



Oregon

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WHO: Oregon Health Licensing Agency
Board of Licensed Dietitians

WHEN: July 21, 2011 – 1:30 pm

WHERE: Board of Licensed Dietitians
800 NE Oregon St. Suite 445
Portland, OR 97232

What is the purpose of the meeting?

The purpose of the meeting is to conduct regular board business. Please use appropriate language, manners and protocols when conducting board business. A copy of the agenda is printed with this notice.

Is the public or licensees allowed to attend the meeting?

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

What if the board/council enters into executive session?

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

Who do I contact if I have questions or need special accommodations?

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049.

All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Oregon Health Licensing Agency
Board of Licensed Dietitians



1:30 pm, Thursday, July 21, 2011
800 NE Oregon St. Suite 445
Portland, OR 97232

Call to Order

1. **Approval of Agenda**
2. **Approval of Minutes**
 - ◆ March 17, 2011
 - ◆ June 30, 2011
3. **Reports**
 - ◆ Sandra Kelly, RD
 - Board Member Resignation
 - ◆ Sylvie McMillan, OHLA Fiscal Services & Licensing Manager
 - Update on Transition to OHLA
 - Policy, Legislation and Administrative Rules
 - Outreach & Communication
4. **Items for Board Action**
 - ◆ 2011 Chair and Vice-Chair
 - ◆ 2011 Committees
 - ◆ 2011 Board Meeting Dates
5. **Public Comment**
6. **Other Board Business**
7. **Executive Session (If needed)**

**Agenda is subject to change.
For the most up to date information visit**

IB

Board of Examiners of Licensed Dietitians

MEETING MINUTES

TITLE OF MEETING: Dietitians Licensing Board March 2011 Meeting
 DATE: March 17, 2011
 CHAIR: Maureen McCarthy
 PRESENT: Douglas Van Fleet, Diane Stadler, Paula Koeller, Helen Bolin, Harold Burden, Jill Calamar, Michelle Gaines, Exec. Ofcr., Mortuary and Cemetery Board
 ABSENT: Sandra Kelly
 BEGIN TIME: 1:39 p.m.

ITEM	DISCUSSION	OUTCOME
I. Old Business A. Board Changes		New dietitian members Diane Stadler and Jill Calamar were introduced (Jill by conference call). One new member is needed to replace Sandra. The replacement intends to have her papers ready for the April confirmation process.
B. Minutes		The November meeting minutes, having been enlarged by Maureen in compensation for a poor recording, were subjected to scrutiny by the Board. Paula moved that they be accepted. Motion approved.
II. D.E. Executive-officer Replacement	<p>Maureen thanked Doug for having effected the decisions of the Board during his nine years.</p> <p>She reported that Twyla Lawson, executive search specialist with the Dept. of Administrative Services (DAS), knew that it would be difficult to find a candidate for Doug's 0.3 FTE position. Maureen had talked to a few dietitians to no avail.</p> <p>Maureen and Twyla considered an inter-agency agreement with the Mortuary and Cemetery Board (MCB), it being a near neighbor of</p>	Maureen recommended that the Dietitian Board accept the "Mortuary" agreement to cover business to July 1 st . The motion was made, seconded and passed without opposition.

the Dietitian Board office. Maureen and Michelle Gaines, executive officer of "Mortuary," had worked together on the Health Professional Regulatory Board (HPRB) work group that was a result of Gov. Kulongoski's wish to steer state government away from being all things to all people.

Doug reported having met with Michelle and Tamara Brickman, HPRB budget analyst, re retirement consequences: how to find a replacement, and how to manage the *interim*. Doug had previously learned that MCB had approximately 0.3FTE "available time."

Tamara learned from her counterpart on the Legislature's side (John Terpenning, Legislative Fiscal Office (LFO)) that the Legislature might like to consider consolidation in coping with the retirement—moving the Board of Examiners of Licensed Dietitians (BLD) into the Health Licensing Agency (HLA) that regulates eleven licensing agencies ranging from athletic trainers to sex-offender therapists.

