



April 13, 2005 Quarterly Meeting

MINUTES

Convened

The meeting convened at 8:35 a.m. in room 445 of the State Office Building.

Members Present

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

Others Present

Janet Bartel, Executive Officer; Carol Parks, AAG; Margaret Clark; Margaret Carley, Deputy Director, Oregon Health Care Association (OHCA); Kevin McNamara, NHA, Corvallis Manor; Steve Wallace, NHA, Pinnacle Healthcare, Inc.

Approval of April 13, 2005, Agenda

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

Approval of January 12, 2005, Minutes

Action: Rob Hays moved to accept the January 12, 2005, minutes as submitted. George Gerding seconded and the motion passed with Rob Hays abstaining due to his absence at the January 12, 2005, meeting.

Ratification of New Licenses

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

Licenses Issued From December 2004 To March 2005.

LICENSEE NAME	LIC. NO.	LIC. TYPE	ISSUE DATE
DeBruin, Chad M.	605	Provisional	12/25/2004
DeGrand, Scott P.	608	Provisional	1/24/2005
DeGrand, Scott P.	612	Provisional	2/28/2005
Moschogianis, Alcyon D.	611	Provisional	2/25/2005
Oden, Larzurus (Larry) D.	606	Provisional	1/17/2005
Pearlman, Amanda S.	607	Provisional	1/19/2005

LICENSEE NAME	LIC. NO.	LIC. TYPE	ISSUE DATE
Sansom , Allison M.	2365	NHA	3/9/2005
Shipley-Klein , Theresa A.	609	Provisional	1/8/2005
Walter , Ann L.	610	Provisional	1/19/2005

Executive Session Convened

Public session was closed and executive session convened at 8:40 a.m. to discuss the following:

- NHA-01-05 – NHA Response
- NHA-02-05 – NHA Response

Executive session was closed at 9:35 a.m. and public session reconvened at 9:35 a.m.

NHA-01-05

The board reviewed the response from an administrator concerning the existence of a *Petition for Restraining Order to Prevent Abuse* specific to a domestic incident. The matter was considered at the January 2005 meeting with no action taken. The board ratified its January 2005 decision in the matter.

NHA-02-05

The board considered a complaint alleging that a lack of lift equipment and slings in poor repair contributed to the harm of a resident. The complainant alleged the administrator was apprised of the inadequacies prior to the lift incident. The board reviewed a report from the supplier of Vander lifts verifying the facility possessed a higher than average number of slings and facility invoices supporting the replacement of damaged slings.

Action: The board agreed to withhold a decision in the matter until receipt of the results of the re-survey and directed Bartel to carryover the item for consideration at the forthcoming July meeting.

Steve Wallace, Pinnacle Healthcare, Inc.

Misti Wittenberg welcomed Steve Wallace and explained that while the board understood the difficulties Pinnacle is facing, the board must enforce its laws. She invited Wallace to share his perspective in the matter. Wallace thanked the board for meeting with him and considering OHCA's participation. Wallace expressed his opinion that the board's rules have not evolved despite industry changes over the past few decades. He explained that today, corporations and independent operators are facing challenges in recruitment and retention that were not as prevalent in the 1970's. When questioned, Wallace expressed his observation that today's NHA candidates are older, more experienced and require less supervision. Given that, he believes that the traditional Administrator-In-Training (AIT), preceptor relationship does not always apply. Wallace emphasized that Pinnacle Healthcare operates in rural Oregon and faces a high turnover rate. He explained that he recruits administrators on a regular basis, however, the majority seek opportunities in metropolitan areas presenting a recruitment challenge for rural facilities. He expressed that he could not fill an administrator position in Grants Pass, thereby resulting in decisions made by Pinnacle Healthcare that were unconventional and without the board's permission. Wallace explained that he, Lee Garber, Julianne Fisher and Julie Tullock participate and

