



**Agenda for the 1:00 p.m., Wednesday, June 24, 2015**  
**Special Meeting of the**  
**Ad Hoc Committee on Standards, Practices and Procedures of the Oklahoma State**  
**Department of Health Relating to Nurse Aides**  
**of the**  
**Long Term Care Facility Advisory Board**  
Posted at [www.health.ok.gov](http://www.health.ok.gov)  
**Oklahoma State Department of Health**  
**1000 NE 10<sup>th</sup> Street – Room 1102**  
**Oklahoma City, OK 73117-1299**

***DRAFT AGENDA***  
***FINAL AGENDA WILL BE POSTED 24 HOURS IN ADVANCE OF MEETING***

1. Informal greeting 12:45 p.m.
2. Call to order and roll call -- Wendell Short 1:00 p.m.
3. Review of ground rules -- Ginger Thompson
4. Review of meeting notes from April 8, 2015
5. Update on Oklahoma State Department of Health results in decreasing times to place pending notations of abuse.
6. Discussion and further review of opportunities to reduce the incidence of abuse, neglect, exploitation or misappropriation
7. Discussion of communication plan for distributing information to stakeholders and others interested in the work of the Ad Hoc Committee
8. Discussion of status report for July 8, 2015 Long Term Care Facility Advisory Board meeting -- Wendell Short
9. New barriers and critical questions
10. Next steps
11. Adjourn



**AIM Statement:** An opportunity exists to ensure the Oklahoma State Department of Health system of standards for nurse aides, trainees and paid feeding assistants under Title 63 O.S. Section 1-1951, and for nontechnical service workers under Title 63 O.S. Section 1-1950.7, is effective in improving service, care and treatment of long-term care facility residents. This effort should decrease the time from receipt of an allegation to placement of a pending notation on the nurse aide registry to 10 days by June 30, 2015. This is important to work on immediately because timely placement of pending notations gives employers information needed to make informed hiring choices. The baseline is measured as a mean of 49 days for 137 cases assigned to investigators during 2013.



## MEETING NOTES

### Special Meeting of the Ad Hoc Committee on Standards, Practices, and Procedures of the Oklahoma State Department of Health Relating to Nurse Aides of the Long Term Care Facility Advisory Board

April 8, 2015

9:45am – 12:00pm

Rm. 1102

In Attendance:

LTC Facility Advisory Board Members Present: Linda Brannon, Joyce Clark, William Whited, Kenneth Jones, Joanna Martin, Jimmy McWhirter, Kay Parsons, Dewey Sherbon, Wendell Short

Others Present: Pat Bean, Jonathan Walker, Lois Baer, Michael Jordan, Glenn Box, Sue Davis, Patricia Shidler, Nancy Atkinson, Don Maisch, Deb Yellseagle, Eynade Kila, Esther Houser, James Joslin, Ginger Thompson, Lisa Hoy, Henry Hartsell

#### **Agenda Item 1: Informal Greeting**

The Ad Hoc Committee members and participants had an informal greeting starting at 9:45am.

#### **Agenda Item 2: Call to Order and Roll Call**

Wendell Short called the Ad Hoc Meeting to order at 10:00am and roll call was conducted.

#### **Agenda Item 3: Review of Ground Rules for Ad Hoc Committee Discussions**

Ginger Thompson reviewed the ground rules. The following were the established ground rules:

- Remain respectful
- Limit side conversations
- Turn off electronics
- One Speaker at a time
- Knock-knock rule

#### **Agenda Item 4: Review of Meeting Notes from January 7, 2015**

## Notes

Ad Hoc Committee members reviewed the meeting notes from the January 7, 2015 meeting of the Ad Hoc Committee. One change was made on page 2, in the third paragraph, in the third line; the word “in” was replaced with “that”. The meeting notes were approved with the noted change.

### **Agenda Item 5: Update on Oklahoma State Department of Health Results in Decreasing Times to Place Pending Notations of Abuse, and Evaluate Next Steps in the “Plan-Do-Check-Act” Cycle**

Dr. Hartsell recapped the process which has been completed up to this point in time. The Ad Hoc Committee decided early in the process that a pending notation should be placed on the Nurse Aide Registry if there is an open investigation of an abuse allegation. Prior to the Ad Hoc Committee’s recommendation, the pending notation was placed on the Nurse Aide Registry after the Attorney General’s Office evaluation of any allegations against a nurse aide. With the recommendations made by the Ad Hoc Committee, the OSDH changed this procedure to place pending notations on the Nurse Aide Registry prior to referring any cases for review to the Attorney General’s Office. At roughly the same time as this change the National Background Check Program went online, which provided for electronic notification to employers regarding criminal charges against nurse aides. The following is the recap summary:

#### **Recap**

- Develop Process Map
- Identified Barriers
  - Time to place pending notations selected as priority
- Root Cause Analysis
  - Lack of earlier triage
  - Lack of timeframe for AG
  - Lack of staff
- Developed Solutions & Prioritized
  - Set timeframes for triage
  - Prioritize types of abuse
  - Equivalent triage regardless of source
  - Formal training for decision-maker
  - Multidisciplinary triage

Dr. Hartsell went over the handout entitled “Draft Data Update”. This handout shows the mean days between OSDH receipt of an allegation and placement of pending notation on the Nurse Aide Registry for January to March 2015 was 3.1.

