



January 11, 2006, Quarterly Meeting

MINUTES

Convened

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

Members Present

Rob Hays, NHA, Chair¹; Margaret Clark, Public Member; Larry Davy, NHA; Kathleen Elias, RN; George Gerding, R.Ph; Ronald Gilson, MD¹; Dolores Hubert, Public Member

Members Absent

Jim Bagley, Public Member; Anita Schacher, NHA, Vice Chair

Others Present

Janet Bartel, Executive Officer; Carol Parks, AAG; Margaret Carley, OHCA; Bryan Crews, Avamere; Ruth Gulyas, OASHS

Approval of January 11, 2006, Agenda

Action: Dolores Hubert moved to accept the agenda as submitted. Margaret Clark seconded and the motion passed with Rob Hays and Ronald Gilson absent for the vote.

Approval of October 12, 2006, Minutes

Action: Larry Davy moved to approve the October 12, 2006, minutes as submitted. Kathleen Elias seconded and the motion passed with Rob Hays and Ronald Gilson absent for the vote.

Ratification of New Licenses

Action: Dolores Hubert moved to ratify the following licenses as issued. Larry Davy seconded and the motion passed with Rob Hays and Ronald Gilson absent for the vote.

Licenses Issued From October 2005 To January 2006.

LICENSEE NAME	LIC. NO.	LIC. TYPE	ISSUE DATE
Ahmed, Faraz	635	Provisional	11/29/2005
DeBruin, Chad	2393	NHA	11/10/2005
Fortlage, Kari	2389	NHA	10/21/2005
Keerseemaker, Jessica	2390	NHA	10/24/2005
Parker, Jo Ann	634	Provisional	10/11/2005

¹ 9:00 a.m. arrival

LICENSEE NAME	LIC. NO.	LIC. TYPE	ISSUE DATE
Sheffield, Veronica	2391	NHA	10/26/2005
Stephens, Patricia	637	Provisional	1/1/2006
Streety, Stephanie	2394	NHA	11/14/2005
Trembath, Corey	636	Provisional	12/05/2005
Wessels, Don	2392	NHA	11/1/2005

Executive Session Convened

Public session was closed and executive session convened at 9:10 a.m. to discuss the following:

- Provisional/Endorsement Application Review
- Endorsement Application Review
- NHA-04-06 Review Written Response
- NHA-08-06 Practice Act Violation
- NHA-09-06 Complaint
- DHS Federal Civil Penalty #NF05-051F
- AIT Application

Executive session was closed at 10:00 a.m. and public session reconvened at 10:01 a.m.

Provisional/Endorsement Application Review

Action: Ronald Gilson moved to approve the provisional application and to defer a decision on the endorsement application pending receipt of investigation findings from the Washington licensing board. Margaret Clark seconded and the motion passed unanimously.

Endorsement Application Review

Action: Dolores Hubert moved to approve the endorsement application. Kathleen Elias seconded and the motion passed unanimously.

NHA-04-06 Review Written Response

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

NHA-08-06 Practice Act Violation

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

NHA-09-06 Complaint (telephone)

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

DHS Federal Civil Penalty #NF05-051F

Action: Ronald Gilson moved to take no action in the matter. Margaret Clark seconded and the motion passed unanimously.

AIT Petition

Action: Margaret Clark moved to approve the AIT application and to waive 480 hours of the AIT program due to the applicant's background and experience in the long-term care field. George Gerding seconded and the motion passed unanimously. The board directed that a letter be forwarded advising that it would consider future similar convictions with paramount concern.

AIT Program – Subcommittee Recommendations

Dolores Hubert presented the subcommittee recommendations for changes to the AIT program adding that the committee further recommends the appointment of a Rules Advisory Committee. During discussion, the board agreed to the following revisions to the subcommittee recommendations:

- 853-010-0010(8)(c) Has attended a Board-approved workshop for preceptors in Oregon **within the past five years;**
- 853-010-0060(8)(b) **The Board will approve an interruption of an AIT program—not to exceed one year—for the compulsory service of the AIT in the armed forces of the United States. The AIT may resume training at any time within six months of discharge from active duty.**
- 853-010-0015 Correct subsection number sequence on page four from (7), (8), (9) to (8), (9), (10).

Carol Parks reminded the board to consider a rules advisory committee. She explained that an advisory committee is highly recommended and that agencies must provide an explanation when they fail to commission one. She recalled that agencies are further required to address the issue of fiscal impact on small business when adopting or revising rules. Even if agencies do not appoint a rules advisory committee, they must appoint an advisory committee to consider the fiscal impact on small business. The rules advisory committee may serve a dual role, however, addressing both rule development and fiscal impact considerations. She emphasized that the final rulemaking decision rests with the board and that it may elect to adopt part or all of the advisory committee's recommendations. When questioned on the makeup of the advisory committee, Parks advised there is no requirement on the number of members, but the committee should consist of individuals impacted by the rule, including small business in both urban and rural areas. She suggested developing a list of stakeholders and that each stakeholder should be represented by at least one member on the committee.

