



**Oregon Health Licensing Agency**  
Nursing Home Administrators Board



9 am Wednesday, October 13, 2010  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Kathleen Elias, Chair  
Mike Weatherby  
Arlene Gardner  
Lynn Howe  
Nicolle King Deering  
Nicole Burnham  
Dr. Harry Krulewitch

**STAFF PRESENT**

Randy Everitt, Director  
Sinnamon Harris, Board Specialist  
Cerynthia Murphy, Qualification Analyst  
Janet Bartel, Investigator  
Nancy Sellers, Senior Policy Analyst  
Samie Patnode, Policy Analyst  
David Sparks, Regulatory Manager  
Mike Simpson, Budget and Statistical Analyst

**MEMBERS ABSENT**

Larry Davy, Vice-Chair  
Faraz Ahmed

**GUESTS PRESENT**

None

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**Call to Order**

Kathleen Elias, Chair, called the meeting of the Nursing Home Administrators Board to order at 9:11 am on Wednesday, October 13, 2010, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon.

**Introduction of New Board Members**

Elias introduced Nicole Burnham, Nursing Home Administrator from Marquis Care at Vermont Hills in Portland and Dr. Harry Krulewitch, who has his own geriatric practice, Northwest Geriatrics.

**1. Approval of Agenda**

**MOTION:**

Mike Weatherby made a motion and Lynn Howe seconded to approve the agenda for October 13, 2010. The motion passed unanimously.

## **2. Approval of Minutes**

### **MOTION:**

Mike Weatherby made a motion and Lynn Howe seconded to approve the meeting minutes for July 14, 2010. The motion passed unanimously.

## **3. Reports**

### **• Director's Report**

Randy Everitt, Director, introduced Nancy Sellers, Senior Policy Analyst, who has just joined OHLA. Sellers remarked about her experiences with bringing groups together with workable solutions. She will be the policy analyst for the Nursing Home Administrator Board and looks forward to working closely with board members and stakeholders.

Everitt also introduced another new staff member to OHLA, David Sparks, Regulatory Division Manager. Sparks worked with Oregon Occupational Safety and Health Division (OSHA) for 26 years. Sparks remarked that regulation needed to be balanced with outreach and education.

Everitt stated OHLA hosted a "Chair Summit" on September 1, 2010. One designated representative from each OHLA board or council was in attendance with the exception of a representative from the Advisory Council for Electrologists, Permanent Color Technicians and Tattoo Artists. The summit was held to provide information regarding the role of the chairs and vice-chairs as it relates to professions regulated by OHLA, the distinction between regulatory and association mission/functions, the OHLA budget, and a new investigative protocol. Everitt presented a PowerPoint that outlined the new investigative protocol established by OHLA. This model is applicable to all professions regulated by OHLA. Key points regarding the new investigative protocol:

- Provides multiple gateways in which to end each investigation within a reasonable amount of time
- Provides checks and balances to ensure that OHLA, the licensee and the complainant are protected
- Allows for the agency to contract with subject matter experts to assist with investigations

The agency plans to provide outreach to assist in the development of collaboration between OHLA and agency stakeholders.

### **• Statistical Report**

Mike Simpson, Budget and Statistical Analyst, reviewed the statistical slides which included licensing and examination statistics, active license trends, and Web site traffic.

### **• Budget Report**

Simpson presented a report on revenue and expenditure actuals for the period of 7/1/09 – 8/31/2010 and projected revenue and expenditure for the period of 7/1/09 – 6/30/2011. Simpson explained that Regulatory Operations Division expenditures, which began on October 1, 2010, are now based on actual usage costs instead of the previous model of all boards sharing regulatory costs.

- **Regulatory Operations Division**

Janet Bartel, Investigator, provided the regulatory report for 7/1/10 – 9/30/2010. There were three complaint investigations opened and four complaint investigations closed during the report period. Bartel provided the board with a table graph outlining the case number, complaint type, and the status of the complaint. Below is a legend Bartel created consisting of the types of complaints the agency may receive:

- Standards of practice/unprofessional conduct complaint: Relates to facility administrator
- Nursing services complaint: Relates to nursing services
- Care/services complaints: Relates to resident care, services, and staffing
- Environment: Relates to facility environment
- Licensing complaints: License may be expired.
- Critical licensing complaints: No license, substandard quality of care/immediate jeopardy notices

Bartel explained the six complaint cases investigated during this report period. Two are under investigation, two were found to have no violations during the investigation and two were referred to local Seniors and People with Disabilities (SPD) office. Bartel went over the details of each case with the board members.

Bartel addressed case numbers 10-6116 and 10-6146, referrals to the SPD office. Although there were complaints outside OHLA's jurisdiction, she asked each administrator if procedures were in place to address the issues. Since the cases had been referred out, OHLA's new regulatory procedures have been put in place. Bartel intends to order the SPD findings and re-open the cases if there are any issues within OHLA jurisdiction.

Bartel touched briefly on "F-tags" levels. Kathleen Elias referred to the chart presented at the July 10, 2010, board meeting. Elias explained that "J" level meant that the survey team would not leave the building until they felt certain that the residents were safe. Bartel stated the agency is in the process of setting up protocols and procedures to handle substandard care and immediate jeopardy notices.