Doug judged that consolidation "likely."

Maureen reported that HLA's executive officer Randy Everitt was a very strong contributor to a committee that she chaired on board-member training.

	<p>Michelle reported that any agency merger (with HLA) would likely take effect on July 1, leaving April-June to an inter-governmental agreement between BLD and MCB.</p> <p>Maureen expressed uneasiness about the locations of (HLA and BLD) offices and meetings. Harold didn't understand the fit between tattoos and dietetics. He wondered about the "big government" aspects of merging with the HLA.</p> <p>Jill asked about the difference in education required of cosmetologists and dietitians.</p> <p>Doug mentioned that he had interviewed a capable replacement (for him) who was ready to step in, and he suggested that the Board ask Twyla and Tamara to step aside.</p> <p>Maureen advised against that. She had been told by Twyla that we couldn't hire without her sanction. Doug has sent the "capable replacement's" contact information to Twyla.</p>	
I.C. Database Count	<p>We have 598 licensees as of March 1st—the highest ever. Maureen observed that the 598 is approximately two thirds of the state's dietitians.</p>	
D. Financial Information	<p>Doug has again edited the "Revenues" section's "Monthly Average to Spend" to "Monthly Average to Get."</p>	<p>We are ahead of revenue expectations.</p>

	Expenses: Our monthly average to date is about \$1800. That is in contrast to the \$500 (monthly) to get us through the fiscal year.	We are planning on asking the Emergency Board for rectification (that will likely be permission to draw on our savings).
E. Case No. 2010-01		The Board accepted Doug's licensee e-mail notifying that the case had been dropped.
F. National Nutrition Month Radio Announcement	Doug tries to make the announcement available in early March. He sent the announcement to stations in Portland, Bend and Medford.	
II. New Business		None except as recorded above.
A. Key Communications		
B. Agency Co-ordinations		None except as recorded above.
C. CAFR Gold Star		Doug explained that the gold star is important to the Agency because of the implication that our financial transactions meet the highest standards.
F. Budget Presentation		Doug reported that the budget presentation included the policy option package that would finance part-time help for the next license renewal.
G. Newsletter	Paula as editor.	This agenda was inserted at Maureen's direction. Paula is willing to work (possibly as co-editor) but is surprised to see "editor." Maureen apologized.
H. Roster	Doug pointed out that the roster includes the official start and finish dates of each member's term. Those dates come from the governor's office's announcements concerning confirmed board members. (It developed that Doug had forgotten to include the roster among the e-mail attachments accompanying agenda to the Board members.)	
I. Term Lengths of Board Members		Doug reported that the official term dates for a Board member are those on their appointment letter. Some members serve for two years, some for three; because another

		<p>part of the modified statute says that no more than two members have terms expiring within the same year.</p> <p>Doug promised to send each member a copy of the roster.</p>
J. Revised CDR Test Specifications		Each member had received a copy.
III. Setting of Next Meeting		There was general agreement on July 21 st .
IV. Adjournment		4:00

BOARD OF EXAMINERS OF LICENSED DIETITIANS (BELD)
Meeting Minutes—Special Meeting
June 30, 2011

Present: Helen Bolin, Harold Burden, Jill Calamar, Michelle Gaines (Acting Executive Director), Nathan Goldberg (OCMB-tech support), Sandra Kelly, Maureen McCarthy, Sylvie McMillan (OHLA Fiscal Services and Licensing Manager), Diane Stadler, Callie Zink (OHLA Administrative Services Manager)

