



## October 12, 2005, Quarterly Meeting

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### MINUTES

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#### **Convened**

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

#### **Members Present**

Rob Hays, NHA, Chair; Anita Schacher, NHA, Vice Chair; Jim Bagley, Public Member; Margaret Clark, Public Member; Larry Davy, NHA; Kathleen Elias, RN; George Gerding, R.Ph; Ronald Gilson, MD; Dolores Hubert, Public Member

#### **Others Present**

Janet Bartel, Executive Officer; Margaret Carley, Deputy Director, OHCA

#### **Approval of October 12, 2005, Agenda**

**Action:** Jim Bagley moved to accept the agenda as submitted. Kathleen Elias seconded and the motion passed unanimously.

#### **Ratification of April 13, 2005, Minutes**

**Action:** George Gerding moved to ratify approval of the April 13, 2005, minutes. Dolores Hubert seconded and the motion passed with Larry Davy and Kathleen Elias abstaining as the meeting occurred prior to their appointment to the board.

#### **Approval of July 13, 2005, Minutes**

**Action:** Jim Bagley moved to approve the July 13, 2005, minutes as submitted. Kathleen Elais seconded and the motion passed with Rob Hays, Ronald Gilson and Anita Schacher abstaining due to their absence at the July meeting.

#### **Ratification of New Licenses**

**Action:** George Gerding moved to ratify the following licenses as issued. Margaret Clark seconded and the motion passed unanimously.

#### **Licenses Issued From July 2005 To September 2005.**

<b>LICENSEE NAME</b>	<b>LIC. NO.</b>	<b>LIC. TYPE</b>	<b>ISSUE DATE</b>
<b>Boyle, Ronald</b>	2387	NHA	9/22/2005
<b>DeBruin, Chad</b>	628	Provisional	7/21/2005
<b>Elizondo, Catherine</b>	2385	NHA	9/6/2005
<b>Fleming, Michael</b>	2375	NHA	7/15/2005
<b>Gould, Denise</b>	2371	NHA	7/1/2005

<b>LICENSEE NAME</b>	<b>LIC. NO.</b>	<b>LIC. TYPE</b>	<b>ISSUE DATE</b>
<b>Gracey, Diane</b>	627	Provisional	7/26/2005
<b>Happel, Anna</b>	2372	NHA	7/1/2005
<b>Hart, Brian</b>	2384	NHA	8/26/2005
<b>Henrikson, Mark</b>	2383	NHA	8/19/2005
<b>Herzog, Steven</b>	2382	NHA	8/10/2005
<b>Hirsche, Torsten</b>	2370	NHA	7/1/2005
<b>Jensen, Dane</b>	2381	NHA	8/9/2005
<b>Keerseemaker, Jessica</b>	626	Provisional	7/19/2005
<b>Miller, Christine</b>	625	Provisional	7/7/2005
<b>Moschogianis, Alcyon</b>	2378	NHA	8/1/2005
<b>Oltman, Craig</b>	632	Provisional	9/2/2005
<b>Omekara, Otumdi</b>	2373	NHA	7/6/2005
<b>Pearlman, Amanda</b>	631	Provisional	8/8/2005
<b>Scott, Wiliam</b>	2376	NHA	7/25/2005
<b>Shipley-Klein, Theresa</b>	2386	NHA	9/19/2005
<b>Shipley-Klein, Theresa</b>	629	Provisional	7/27/2005
<b>Sinclair, Charles</b>	630	Provisional	8/11/2005
<b>Sinclair, Charles</b>	633	Provisional	9/16/2005
<b>Struthers Smith, Shannon</b>	2374	NHA	7/8/2005
<b>Tarzia, Cathy</b>	2369	NHA	7/1/2005
<b>Teed, Brian</b>	2388	NHA	9/28/2005
<b>Truitt, Andrew</b>	2379	NHA	8/1/2005
<b>Watters, Monte</b>	2380	NHA	8/4/2005
<b>Wentworth, Deana</b>	2377	NHA	7/25/2005

### **Executive Session Convened**

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

- AIT Application Review
- NHA-01-06
- NHA-02-06
- NHA-03-06
- NHA-04-06
- DHS Restriction of Admissions #NFROA05-001
- EO Annual Performance Review
- AIT Application Review
- Practice Act Violations

Executive session was closed at 9:30 a.m. and public session reconvened at 9:31 a.m.

### **AIT Application Review**

**Action:** Jim Bagley moved to approve the applicant's entry into the AIT program with a letter directed to the applicant advising that the board would consider future similar convictions with paramount concern. Kathleen Elias seconded and the motion passed unanimously.

