



Long-Term Care Facility Advisory Council

Regular Meeting

Wednesday April 17, 2024, at 1:30pm on the 28th Floor Room 6
OSDH 123 Robert S. Kerr 28th Floor Oklahoma City, Oklahoma 73102-6406

MINUTES

April 17, 2024

1) Call to Order

Dr. LaTrina Frazier called the meeting to order at 1:42 pm.

2) Roll Call

Inez Bennett called roll and the following Long Term Care Facility Advisory Council (LTCFAC) members were present: Lori Morton, Adam Jordan, Amanda Dirmeyer, Donald Davis, Gara Wilsie, Gene Reid, and Cheryl O'Neill.

The following LTCFAC members were absent: Teney John, Tracy Copp, Warren Burress, and William Whited.

There are currently two vacancies on the LTCFAC which consist of thirteen members.

A quorum is met with seven members present.

3) Open Meeting Act

John Clark Senior Assistant General Counsel and Privacy Officer from the Oklahoma State Department of Health Office of General Counsel will go over the Open Meetings Act (OMA) Title 25 O.S. §§ 301-314 as it relates to the Long-Term Care Facility Advisory Council.

As a member of the LTCFAC the two biggest things to remember are to attend meetings and stick to the items on the items listed on the agenda.

The purpose of the Open Meeting Act is to encourage citizens to know more about public bodies, governmental processes, and governmental problems (advance notice, agenda, and minutes).

A Public Body is a governing body that is supported in whole or in part by public funds or entrusted with expending public funds or administering public property. Some examples of a Public Body are Boards, Committees, Commissions, Agencies, Authorities and Councils.

A Public Body does not include judiciary, administrative staff of public bodies, legislature, and legislators.

A quorum is a majority of the members. The quorum does not decrease because of vacancies (1982 OK AG 165). Attendance must be confirmed as early as possible before the meeting.

A Meeting is when a public body is conducting business, with a majority of its members being personally together.



Business is defined as the entire decision-making process including deliberation, decision, or formal action (2002 OK AG 26).

If a public body meets with an expert to gain insight into a matter, they are involved in the deliberation process (1982 OK AG 212).

Even if a vote does not occur the meeting will likely be subject to the OMA.

Electronic and Telephonic Communications prohibits deciding or acting (voting) on any matter by phone, email, or informal gathering.

Discussion in a group email, text, or social media group can create a virtual meeting subject to OMA, this includes setting agenda and meeting dates.

Member Gene Reid asked if a one-on-one discussion would fall into this category and Mr. Clark replied no, a phone conference would be discouraged.

Best practice says that a majority of the body's members should not attend lunch together.

Required pre-meeting actions are to provide notice and post the agenda.

There are four types of meetings regularly scheduled meetings, special meetings, emergency meetings and continued, or reconvened meetings.

The LTCFAC is considered a regularly scheduled meeting.

Regular meetings need to be scheduled by December 15th of the next calendar year with the Secretary of State. The date, time, and place of meetings is required. A regular meeting can be changed with a ten-day notice to the appropriate office and limited new business is permitted.

Special meetings must provide notice within 48 hours' notice to the Secretary of State, providing the date, time, and place. This excludes Saturday, Sunday, and state holidays. No new business will be discussed during these meetings, only what is on the agenda.

Emergency meeting is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damages or immediate financial loss.

Continued or reconvened meetings are for agenda items that are unable to be discussed due to lack of time. It is required that the date, time, and place.

The agenda should be posted 24 hours prior to a meeting excluding Saturday, Sunday, and state holidays in the lobby of the Strata Tower building, Secretary of State website. Example: A meeting being held at 10am on Monday must be posted by Friday at 10am. The agenda must contain sufficient information for the public to identify the items of business and purpose. The agenda must be worded in plain language, directly stating the purpose. The language used should be simple, direct, and comprehensible to a



person of ordinary education and intelligence. Do not act if the item is not on the agenda. Members can't vote if it is not on the agenda. Ensure that all agenda items fall within the LTCFAC statutory authority (63 O.S. 1-1923).