ITEM	DISCUSSION	ACTION
Goal of meeting	Meeting convened at 1:05. The goal is to discuss the Education Subcommittee's mandate for BELD to be administered by OHLA.	
Introductions	Attendees as above. Randy Everitt, Agency Director of Oregon Health Licensing Agency (OHLA), unable to attend due to urgent meeting in Attorney General's office.	
Operational Analysis of BELD	BELD has more than adequate reserve funds. About 3-4 new license applications are processed per week. Since there is no required background check or fingerprinting, and since continuing education is verified by the applicant's status as a Registered Dietitian, it takes only about 10 minutes to process the average application. Since BELD does not require background checks or fingerprinting services, the OHLA fee structure has been modified to recognize the special needs of such a small board.	We may be able to reduce our standard for 2 weeks turnaround time to 3-4 days due to Monday to Friday coverage by OHLA staff. No fee increases anticipated for LDs.
OHLA Overview	Sylvie and Callie presented an overview of OHLA, a central agency that oversees multiple health and related professions. The ppt file of this presentation will be available with these minutes. BELD's statute has been rewritten to reflect the move into OHLA. Kate Lozano, AG, will review the revisions.	An OHLA Board Specialist will be dedicated to BELD and will provide support at board meetings. An OHLA Policy Analyst also will serve BELD as needed. Randy, Sylvie and Callie are available as needed. BELD should be able to review the revised statute, with Kate Lozano's opinion, at their next regular meeting on July 21.

	BELD will have to revise the OAR for our statute.	Looking for 3 BELD members for sub-committee to work on the revised rules.
Future Action	<p>BELD will need to prioritize certain topics:</p> <ul style="list-style-type: none"> • Prepare LDs for 12-month license renewal cycle, with \$75 per year license renewal fee • Should we advocate mandatory licensure? • How can we support LDs as providers of nutrition services in health care reform for optimal public health? • Reactivate our newsletter • Guidelines for ODA and BELD in a more collaborative relationship • When should meetings change to Salem location? 	<p>LDs will receive a letter from OHLA re: the migration of BELD administrative services to be within OHLA. License renewal notices will go out in early August. One-twelfth of all LDs will renew each month.</p> <p>Next regular meeting will be at Portland State Office Building on July 21. Will discuss location of future meetings and possible car-pooling to Salem.</p>
Next Meeting	Thursday, July 21, 1:30 to 4:30 in Room 445 of Portland State Office Building, 800 NE Oregon St Meeting adjourned at 3:25 pm	

July 20, 2011

Focusing on Key Issues of the Nursing Home Administrators Board

What are the key issues the Nursing Home Administrators Board (NHAB) is addressing in collaboration with the Oregon Health Licensing Agency (OHLA)?



OHLA's series of online publications, *Central Issues*, highlights the key issues of OHLA-regulated professions to inform licensees, consumers and other agency stakeholders of licensing and regulatory developments while fostering increased dialogue and participation in the agency's consumer protection efforts.

This issue focuses on the following and provides regulatory updates and links:

- **Nursing Home Care: A Regulatory Overview** Most Oregonians may not know how nursing homes are regulated, specifically that one state agency has licensing and regulatory oversight of nursing home administrators and another state agency oversees the care provided at facilities in their entirety. *Central Issues* attempts to connect the dots to highlight the different types of oversight and how state agencies work together to help ensure adequate care.
- **Nursing Home Administrators: Their Roles, Responsibilities** The statutory definition of "nursing home administrator" is "an individual responsible for planning, organizing and managing operation of a nursing home," but what exactly does that mean? *Central Issues* highlights the six main areas of an administrator's standards of practice.
- **AIT, Administrative Rulemaking Update: Steady Progress on Revisions** The NHAB Legislation & Rules Committee met for the first time on June 13 to build on the previous efforts of the Education & Examination Committee. The goal? To align overarching

licensing and regulatory requirements with those of OHLA and to fine-tune NHAB profession-specific requirements, particularly as they relate to the Administrator-in-Training (AIT) program.

Nursing Home Care: A Regulatory Overview



Oregonians have a number of resources to turn to learn about nursing home care and other long-term care options, but the number of choices may be confusing to sift through, particularly during what can be a stressful time when planning for or responding to care.