### **NHA-01-06**

**Action:** Board consensus that no other action is required in the matter.

### **NHA-02-06**

**Action:** Board consensus that no other action is required in the matter.

### **NHA-03-06**

**Action:** Board consensus that no other action is required in the matter.

### **NHA-04-06**

**Action:** Ronald Gilson moved to direct a letter—together with a sample substance abuse policy—to the administrator encouraging a review of the facility's policy and internal investigations process. Further, the letter will encourage the administrator to seek additional training on conducting and documenting internal investigations. Finally, the letter will request written confirmation that a substance abuse policy is in place with staff receiving an in-service on the policy and a description of the facility's internal investigation process. Kathleen Elias seconded and the motion passed unanimously.

### **DHS Restriction of Admissions #NFROA05-001**

**Action:** Board consensus that no other action is required in the matter.

### **EO Annual Performance Review**

**Action:** Board consensus that individual members should forward their completed performance evaluations to the board chair who will meet with Bartel to discuss the results. Bartel will disseminate an electronic version of the form to members with forwarding instructions.

### **AIT Application Review**

**Action:** Kathy Elias moved that a letter be directed to the applicant requesting additional information on the nature of the crime, where it occurred and the victim. Margaret Clark seconded and the motion passed unanimously.

### **Practice Act Violations**

The board considered two cases involving administrators who were found to be practicing without a valid license. Both administrators failed to renew their license by the June 30, 2005, expiration date and continued to practice with a lapsed license for over three months.

**Action:** Ronald Gilson moved for adoption of a civil penalty schedule for lapsed licenses based on Frequency of Violation with the following penalties:

- 1<sup>st</sup> violation     \$100

- 2<sup>nd</sup> violation      \$500
- 3<sup>rd</sup> violation      \$1,000
- 4<sup>th</sup> violation      Case by case basis

Jim Bagley seconded and the motion passed unanimously with clarification that the board office is authorized to automatically proceed with the civil penalty process in practice violation cases.

During discussion, Bartel stressed that the board must strive for consistency when dealing with practice violations. Given that, licensees who fail to renew timely—regardless of whether it is a day or a month—and continue employment as Oregon nursing home administrators would be subject to a civil penalty in accordance with the adopted schedule. Bartel will confer with legal counsel on the recommended action with regard to adopting the schedule by policy verses administrative rule.

### **Mid-Way Interviews**

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

#### **Dana Flores** – Willamette View Health Center

- Become knowledgeable about consultant pharmacy role and about psychotropic drug effect on geriatric population
- Become knowledgeable about the following services:
  - Social Services (including dental and vision services)
  - Human Resources
  - Medical Records
- Continue to increase knowledge about Medicaid process and forms (arrange to visit a skilled nursing facility certified for Medicaid)
- Arrange to visit a for-profit nursing facility
- Increase knowledge about the Plan of Correction process
- Continue to review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with local ombudsman and learn more about program
- Try to spend a night in the facility to gain a better understanding of the residents' perspective
- Take an active role in staff inservice as the leader/presenter

#### **Nathan Redberg** – Marquis Care at Vermont Hills

- Become knowledgeable about consultant pharmacy role and about psychotropic drug effect on geriatric population
- Become knowledgeable about the following services:
  - Nursing (DNS and RCM's)
  - Activities (plan and lead an activity)
  - Social Services (including dental and vision services)
  - Dietary
  - Rehab (continue to increase knowledge)
  - Medical Records
- Increase knowledge about gerontology
- Visit not-for-profit nursing facility
- Be involved in mock survey or visit another facility to participate in survey process
- Continue to review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with local ombudsman and learn more about program

- Try to spend a night in the facility to gain a better understanding of the residents' perspective
- Arrange to participate in care planning process and care plan development

**Charles Lloyd**– Rose Linn Care Center

- Continue to increase knowledge about the following services:
  - Nursing
  - Pharmacy
  - Dental
  - Dietary
  - Rehab
- Increase knowledge about Medicare process and forms
- Increase financial knowledge, i.e., billing, collections, review of financial forms
- Visit facility(ies) certified for Medicare
- Visit not-for-profit nursing facility
- Visit a skilled nursing facility
- Continue to 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

**Colleen Rees** – Laurelhurst Village

- Become knowledgeable about the following services:
  - Dietary
  - Rehab
- Become knowledgeable about role and function of medical director
- Increase financial knowledge, i.e., payables, billing, collections, review of financial forms
- Visit not-for-profit nursing facility
- Continue to 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