New business is any matter not known about or which could not have been reasonably foreseen prior to the time of posting. New business is only allowed at regularly scheduled meetings and the agenda must include items "new business".

Actions taken during meetings are votes being recorded and publicly cast. Failure to meet both requirements will result in the action being invalid.

Public comments are optional, not required. Public bodies are not required to provide an opportunity for citizens to speak (2002 OK AG 26; 1998 OK AG 45). If public comment is allowed, it is advisable to set policy. Public comments may be limited to a set time and agenda items. The public body must be careful not to discuss topics on the agenda during the public comment portion of the meeting.

The minutes will be done by staff during the meeting and must include an official summary of the proceedings, identification of all members present and absent (2012 OK AG 24), matters considered, and action taken. The minutes should also reflect the manner and time notice was given. The minutes should be a summary of each agenda item and are open records.

Penalties and consequences under OMA include civil penalties and remedies. Actions taken in willful violation are invalid.

1) Orientation on LTCFAC

The council is appointed by the governor and functions as a professional advisory council to the State Commissioner of Health. As part of routine activities, the advisory council serves as an advisory body to the Department of Health in the development of prudent service of care and treatment of residents in long term care facilities. Advisory council reviews, makes recommendations, and approves system of standards developed by the Department of Health.

2) Reports by Health Department Programs

Espa Bowen is the Director of Health Resource Development Services within this department is Licensure where all the long-term care and Home Health facilities are licensed, also Nurse Aide Registry where all the nurse aides and medications aides are certified. She is also over jails, which does the jail inspections across the state of Oklahoma and the OK-Screen a section of the National Background services.

3) Nurse aide Registry and Certification Report

Espa Bowen is going over current certifications and licensing within the state of Oklahoma from the 2nd quarter. Handout provides all the new certifications/licensing for this quarter. The Nurse Aide Registry's entire system was revamped to provide actual numbers. Certifications are renewed faster due to the revamped system.



1) Health Resource Development - Health Facility Systems Report

Espa Bowen went over the licensure report, which provides the count of renewed licenses and new facilities licensed. There are six hundred and forty-six total facilities in the state of Oklahoma. Two hundred and eighty-eight of these are nursing homes, six are veterans' centers, there are ninety-eight intermediate care facilities for individuals with intellectual disabilities, one hundred and eighty-seven assisted living facilities, thirty-seven adult day cares, twenty-six residential care facilities, three unlicensed facilities and one licensed only nursing home. Thirty-six facilities closed this year. If a facility is sold a new license must be started, licenses do not transfer with the sale of the facilities. The reports provided are located at, <https://oklahoma.gov/health/services/licensing-inspections/health-resources-development-service/managed-care-system> and <https://oklahoma.gov/health/services/licensing-inspections/health-resources-development-service/health-facility-systems.html>.

2) Discussion, Consideration, possible action/vote for LTCFAC Officers
Voting for LTCFAC Chair.

Motion made by: Adam Jordan Seconded by: Donald Davis Motion carried: Yes

Aye: 6 Abstain: 1 Nay: 0 Absent: 4

Lori Morton.....	Aye	<input checked="" type="checkbox"/>	Abstain	___	Nay	Cheryl O'Neill.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Nay
Adam Jordan.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Taney John.....	___	Aye	___	Abstain	___	Nay
Amanda Dirmeyer.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Tracy Coop.....	___	Aye	___	Abstain	___	Nay
Donald Davis.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Warren Burrress.....	___	Aye	___	Abstain	___	Nay
Gara Wilsie.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	William Whited.....	___	Aye	___	Abstain	___	Nay
Gene Reid.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___							

Lori Morton has been voted Chair of the Long-Term Care Advisory Council.

Voting for LTCFAC Vice Chair.

