

**OK ST BD OF EXAMINERS FOR LONG TERM CARE ADMS, 9-26-2012**

**MINUTES**

The Regular Board meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators (OSBELTCA) was held September 26, 2012. The meeting location was at the Shepherd Mall Office Complex, 2401 NW 23rd, Ste 62, OSBELTCA Conference Room, Oklahoma City, Oklahoma. Mr. Bill Weaver, Chair, presided over the meeting.

**MEMBERS PRESENT**

Mr. Bill Weaver, Chair, OK City  
Ms. Susan Barnes, Sec-Treasurer, Marlow  
Mr. Curtis Aduddell, OK City  
Ms. Denise Wilson, Langley  
Mr. Brett Coble, Ardmore  
Ms. Susan Haws, Glenpool  
Ms. Jacki Millspaugh, OK City  
Ms. Stacie Ware, Broken Arrow  
Ms. Nancy Pfeifer, Tulsa

**MEMBERS ABSENT**

Mr. Bill Pierce, Vice-Chair, OK City  
Mr. Jim Jakubovitz, Tulsa  
Ms. Nancy Atkinson, OK City

**OTHERS PRESENT**

Mr. Gaylord Z. Thomas, Executive Director  
Ms. Brinda White, Assistant Attorney General  
Mr. Richard Mildren  
Ms. Ginger Dean  
Ms. Pam Duren  
Ms. Pat Bean  
Ms. Carrie Burnsed  
Mr. Kirk Webster  
Mr. Gus Pekara

Mr. Bill Weaver, Chair, called the meeting to order at 10:05 am and stated that we were in compliance with the Open Meeting Act and Authority.

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

Present were Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. There was a quorum present.

Mr. Weaver asked the public to introduce themselves.

Motion was made by Mr. Brett Coble, seconded by Ms. Denise Wilson, to approve the minutes of the 8-22-2012 meeting as submitted. Motion carried with voting as follows: Affirmative – Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Mr. Brett Coble, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining – Ms. Nancy Pfeifer.

Mr. Jim Jakubovitz, Chair of the Education Committee, was not present so Mr. Gaylord Z. Thomas, Executive Director, gave the Education Committee report.

Mr. Thomas led the review, discussion and possible action regarding the request of the following continuing education programs for Oklahoma Long Term Care Administrators:

Graves Menu Maker Foods  
Menu-Trician Online Menu and Tray Card Training  
10-19-12, 11-9-12 & 1-11-13  
Online Presentation using “Go To Meeting” Function  
Requesting Approval for up to One Year (will inform staff 30 days in advance of meeting so that it may be posted on website)  
Approved for 2 hrs of CE

Motion was made by Ms. Denise Wilson, seconded by Mr. Curtis Aduddell, to approve the aforementioned continuing education as submitted. Motion carried with voting as follows: Affirmative – Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining – None.

Tankersley Foodservice  
Fall Food Show & Educational Seminars  
10-3-12  
Phoenix Expo Center, Ft. Smith, AR  
Approved for 4 hrs of CE

Motion was made by Ms. Susan Haws, seconded by Mr. Brett Coble, to approve the aforementioned continuing education as submitted. Motion carried with voting as follows:

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Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining – None.

OK ST Dept of Health  
Discover the Roots of Success Assisted Living Provider Training  
10-16-12  
Moore Norman Tech Center, South Penn Campus, OK City  
Requesting 6 hrs of CE

Motion was made by Mr. Curtis Aduddell, seconded by Ms. Denise Wilson, to approve the aforementioned continuing education as submitted. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining – None.

Mr. Richard Mildren, the Board's Prosecuting Attorney, led the review, discussion and possible action regarding OSBELTCA v. ANTOINE SMITH, License No. 3052, Case No. 12-35(B) Possible Evidentiary Hearing on Complaint; Possible Executive Session Pursuant to 25 O.S. Supp. 2009, §307(B)(8); Possible Board Action.

Summaries of the Settlement Agreements had been previously distributed.