#### **See document entitled “Draft Data Update”**

Ester Houser asked for clarification on the mean days listed in the “Draft Data Update” handout and how cases are tracked. Dr. Hartsell stated most cases do not proceed beyond the initial evaluation and the decision to place a pending notation. Dr. Hartsell also stated the month in

Notes

which the cases are closed is reflected in the number of days to process the case, whether or not the case was pending an investigation or other delay.

Dewey Sherbon asked if the bottom chart on page 2 of the "Draft Data Update" should read "Mean Number of Days" on the axis instead of "Average Number of Days". Dr. Hartsell responded this should read "Mean" instead of "Average".

Joyce Clark asked how long after an allegation of abuse has been found as unsubstantiated does it take for the pending notation to be removed? Don Maisch responded, as a general rule, the pending notation is removed within 24-hours of the decision not to pursue an allegation or if the allegation does not meet requirements for clear and convincing evidence. James Joslin asked if OGC tracks the date the pending notation is placed and the date the pending notation is removed. Don Maisch responded that both dates are tracked and if an allegation is substantiated then the general rule is to change the Nurse Aide Registry from pink screen to red screen within 24 hours. Dr. Hartsell stated this should go in the critical questions and a data field could be added to track this information. Joyce Clark asked if once a nurse aide is cleared of an allegation, is there a comment made on the nurse aide's file? James Joslin responded this information is known internally but not reflected on the nurse aide's public record.

The question was asked if District Attorneys around the state contact the OSDH if a nurse aide is convicted of a crime. Don Maisch replied not necessarily, however the OGC checks the Oklahoma Supreme Court Network for 30-day updates.

Dr. Hartsell reviewed the hand-out entitled "Processing times for allegations against nurse aides and non-technical service workers from January 2015 to March 2015". Don Maisch stated the memorandum of understanding between the OGC and the Attorney General lists a goal of 30 days for notice to the OSDH OGC of whether the AG will investigate an allegation or if they are referring the case back to the OSDH OGC.

**See document entitled "Processing times for allegations against nurse aides and non-technical service workers from January 2015 to March 2015"**

Ginger Thompson gave an overview of the Check portion of the "Plan-Do-Check-Act" cycle and went over the "Status, Reason, Learning, Direction-SRLD" handout. The Ad Hoc members then brainstormed the status of various measures. Also discussed were reasons, learning, and directions of aspects of the Ad Hoc Committee and progress which has been made. This included machines (systems and equipment), methods, materials, measurement (and information), mother nature (environment), and people.

**See document entitled "Status, Reason, Learning, Direction – SRLD"**

Dr. Hartsell reviewed the pilot program which was implemented by OSDH for review of allegations of abuse or neglect with outcome of physical or sexual injury. In this pilot review there were 55 cases reviewed in which 5 cases appeared to meet the pilot criteria and were referred to the OGC. In March there were 50 cases reviewed and 6 were identified as meeting

Notes

the pilot criteria and were referred to the OGC. Of the 11 cases referred to the OGC in the pilot program only 1 was deemed by the OGC to meet the pilot program criteria. This case was referred to the OGC on the same day it was received by the Nurse Aide Registry. The results showed the pilot program did not improve the speed of the reviewing process of nurse aide abuse allegations.

Dewey Sherbon raised the question of communication of new issues which may arise in the future and a method to convey those to the OSDH. Wendell Short responded the LTCFAB is one way of addressing issues which may arise and the Nurse Aide Registry provides standard reports to the LTCFAB, which could add more data points regarding nurse aide abuse.

Ginger Thompson posed the question to the Ad Hoc Committee of whether it wanted to adopt, abandon, or adapt the changes and results accomplished up to this point in time. The majority of the Ad Hoc Committee members were in favor of adopting the changes it has made up to this point in time, with the caveat that future changes may be needed as deemed necessary.

**Agenda Item 6: Overview of Problem Areas Previously Identified by the Ad Hoc Committee and Discussion of Process for Identifying Next Priority Problems to be Addressed and Solved Using the Plan-Do-Check-Act Cycle**

Hank Hartsell discussed the Survey Monkey results regarding the desired states for the Ad Hoc Committee on Nurse Aides. There were 7 respondents to the survey and Dr. Hartsell highlighted the findings of the 8 survey questions.

