



November 28, 2011

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**Re: Notice of Proposed Rulemaking Hearing – Oregon Health
Licensing Agency (OHLA), Nursing Home Administrators Board**

The Oregon Health Care Association (OHCA) would like to express its thanks to the Oregon Health Licensing Agency (OHLA) for receiving comments from interested stakeholders. We have seriously reviewed and considered OHLA's rule proposals and have concluded that we oppose some components of these proposed amendments.

OHCA is Oregon's leading long term care organization. OHCA and its membership are committed to promoting high quality long term care services, effective advocacy, and professional development opportunities. OHCA is designed to enhance health care, housing, and supportive social services provided by our members. Our goal is to help our members succeed by assisting them to meet the care and quality of life needs of long term care consumers and their families. OHCA member facilities provide services to over 15,000 Oregonians each day.

OHCA has formulated comments on these proposed rule amendments because OHCA and its Membership is concerned with the potential harmful impacts these rules could have on providers of long term care services in Oregon. It is our hope that by pointing out a few select areas that we have concern with, OHLA may be able to make some adjustments to its proposed rules which will serve to strengthen them.

Issue 1 – 853-030-0040(4)(a):

This provision reads, "For a preceptor registered before January 1, 2012 the preceptor must attend a Board-approved workshop for preceptors in Oregon by December 31, 2012." OHCA is concerned with this new requirement because it seems to require recently registered Preceptors to complete the preceptor training an additional time in a shorter period than necessary. An example would be preceptors who registered during 2011 and took the training this year. They would be registered before January 1, 2012 and would be required to take the training in consecutive years because of the drafting of this section. OHCA urges OHLA to modify this provision to avoid this unneeded duplication in training that would otherwise not be required.

Issue 2 – 853-050-0000

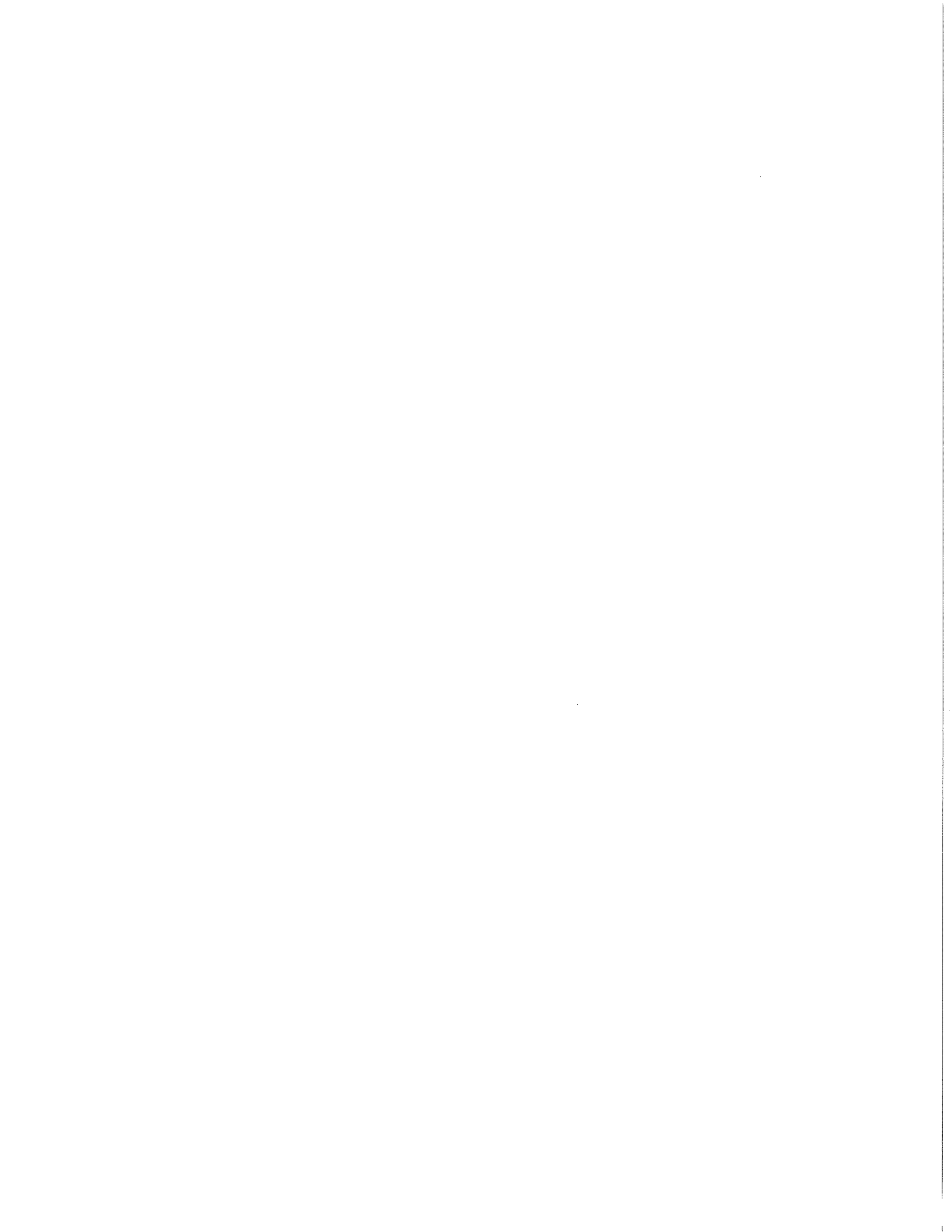
This proposed rule drastically modifies the current process for approving NHA CEUs and makes it significantly more bureaucratic and inefficient. Under current rule courses of study in the field of long-term care administration are considered approved courses if offered by a nationally recognized