The Settlement Agreement stated that Mr. Smith receive a letter of concern, pay a fine of \$300.00 within 60 days and complete 9 hours of continuing education in the areas relating to human resource issues approved by the Executive Director within 120 days of the date the agreement is signed.

Motion was made by Ms. Susan Barnes, seconded by Mr. Curtis Aduddell, to approve the aforementioned Settlement Agreement. Motion carried with voting as follows: Affirmative – Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining – Mr. Brett Coble.

Mr. Richard Mildren, the Board's Prosecuting Attorney, led the review, discussion and possible action regarding OSBELTCA v. DARRELL SMITH, AIT, Case No. 12-14(P) Possible Evidentiary Hearing on Complaint; Possible Executive Session Pursuant to 25 O.S. Supp. 2009, §307(B)(8); Possible Board Action.

The Settlement Agreement stated that Mr. Smith's ability to receive an AIT internship training permit is revoked.

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Motion was made by Mr. Curtis Aduddell, seconded by Ms. Denise Wilson, to approve the aforementioned Settlement Agreement. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining – Mr. Brett Coble.

Mr. Gaylord Z. Thomas led the review, discussion and possible action regarding the Report of the Probable Cause Committee.

Mr. Thomas reported that the Probable Cause Committee recommended that there was no probable cause regarding Case No. 12-30, 12-42, 12-45 & 12-71 all from the Oklahoma State Department of Health.

Motion was made by Ms. Susan Barnes, seconded by Mr. Curtis Aduddell, to accept the recommendation of the Probable Cause Committee that there was no probable cause regarding the aforementioned cases. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Mr. Brett Coble, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining – Ms. Nancy Pfeifer.

Mr. Thomas reported that the Probable Cause Committee recommended that there was no probable cause regarding Case No. 12-38(H) and 12-53(D).

Motion was made by Mr. Curtis Aduddell, seconded by Mr. Brett Coble, to accept the recommendation of the Probable Cause Committee that there was no probable cause regarding the aforementioned cases. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Nancy Pfeifer, Mr. Brett Coble, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining - Ms. Denise Wilson.

Mr. Thomas reported that the Probable Cause Committee recommended that there was no probable cause regarding Case No. 12-49(H), 12-52(D), 12-60(H) and 12-68(H).

Motion was made by Ms. Nancy Pfeifer, seconded by Ms. Jacki Millspaugh, to accept the recommendation of the Probable Cause Committee that there was no probable cause regarding the aforementioned cases. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Bill Weaver, Ms. Susan Haws and Ms. Stacie Ware. Negative – None. Abstaining - Mr. Brett Coble.

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Mr. Thomas reported that the Probable Cause Committee recommended that there was no probable cause regarding Case No. 12-62(H) and 12-75(H).

Motion was made by Ms. Jacki Millspaugh, seconded by Ms. Nancy Pfeifer, to accept the recommendation of the Probable Cause Committee that there was no probable cause regarding the aforementioned cases. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Mr. Bill Weaver and Ms. Stacie Ware. Negative – None. Abstaining – Ms. Susan Haws.

Mr. Thomas reported that the Probable Cause Committee recommended that there was no probable cause regarding Case No. 12-61(D), 12-64(H) and 12-73(H).

Motion was made by Ms. Susan Barnes, seconded by Mr. Curtis Aduddell, to accept the recommendation of the Probable Cause Committee that there was no probable cause regarding the aforementioned cases. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Ms. Susan Haws, Mr. Bill Weaver and Ms. Stacie Ware. Negative – None. Abstaining – Ms. Jacki Millspaugh.

Mr. Bill Weaver led the review, discussion and following action regarding the Board Meeting dates for Calendar Year 2013. Discussion followed.

Motion was made by Ms. Susan Haws, seconded by Mr. Curtis Aduddell to approve the Board Meeting dates for Calendar Year 2013 as presented. Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Ms. Susan Haws, Mr. Bill Weaver and Ms. Stacie Ware. Negative – None. Abstaining – None.

Ms. Susan Barnes led the discussion regarding the Financial Report and stated that the Board was doing well financially.

