



January 12, 2005 Quarterly Meeting

MINUTES

Convened

The meeting convened at 8:45 a.m. in room 445 of the State Office Building.

Board Members Present

Misti Wittenberg, NHA, Chair; Anita Schacher, NHA; Jim Bagley, Public Member; Dolores Hubert, Public Member; Raissa Moore, Public Member; George Gerding, R.Ph; Ronald Gilson, M.D.

Members Absent

Rob Hays, NHA, Vice Chair

Others Present

Janet Bartel, Executive Officer; Carol Parks, AAG

Approval of January 12, 2005 Agenda

Action: Jim Bagley moved to accept the agenda as submitted. Ronald Gilson seconded and the motion passed unanimously.

Approval of October 13, 2004 Minutes

Action: Dolores Hubert moved to accept the October 13, 2004 minutes as submitted. Ronald Gilson seconded and the motion passed with Jim Bagley and George Gerding abstaining due to their absence at the October 13, 2004 meeting.

Approval of December 8, 2004 Minutes

Action: Dolores Hubert moved to accept the December 8, 2004 minutes as submitted. George Gerding seconded and the motion passed with Misti Wittenberg, Ronald Gilson and Raissa Moore abstaining due to their absence at the December 8, 2004 meeting.

Ratification of New Licenses

Action: Dolores Hubert moved to ratify the following licenses as issued. George Gerding seconded and the motion passed unanimously.

Licenses Issued From September 27, 2004 To December 27, 2004:

LICENSEE NAME	LIC. NO.	LIC. TYPE	ISSUE DATE
Barnes, III, Ralph R.	2361	NHA	11/4/2004
Dickerson, Shannon S.	2359	NHA	10/27/2004
Ihde, Elizabeth M.	600	Provisional	10/29/2004

LICENSEE NAME	LIC. NO.	LIC. TYPE	ISSUE DATE
Lane, Michelle A.	2363	NHA	11/16/2004
Looper, David L.	2358	NHA	10/19/2004
McGee, Charles A.	2360	NHA	11/1/2004
McKinney, Kathleen S.	2357	NHA	10/5/2004
McNamara, Kevin J.	2362	NHA	11/8/2004
Nolan, Elizabeth A.	2364	NHA	11/30/2004
Shufflin, Marsha L.	599	Provisional	10/4/2004
Struthers Smith, Shannon	603	Provisional	12/16/2004
Watson, Lennette M.	602	Provisional	12/8/2004
Wessels, Don P.	598	Provisional	9/27/2004

Executive Session Convened

Public session was closed and executive session convened at 8:50 a.m. to discuss the following:

- NHA-17-00 Update
- Advisory Letter Review
- NHA-01-05 Complaint

Executive session was closed at 9:15 a.m. and public session reconvened at 9:20 a.m.

NHA-17-00

Action: Dolores Hubert moved to accept the Stipulated Agreement and Final Order signed by Linda Johnston. Ronald Gilson seconded and the motion passed unanimously.

With regard to a proposed Press Release related to this case, Misti Wittenberg expressed her belief that the board should delete the second paragraph of the proposed Press Release, notwithstanding the final sentence of the paragraph, which states, "The public details of this case are enclosed in the attached Notice of Discipline and Final Order." Raissa Moore disagreed stating that the press may exercise its editorial choice to delete the information within the second paragraph. She expressed her opinion that the Press Release was carefully and cautiously prepared and should be released as written. Anita Schacher referred to her experience with preparing Press Releases and did not take exception to the proposed Press Release. Carol Parks cautioned that individual board members should not speak on the board's behalf without its express permission. She recommended that any questions should be directed to the Board Chair or the Executive Officer.

Action: Jim Bagley moved to release the proposed Press Release as written. Dolores Hubert seconded and the motion passed with George Gerding and Ronald Gilson opposing.

Hearing Process Training

Carol Parks provided a flow chart outlining the Contested Case Hearing process and addressing the board's role and responsibility in the process. She explained that there are times when the board needs to be involved in a case and times when it must step back and

refrain from having conversation about a case. Generally, the investigation begins with a complaint where, without exception, the complaint and complainant's name are confidential. The board proceeds to investigate the complaint, which is also confidential; however, the board may release enough information to the respondent to allow for a response to the complaint. At the conclusion of its investigation, the board will render its decision of whether or not to impose discipline. There is always the option of issuing an advisory letter or letter of concern, which is not considered discipline and remains confidential. Should the board proceed toward discipline in the matter, it will issue a Notice of Proposed Discipline, which is a public document. The Notice provides the findings of the investigation and allows the respondent a right to request a hearing. At this point, the board must cease further involvement in the case, including conversations with other members or the board's Executive Officer, notwithstanding any settlement discussions. In the event of a request for hearing, the board's legal counsel and Executive Officer would proceed to prepare the case for hearing. The Contested Case Hearing is not public and the records from the hearing are confidential. Upon conclusion of the Hearing, the Administrative Law Judge (ALJ) issues a Proposed Order that is also confidential. The board considers the investigative findings and ALJ's Proposed Order and issues a Final Order in the matter. The licensee has the right to appeal the Final Order or the case may be settled at any time during the investigation process and even after the Contested Case Hearing.