Adding to that confusion is the fact that the regulatory jurisdictions of each agency overseeing an aspect of nursing and long-term care sometimes overlap or are interrelated. However, that regulatory overlap actually provides a more comprehensive and cohesive system of regulatory oversight.

The key to understanding Oregon nursing home and long-term care regulation? It's as easy as 1-2-3.

1) Facility-wide Oversight: Department of Human Services, Seniors and People with Disabilities Division DHS/SPD monitors and enforces standards of care and quality in long term care (LTC) settings, which includes nursing homes, as well as provides management and oversight of in-home care, among other program areas.

2) Resident-Centered Advocacy: Long-Term Care Ombudsman The Office of the Long-Term Care Ombudsman responds to a wide variety of resident concerns, including problems with resident care, medications, billing, lost property, meal quality, evictions, guardianships, dignity and respect, and care plans. The office serves residents in nursing facilities, residential care facilities, assisted living facilities and adult foster care homes and provides consultations to assist with the complexities of the long-term care system.

3) Nursing Home Administrators: Oregon Health Licensing Agency / Nursing Home Administrators Board OHLA/ NHAB specifically license and regulate nursing home administrators, whose standards of practice are highlighted in the next section. NHAB members "must be concerned with the care and treatment of the chronically ill or infirm elderly patients" under state statute.

While thousands of Oregonians provide informal (family or friends) or professional paid caregiving and do so successfully, DHS/SPD received 20,000 calls reporting alleged abuse of the elderly or physically disabled in 2010, the ombudsman's office received 2,250 complaints and OHLA/NHAB received 14 complaints against nursing home administrators.

"The key is to determine whether or not the complaint falls under the jurisdiction of OHLA/NHAB, and if not, to refer the complaint to the appropriate agency," says OHLA Director Randy Everitt. "If we determine the complaint is under our regulatory authority, that it concerns the requirements under law of nursing home administrators, we then investigate the complaint and determine if a violation or violations have occurred."

Oregonians with concerns or complaints may contact the following:

Elder Abuse and Neglect:

<http://www.oregon.gov/DHS/spwpd/abuse/report.shtml> or 1-800-232-3020

Long-Term Care Ombudsman: 1-800-522-2602 or 503-378-6533

Nursing Home Administrators: OHLA/NHAB at (503) 373-2024 or ohla.info@state.or.us

Nursing Home Administrators: Their Roles, Responsibilities

Under the definition set in state statute, nursing home administrators are responsible for the "planning, organizing and managing operation of a nursing home."



From a regulatory perspective, that's just a broad overview. To gain a more in-depth picture of state standards for nursing home administrators, proceed from the overarching Oregon Revised Statutes (ORS) to the more detailed Oregon Administrative Rules (OAR), which focus on six main areas of the profession's standards of practice:

- 1) Organizational Management and General Administration
- 2) Resident Care
- 3) Personnel Management
- 4) Financial Management
- 5) Environmental Management

6) Regulatory Management/Governance

Each area of the administrator standards of practice details what is expected of administrators in their day-to-day and long-range management of nursing homes. Violations of these standards or of "prohibited acts" specified in statute or "unprofessional conduct" specified in administrative rule may result in disciplinary action against the administrator.

Organizational Management and General Administration

From exercising ethical and sound decision making and judgment to promoting residents and families/responsible parties' satisfaction with quality of care and quality of life, this area specifies nine different expectations of the administrator.

Resident Care

Among 18 specified requirements, administrators must ensure that nursing and medical services maximize resident quality of life and care, that resident rights are integrated with all aspects of their care, that residents are free from abuse and neglect, and that they receive dietary, social, rehabilitation and other services and programs that the administrator ensures have been planned, implemented and evaluated to maximize resident quality of life and care.