Ms. Nancy Pfeifer, Chair of the Personnel Committee, informed the Board that it was time for the yearly evaluation of the Executive Director, Mr. Gaylord Z. Thomas. She stated that the committee would have a short meeting following today's meeting and that the results of the evaluation would be presented to the full Board at the October 24<sup>th</sup>, 2012 Board meeting.

Mr. Gaylord Z. Thomas gave his report as follows:

1. **GRANDFATHERING:** I continue to be amazed at phone calls we get and the stories we hear, such as how many people's bosses are just now telling their administrators about

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grandfathering...and yes, we had a bit of a surge in the last couple of weeks, ongoing even now. The total number of new administrators I had estimated we would have apply is still slightly off but the good news is that it's off in a positive way where RC/AL administrators are concerned and financially that makes up for any deficit caused by the shortage in the estimate from the other types. I feel pretty comfortable that we did all we could do but somebody will have certainly fallen through the cracks, unfortunately. The last minute "panic" people have a lot of different stories as to why they waited so long. I can only imagine the stories we might yet hear explaining someone actually "missing" this opportunity.

	Estimated	Reported at July Board meeting	Reported at August Board meeting	Reported at September Board meeting
<b>RC/AL</b>	<b>240</b>	61	169	
RC/AL pending		55	29	
<b>RC</b>	<b>150</b>	2	24	
RC pending		11	5	
<b>Adult Day Care</b>	<b>70</b>	9	21	
Adult Day Care pending		8	6	
	<b>460</b>			<b>415</b>

*As of 10:00 AM, 9/25/2012*

We are dealing with everyone as fairly as we can. If they have their information into us by October 1, and it's something we are waiting on (such as a delayed background check), we will be approving them with an approval date of October 1, assuming it all checks out fine. We have emailed, called, mailed (certified mail), offered to help one-on-one in our office...not a lot more we could have done for these people, quite frankly.

**2. NEXT MEETING – GRANDFATHERING “CLEANUP”:** At the October meeting, we will have some clarity on who failed to complete their application on time and we will have a list prepared of these people for the Board to deny their application for grandfathering under the rules. Staff was authorized under the rules to approve these applications but the Board must make denials official. We will be notifying these people of the fact that their application is being considered for denial on the October agenda and offer them the opportunity to appear and make their case that it should be approved. Bottom line for us in most of these cases will be that the application was incomplete and we made numerous attempts in various modes of communication (telephone, email, certified mail...) and the application was simply not completed on time and we are therefore unable to approve it. The rules are actually pretty clear on this point and there is no "waiver" of the rules authorized within the rules.

**3. NAB REVIEW SEMINAR:** Went well (September 17 & 18); one nursing home administrator attended for the CE aspect (thinking of being a preceptor in the future) and commented on what a good refresher it actually was for her (and wondered why more administrators hadn't taken advantage of the opportunity. Next scheduled for Feb 25-26, 2013.

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4. **Travel:** I realized, too late, that I had not informed you of my travel plans; however, I just returned over the weekend from a NAB trip (was NAB funded). I'm now a "reviewer" with the NCERS – the committee that approves CEUs for the NAB and I sent you a quasi-trip-report on Monday but am open to discuss any of those items/ideas. It was, as usual, a very educational trip for me and I gained additional insight into yet another NAB process. Upcoming:

NAB Mid-Year Meeting – November 7-9 – San Diego (will also be NAB funded)

- Note: I continue to be active with NAB; I'm now the Chair of the Bylaws Committee and co-chair of the State Governance Committee, an alternate on the NHA Exam Writing Committee, and an NCERS reviewer.

