



Oregon Health Licensing Agency  
Nursing Home Administrators Board



9 am, Monday, April 13, 2011  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Kathleen Elias, Chair  
Nicolle King Deering, Vice-Chair  
Lynn Howe  
Nicole Burnham  
Kevin McNamara  
Harry Krulewitch

**MEMBERS ABSENT:**

Arlene Gardner  
Mike Weatherby

**STAFF PRESENT**

Randy Everitt, Director  
Sylvie McMillan, Fiscal Services and Licensing Manager  
David Sparks, Regulatory Operations Manager  
Callie Zink, Administrative Services Manager  
Kraig Bohot, Public Information Officer  
Nancy Sellers, Senior Policy Analyst  
Amanda Perkins, Board Specialist  
Sinnamon Harris, Board Specialist

**GUESTS PRESENT:**

Sheri Walton  
Tara Level

\*This meeting was live audio streamed.

**Call to Order**

Kathleen Elias, Chair, called the meeting of the Nursing Home Administrators Board to order at 9:17 am, Wednesday, April 13, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

**1. Approval of Agenda**

**MOTION:**

Nicole Burnham made a motion with a second by Nicolle King Deering to approve the agenda. Motion passed unanimously.

**2. Approval of Minutes**

**MOTION:**

Kevin McNamara made a motion with a second by Nicolle King Deering to approve the minutes for February 16, 2011. Motion passed unanimously.

### **3. Reports**

#### **◆ Directors Report**

Randy Everitt, Director, presented an overview of the board meetings agenda. Everitt then described the new audio/visual broadcast of today's full board meeting to the members and how stakeholders would be able to gain access via their own computers. Everitt pointed out the system is still in its testing phase and in the near future a link will be available on the OHLA website for interested parties to log in to listen and see the board meetings live.

#### **◆ Outreach and Communications**

Kraig Bohot, Public Information Officer, presented an overview of public information activities at OHLA. Bohot briefly explained: *Licensing Line*, print publications, OHLA website, media relations, presentations, public record requests, and application forms and the main publication *Central Issues*.

Bohot presented an article published in the Oregonian on March 26, 2001, by Aimee Green entitled, "Oregon's safety net for vulnerable elderly in long-term care riddled with holes." And a follow-up article published April 1, 2011, by Erin Olson entitled, "Sexual abuse of the elderly: Protecting the vulnerable is a shared responsibility," for the board to review.

#### **◆ Statistical Report**

Sylvie McMillan, Fiscal Services and Licensing Manager, presented an overview of statistics related to the board. Statistics included were licensing, examination and regulatory statistics, active license trends, complaints, and website traffic.

#### **◆ 2010-2011 Budget**

McMillan presented the statement of cash flow for the 7/01/09-2/28/11 period and the projected cash flow statement 7/01/2009 through 6/30/2011. Currently, the cash balance is low at \$39,797.15. All nursing home administrators' licenses expire on June 30<sup>th</sup>. So the large sum of revenue comes in at the end of the biennium which is projected to have an ending cash balance of \$113,162.16.

Kevin McNamara asked if fiscal has reviewed the financial impact if the limited licenses were discontinued. McMillan replied that during the administrative rulemaking process fiscal will present the Legislation and Rules Committee with different scenarios to consider. McMillan stated the agency is uncomfortable with all the nursing home administrators' licenses expiring at the same time because the revenue only comes in once. The agency would like to have a roll-out where not everyone's license is due at the same time for a more consistent revenue stream.

#### **◆ Regulatory Operations Division Report**

David Sparks, Regulatory Operations Manager, reported on enforcement activity. Between July 2009, and April 5, 2011, 25 complaints have been filed with the agency. Of those 25 complaints, five remain open. The agency received no new complaints during the report period of February 14, 2011 through April 4, 2011. Sparks provided the board members with an overview of those open investigations.

◆ **Policy, Legislation & Administrative Rules**

Nancy Sellers, Senior Policy Analyst, provided the board with an update of the Legislation Information Notification Update System (LINUS) report and reviewed the status of those bills which had a potential for impact for NHAB.

◆ **OHLA Temporary Administrative Rules**

Sellers read the temporary rule OAR 331-020-0040(4) to clarify what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of the agency, its boards or councils and OAR 331-010-0050 to allow authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status. Sellers noted the last was to acknowledge federal standards for authorization holders in active military status.

◆ **NHAB Legislation and Rules Committee**

Sellers said the Legislation and Rules Committee would be going into rule writing soon. She gave an overview of what the committee would be considering in the way of administrative rule changes. First, the committee will review the structure of the rules, as well as any functional changes that need to be made because of law changes or inconsistency with OHLA practices. There also are changes that have been recommended by the Education and Examination Committee. Sellers noted, for those board members who have not participated in rules changes, the scope of practice is written in the statutes, the standards of practice and how those are carried out are the administrative rules. Sellers said we can track those issues for potential law changes to possibly propose as legislative concepts in the future, but we cannot make those changes now. Standards of practice, which include licensing or training requirements, for example, can be worked out in great detail with administrative rule changes. Sellers remarked the committee may wish to consider bringing in outside resources as invited experts to help round out the committee and provide expertise in certain areas.

◆ **Education and Examination Committee Update**

Sinnamon Harris, Board Specialist, presented the Education and Examination Committee update for Cerynthia Murphy, Qualification Analyst. Harris referred the board to the February 23, 2011, report which addressed the limited licenses and AIT training packet discussions. Lynn Howe remarked how the committee has been working hard to consolidate and streamline all the forms. Many of the forms were outdated. Harris noted that Murphy was working to insert all the suggested changes by the committee into the forms for the committee's review at the next meeting.