Personnel Management

From assuring timely criminal background checks to ensuring that nursing home staff "are present in number and ability to attain or maintain the highest practicable level of physical, mental and psychosocial well being for each resident," administrators must adhere to eight requirements related to nursing home personnel.

Financial Management

Administrators are responsible for overseeing the facility's budget, evaluating the budget in relation to quality of care, and protecting resident funds among five specified requirements.

Environmental Management

Practice standards specify seven requirements related to building maintenance, cleanliness and safety.

Regulatory Management/Governance

Administrators must ensure compliance with federal and state regulations related to protecting residents and staff from discrimination and resident records from unauthorized disclosure among nine specific requirements.

At the April 13 NHAB meeting, 2011 Chair Kathleen Elias provided a

"Resident Care and Quality of Life" checklist that touched on other specifics of nursing home administration, a sample 38-page Minimum Data Set (MDS) required for resident assessment and care screening, and "Nursing Home Residents Rights" from the Oregon State Bar.

Board member and administrator Kevin McNamara stressed while providing an overview of human resources that team building is key to employee retention and a stable workforce and that administrators sometimes have to be very hands-on when plumbing, electrical and other physical plant issues arise.

Board member and administrator Nicole Burnham discussed fire marshal regulations, insurance billing and the MDS form to conclude the board's first in a series of informational overviews at board meetings.

AIT, Administrative Rulemaking Update: Steady Progress on Revisions



While the NHAB and OHLA continue to discuss the validity and effectiveness of the "midway" interview of Administrator-in-Training (AIT) participants, the NHAB Education & Examination Committee has made steady progress on making revisions to AIT program materials.

The continued dialogue over midway interviews and continued efforts of the Education & Examination Committee is leading up to what appears will be fairly extensive revisions to Oregon Administrative Rules (OARs) for the NHAB.

To that end, the NHAB Legislation & Rules Committee met on June 13 and again July 12 to start the process of revising OAR Chapter 850, Divisions 1-10.

Regarding midway interviews, OHLA Licensing & Fiscal Services Manager Sylvie McMillan reiterated that the interviews have no bearing on the qualification process and that the board should not conduct them unless they fulfill a specific function.

"We continue to believe the midway interviews assist us in addressing any issues related to the AIT/preceptor relationship and how training is progressing," says NHAB Chair Kathleen Elias.

Other issues on the horizon: switching from a two-year license renewal cycle with one renewal date for all licensees to a one-year renewal cycle with staggered renewal dates; licensing fees; and standards of practice.

By the Numbers: Nursing Home Administrators Board

Licensing & Regulatory Statistics July 2009 to June 2011	
Licensing	
Total active permanent licenses (as of July 11, 2011)	216
Total active limited licenses (as of July 11, 2011)	129
Total administrators in training (as of July 11, 2011)	5
Permanent licenses issued	54
Provisional licenses issued	19
AIT registrations issued	27
Licenses reinstated	13
License renewals processed	319
Examinations	
National examinations passed	28
National examinations failed	11
Percentage of national examinations passed	72%
State examinations passed	45
State examinations failed	20
Percentage of state examinations passed	69%
Regulatory Compliance	
Critical complaints: safety/sanitation	1
Complaints: licensing concerns	3
Complaints: safety/sanitation	22
Complaints: services provided	22
Final orders issued	4

Fiscal Overview	
2009-2011 beginning cash balance	\$92,993.87
Revenues	\$98,238.22

Expenditures	\$132,742.83
Ending cash balance (actual)	\$59,016.97
Ending cash balance (projected through 6/30/2013)	\$143,511.11

News You Can Use: Resources for Licensees, Consumers



Visit www.oregon.gov/OHLA/NHAB to find the latest licensing and regulatory news and resources:

[Message from OHLA Director Randy Everitt: Investigatory Improvements at the Agency](#)

[Meet Nursing Home Administrator Board Members \(biographies\)](#)

[NHAB Board Meetings & Minutes](#)

Next Nursing Home Administrators Board meeting: **Wednesday, October 12, 2011, 9 am** at Oregon Health Licensing Agency in Salem, 700 Summer Street NE

[NHAB Continuing Education Requirements & Information](#)

[Related Web Sites of Interest](#)

OHLA and NHAB offer more than 30 links to resources for licensees and consumers, from the [Administration on Aging](#) to the [Oregon Health Care Association](#).