5. **CASE #A12-47(P):** This is our first (and still only) non-nursing home report, involving an Assisted Living administrator. I am requesting an extension on the initial 90 day requirement to make notice to this individual and start the investigation for this case. The case is a private citizen report and was received on June 29, 2012, literally just days before we started the "grandfathering" process. I had delayed making notice to this administrator initially because I did not have an address to mail it to (this administrator had also been terminated from the Assisted Living facility where the allegations occurred so I could not mail it to the facility address). My intent was to get the address when this administrator applied for grandfathering (innocent until proven guilty - I assumed they would apply, especially not knowing that there had been a report filed with us because it was a private report); however, as of my writing this, this administrator still has not applied for licensure. I did obtain a home address and mailed a notice of the "grandfathering" process to her home address – the same notice we sent to every facility. No application has been made so far (which doesn't negate the allegations and our responsibility to act on the report). The allegations appear serious enough to warrant this Board's attention (she was terminated over the same issue...) and this Board did have purview over certified assisted living administrators since November 1, 2012 which includes the incident. My intent is to continue to "wait" until the October 1 grandfathering window closes and if still not licensed, start the investigation on the allegations as a "certified" AL administrator (at the time). Since the 90 day window for starting an investigation closes before October 1, I am therefore requesting a 30 day extension to that requirement for these aforementioned reasons (to keep our "due process" proper).

Motion was made by Ms. Nancy Pfeifer, seconded by Ms. Denise Wilson, to approve the request of a 30 day extension for these aforementioned reasons to keep our "due process" proper regarding Case No. A12-47(P). Motion carried with voting as follows: Affirmative –Ms. Susan Barnes, Mr. Curtis Aduddell, Ms. Jacki Millspaugh, Ms. Denise Wilson, Ms. Nancy Pfeifer, Mr. Brett Coble, Ms. Susan Haws, Mr. Bill Weaver and Ms. Stacie Ware. Negative – None. Abstaining – None.

6. **CASE# 11-102(H) – ADMINISTRATIVELY CLOSED:** This case was appealed to CMS and the scope/severity was changed to a level that would not have been referred to this Board; therefore, I've closed the case administratively and informing the Board of this action. The leaves us only one 2011 case at this point and it is still pending results District Court before we take actions on it.

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7. **GTARB:** Also known as the “Governmental Technology Applications Review Board” – as I had previously informed you, we were trying to get a reading on whether we had to have their approval to pass the merchant fees and portal fees along to the new licensure types (as has long been our practice in accordance with our rules). Our interpretation was that our rules already covered it (OAC 490:1-7-2(w) in that it simply covered licensure renewals (and had been previously approved) but someone else’s interpretation was that these are “new” fees we’re charging for these new types and that we therefore had to get this body’s approval. I was told that their statute trumped our rules...when they finally told me where we stood (when I followed up). I submitted the request they required to explain our “request” for their approval and was told that I did not need to attend (which was good because I was at the NAB NCERS workshop when their meeting was scheduled...but they failed to have a quorum to meet) and I was hoping to have the results of that request to share with you today but will not for another month.

8. **NEW REGISTRATION SYSTEM (AMANDA):** We undertook the process of notifying our nursing home and certified assistant administrators of our new licensure management system (AMANDA) and assigned them an initial PIN to log in to the system and check their mailing address, etc. We did this in “small” batches (to keep the number of phone calls with issues to a manageable level) and it SEEMS like it went pretty well – we did not get that many phone calls, though there was a day when there was an issue with the server causing lots of “error” messages; but once that was fixed, it seemed to go well (to the best of our knowledge). Administrators will be using this system to renew their licenses starting in November. We do expect “some” will have ignored their email and will lose their PIN and will therefore be calling in a panic when it comes time to renew their license.

9. **LOOK AHEAD:** As if we haven’t been busy enough, we have a full slate of events scheduled in the next coming months:

End of Grandfathering – October 1

Preceptor Training (NHA) – October 9

State Standards Exam (NHA) – October 17

Adult Day Care Training, Review and State Standards Exam – October 19

Next Board meeting – October 24

RC and RC/AL State Standards Review – November 5

State Standards Exam (RC and RC/AL) – November 12

And longer term, we have scheduled the next NAB Review for February 25 and 26.

The meeting adjourned at 11:30 a.m.

Respectfully Submitted,



SEC-TREASURER, SUSAN BARNES