organization or association. 853-010-0050(2)(b). This rule has functioned well for many years, permitting Oregon's two nationally recognized trade associations to develop high quality continuing education using national standards while minimizing the review time required, allowing topical education to be disseminated rapidly to members of the profession. The proposed rule would actually increase the fiscal burden on both the private sector (trade associations and the professional members who they serve) and the government (OHLA) by requiring a new submission and approval process that has not existed to date. OHCA strongly urges OHLA to reconsider adopting this amendment and retain the current language found in OAR 853-010-0050.

Finally, OHCA would like to add that it does not believe that it was consulted in the RAC. OHCA was never contacted to be notified that these amendments were being considered and we believe that the RAC would have benefited from our participation. We continue to have some questions such as, why was the CEU requirement reduced to 20 from 30? While we don't necessarily disagree with this modification, being involved in the RAC would have allowed us to understand the full context of all these changes.

Respectfully submitted by:

Joe Greenman
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Oregon Health Care Association





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Nov. 22, 2011

Sinnamon Harris
Oregon Health Licensing Agency
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Dear Ms. Harris,

Thank you for the opportunity to comment on OAR 853-020 through 853-060, the proposed Oregon Health Licensing Agency rules related to the Nursing Home Administrators Board.

Established in 1979, the Oregon Alliance of Senior and Health Services is the statewide association of not-for-profit, mission-directed organizations dedicated to providing quality housing and services to the elderly. Our members include more than 150 providers of federally subsidized housing for low-income seniors, assisted living, residential care, nursing homes, home care, senior service agencies and CCRCs. Along with our national partner, LeadingAge, the Alliance provides our members with the information, advocacy and education they need to provide the highest quality of care, housing and services for Oregon's elders.

*(Special note: As of Jan. 1, 2012, the Alliance will be changing its name to **LeadingAge Oregon**, to more closely align with our national association).*

Since its inception in 1979, the Alliance has been providing high quality educational programming for nursing home administrators in Oregon. Our statewide organization and national partner work on a daily basis to monitor and keep our members informed about events, laws, rules, best practices and information that impact our nursing home members, so we are uniquely positioned to be able to identify nursing home administrator educational needs.

In recognition of our track record for high quality educational programming and the expertise we bring to this field, the Board of Examiners of Nursing Home Administrators in May 2008 gave the Alliance approval authority for CE credits for nursing home administrators. Guidelines for CE approval were provided and the Alliance has applied those guidelines to NHA approved courses and conference sessions. We believe that this system has worked very well and has saved the NHA board and Alliance staff an enormous amount of time on unnecessary paperwork while maintaining high quality CE opportunities for nursing home administrators.

We are very concerned that the proposed rules (853-050-0000(3)) would eliminate this approval authority and force both the Alliance and OHLA staff to spend time on paperwork that will do

The Alliance is the statewide association of not-for-profit, mission-directed organizations dedicated to providing quality housing, care and services to the elderly and disabled.

nothing to enhance CE opportunities for nursing home administrators and will divert time and attention away from critical licensing issues concerning public safety.