Parks advised the board of a legislative proposal supported by attorneys representing professional licensees who believe that boards are biased and do not possess the ability to act without prejudice. The proposal seeks to transfer final order authority from the licensing body to the Administrative Law Judge.

Action: During further discussion, the board directed Parks to forward the language of the proposal to the Executive Officer for distribution to the board.

AIT Program Petition, Tamara Hammack-Ryan

The board considered Tamara Hammack-Ryan's petition to waive 400 hours of the Administrator-In-Training program based on her graduate degree in Health Administration and Policy and completion of the ALF Administrator Training course. During discussion, the board recalled its approval of similar requests when the petitioner has demonstrated considerable experience in a significant role within a nursing home environment. Janet Bartel reminded the board that any action it takes sets a precedent for future requests.

Action: George Gerding moved to deny Hammack-Ryan's petition to waive 400 hours of the AIT program. Raissa Moore seconded and the motion passed unanimously. The board directed Bartel to issue a letter acknowledging Hammack-Ryan's passion for helping others and strong foundation that will lend to her success as a nursing home administrator.

Mid-Way Interviews

Action: Mid-ways interview candidates were approved with the following recommendations:

Dane Jensen – Friendship Health Center

- Become knowledgeable about the following services:
 - Pharmacy - consider the existing pharmacy process and specialized pharmacy services
 - Dietary
 - Human Resources

- Medical Records
- Increase financial knowledge in the areas of budgeting, billing and collections, and financial forms
- Increase knowledge of management functions (i.e., contracts, vendor negotiations, etc.)
- Be involved in a mock survey or visit another facility to participate in survey process
- Review LTC rules, interpretive guidelines and compare to facility procedures
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Otumdi Omekara – St. Jude Specialty Care

- Gain more knowledge in administration and management particularly in the following areas:
 - Survey - Participate in a mock survey or visit another facility to participate in the survey process and assist in writing a Plan of Correction
 - Human Resources – Observe disciplinary action in process and terminations
 - Financial - Increase knowledge of budgeting, billing and review of financial forms
- Become knowledgeable about consultant pharmacy role
- Become knowledgeable about psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Social Services
 - Pharmacy
 - Dental
 - Rehab
- Increase knowledge about Medicaid process and forms
- Visit facility(ies) certified for Medicare
- Review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with local ombudsman and learn more about program

Katie Garrison – Mary's Woods at Marylhurst

- Become knowledgeable about consultant pharmacy role
- Become knowledgeable about the following services:
 - Pharmacy
 - Dietary
 - Rehab - meet with Infinity Rehab
 - Human Resources - disciplinary actions and terminations
- Increase knowledge about gerontology
- Increase knowledge about Medicare process and forms
- Increase financial knowledge (i.e., billing, collections, review of financial forms)
- Be involved in mock survey or visit another facility to participate in survey process
- Review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with local ombudsman and learn more about program
- Meet with local CCMU contact Ruth Tooze (503-691-6587) to learn more about the complaint and survey process
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Ronald Boyle – Fairlawn Good Samaritan Village & Health Center

- Participate in CNA training class or review training materials for 40 hours and shadow a nurse for 40 hours

- Become knowledgeable about the following services:
 - Nursing
 - Social Services
 - Pharmacy
 - Dental
 - Rehab
 - Human Resources
 - Medical Records
- Increase knowledge about Medicare process and forms
- Increase financial knowledge (i.e., billing, collections, review of financial forms)
- Be involved in mock survey or visit another facility to participate in survey process
- Review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with local CCMU contact Ruth Tooze (503-691-6587) to learn more about program

Steven Herzog – Twin Oaks Care Center

- Participate in CNA training class or review training materials for 40 hours and shadow a nurse for 40 hours
- Increase knowledge of psychotropic drugs and effect on geriatric population
- Increase knowledge in the areas:
 - Nursing
 - Social Services
 - Rehab
 - Human Resources
 - Medical Records
- Increase knowledge about Medicare and Medicaid process and forms
- Visit not-for-profit nursing facility
- Continue reviewing LTC rules, interpretive guidelines and compare to facility procedures
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Lindsay O'Byrne – Umpqua Valley Nursing & Rehab Center

- Participate in CNA training class or review training materials for 40 hours and shadow a nurse for 40 hours
- Become knowledgeable about consultant pharmacy role
- Become knowledgeable about the following services:
 - Nursing
 - Social Services - admissions and discharges
 - Dietary - eat a meal at the facility
 - Rehab
 - Physical plant - maintenance, laundry, etc.
 - Human Resources - hiring, discipline, terminations
 - Medical Records
- Increase knowledge about Medicare and Medicaid process and forms
- Increase financial knowledge (i.e., billing, collections, review of financial forms)
- Be involved in mock survey or visit another facility to participate in survey process
- Review LTC rules, interpretive guidelines and compare to facility procedures
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Provisional Applications

Lazarus (Larry) Oden – Evergreen, Milton-Freewater

The board interviewed Mr. Oden concerning his application to which Oden explained the background of the violations on record. When questioned, he explained that his youth likely contributed to rash decisions, which have not since been repeated.

