



LONG-TERM CARE FACILITY ADVISORY BOARD

Regular Meeting

April 08, 2015 at 1:30 in Room 1102

Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299

MINUTES

April 08, 2015

1) Call to Order

Dewey Sherbon, Chair, called the meeting to order at 1:30 p.m.

2) Roll Call

Natalie Smith called roll with the following LTCFAB members present: Dewey Sherbon, Chair; Donna Bowers, Linda Brannon; Joyce Clark; James Colgan; Andrew Dentino; Ivoria Holt; Kenneth Jones; Adam Jordan; Joanna Martin; Alan Mason; Jimmy McWhirter; Kay Parsons; Robert Quatro; Wendell Short; Eileen Wilson; William Whited; and Monica Woodall.

The following LTCFAB members were absent: Christean Bolding; Willie Burkhardt; Dustin Cox; Theo Crawley; Carrie DuRoy; Pamela Humphreys; Randy McKinney; Diana Sturdevant; and Luke Tallant.

The following guests were present: Ann Osborne, Francis Tuttle Tech. Center; Shelba Murray, Francis Tuttle Tech. Center; Esther Houser, general public; Gina Stafford, OK Board of Nursing; Harvey Ross, OU College of Public Health; Glenn Box, OSDH; Dr. Henry Hartsell, OSDH; Lori Bautista, OSDH; Mary Fleming, OSDH; Don Maisch, OSDH; Becky Moore, OAHCP; Nancy Atkinson, OSDH; Deb Yellslugler, OSDH; Sue Davis, OSDH; Mary Brinkley, Leading Age OK; James Joslin, OSDH; Michael Jordan, OSDH; Greg Frogge, McAfee & Taft.

Currently, there are no vacancies on the LTCFAB, which consists of 27 members.

A quorum met with 18 members present.

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<http://www.health.ok.gov/calendar/mtngs/index.html>

<http://www.sos.state.ok.us/meetings/agencymeets.asp?intAgency=316>

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3) Review and Action to Approve/Amend January 07, 2015 Regular Meeting Minutes:

Agenda Item #3

Vote 1

Motion: Approval of the January 07, 2015 Regular Meeting Minutes

Motion Made by: Wendell Short Seconded: Eileen Wilson Motion Carried: Yes

Aye: 14 Abstain: 3 Nay: 0 Absent: 10

Aye: 14 Abstain: 3 Nay: 0 Absent: 10

Christean Bolding	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Joanna Martin	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Donna Bowers	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Alan Mason	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Linda Brannon	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Randy McKinney	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Willie Burkhardt	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Jimmy McWhirter	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Joyce Clark	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Kay Parsons	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
James Colgan	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Robert Quatro	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Dustin Cox	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Dewey Sherbon	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Theo Crawley	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Wendell Short	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Andrew Dentino	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Diana Sturdevant	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Carrie DuRoy	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	Luke Tallent	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Ivor Holt	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay	Eileen Wilson	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Pamela Humphreys	<input type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay	William Whited	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Kenneth Jones	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay	Monica Woodall	<input checked="" type="checkbox"/> Aye <input type="checkbox"/> Abstain <input type="checkbox"/> Nay
Adam Jordan	<input type="checkbox"/> Aye <input checked="" type="checkbox"/> Abstain <input type="checkbox"/> Nay		Shading = Absent

4) Bulk Medication Discussion:

Dr. Hank Hartsell, Deputy Commissioner, Protective Health Service spoke about the statute (Title 63-1-1950) in the public health code related to nursing homes provides for nursing facilities to maintain bulk supplies of non-prescription drugs for dispensing to residents. (OAC Title 310: Chapter 675-9-9.1-i) He posed the question about subsection three on dispensing and whether a clarification is needed to determine if, only written order for as needed (p.r.n.) or nonscheduled dosage regimens dosing from a physician is required for bulk medication usage or if “(p.r.n.)” should be removed from the statute to be able to use the bulk medication routinely. There was further discussion of whether over the counter medication not being able to be taken equal to prescription strength, unless per physician’s orders should be clarified in the statute.