[Subscribe to *Licensing Line*, OHLA's e-mail news update](#)

Licensing Line is OHLA's bimonthly news digest covering licensing and regulatory developments of the agency and regulated professions.

[Click here to view the latest \(July 8\) issue of *Licensing Line*!](#)

What would you like to see in News You Can Use?

[Click here to let us know.](#)



Getting to the Issue: Highlighting Key Issues of OHLA, Professions

Central Issues is a series of online publications focusing on the key issues of the [Oregon Health Licensing Agency](#)



(OHLA), the volunteer citizen boards and councils OHLA oversees, and developments in OHLA-regulated professions.

Comments, questions and suggestions on the issues we cover are appreciated. Contact OHLA Public Information Officer Kraig Bohot at kraig.bohot@state.or.us or call 503-373-1939.

One central agency,
multiple professions

[Click here to subscribe to or unsubscribe from *Central Issues: Nursing Home Administrators Board.*](#)

Issue:

It is necessary for the Board of Licensed Dietitians to elect a chairperson and vice-chairperson for the year 2011.

Discussion:

Maureen McCarthy has served as chairperson during the year 2010-2011. There has not been a vice-chairperson appointed.

Recommendation:

The Board of Licensed Dietitians nominates and elects a board chairperson and vice-chairperson for the year 2011.

CHAIRPERSON

VICE-CHAIRPERSON

Issue:

It is necessary for the Board of Licensed Dietitians to form committees and designate members to each committee.

Discussion:

The purpose of committees is to allow for review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board/council meetings. Committees also serve as a resource to staff in the daily administration of the program with members providing technical expertise and direction, particularly in scope of practice, practice standards, education and regulatory aspects.

A committee may be comprised of one member acting, as liaison between the board/council and office staff, but must include a total number of members that equates to less than a quorum.

Committee	Committee Purpose/Description
Legislation/Rules	Gain consensus on rule development and make recommendations for action to the board/agency. Committee work is centered on "fact-finding"-discussion of facts, perspectives and concerns.
Education/Examination	Establish requirements for training and education, equivalencies and continuing education.
Enforcement	Advise agency during investigation or review of disciplinary cases.
Public Protection/Safety	Serve as agency liaison between board interest and various constituencies within the professional community.
Customer Connection	Advises agency on areas affecting all board/councils uniformly. Projects may include Website review, agency publications and agency rulemaking.
Practice & Procedures Standards	Review and discuss inquiries received regarding scope of practice

Recommendation:

The Board of Licensed Dietitians designates committee members for the year 2011.

2011 COMMITTEE NOMINEES

Legislation/Rules	<hr/> <hr/>
Education/Examination	<hr/> <hr/>
Enforcement	<hr/> <hr/>
Public Safety/Peer Review	<hr/> <hr/>
Customer Connection	<hr/> <hr/>
Practice & Procedures Standards	<hr/> <hr/>

Issue:

It is necessary for the Board of Licensed Dietitians to approve a meeting date in November for the year 2011.

Discussion:

It is proposed that the Board of Licensed Dietitians meet on November 10, 2011 to conduct member orientation and regular board business.

Board member orientation is scheduled from 9am to 11:30am. The regular board meeting is scheduled to convene at 11:30am and adjourn at 4:30pm.

Recommendation:

The Board of Licensed Dietitians approves a meeting date in the month of November 2011 to conduct member orientation and regular board business. Approved meeting date:

_____, 2011 at 9 am