Action: Jim Bagley moved to approve Oden's provisional application. Dolores Hubert seconded and the motion passed unanimously.

Steven Herzog, AIT – Twin Oaks Care Center

Action: George Gerding moved to deny Herzog's application for a provisional license based on his lack of experience in the long-term care field. Dolores Hubert seconded and the motion passed unanimously. The board expressed its concern with any potential disruption to facility operations or to Herzog's AIT program; however, the consensus was that granting a provisional license would likely diminish the effectiveness of Herzog's AIT training program. Bartel suggested that, for Herzog's benefit, it may be necessary to suspend his AIT program until such time that he can be located at a facility with his preceptor.

Endorsement Applications

Action: Jim Bagley moved to approve the following endorsement applications. Dolores Hubert seconded and the motion passed unanimously.

- **Elizabeth M. Ihde**
- **Linda J. Jones**
- **Cathy M. Tarzia**
- **Lenete M. Watson**
- **Monte D. Watters**

Final Interviews (Exam Candidates)

Action: The following candidates were interviewed and approved for the NAB and State NHA examinations:

- **Scott DeGrand**, Hillsboro Rehab & Specialty Care
- **Catherine Elizondo**, Hood River Care Center
- **Ann Happel**, Rogue Valley Manor
- **Torsten Hirche**, Rogue Valley Manor
- **Amanda Pearlman**, Molalla Manor Care Center
- **Veronica Sheffield**, Marian Estates
- **Andy Truitt**, Green Valley Rehab
- **Deana Wentworth**, Providence Benedictine Nursing Center

Chad Niegel, AIT Program Changes

The board reviewed and approved a response from Maurice Reece, Chad Niegel's preceptor, indicating that Niegel's AIT program would be increased accordingly per the board's recommendation. The board acknowledged Niegel and Reece on their prompt action and response in the matter.

AIT Program Advisory Letters and Preceptor Standards

The board reviewed recent memos forwarded to preceptors and the owners of nursing homes. When questioned, Bartel indicated that she had received little response to the

communications. The board discussed its concern with preceptors who deviate from AIT program guidelines thereby reducing the program's effectiveness and diminishing the learning experience for AITs. When questioned, Bartel expressed her belief that preceptor standards were established by rule and thus could be revised with an administrative rule amendment. The board briefly discussed increasing the preceptor training program to a full day and establishing a re-certification requirement.

Action: The board agreed to carryover discussion on this item to its April 2005 meeting and directed Bartel to prepare a grid of recommendations for improvements to the preceptor guidelines. Due to workload and time constraints, Bartel called for the assistance of the board in reviewing other state's preceptor guidelines. Bartel will forward NAB's Website address to board members, who may then link to any individual state's site and review its AIT program and guidelines.

During discussion regarding enforcement of the board's Practice Act, Bartel advised that the board should place licensees and the industry on notice that the board will not tolerate administrators hanging their license in facilities where they are not physically located. She encouraged the board to work with the Ombudsman's office and DHS to identify administrators who aid in the violation of the board's Practice Act. When questioned, Bartel expressed her belief that the board could potentially impose a \$1,000 civil penalty for each violation of the Practice Act.

Action: The board directed Bartel to work with legal counsel to develop an appropriate notice that will be distributed industry-wide and to explore the board's enforcement options.

AIT Survey Questionnaires

Due to requested performance measure modifications, the board agreed to hold over reviewing the AIT Survey Questionnaires until after the legislative session.

New Business – Budget

Bartel explained that the 2005-07 budget increased primarily due to inflationary factors and a request for additional funds related to out-of-state travel and legal costs. The board's analyst has essentially approved the board's budget request, notwithstanding \$365 in credit adjustments related to various line item corrections.

New Business – NAB Annual Fee Increase

Bartel reported that while NAB's \$350 annual fee increase came after the preliminary budget was developed, the increase supports the board's argument that it should send a representative to either the annual or mid-year meeting. Effective January 1, 2005, NAB membership dues will include the registration fee for a board or agency representative to attend either the annual or mid-year meeting.

New Business – PSOB Parking

Bartel explained recent changes associated with the building's surface parking and recommended that board members use Metro's parking structure for full-day parking, due to its low cost. The Metro parking structure is located on NE Irving between Grand and 7th Street.

New Business – Stephanie Streety, Petition for Examination Extension

Action: Jim Bagley moved to approve Streety's request for extension until February 1, 2005. Ronald Gilson seconded and the motion passed unanimously.

Adjournment

The meeting adjourned at 3:45 p.m. The next quarterly meeting is scheduled for Wednesday, April 13, 2005 at 8:30 a.m. in room 445 of the State Office Building.

Respectfully Submitted:

Janet Bartel, Executive Officer