We strongly oppose this proposed rule change for the following reasons:

The current system is working well and poses no threat to public safety.

Rule changes should be proposed to address a problem or a threat to public safety, not to fix something that isn't broken. Oregon has not been inundated with reports of nursing home crises caused by poorly educated administrators. In fact, the opposite is true; according to the Kaiser Family Foundation, Oregon was among the 13 states with the lowest average number of survey deficiencies per nursing home in 2009 (www.statehealthfacts.org).

The rule change will divert time and resources away from issues related to public safety.

OHLA's charge is to protect the health and safety of Oregon consumers. By taking a giant step back in time and once again requiring pre-approval of every educational program provided by a well-established, statewide professional association, the proposed rule will add to the paperwork burden of the agency for no demonstrable benefit, and will divert time and attention away from critical issues related to consumer protection.

The Alliance is uniquely positioned to identify educational topics of critical importance to nursing home administration.

When the Alliance received CE approval from the NHA board, the board recognized that the Alliance brought a depth of knowledge and level of expertise related to nursing home issues far beyond those of the NHA board staff. We continue to believe that NHA CE approval is appropriate for statewide professional associations that are dedicated to regulatory, advocacy and educational programming for long-term care providers and are deeply concerned that diverting that authority to the sole discretion of state agency staff unfamiliar with nursing home administration will diminish educational opportunities for nursing home administrators.

These concerns are underscored by the minutes of the NHA Board Licensing and Rules Committee Meeting of August 22, 2011. During the meeting, it was stated that "memory care" courses "may count towards maintaining the facility license but would *not* count towards the administrator license C.E. requirement." This statement is deeply concerning to us because knowledge of best practices related to the care of individuals with dementia is critical for the "planning, organizing and managing the operation of a nursing home" (ORS 678.710(3)) and to "maintain professional competency to practice nursing home administration, and improve administration skills, in the interest of safety, health and welfare of the people served." (Proposed OAR 853-020-0000(3)).

These comments fail to acknowledge a nursing home administrator's duties as manager of a complex health care operation, the administrator's responsibilities for both resident care and quality of life, and the increasing prevalence of dementia among nursing home residents. It also signals a move toward a very narrow definition of the courses that would be approved for CE credit, which will only serve to discourage nursing home administrators from seeking the wide range of educational opportunities that will enhance their skills and, in turn, the performance of

their nursing homes and the quality of care and services provided to the vulnerable elders they serve.

All stakeholders have not been invited to openly discuss any concerns over the current system.

The Alliance has good relationships with other Oregon state agencies and has always welcomed the opportunity to discuss concerns that impact our operations or those of our member organizations. We are regularly invited to sit on rule advisory committees, workgroups and task forces on issues related to long-term care in Oregon. In addition, we have been pre-approved by Seniors and People with Disabilities (SPD) as a provider of CE credits for assisted living and residential care administrators. At no time has there been any communication from OHLA or the NHA board that there were concerns related to CE approval for nursing home administrators. We welcome the opportunity to discuss these concerns, and believe that the public would expect that these open discussions would occur before any consideration of rule changes that add to a state agency's workload.

Dwindling state resources demand scrutiny of NHA board practices for efficiency and public benefit.

During this unprecedented economic crisis in Oregon, it is essential that public agencies examine practices to ensure that they are operating in the most efficient manner possible while performing their public duties. The proposed rule would require additional paperwork processing duties for the OHLA staff while providing no public benefit, truly a misuse of taxpayer dollars.

Challenging times demand flexibility, not unscrutinized uniformity.

In its dealings with other agencies, OHLA may not be in the practice of granting CE approval authority to professional associations. It may be, however, that other licensees are not served by statewide associations dedicated full-time to assisting them in their work. In the case of nursing home administrators, granting CE approval to the Alliance makes sense, and OHLA should maintain the flexibility to make decisions that are right for each of the boards it serves.

In summary, we urge the Nursing Home Administrators Board to recommend a change in the proposed rules that will continue to grant CE approval authority to the Alliance (LeadingAge Oregon as of Jan. 1, 2012). This change will enhance public safety by ensuring that nursing home administrators in Oregon will continue to have high quality educational opportunities to enhance their skills, and that OHLA staff will be able to devote their time to critical issues related to public safety instead of unnecessary paperwork.

Sincerely,



Margaret Cervenka
Deputy Director