



Oregon Health Licensing Agency
Nursing Home Administrators Board



9 am, Wednesday, February 16, 2011
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Kathleen Elias, Chair
Lynn Howe (by telephone)
Arlene Gardner
Kevin McNamara
Harry Krulewitch

STAFF PRESENT

Randy Everitt, Director
Sylvie McMillan, Business Services Manager
David Sparks, Regulatory Operations Manager
Nancy Sellers, Senior Policy Analyst
Sinnamon Harris, Board Specialist
Samie Patnode, Policy Analyst

MEMBERS ABSENT:

Nicolle King Deering, Vice-Chair
Mike Weatherby
Nicole Burnham

GUESTS PRESENT:

None

*This meeting was live audio streamed within the Oregon Health Licensing Agency.

Call to Order

Kathleen Elias, Chair, called the meeting of the Nursing Home Administrators Board to order at 9:06 am, Monday, February 16, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called for present board members. Lynn Howe joined the meeting by telephone after the report section, and a quorum was established.

1. Approval of Agenda

MOTION:

Arlene Gardner made a motion with a second by Dr. Krulewitch to approve the agenda. Motion passed unanimously.

2. Approval of Minutes

MOTION:

Lynn Howe made a motion with a second by Arlene Gardner to approve the minutes for October 13, 2010. Motion passed unanimously.

Elias introduced Kevin McNamara, new board member. Kevin has nine years' experience as a nursing home administrator.

3. Reports

• Directors Report

Randy Everitt, Director, presented a letter from former Governor Kulongoski addressed to the board expressing the former Governor's sincere appreciation for the board's service and dedication during the his administration.

Everitt 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

Sylvie McMillan, Business Services Manager, filled in for Kraig Bohot, Public Information Officer, and presented Bohot's *Central Issues* publication ideas for the Nursing Home Administrators Board. Bohot offered these key issues: Collaborating with DHS on Care Oversight, What is the Role of the Nursing Home Administrator, Administrator in Training (AIT) Update/Survey Results, and Practice Accountability. Bohot will e-mail his draft of the publication and request feedback from board members and other key stakeholders.

• Statistical Report

McMillan presented an overview of statistics related to the board. Statistics included were licensing, examination and regulatory statistics, active license trends, complaints, age diversity in practitioners, gender of licensees, and website traffic.

• 2009-2011 Budget

McMillan reviewed the statement of cash flow for the period 7/01/09 – 11/30/10. McMillan pointed out where the cost allocation changed for the small board assessment rate on October 1, 2010, because the Regulatory Operations Division was removed from the indirect rate to direct costs. McMillan presented the statement of cash flow projections for 7/01/09 – 6/30/2011. McMillan stated the board was financially stable.

• Regulatory Operations Division Report

David Sparks, Regulatory Operations Manager, reported on enforcement activity for July 1, 2009 through the biennium so far to February 16, 2011. Between those dates, the agency had 25 complaints, of which six remain open. In the current regulatory reporting period of October 1, 2010 through February 15, 2011, the agency received four complaints. Sparks provided the board with details of the complaints.

- **Policy, Legislation and Administrative Rules**

Nancy Sellers, Senior Policy Analyst, presented a memorandum outlining an overview of the legislative process and the role of the board member in this process.

Hierarchy of Law Governing State Agencies

- US and Oregon Constitutions
- Oregon Revised Statutes
 - *Oregon Laws*
 - *Budget Notes*
- Governor's Executive Orders/Agency Directives
- Oregon Administrative Rules
- Agency Policies
- Agency Practices

OHLA works closely with the Governor's Office, Department of Administrative Services, partner agencies, stakeholder groups and the Legislature to ensure that all bills, potential amendments and budgets that may impact the agency and its stakeholders are fully vetted and understood.

Sellers made it clear to the board that as OHLA board members, they can be a great asset in this legislative process. The board members often play a dual role: both as agents of the state in their official capacity with OHLA, and as private citizens working in their individual professions. If a legislator, staffer or other agent of the Legislature contacts a board member directly regarding policies and legislation of the agency, please clarify with him or her that you are speaking as an individual, and not as a representative of the regulatory/advisory board of which you are a member.

Persons acting as agents of the Executive Branch of government – including agency management, employees and appointed board and council members – are not allowed to advocate for or against legislation, budgets or other legislative initiatives without the express permission of the Governor's Office.

Sellers reminded board members that if legislators or staffers are looking for an *official response*, please direct them to her or Samie Patnode, Policy Analyst, and they will follow-up promptly, and keep the board informed.

House Bill 2144

Samie Patnode, Policy Analyst, stated this is the OHLA "housekeeping" bill that she presented at the last board meeting that, for example, aligns the licensees across all boards to have the same "active, inactive and expired" licensing structure. The bill will allow for consistency across all the boards/councils under the OHLA umbrella. The summary for the bill reads, "Modifies provisions relating to Oregon Health Licensing Agency and boards, councils and programs administered by agency."

Everitt stated the agency is tracking numerous bills and so far approximately 2,000 bills have been presented. Everitt estimated about 5,000 bills will drop this legislative session. The agency will keep the board informed of any bills that affect them.

4. Items for Board Action

There were no items for board action.

5. Public Comment

No public comment was provided at this time.

6. Executive Session

The board did not enter into executive session.

7. Other Board Business/Board Interest

Howe opened the discussion about a proposal for board education. She proposed a 15-minute or so update at each board meeting regarding trends in the nursing home administrator profession and what is changing in the administrators' world. Howe stated the board is very diverse and having a deeper understanding of the administrator safety and health issues would be beneficial for the board to help the board grow stronger and to take care of its responsibilities in an informed manner.

Howe proposed using the expertise of each board member first for the educational/informational presentations at each board meeting and then branching out to subject matter experts for those other areas of interest to the board members. After a presentation, the floor should be open for a question and answer period for clarification.

Elias stated that some of the members of the board do not have a clear understanding of what an administrator does on a daily basis. Dr. Krulewitch stated he would be interested in hearing what the survey teams (performed by the Department of Human Resources (DHS)) expect an administrator to be responsible for when the survey team does the routine evaluations of the facility. McNamara stated that understanding the perspective, for example, of an ombudsman, and what the ombudsman expects of the nursing home administrator would be an interesting topic as well as those other professions that the administrator comes in daily contact with such as the medical director, pharmacists, nurses, etc.

Elias suggested the board start the education piece at the next board meeting with the administrators on the board, herself, Kevin McNamara, and Nicole Burnham, putting together a presentation. Thereafter, ask another board member to present a 15-minute educational piece about their profession's perspective at each board meeting.

National Association of Long Term Care Administrator Boards (NAB)

Sinnamon Harris, Board Specialist, informed the board that highlights from the NAB Mid-Year Meeting (held in Chandler, Arizona) newsletter was on the board notebook computers for them to upload to review.

Also, Harris provided an informational e-mail from NAB announcing the Second Annual National Emerging Leaders Summit for Long Term Care Administrator (NELS) on June 14 -17, 2011 in Washington, D.C.

8. Midway Interviews

Stephen Dove – Creswell Health & Rehabilitation Center

David Bake – Valley West Health Care Center

Lori Henning – Laurelhurst Village

The meeting adjourned at approximately 1:16 pm.

Prepared by: Sinnamon Harris, Board Specialist