- **Decision Making and Referral**

Samie Patnode, Policy Analyst, stated at the summit she presented a new procedure that is being implemented. This procedure creates a process in which to follow when the agency receives inquiries regarding scope of practice or practice procedures related to a specific board or council from interested parties. The procedure will allow the board or council that the inquiry relates to the opportunity to review the inquiry. When reviewing an inquiry the board or council may:

- Determine an answer to the inquiry if the answer is explicitly clear in statute or administrative rule
- Refer the inquiry to the Scope of Practice, Standards & Procedures Committee for review
- Refer the inquiry to the Assistant Attorney General
- Decline to address the inquiry

All responses are considered public record and may be published by the agency.

Patnode provided sample inquiries the agency has received and a sample letter the agency would send to an interested party in response to an inquiry related to scope of practice or practice procedures.

- **2011 Legislation**

Patnode provided a brief overview of 2011 legislation. She noted that currently the agency oversees 11 distinct programs, each having its own statutory requirements for licensure, renewal, licensure status, licensure posting requirements and terminology. The new provisions standardize authorization status for all agency programs and define authorization, applying it uniformly throughout agency statutes. The new provision also consolidates all active, inactive, and expired renewals into agency statutory authority. This will allow the agency to carry out each program renewal process uniformly. Consolidates program fee provisions into agency statutes and allows the agency to charge for dormant renewals and educational classes or training.

- **OHLA Administrative Rules**

Patnode provided a summary of changes made to OHLA administrative rules. The rule defines the different types of affidavit of licensure, which is a document or other approved means of verifying an authorization to practice including status, history, and information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The agency has identified two purposes for affidavits of licensure which includes “incoming” and “outgoing.” “Incoming” is the circumstance in which OHLA receives an affidavit of licensure from another regulatory authority stating that an individual holds an authorization. “Outgoing” is the circumstance in which OHLA sends an affidavit stating that an individual holds an authorization. Patnode explained the rule is necessary to begin to eliminate a potential avenue of licensing fraud in Oregon and other states by requiring protocols when receiving and sending affidavits of licensure. She noted the rule has been implemented for all agency programs.

- **Qualification & Examination Committee Report 8/26/10**

Cerynthia Murphy, Qualification Analyst, presented highlights from the committee meeting. The purpose of the meeting was to review and discuss for recommendation to the full board:

- AIT training program – to include requirements for training hours, domains of practice and reporting forms.
- AIT Survey – to include sending the survey to all individuals once licensure is obtained, report annually to the board survey results and to use the survey as a tool to monitor trends and improve both preceptor training and the AIT packet materials.
- AIT Packet Forms - The committee revised, merged, updated and deleted forms in the AIT Packet for clarity and consistency and to eliminate redundancy.

Murphy stated the committee’s recommendations will be presented under “Items for Board Action.”

#### 4. Items for Board Action

- **Recommendations of Qualification & Examination Committee**

- Preceptor Exception Request

Murphy explained the committee reviewed an exception request from a current administrator to become a preceptor, including merits from the case and recommendations to the full board to approve the exception request.

**MOTION:**

Lynn Howe made a motion with a second by Mike Weatherby to allow the licensee to act as a preceptor. The motion passed unanimously.

- Administrator-in-Training (AIT) program

Murphy presented the board with the AIT program and reported agency staff prepared the AIT program packet which encompasses standardized training requirements including hours, domains and reporting forms in addition to an AIT letter and preceptor letter. Murphy stated the committee reviewed the training program and made modifications for consistency, clarity and to include current standards.

The board reviewed the packet and made additional modifications. Murphy noted the final changes would be reviewed by the committee before implementation and training to preceptors.

**MOTION:**

Mike Weatherby made a motion with a second by Arlene Gardner to approve the submitted forms for the AIT program with the minor changes noted during the discussion. The motion passed unanimously.

- AIT Program Survey

Murphy presented the board with an AIT survey and explained the committee reviewed and discussed the agency-prepared survey and made minor modifications with the following recommendations:

- Sending the survey to all individuals once licensure is obtained
- Report annually to the board survey results
- Using the survey as a tool to monitor trends and improve both preceptor training and the AIT packet materials.

Elias asked if any trends (at least twice) with a certain preceptor were noted would the agency bring those findings to the board sooner than the annual review of the survey results. Murphy confirmed the agency would be willing to do so.

**MOTION:**

Nicole Burnham made a motion to approve the survey with a second by Mike Weatherby. The motion passed unanimously.

○ Other Committee Updates

Murphy stated the Education/Examination Committee will be reviewing “limited licenses” at the next committee meeting, December 2, 2010, at 9 am.

Nicolle King Deering inquired about the procedure of notification to those AITs who had completed a midway interview about the elimination of the final interview process. Murphy stated approximately 13 letters were sent out to the AITs who had already completed the midway interview prior to the elimination of the final interview in order to clarify the next step in the process. Lisa Murphy, Licensing Qualification Specialist, had also contacted candidates by telephone informing them that they no longer had to participate in a final interview.

**5. Public Comment/ Other Board Business/Board Interest**

Elias spoke about the National Association of Long Term Care Administrator Boards (NAB) 2010 Mid-Year Meeting to be held in Chandler, Arizona, November 10-12, 2010. Elias felt it important for a board member to attend. Elias has been twice to the annual NAB meetings. One membership is paid for through the agency and the Director, Randy Everitt, may appoint the chair or another member to attend. Elias stated if any board member has interest to please contact her, Randy Everitt and Sinnamon Harris, Board Specialist.

**6. Midway Interviews**

Midway interviews were conducted for the following applicants:

Ryan Miller – Holladay Park Plaza

Lisa Maxim – Marquis Care at Mt. Tabor

**7. Executive Session**

No executive session was held.

The board adjourned at approximately 1:40 pm.

Prepared by: Sinnamon Harris, Board Specialist