communicate with the facilities on a daily basis, providing daily oversight even though they are not in the building 40 hours a week. Wallace acknowledged this to be outside of the board's regulations and advised that Pinnacle will attempt to align with the board's regulations. Wallace shared that Pinnacle has changed its perspective and is taking a methodical approach to recruit those candidates possessing management and healthcare skills and a desire to remain in the area. Wallace noted that Pinnacle employee Robert Swinea is a successful administrator who did not complete a traditional AIT program and recently completed the preceptor-training workshop. Janet Bartel advised Wallace that although Robert Swinea and Peter Foust have completed the training requirement they are not eligible to precept until 2006, when they achieve a three-year license status. Wallace cited AIT Andy Truitt and explained that Truitt could not have gone through or afforded a traditional AIT program. He expressed the opinion that Truitt has done an excellent job at Green Valley and emphasized that the board's existing regulations present a challenge for bringing this caliber of individual into the long-term care profession. George Gerding commented that all professions are experiencing a changing pool of candidates entering the profession. For example, pharmacy students are much older today and possess higher levels of education than they used to. Despite this, his observation is that the pharmacy program has moved toward more time with the preceptor. The students he questioned expressed that they want the oversight and guidance; unfortunately, however, this comes at the cost of the company.

Wallace advised the board that he would attempt to follow existing regulations and seek the board's approval for exceptions to the AIT program. When questioned, he stated that as a facility administrator, he did not spend 40 hours per week with AITs; rather, he met with them in the morning and at the end of the day. He added that technology and corporate changes have improved communication with AITs in the field and that Pinnacle staff are in the buildings participating in the training and development of quality outcomes. Wittenberg expressed appreciation for Pinnacle's efforts and acknowledged that preceptors are not expected to be at the side of the AIT 40 hours per week, however, existing guidelines require that preceptors be on site and available to the AIT. Anita Schacher expressed concern in that at the mid-way interview, the board makes recommendations for training based on an AIT's experience, and it has seen an increase in AITs who could not fulfill these recommendations due to their role as facility administrator. During further discussion, Wallace reiterated that existing regulations present a challenge for Pinnacle in recruiting AIT candidates. He expressed his opinion that the board's existing regulations create a hardship that could impact the profession. Wallace communicated an interest in participating in a workgroup to consider the development of rules ensuring the requisite education and training while maintaining flexibility. He further asked the board to consider incorporating waiver criteria for areas where recruitment proves challenging.

The board invited guest Margaret Carley to speak on OHCA's position. Carley explained that OHCA received a member request to ask the board to commission a workgroup to look at the AIT program and preceptor issues and to develop recommendations, possibly consisting of changes to its statute or rules. She believed that the board's existing statute allowed sufficient flexibility for changes to the AIT program regulations. When questioned, Carley emphasized that OHCA was not weighing in on the issue, but rather is proposing to address it on a broader sense. She added that she frequently provides technical assistance and education to members when requested. She elaborated on the recruitment and turnover issues facing the profession and expressed her belief that the board's rules are

outdated and address a time when conditions were different. She added that OHCA has the option to petition the board for rulemaking; however, that would not be OHCA's preference. She stated that Pinnacle, which has been a provider in Oregon since 1989, is a strong supporter for OHCA and has a reputation for providing excellent care. She recommended that the board elect three or four members, in addition to her, to participate in a workgroup to consider the existing AIT program regulations. When questioned, Carley expressed her belief that the AIT and preceptor components of the program could not be separated, and she reiterated the need to evaluate existing AIT program standards in consideration of AIT candidate and preceptor experience and background. Rob Hays recalled that the existing AIT laws allow for flexibility with regard to the AIT component. He cited his AIT experience as an example in that a portion of his program hours were waived based on his experience in the health care profession. Wallace acknowledged that the board made a similar exception for Robert Swinea although not for Theresa Klein, despite her background. He emphasized that the board's existing laws do not stipulate that a preceptor candidate possess experience directing a facility, they merely require that he or she be licensed for three years. Wittenberg responded that allowing exceptions for AIT candidates poses an issue of increased requests from other candidates. During further discussion, it was agreed that any program exceptions should be clearly defined by criteria.

When questioned on his opinion of a reasonable number of hours the preceptor should be on site, Wallace expressed his belief that 10 hours per week would be appropriate for hands on training with the preceptor together with training rotations in the various departments. Wallace added that in certain circumstances, it is reasonable to place an AIT in a facility without the benefit of an on-site preceptor. Hays questioned whether Pinnacle's AITs are being located in facilities without a full-time, licensed administrator on site. Wallace confirmed that there was not always a licensed administrator on site during some AIT programs. He explained that Pinnacle Healthcare's investment in assistant administrators has developed in the past six months. Accordingly, they are delegating AITs more responsibility in the decision making process. He reiterated that critical issues within metropolitan areas do not compare to the issues in rural areas, proving a challenge for the facilities in rural areas.