5) Nurse Aide Investigations Ad Hoc Report:

Wendell Short provided an update on the Ad Hoc Committee for Nurse Aide Investigations and priorities for 2015. The AIM Statement was introduced. For the time between an allegation being reported and the notation being put on the Nurse Aide Registry, a mean of 3.1 days was achieved during the first quarter for 2015. The goal of 10 days was exceeded. The average will vary from month to month depending on the type of cases that are reviewed and the number of days it takes to

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process the allegations. The Ad Hoc Committee recommended having standardized reporting on the processing of abuse, neglect, exploitation and misappropriation cases. The Ad Hoc Committee also recommended that reports should be submitted quarterly or semi-annually to the LTCFAB so progress can be monitored and any issues resulting from the reports can be addressed. A communication plan was discussed and how to let the providers know that the Nurse Aide Registry is showing very current information. The process changes for placing pending notations of abuse was voted on and passed by the committee. The Ad Hoc Committee will continue and address the following questions: “What do we do to reduce the allegations about abuse, neglect, and misappropriation? What can we do to have a significant impact directly on the lives of the individuals that we serve each day?”

6) Healthy Aging Report:

Dr. Andrew Dentino gave a progress report from the Ad Hoc Committee on Healthy Aging. The committee has completed their fifth meeting. The AIM Statement was introduced, with the goal of reducing the rate of falls with major injury to three percent by June 2019. The next steps, Dr. Dentino proposed, was a Tool Kit to present to facilities, which includes educational and mentoring opportunities to help reduce the rate of falls. Dr. Dentino posed this question, “How will we engage volunteer facilities to self-identify to have their falls data looked at?” The answer was a “Call to facilities” that “It’s not ok to fall.”

Dr. Dentino gave an update on the progress of the Falls Ad Hoc Work Group. Oklahoma is ranked 47th nationally for falls, along with holding the rank of 44th with the lowest healthy life expectancy. Oklahoma’s composite score based on 13 health indicators is 10, which is higher than the national average. The 2019 national goal is six. Dr. Dentino went over the activities plan, which included the following: 1) activating stakeholders, 2) translating and diffusing knowledge, 3) measuring and reporting, 4) intervention development and deployment, and 5) policy, rules and regulations. Also, addressed were considerations, assumptions, constraints, obstacles and risks. Resources available and resources needed were spoken about. Dr. Dentino, in closing, presented a flow diagram that included: 1) inputs, 2) activities, 3) action items, 4) outputs and 5) outcomes.

7) CMS National Partnership to Improve Dementia Care:

Mary Fleming provided an update on the reduction of antipsychotic medications in nursing home residents. The debut of the CMS partnership to improve dementia care was March 31, 2012. Over the 3 years, Oklahoma is down to 20% from 27.6% of the prevalence of the use of antipsychotic medications in nursing homes. Mary stated, “Oklahoma has the lowest prevalence of physical restraints in the nation at .08. The national average is two.” Oklahoma is #12th in the nation on the reduction of antipsychotics for residents with dementia.

CMS has approved a grant that is paying for the Eden Alternative that was created by Dr. Allen Power. Dr. Power is presenting three seminars in May, covering dementia care without antipsychotics, for facilities that are Medicare/Medicaid to attend, along with LTC surveyors. CMS has five states that have conducted pilot studies specifically on improved dementia care and the

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interventions that are going on in the nursing homes. This year CMS has expanded the pilot to other states that will be involved in specialized focus surveys. Next year the specialized surveys will become just another part of the survey process.

8) **Legislative Update:**

William Whited provided an update on current legislation. We are on a two-year session, and we are on the 1st year of the 55th legislature.

