Vice-Chair.

Mr. Pierce accepted the nomination for Vice-Chair.

Motion was made by Mr. Jim Jakubovitz, seconded by Ms. Susan Barnes, to approve Mr. Bill Pierce as Vice-Chair. Motion carried with voting as follows: Affirmative- Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Weaver, Mr. Brett Coble and Mr. Warren Meador. Negative – None. Abstaining – Mr. Bill Pierce.

Mr. Weaver asked for nominations for Sec-Treasurer.

Mr. Jim Jakubovitz nominated Ms. Susan Barnes for Sec-Treasurer.

Ms. Barnes accepted the nomination for Sec-Treasurer.

Motion was made by Mr. Bill Pierce, seconded by Mr. Bill Weaver, to approve Ms. Susan Barnes as Sec-Treasurer. Motion carried with voting as follows: Affirmative- Ms. Nancy Atkinson, Mr. Bill Pierce, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Weaver, Mr. Brett Coble and Mr. Warren Meador. Negative – None. Abstaining – Ms. Susan Barnes.

OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 11-30-2011

Mr. Bill Weaver led the review, discussion and possible action regarding the appointment of the Probable Cause Committee.

Mr. Thomas explained the Probable Cause Committee process to the Board. Ms. Nancy Pfeifer, Mr. Brett Coble and Ms. Jacki Millspaugh informed the Board that they would serve on this committee. Discussion followed. Mr. Bill Weaver appointed Ms. Nancy Pfeifer, Mr. Brett Coble and Ms. Jacki Millspaugh to the Probable Cause Committee.

Mr. Bill Weaver led the review, discussion and possible action regarding the appointment of the Rules Revision Committee and explained the importance of moving along with this committee due to the Administrative Rule time lines which must be met in order to get the rules approved. Mr. Bill Pierce informed the Board that he would serve as Chair of the committee and that he would like for Ms. Nancy Atkinson and Ms. Susan Barnes to serve as committee members. Discussion followed. Ms. Bill Weaver appointed Mr. Bill Pierce as Chair of the Rules Revision Committee and Ms. Nancy Atkinson and Ms. Susan Barnes as members of this committee.

Mr. Weaver informed the Board that the appointment of the Education Committee would be discussed after the Governor appointed the other five Board members.

Motion was made by Ms. Nancy Pfeifer, seconded by Ms. Nancy Atkinson, to approve the minutes of the 10-19-2011 meeting as submitted. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Nancy Pfeifer, Mr. Bill Pierce, and Mr. Bill Weaver. Negative – None. Abstaining – Ms. Jacki Millspaugh, Mr. Brett Coble and Mr. Warren Meador.

Mr. Bill Weaver led the review, discussion and possible action regarding the Board meeting date for December 28, 2011 and also for Calendar Year 2012. Discussion followed.

Motion was made by Mr. Bill Weaver, seconded by Mr. Jim Jakubovitz, to cancel the December 28, 2011 Board meeting and to reschedule the meeting for January 4, 2012. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble, Mr. Bill Weaver and Mr. Warren Meador. Negative – None. Abstaining – None.

The Board meeting dates for Calendar Year 2012 will be further discussed at the January 4, 2012 meeting.

Mr. Thomas led the review, discussion and possible action regarding the potential new licensee.

Mr. Thomas informed the Board that Mr. David Blair met the requirements for licensure as an Oklahoma Long Term Care Administrator.

OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 11-30-2011

Motion was made by Mr. Bill Pierce, seconded by Ms. Nancy Pfeifer, to approve Mr. David Blair as an Oklahoma Long Term Care Administrator. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble, Mr. Bill Weaver and Mr. Warren Meador. Negative – None. Abstaining – None.

Mr. Thomas led the review, discussion and possible action regarding the certification of Assistant Administrator.

Mr. Thomas informed the Board that Ms. Elaine Johns met the requirements of Assistant Administrator certification. Discussion followed.

Motion was made by Mr. Jim Jakubovitz, seconded by Mr. Brett Coble, to approve the certification of Assistant Administrator for Ms. Elaine Johns. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble, Mr. Bill Weaver and Mr. Warren Meador. Negative – None. Abstaining – None.

Mr. Richard Mildren, the Board's Prosecuting Attorney, led the review, discussion and possible action regarding OSBELTCA v. Jeffrey Lee Butcher, License No. 3131, Case No. 11-29 & 11-34, respondent's Request for Reconsideration of Final Order, filed by Jeffrey Lee Butcher.

Mr. Mildren distributed three documents to the Board members, which included the complaint, the request for reconsideration by Mr. Jeff Butcher and Mr. Mildren's reply to Mr. Butcher's request for reconsideration.

In the meantime, Mr. David Blair, licensure candidate, appeared at the meeting and Mr. Z Thomas presented him with his license and congratulations were given to him by the Board.

Mr. Mildren offered as exhibits these documents along with a recording of the last meeting during which the hearing was conducted. Mr. Butcher did not object and these exhibits were admitted into evidence. Mr. Butcher then presented his request for reconsideration. Questions were asked of Mr. Butcher and he responded. Mr. Mildren offered into evidence two affidavits which reflected the efforts the Board and Mr. Mildren's law firm had made to try to serve Mr. Butcher. Mr. Butcher did not object to the admission of these exhibits and they were admitted into evidence. Mr. Mildren told the Board that Mr. Butcher had not met any of the grounds for a reconsideration set forth in Section 317(A) of the Oklahoma Administrative Procedures Act and he urged the Board to deny Mr. Butcher's request for reconsideration. Ms. Brinda White, Assistant Attorney General, asked Mr. Jeff Butcher to state the grounds from Section 317(A) that he wanted the Board to use to reconsider his request. Mr. Butcher said that the ground for reconsideration on which he was relying was the need for additional evidence to adequately develop his case. Discussion followed.

OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 11-30-2011

Motion was made by Mr. Bill Pierce, seconded by Mr. Jim Jakubovitz, to convene into Executive Session. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble, Mr. Bill Weaver and Mr. Warren Meador. Negative – None. Abstaining- Ms. Jacki Millspaugh.

Motion was made by Ms. Susan Barnes, seconded by Ms. Nancy Pfeifer, to convene into Open Session. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble, Mr. Bill Weaver and Mr. Warren Meador. Negative – None. Abstaining- None..

The Board paused at this time to recognize Dr. Terry Cline, Oklahoma Secretary of Health and Human Services.

Dr. Cline thanked the Board for allowing him the opportunity to be here and, on behalf of Governor Fallin, thanked the Board for their service. He informed the Board that Governor Fallin takes the responsibility of this Board very serious and understands the importance of the role the Board plays, as well as the importance of the services that are provided throughout the state. He said that a member=s role on this Board is extremely important, that there is no higher calling and that Board members should make sure that they are doing what is best for every single person in the State of Oklahoma who may be in need of services through one of their respective agencies or organizations. Dr. Cline stated that he had known different members of the Board for different periods of time and that it is great to see people that he recognized and he looks forward to learning about the new members of the Board as well. He informed the Board also that he thought that Z provided great leadership and that it is great to see the Board=s work going as well as it is. Dr. Cline said that he wants to be instrumental in doing everything he can to support the Board in being successful in their roles and he thanked the Board for their volunteer service.

Mr. Weaver told Dr. Cline to please take the Board's thanks to the Governor's office and staff for the work they have done and that we look forward to the other appointments of the Board members.

The Board then returned to the request for reconsideration of Mr. Jeff Butcher.

Motion was made by Mr. Bill Pierce, seconded by Mr. Jim Jakubovitz, to deny Mr. Jeff Butcher's request for reconsideration. Motion carried with voting as follows: Affirmative – Ms. Susan Barnes, Mr. Jim Jakubovitz, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Bill Pierce, Mr. Brett Coble, Mr. Bill Weaver and Mr. Warren Meador. Abstaining – None. Recuse – Ms. Nancy Atkinson.

Mr. Bill Weaver read the basis of the Board's denial for the record.

OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 11-30-2011

Mr. Mildren had Mr. Gaylord Z. Thomas sign the Order to give to Mr. Jeff Butcher and informed him that the original notarized copy would be sent to him by certified mail that day.

Mr. Weaver announced that we would wait until the January 4, 2012 Board meeting to fill the rest of the committee positions because we would have a full Board at that time.

Mr. Gaylord Z. Thomas led the review, discussion and possible action regarding the Finance Committee Report. Mr. Thomas went over the report and stated that we were in the renewal period so the money was starting to build back up again. He informed the Board that we were half way through the renewals and that all renewals were done online.

The Board Orientation was led by Mr. Gaylord Z. Thomas, who instructed the Board to open the orientation book he had provided for each of them. Mr. Thomas discussed the various sections of the book informing them of the myriad of information that was available to them. Mr. Thomas explained the Complaint process, the Probable Cause process and the Audit process in depth to the members. The members of the Board thanked Mr. Thomas for the hard work involved in putting together the orientation book. Mr. Thomas also informed the Board that once all the appointments were filled he was going to invite Mr. Riley Shaull with the Office of State Finance over to explain the role their agency has in regards to the OSBELTCA finance. Discussion followed.

Mr. Gaylord Z. Thomas gave the Executive Director's report as follows:

1. By the time we get to this part of the agenda, you may have heard everything from me that you want to hear – and maybe some things you didn't want to hear; so I will be brief. I do provide a summary such as this touching on the big issues and present it at every Board meeting. This Board meeting is just a little different in that it's this Board's first and so much "orientation" is required.

a. Orientation – My plan for the remaining new Board Members (once appointed) is to arrange to meet with them in small groups or one-on-one and present them with their copy of the Board Member's Handbook (that you received today).

2. I do want to once again WELCOME you to the Board, or welcome you BACK to the Board, whichever the case may be. This has been a long time coming to get these changes in place and we still have a LOT of work to do as well as some "catching up."

a. Rules Committee – the issue of promulgating rules probably needs to be "Job #1" and one of the foremost issues in the minds of this Board as we begin. The previous Board did a LOT of work to lay a solid foundation for this Board to follow. The new Rules Committee will want to review that work and continue and complete that work so that our Rules will be updated, properly reflecting the addition of the new administrator types and the direction this Board wants to go in regard to licensing them and the various related issues, as well as to do some "clean up" on other issues within the current rules.

OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 11-30-2011

b. Probable Cause Committee – we are somewhat “behind” in our review of these cases simply because we’ve not had a Board (and therefore no PCC) since November 1, so what we normally do over time, we will need to take some extra up front time to “catch up” just a little and get us back on that smooth even keel.

3. LICENSURE RENEWALS: Renewals for Nursing Home Administrators have been underway since the 1st of November. Over 300 of our 700+ administrators have renewed already; looks pretty normal as renewals aren’t “due” until December 31st.

The meeting adjourned at 12:20 p.m.

Respectfully Submitted,



SUSAN BARNES, SEC-TREASURER