**Lael Hepworth** – Marquis Care at Springfield

- Become knowledgeable about the following services:
  - Activities (develop and lead an activity)
  - Dietary
  - Medical Records
- Continue to increase knowledge about gerontology
- Continue to increase knowledge about Medicare and Medicaid process and forms
- Continue to Increase financial knowledge, i.e., receivables, payables, etc.
- Visit not-for-profit nursing facility (recommend Good Samaritan in Eugene)
- Be involved in Plan of Correction process
- Continue to review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with local ombudsman and learn more about program
- Try to spend a night in the facility to gain a better understanding of the residents' perspective
- Become more knowledgeable about disaster plan/preparedness

### **Corey Trembath** – Pioneer Nursing Home

- Become knowledgeable about the following services:
  - Activities (try to develop and lead an activity)
  - Social Services
  - Medical Records
- Increase knowledge about the Medicare-D process and forms
- Increase financial knowledge, i.e., billing, collections, review of financial forms
- Visit a for-profit nursing facility
- Continue to review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with local ombudsman and learn more about program
- Try to spend a night in the facility to gain a better understanding of the residents' perspective
- Increase knowledge of the Culture Change Movement (person-centered care)

**Action:** The board approved granting Trembath 240 hours credit for completion of his internship at the University of Minnesota and directed Bartel to encourage Trembath to spend time—80 to 240 hours—at his preceptor's facility.

### **Endorsement Applications**

**Action:** George Gerding moved to approve the following endorsement applications. Ronald Gilson seconded and the motion passed unanimously.

- **Jason Bliss**
- **Kevin Bruso**
- **Elizabeth Gori-Cruz**
- **Thomas Olsen**
- **Charles Sinclair**

### **Final Interviews (Exam Candidates)**

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

- **Thomas Payne** – Rogue Valley Manor
- **Craig Oltman** – Evergreen Milton-Freewater Health & Rehab

### **Reinstatement Application**

#### **Ronald Barnes**

**Action:** George Gerding moved to approve Ronald Barnes' reinstatement application. Dolores Hubert seconded and the motion passed unanimously.

### **Petition**

**Terry Assavapisitkul**, AIT Petition – The board considered Assavapisitkul's request to waive 720 hours of the traditional 960-hour training program based on his Master's degree in Business Administration and experience in the healthcare field, not specific to long-term care.

**Action:** Jim Bagley moved to deny Assavapisitkul's petition. Kathleen Elias seconded and the motion passed with Larry Davy opposing and George Gerding and Ronald Gilson abstaining.

## Old Business

**AIT Program Guidelines & Preceptor Standards** – Rob Hays acknowledged operators' frustrations and challenges with rural facilities and the benefit of training at a variety of facilities. He established the board's current position that AITs must have a preceptor available to them on site according to the board's laws. He expressed the bottom line being that a preceptor is available to an AIT and accountable to the board for their performance. He reminded that flexibility is built into the existing laws and guidelines by virtue of board review and approval. The board invited Margaret Carley, OHCA, to provide input and recommendations. Carley explained her presence is in response to member concerns. She added that in consideration of the board's July meeting and letters from preceptors, OHCA has drafted a proposal for changes to the AIT program. She agreed OHCA's position to be largely in sync with the board and asked the board to recognize the multiple contributions of individuals to the training of an AIT. She believed that it is already built into the program and recognized that AITs may move from building to building experience unique learning opportunities. Given that, she expressed that an AIT may not necessarily spend 40 hours a week in the same building. She identified the first goal of the recommendation as establishing the location or home base and second as extending the role of preceptor to those best suited to train an AIT in specific areas with overall oversight provided by the identified preceptor. Hays questioned whether the primary preceptor and location are in sync. Carley responded that they may or may not be; however, the preceptor would check in and remain accountable to the AIT. She presented the preceptor concept in a supervising and mentoring role with the preceptor not necessarily on site but available to the AIT. She further introduced the concept of an "assistant preceptor" who would be identified in the AIT training plan. Additionally, she envisioned other trainers—who are not licensed administrators—that would be classified as "instructors," but nonetheless significant to an AIT's training experience. When questioned, Carley advised that the recommendation proposes an average of 8-hours face time with the lead preceptor in a 40-hour week and full-time supervision by either the preceptor or assistant preceptor. She reported that the recommendation stands aligned with the three-year license requirement for preceptors and the board-approved workshop. Further recommendations are as follows:

- The preceptor shall adjust the AIT program, if concerns are expressed by the AIT or the assistant preceptor.
- Retain ability to train in various facilities and locations with a designated primary location.
- Establish a re-certification requirement for preceptors who are absent preceptor activity during a five-year period.