1. *House Bill 1110*: (Representative Richard Morrisette) A bill that would have created an unexplained injury and unexplained death review board. This bill is dormant for this year.
2. *Senate Bill 218*: (Senator Ann Griffin, Representative Doug Cox) Adult Protective Services Long Term Care investigations would be required to release a copy of the investigative report to the facility that is redacted info to remove personal information. This bill is still alive and is awaiting a vote in the full house.
3. *Senate Bill 725*: (Senator Mike Shultz, Representative Harold Wright) this bill would prohibit anybody convicted of abuse, neglect, or exploitation of a vulnerable adult from inheriting from their victims. This bill is awaiting signature from the Governor.
4. *House Bill 1062*: (Representative Dustin Roberts) The bill would have required that facilities have generators. It did not define the type of generator and what it would need to operate. This bill is dormant for this year.
5. *House Bill 1327*: (Representative Richard Morrisette, Senator Kim David) A major nursing home reform bill would have addressed many areas in improving quality care. It would have increased staffing ratios to above the national average, but it would have a major budget impact. This bill is dormant for this year.
6. *House Bill 1435*: (Representative Jeanie McDaniel, Senator Frank Simpson) The bill would mandate that a Nurse Aide update any name change, and any address change within ten days of occurrence. Serving notice to the address of record will constitute as notice, even if the individual refuses to accept it or has changed addresses. This bill is still alive and is awaiting a vote in the full senate.
7. *House Bill 1443*: (Representative Richard Morrisette, Senator Kyle Loveless) The bill would have created a new cash and counselling program for home and community based services to operate in conjunction with advantage waiver. This bill is dormant for this year.
8. *Senate Bill 231*: (Senator Jon Echols, Representative Jason Smalley) The bill was about arbitration agreements. Facilities would require families and residents to sign an arbitration agreement as a condition of admission and would be binding in the case of personal injury or wrongful death. This bill is dormant for this year.
9. *Senate Bill 578*: (Senators Wayne Shaw, Anastasia Pittman, Representatives Doug Cox, Mike Shelton) The bill directs the department of corrections to do a request for proposal to seek bids to create a long term care facility for felony offenders. This bill is still alive and is awaiting a vote in the full senate.
10. *Senate Bill 640*: (Senator Greg Treat, Representative Doug Cox) The bill would have changed the way the evaluations were conducted for the advantage waiver program. This bill is dormant for this year.
11. *House Bill 1566*: (Representative Doug Cox, Senator Greg Treat) and *Senate Bill 752*: (Senator Mike Schulz, Representatives Harold Wright, David Perryman) Both bills are bills

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for managed care. Managed care would make it to where insurance companies would contract with specific facilities and people would be limited to those facilities that the insurance companies choose, if they include long term care. Both bills are dormant for this year.

12. *Senate Bill 109*: (Senators Patrick Anderson, Anastasia Pittman, Representative Wade Rousselot) The bill would preserve the wishes of an individual and the current power of attorney in case of incapacity or disability.

9) **Long Term Care Update:**

Mary Fleming gave a quick long term care update. We serve about 684 facilities, which include Nursing Homes (322), Adult Day Care (39), Assisted Living (160), Intermediate Care facilities for Individuals with Intellectual Disabilities (88) and, Residential Care Homes (75), totaling approximately 30,000 residents.

1. *14 Nursing Home Teams in 14 territories geographically throughout Oklahoma*: Each of the 14 teams has at least five certified surveyors or surveyors in the process of becoming certified. More than half of the teams have five certified surveyors. We are about to have 16 teams: one in Tulsa and one in Oklahoma City.
2. *Seven New Surveyors have been hired since January, 2015*: Three of the new surveyors were already SMQT certified. Two of them were previous OSDH Long Term Care surveyors. The other one was SMQT certified from Arizona.
3. *QIS (Quality Indicator Survey) Teams*: Two teams are in the process of being QIS trained. We have a total of five teams that are QIS trained. Twenty-nine surveyors out of eighty-two that are QIS trained which makes up 35% of the survey work force. All surveyors will be QIS trained by January 2018.
4. *Intermediate Care facilities for Individuals with Intellectual Disabilities (ICF/IID)*: We currently have two teams that have three surveyors on each team.
5. *New Facilities*: Three new buildings have been built and four more are being planned for ICF/IID. Assisted living facilities have the most new buildings.
6. *Licensure Team*: We have one team of twelve surveyors to cover all of the licensed facilities.
7. *Life Safety Code Team*: We have one team of seven surveyors.
8. *Complaints*: We investigate 2400 complaints per year, which averages to about three complaints per nursing home. 12% of the nursing homes had no complaints in 2014. One facility had 29 complaints within six months. The teams and territories had to be re-organized to balance the workload.
9. *MDS (Minimum Data Set) Focused Surveys*: CMS has directed that we conduct seven MDS focused surveys by the end of September 2015. A MDS focused team of three surveyors has been developed. They will be training on May 13th, 2015 and must start the MDS surveys within thirty days after they complete training.
10. *Surveyor Positions*: We have seven more surveyor positions to fill before we have all of our survey slots filled.

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10) New Business:

1. *Quality Improvements:* Dr. Hank Hartsell is driving and leading a lot of the Quality Improvement Initiatives in Oklahoma. There are work groups readily available for anti-psychotics, falls, and healthy aging to be involved with.

11) Public Comment:

Public comment made throughout the meeting.

12) Adjournment

The meeting adjourned at 3:34 p.m.