**4. Items for Board Action**

◆ **Approve Proposed Rulemaking Schedule**

The Legislation and Rules Committee will be charged with the review, revision and restructuring of OAR Chapter 850, Divisions 001-010. The current rule structure does not fit the format and model for the Oregon Health Licensing Agency and its other boards and councils, and the rules have not been reviewed in whole for several years.

**MOTION:**

Kevin McNamara made a motion with a second by Lynn Howe to approve the composition of the Legislation and Rules Committee with Nicole Burnham, Kathleen Elias, Lynn Howe, Arlene Gardner and Mike Weatherby as alternates and the adoption of the proposed administrative rulemaking schedule.

The motion passed unanimously.

### **5. Public Comment**

No public comment was received.

### **6. Other Board Business/Board Interest**

#### ◆ NAB 2011 Annual Conference – Chicago

Kathleen Elias said the annual conference was June 8 – June 10, 2011, in Chicago, IL. Elias commented that the NHAB has not been very active on the national level. Elias had attended the NAB conference when it was held in Portland, Oregon, last year. NAB holds two meetings per year – one in June and a semi-annual meeting in November. Elias recommended someone from the board attend to represent Oregon and be the voting member for national issues on the NAB agenda. Elias asked for a discussion about whom to send to the NAB conference this year to report information back to the board. Howe commented with all the trend changes in the professions this board needs to hear what is working or not working at a national level. Oregon has been a leader in elder care and to maintain that status NHAB needs to be part of the national dialog. Dr. Harry Krulewitch stated he would prefer the board chair or vice-chair, and then board members with at least one year experience or one that is a nursing home administrator to attend the conference. He felt they would be better qualified to benefit the board. Everitt stated he had been able to attend last year in Portland and regretted not signing up for more of the sessions. He supports the board in sending attendees and recommends also one of OHLA administrative staff accompany the board member as the agency will be part of helping the board to develop new trends. Everitt stated the board has adequate funding to send both.

#### **MOTION:**

Dr. Harry Krulewitch made a motion with a second by Kevin McNamara that at least once a year that the NHAB budget allow for the chair and a representative from the agency to attend the NAB conference and part of their responsibility is to report back to the full board.

Dr. Harry Krulewitch amended his motion to include an invitation to attend to the NHAB chair first and if the chair cannot attend then allow other board members to attend in their stead. A second was made by Kevin McNamara. The motion passed unanimously as amended.

#### **MOTION:**

Lynn Howe made a motion with a second by Dr. Harry Krulewitch to send an agency staff member to the two yearly conferences at the decision of the board. The motion passed unanimously.

The board had a discussion on how much money to allow for each person's travel expenses. Everitt recommended not exceeding \$2,000 per person to allow for airfare, hotel, meals, airport parking, and registration. McMillan suggested wording the motion to state airfare, hotel, per diem, etc., so as not to be worried about an exact dollar amount.

#### **MOTION:**

Lynn Howe made a motion with a second by Nicole Burnham that the board is willing to pay for airfare, hotel, per diem, and registration for both the board and agency representative to attend the NAB 2011 Annual Conference in Chicago, IL. The motion passed unanimously.

Kathleen Elias stated she will be able to attend. Everitt stated the agency will send Sylvie McMillan, Fiscal Services and Licensing Manager as there are a number of items on the conference agenda that are of interest to her.

◆ Educational Information for Board Members Discussion

Elias provided a packet of information on “Resident Care and Quality of Life” for her part of the presentation on understanding the administrator’s role in a nursing home facility. The packet included an outlined overview, Oregon State Bar’s *Nursing Home Residents Rights* handout, and the Minimum Data Set (MDS) Resident Assessment and Care Screening 38-page form. Elias led by reading her outline statement: “All the nursing home professionals work as a team in care planning, continuous quality improvement process, and education of all staff within a nursing home. The nursing home administrator facilitates the interdisciplinary team diversity to accomplish optimal care of residents and their desires.”

McNamara presented a brief overview of the human resources and environmental services or facilities as it relates to the nursing home administrator. Human resources range from small facilities of 100 employees to large facilities of 200. The administrator will be involved in but certainly not limited to: hiring interviews, background checks and screening, new employee orientations, employee evaluations, terminations, worker’s compensation issues, overseeing payroll, and negotiations with unions. McNamara noted team building is key to employee retention and thus a stable workforce. Talking about the actual physical building, grounds and all the equipment within the facility, McNamara said you must become quite knowledgeable of plumbing, electrical, boiler, roofing, kitchen equipment, etc., issues. Because of funding issues, renovation projects of aging buildings may also be handled by the administrator. The administrator must be prepared to step in for the maintenance director. The priorities are cleanliness, safety, and emergency preparedness.

Burnham spoke about the fire marshal component. The administrator spends a significant amount of time preparing to meet fire marshal regulations. Sprinkler systems made need modifications because of the age of the building. There may be a lot of adaptations to the building to meet those fire codes. Elias noted it is difficult for the administrator to try and advocate for the resident’s desire for culture change and comply with fire regulations in some instances. The administrator also works closely with the bookkeeper as billing insurance and all that entails is a large component. Burnham spoke in more detail about the MDS form that initially must be completed for each short- or long-term resident by the nursing home team.

**7. Executive Session-Place Holder**

The board did not enter into executive session.

**8. Midway Interviews**

Sheri Walton – Marquis Care at Wilsonville

Tara Level – Oregon Veteran’s Home

The meeting adjourned at approximately 1:28 pm.

Prepared by: Sinnamon Harris, Board Specialist