Discussion ensued on the board's 40-hour supervision requirement and Hays clarified that the board's original concern was with preceptors who were Regional Representatives and not spending time with the AITs and in some cases were placing AITs in the role of administrator under their license. He believed the 8-hour requirement to be a valuable piece and assured that the board would consider OHCA's recommendations. Schacher stated the board's goal is to develop AITs into successful administrators, which takes the effort of everyone involved with the AITs training experience. She believed the key training component to be support for the AIT. Bagley reminded that the ultimate concern is for resident care and that should be the guiding principle in everything.

Bartel reminded the board of the separation between the state and professional association. She advised that there is no harm in working with the professional association to achieve common goals; however, the board needs to remain cognizant that its mission and goals will not always align with the professional association. Bartel suggested that the board consider electing a subcommittee to consider the AIT program and identify areas where the board is out of alignment with the law by virtue of its current practices. In example, the board allows preceptors who are inactive; however, some are very good mentors producing excellent AIT candidates. Bartel cited Rogue Valley Manor as an example that has a structured program lending to the development of quality AIT candidates. The board agreed this program to be structured with tremendous support for its AIT candidates. Bartel believed that what sets this program apart is the knowledge that they have a significant investment in their employees and the expectation that it will be returned.

**Action:** Dolores Hubert moved to establish a subcommittee to consider the AIT program. Anita Schacher seconded and the motion passed with Kathleen Elias absent during the vote. The board selected members Margaret Clark, Kathleen Elias, Dolores Hubert and Anita Schacher as subcommittee members. Bartel advised that Margaret Carley would be notified and invited to attend.

### **New Business – Board Office Update**

**NAB 2005 Mid-year Meeting Authorization to Vote** – Bartel reported that John Hogan has agreed to represent the Oregon board at the NAB Board of Governors' meeting on November 18, 2005. She reminded the board of the legislature's approval for an increase to out-of-state travel in order to explore administrator recruitment and retention initiatives at the national level. Regardless, the board's out-of-state travel limitation can only fund attendance at two meetings per biennia. Given that, Bartel believed that NAB's annual meeting would prove more beneficial than the mid-year meeting and suggested that members mark their calendars for the annual meeting in June.

**Action:** Jim Bagley moved to authorize John Hogan to represent the board at the November 18, 2005, NAB Board of Governors' meeting. Dolores Hubert seconded and the motion passed unanimously.

**NAB NHA Endorsement Criteria/Agreement** – The board reviewed the NAB NHA Endorsement Licensure Criteria and Agreement. Bartel reported that NAB had revised the Criteria to allow jurisdictions to accept applicants that meet existing endorsement licensing requirements. Seeing no further issue with the Criteria, she recommended the board execute the agreement in support of NAB's endorsement licensure effort.

**Action:** Kathleen Elias moved to accept the NAB NHA Criteria for Endorsement and agreement as submitted by NAB. Margaret Clark seconded and the motion passed unanimously.

**Budget Update** – Bartel reported the legislature approved the board's budget at \$201,982; however, she did not expect the board to collect this much revenue during the 2005-07 biennium. Given that, she assured the board she would monitor revenue and expenses carefully in the ensuing months to avoid utilizing the board's reserves. Bartel reported the board's 2003-05 biennial status as follows:

- Approved Budget: \$190,576
- Revenue: \$183,466
- Expenditures: \$180,729

Bartel recommended the board entertain a legislative concept moving the end of the license date from odd- to even-number years removing the renewal period from the legislative session and ensuring the majority of funds—renewals—are received mid-way into the biennium. She further reported a budget note directed the board and six other Health-Related Licensing Boards to develop a consolidation plan as an alternative to being consolidated under the Health Licensing Office in Salem.

### **Legislative Update**

- **HB 2058** – Bartel reported that the Shared Client Services bill passed through the legislative process relatively unscathed and was signed by the Governor on August 17, 2005. The boards' involved have initiated the process of transitioning from the Department of Human Services to Shared Client Services.
- **HB 2285** – Bartel reported the bill passed out of the Senate—despite the opposition of a number of licensing boards—and will take effect January 1, 2006. She advised that while the bill increases boards' disclosure requirements, it provides for reimbursement of actual costs. She assumed these costs would include legal and administrative review fees, copy charges, and postage.

### **Adjournment**

The meeting adjourned at 3:10 p.m. The next quarterly meeting is scheduled for Wednesday, January 11, 2006, at 8:30 a.m. in room 445 of the Portland State Office Building.

Respectfully Submitted:

Janet Bartel, Executive Officer