Carol Parks advised that the board is required to apply and enforce its rules, as they stand. She believed the issue before the board to be whether or not it would prove helpful to form a workgroup to discuss the AIT program. She advised that the board could decide, based on the recommendations of the workgroup, whether or not changes are warranted.

The board thanked Wallace for sharing his perspective and requested that he provide a written response for board consideration.

Public session was closed at 10:50 a.m. and executive session reconvened for legal consultation. Executive session was closed at 11:30 a.m. and public session reconvened.
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Steve Wallace, Pinnacle Healthcare, Inc. (continued)

Wittenberg expressed her belief that preceptor candidates should be required to meet with the board prior to receiving their preceptor certification. She suggested that exceptions might be considered for those preceptors with sufficient background and experience. Bartel

advised that a rule amendment would be required prior to making such exceptions since existing law does not provide for exceptions.

The board discussed appointing a workgroup to consider revisions to its AIT program. Anita Schacher questioned the need to commission a workgroup. Bartel expressed her opinion that OHCA would petition for rule changes if the board did not commission a workgroup that includes a representative from OHCA.

Action: The board directed Bartel to invite nursing facility owners to send a preceptor representative to meet with the board at its July 13, 2005, meeting to discuss AIT program guidelines and any perceived barriers. The board further directed Bartel to notify Margaret Carley that preceptors will be interviewed at the July meeting.

Mid-Way Interviews

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

Jessica Keersmaker – Clackamas Rehab & Specialty Care

- 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 psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Activities
 - Pharmacy
 - Dietary
 - Rehab
 - Laundry and Houskeeping
 - QA/QI Process
- Become knowledgeable about role and function of medical director
- Increase knowledge about Medicare and Medicaid process and forms
- Increase financial knowledge, i.e., billing, collections, review of financial forms
- Visit not-for-profit nursing facility
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Brian Teed – Beaverton Rehab & Specialty Care

- Become knowledgeable about consultant pharmacy role
- Become knowledgeable about psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Pharmacy
 - Dental
 - Rehab
- Become knowledgeable about role and function of medical director
- Increase financial knowledge, i.e., billing, collections, review of financial forms
- Visit not-for-profit nursing facility (Mt. St. Joseph?)
- Be involved in mock survey or visit another facility to participate in survey process
- Meet with local Ombudsman and learn more about the program
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Christy Delany – Providence Benedictine Nursing Center

- Become knowledgeable about consultant pharmacy role
- Become knowledgeable about psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Nursing (shadow)
 - Activities
 - Pharmacy
 - Dietary
- Become knowledgeable about role and function of medical director
- Increase knowledge about Medicare and Medicaid process and forms
- Increase financial knowledge, i.e., billing, collections, review of financial forms
- Visit for-profit nursing facility
- Review LTC rules and interpretive guidelines and compare to facility procedures
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Final Interviews (Exam Candidates)

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

- **Ronald Boyle** – Fairlawn Good Samaritan Village & Health Center
- **Steven Herzog** – Twin Oaks Care Center
- **Dane Jensen** – Friendship Health Center
- **Katie Garrison** – Mary's Woods at Marylhurst
- **Otumdi Omekara** – Fairlawn Good Samaritan Village & Health Center

Survey and Plan-of-Correction Workshop

Bartel questioned whether the board would entertain the idea of facilitating a quarterly survey and plan-of-correction (POC) workshop that would be delivered by the Department of Human Services (DHS). She explained the workshop would benefit AITs in that they would be provided an opportunity to explore the survey and POC process from the surveyor's perspective. Licensees could similarly benefit from the workshop and be allowed to claim continuing education credits.

Action: The board directed Bartel to pursue the concept of facilitating the survey and correction workshop with assistance from DHS.

Practice Act Enforcement

During the January 13, 2005, meeting, the board directed Bartel to work with legal counsel to prepare an industry advisory letter regarding AIT program guidelines and the practice of administrators hanging their license in facilities where they are not physically located. The board reviewed the draft advisory letter and related documents.

Action: The Board directed Bartel to issue the industry advisory letter and related correspondence to the Ombudsman's Office and DHS. The Board further approved the draft Administrator of Record questionnaire for distribution via DHS survey team members and Ombudsman representatives.