**See document entitled “Ad Hoc Committee on Nurse Aides – Desired States”**

Ginger Thompson asked the question of the Ad Hoc Committee, since the Committee had met the original AIM statement, is the Ad Hoc Committee at an end point or is there another purpose for the Ad Hoc Committee to undertake? Bill Whited responded that part of the Ad Hoc Committee’s agenda was to get legislation passed so when notice is served to a nurse aide at their address of record this will count as served even if it is refused. There is currently a proposed bill, House Bill 1435, which is working its way through the legislative process and is waiting on a vote by the Senate which would address this issue. House Bill 1435 would also mandate nurse aides to update any name or address changes to the Nurse Aide Registry.

Esther Houser asked about an update regarding the use of DHS Long-Term Care investigations by OSDH and the time-frame for on-site investigations of abuse and neglect allegations. Ginger Thompson responded the current AIM statement for the Ad Hoc Committee is to reduce the pending notation placement to 10 days and the measurement of the time-frame and this has been met by the Ad Hoc Committee, however these other issues raised are very important. Dewey Sherbon suggested the possibility of a standing Ad Hoc Committee to address the issues

Notes

raised and potential future issues regarding nurse aides. Mr. Sherbon asked Dr. Hartsell what his opinion was on the status of the Ad Hoc Committee. Dr. Hartsell stated he would be open to either option of continuing or dissolving the Ad Hoc Committee depending on what next step is taken for continued improvement.

Wendell Short stated he felt the initial AIM statement was fully addressed and he would not want the Ad Hoc to self-perpetuate without directly focusing on particular issues. Dr. Hartsell added the primary goal of the Ad Hoc Committee was to drive the number of nurse aide abuse cases down. Mr. Short stated he believes the issue of whether to continue with the Ad Hoc Committee should be address by the LTCFAB and if it wishes for the Ad Hoc Committee to continue to work on driving down nurse aide abuse cases then a new AIM statement should be developed.

Comments were made by Committee members requesting more data over a longer period of time to verify that the number of nurse aide abuse cases have decreased. Wendell Short stated this could be accomplished by a standing report to be given to the LTCFAB. Dewey Sherbon added he would be willing to dissolve the Ad Hoc Committee this afternoon if Dr. Hartsell, as Dr. Cline's representative, is satisfied with the Ad Hoc Committee's progress. Dr. Hartsell responded he would report to the Commissioner that process improvements have been made but at this point there is no data available indicating any change in the number of nurse aide abuse cases.

Jimmy McWhirter raised a question regarding how the results and findings of the Ad Hoc Committee could be better communicated to LTC facility administrators. Dr. Hartsell responded that a communication plan should be developed to better disseminate the information generated by the Ad Hoc Committee.

**Agenda Item 7: Discussion of Status Report for April 8, 2015 Long Term Care Facility Advisory Board Meeting**

The status report was not directly discussed during the Ad Hoc Committee meeting.

**Agenda Item 8: New Barriers and Critical Questions**

**New Barriers**

- Nurse aides job hopping

**Critical Questions**

- Can a date field be added to the tracking spreadsheet to reflect how soon a pending notation of abuse is removed from the registry after the decision is made to remove it?

Notes

- Can pending notations be placed upon termination?
- What is the decision criteria used to proceed or not to proceed?

**Agenda Item 9: Next Steps**

The next steps will be determined by the Long-Term Care Facility Advisory Board, including whether to continue with the Ad Hoc Committee and developing an updated AIM statement or another action to take.

**Agenda Item 10: Adjourn**

The meeting adjourned at 12:02 p.m.



**Ad Hoc Committee on Standards, Practices, and Procedures of the Oklahoma  
State Department of Health  
Relating to Nurse Aides of the Long Term Care Facility Advisory Board**

**Communication Plan (Who, How, When):**

Identify everyone who is expecting to receive communication on this effort.

<b>Communication Medium</b>	<b>Target Audience</b>	<b>Content Notes</b>	<b>Message Frequency</b>	<b>Distribution Responsibility</b>
Electronic Newsletter	Facilities and public	Progress reports, final project report	OSDH	OSDH
Printed newsletter				
Online calendar				
Status Reports				
Live Training	Facility owners, operators, staff	Information on OSDH abuse investigation performance; reduction of abuse	Annually	OSDH
White Paper	Policy makers	Recommendations for law changes	Biennial	Ad Hoc, LTCFAB, OSDH
Dashboards	Long Term Care Facility Advisory Board	Enforcement outcome reports	Quarterly	OSDH
PowerPoint				