Motion made by: Adam Jordan Seconded by: Motion carried: Yes

Aye: 6 Abstain: 1 Nay: 0 Absent: 4

Lori Morton.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Nay	Cheryl O'Neill.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Nay
Adam Jordan.....	___	Aye	<input checked="" type="checkbox"/>	Abstain	___	Nay	Taney John.....	___	Aye	___	Abstain	___	Nay
Amanda Dirmeyer.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Nay	Tracy Coop.....	___	Aye	___	Abstain	___	Nay
Donald Davis.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Nay	Warren Burrress.....	___	Aye	___	Abstain	___	Nay
Gara Wilsie.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Nay	William Whited.....	___	Aye	___	Abstain	___	Nay
Gene Reid.....	<input checked="" type="checkbox"/>	Aye	___	Abstain	___	Nay							

Adam Jordan has been voted Vice-Chair of the Long-Term Care Advisory Council.



Voting for LTCFAC Secretary.

Motion made by: Gene Reid

Seconded by:

Motion carried: Yes

Aye: 6 Abstain: 1 Nay: 0 Absent: 4

Lori Morton.....	X	Aye	Abstain	Nay	Cheryl O'Neill.....	X	Aye	Abstain	Nay
Adam Jordan.....	X	Aye	Abstain	Nay	Teney John.....		Aye	Abstain	Nay
Amanda Dirmeyer.....		Aye	X Abstain	Nay	Tracy Copp.....		Aye	Abstain	Nay
Donald Davis.....	X	Aye	Abstain	Nay	Warren Burress.....		Aye	Abstain	Nay
Gara Wilsie.....	X	Aye	Abstain	Nay	William Whited.....		Aye	Abstain	Nay
Gene Reid.....	X	Aye	Abstain	Nay					

Amanda Dirmeyer has been voted Secretary of the Long-Term Care Facility Advisory Council.

Voting to accept remaining meeting dates.

Motion made by: Gene Reid

Seconded by:

Motion carried: Yes

Aye: 7 Abstain: 0 Nay: 0 Absent: 4

Lori Morton.....	X	Aye	Abstain	Nay	Cheryl O'Neill.....	X	Aye	Abstain	Nay
Adam Jordan.....	X	Aye	Abstain	Nay	Teney John.....		Aye	Abstain	Nay
Amanda Dirmeyer.....	X	Aye	Abstain	Nay	Tracy Copp.....		Aye	Abstain	Nay
Donald Davis.....	X	Aye	Abstain	Nay	Warren Burress.....		Aye	Abstain	Nay
Gara Wilsie.....	X	Aye	Abstain	Nay	William Whited.....		Aye	Abstain	Nay
Gene Reid.....	X	Aye	Abstain	Nay					

The remaining meeting dates for the calendar year 2024 have been accepted.

Wednesday, July 17, 2024 – 1:30 p.m.

Wednesday October 16, 2024 - 1:30 p.m.

1) Orientation on LTCFAC

Discussion on special meetings/make-up meetings. The law states that the council has ten days to schedule a make-up meeting. Anytime the Council wants to have a special meeting there will still be parameters. The Oklahoma State Department of Health is in the practice of trying not to be too close in changing meeting dates because the public may not be able to pivot to the new date and time. Anytime the council deem they want to have a special meeting it would take more than two weeks and special meetings would still require a quorum.

To have an unlicensed facility is to have a facility operating without a license.

1) Long Term Care (LTC) Complaint Investigations (substantiated/unsubstantiated conflicts)
CMS has done away with substantiated and unsubstantiated and there are a couple of reasons why. When a complaint comes in, the complaint is an example of an allegation of noncompliance with federal regulation. The Long-Term Care surveyors go into a facility to confirm compliance, or noncompliance with federal regulations.

When surveyors are confirming whether there is an allegation of noncompliance, they do so by the survey process of observation, interviews and, or records review. At least two of the three-part survey process must be present.

Complaints can be made by calling 1(405)426-8200, or they can email their complaints to LtcComplaints@health.ok.gov.

2) LTC Assisted Living surveys (Assisted Living regulatory surveyor training)
Long Term Care surveyors going into Assisted Living facilities are not familiar with the regulations and the administrators do not feel comfortable speaking to surveyors about it. It should be a joint effort between the surveyors and the administrators to be familiar with the regulations and feel comfortable communicating with one another.

3) Public comment
No public comments made.

4) Adjournment
The meeting was adjourned at 3:08 p.m.