Endorsement Applications

Action: Jim Bagley moved to approve the following endorsement applications contingent on receipt of the required license verification documentation. Rob Hays seconded and the motion passed unanimously.

- Yovan Luyt
- Larzurus (Larry) Oden

License Without Examination Application

- Rickie L. Nader

Bartel briefly explained the provisions for this method of licensure under the board's existing laws. She added that any license issued would not be transferable to another facility. During discussion, the board expressed dismay with the existing law and proposed revisiting the issue at a later date. When questioned, Bartel believed that without just cause, the board could not deny a license candidate who meets the established requirements.

Action: George Gerding moved to approve Rickie L. Nader's application for a license without examination. Ronald Gilson seconded and the motion passed with Raissa Moore and Anita Schacher opposing. The board directed Bartel to provide Nader a set of facility regulations with encouragement to learn and understand these laws. Bartel added that she would provide a copy of the AIT program guidelines in order to provide Nader the opportunity to review the training expectations of a typical AIT program. The board further directed Bartel to consult with the former Executive Officer regarding prior similar approvals.

Transition to Self-Reporting Method

Bartel presented a draft version of the continuing education self-report form that will be used for reporting hours accrued in the 2005-07 license period. She called for members to alert her to any needed revisions. When questioned, Bartel reminded the members that they previously agreed to audit five percent of licensees at renewal, however, the percentage could be adjusted if necessary. Bartel further presented recommended revisions to the existing *Continuing Educations Guidelines* in order to accommodate the transition to a self-reporting method. She questioned whether the board should consider limiting continuing education hours granted to preceptors overseeing AITs. Preceptors are currently granted 30 hours credit at completion of each full AIT program resulting in a potential for satisfying all but the ethics requirement exclusively through AIT related activities. During discussion, the board agreed that a 30-hour maximum should be established. Bartel referred to a petition for continuing education hours related to a reading activity. She recommended adding reading activities to the existing video/audio allowance and redefining these activities as "self-directed" activities with a maximum number of hours allowed during the two-year license period. The board agreed this to be practical and elected to retain the existing maximum hours allowed for video/audio related activities. Bartel further questioned the board on whether it should continue to allow credit for facility and corporate sponsored meetings and activities. She expressed concern with the number of licensees who are satisfying the majority of their continuing education requirements through these types of activities. During discussion, the board agreed the activities to be mostly beneficial and decided to continue the practice of allowing unlimited credit for these types of training activities.

Action: George Gerding moved to approve the recommended changes to the board's Continuing Education Guidelines. Rob Hays seconded and the motion passed unanimously.

Affirmative Action Plan

The board reviewed a draft *Affirmative Action Plan* prepared in accordance with state guidelines. Bartel advised the board that although the Plan was previously submitted due to a two-day turnaround deadline, revisions may still be made.

Action: The board agreed to accept the Plan as submitted and directed Bartel to advise the board of any required revisions.

Legislation

Bartel reported that a rumor recently surfaced related to consolidating some health-related licensing boards with an existing health licensing office located in Salem, whose license base includes hairdressers, cosmetologists, tattoo technicians, etc. Bartel expressed concern with HB 2058, which proposes changes to the board's provider for certain accounting and personnel services. She believes that HB 2058 may provide a readily available avenue to accommodate the changes needed to align these boards under the health licensing office in Salem. Bartel acknowledged that it is merely a rumor at present and indicated that she will monitor HB 2058's progress more closely.

NAB 2005 Annual Meeting – Authorization to Vote

Bartel reported that John Hogan had contacted her regarding representing the board during the forthcoming NAB Annual Meeting. She advised that a vote be conducted to confirm the board's election of Hogan as it's official representative at the meeting.

Action: Misti Wittenberg moved to approve John Hogan as the board's representative at the NAB 2005 Annual Meeting. George Gerding seconded and the motion passed unanimously.

Budget Presentation

The board reviewed the *Budget Presentation* document. Dolores Hubert advised Bartel to be prepared for an extensive review and to anticipate providing justification for all additional funds requested. Bartel acknowledged that she is asking for additional funds in areas that are traditionally vetoed; however, she believed that she could successfully justify the need. Bartel reported that she authorized the board's Legislative Fiscal Officer to "true up" the budget to more accurately reflect the board's spending pattern.

Adjournment

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

Respectfully Submitted:

Janet Bartel, Executive Officer