Action: Dolores Hubert moved to elect an advisory committee to consider the proposed revisions to the AIT program. Ronald Gilson seconded and the motion passed unanimously.

The board agreed to limit the advisory committee to no more than ten members representing the following interests:

- Board of Nursing Home Administrators
- Professional Associations
- Preceptors
- Owner/operators

Margaret Carley thanked the board for the work it has done on the AIT rules and advised that Bryan Crews has been in attendance for the rule revision discussions and is interested in serving on the committee. Carley distributed OHCA's comments on the subcommittee recommendations and expressed the opinion that the two proposed revisions in the "Definition" section are substantive rules and thus belong in section 0060. Ruth Gulyas expressed that she did a quick circulation of the subcommittee's recommendations and most comments received were supportive of the work that was done and the flexibility incorporated into the rules.

Mid-Way Interviews

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

Leann Curtis – Evergreen The Dalles Health & Rehab

- 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:
 - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
 - Medical Records
- Become knowledgeable about role and function of medical director
- Increase financial knowledge (i.e., billing, collections, review of financial forms, etc.)
- Visit not-for-profit nursing facility
- 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
- Increase knowledge of the culture change--person centered care--movement (www.pioneernetwork.net)

Nathanial Dawson – Beaverton Rehab & Living 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 psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Nursing
 - Activities (try to lead an activity)
 - Social Services
 - Pharmacy (try to include a tour of the pharmacy)
 - Dental/Vision
 - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
 - Medical Records
- Increase knowledge about gerontology
- Increase financial knowledge (i.e., billing, collections, review of financial forms, etc.)
- Visit not-for-profit nursing facility
- 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
- Increase knowledge about disaster planning and preparedness
- Increase knowledge of the culture change--person centered care--movement (www.pioneernetwork.net)

Bronson Ho – Porthaven Healthcare Center

- Become knowledgeable about consultant pharmacy role
- Become knowledgeable about psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Nursing (DNS/RCM roles)
 - Social Services (dental/vision services)
 - Pharmacy (try to include a tour of the pharmacy)
 - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
 - Rehab
 - Human Resources (increase knowledge of disciplinary actions)
 - Medical Records
- Become knowledgeable about role and function of medical director
- Increase knowledge about Medicare process and forms
- Increase knowledge about Medicaid process and forms
- Increase financial knowledge (i.e., billing, collections, review of financial forms, etc.)
- Visit not-for-profit nursing facility
- Be involved in mock survey or visit another facility to participate in survey and Plan of Correction 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
- Increase knowledge about disaster planning and preparedness
- Increase knowledge of the culture change--person centered care--movement (www.pioneernetwork.net)

Katharine Ledford – Rogue Valley Manor

- Become knowledgeable about consultant pharmacy role
- Increase knowledgeable about psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Activities (try to lead an activity)
 - Pharmacy (try to include a tour of the pharmacy)
 - Dental/Vision
 - Dietary - continue to explore dietary services and sample the food textures (i.e., puree, thickened water, etc.)
 - Rehab
- Increase knowledge about Medicaid process and forms
- Increase financial knowledge (i.e., billing, collections, review of financial forms, etc.)
- Visit facility(ies) certified for Medicaid
- Visit for-profit nursing facility
- 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 about disaster planning and preparedness
- Increase knowledge of the culture change--person centered care--movement (www.pioneernetwork.net)

Edwin McManus – Rogue Valley Manor

- 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 (try to lead an activity)
 - Social Services (learn more about hospice services)
 - Pharmacy (try to include a tour of the pharmacy)
 - Dental/Vision
 - Rehab
- Increase knowledge about gerontology
- Increase knowledge about Medicaid process and forms
- Visit facility(ies) certified for Medicaid
- Visit for-profit nursing facility
- 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 about disaster planning and preparedness
- Increase knowledge of the culture change--person centered care--movement (www.pioneernetwork.net)

Sharon Pewtress – Rogue Valley Manor

- 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 (try to lead an activity)
 - Pharmacy (try to include a tour of the pharmacy)
 - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
 - Rehab
 - Human Resources
- Become knowledgeable about role and function of medical director
- Increase knowledge about gerontology
- Increase knowledge about Medicaid process and forms
- Visit facility(ies) certified for Medicaid
- Visit for-profit nursing facility
- Be involved in mock survey or visit another facility to participate in survey and Plan of Correction process
- 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--person centered care--movement (www.pioneernetwork.net)

Endorsement Applications

▪ **Faraz Ahmed**

Action: Larry Davy moved to approve the endorsement applications. Margaret Clark seconded and the motion passed with Rob Hays and Ronald Gilson absent for the vote.

▪ **Jo Ann Parker**

Action: Dolores Hubert moved to approve the endorsement application. Kathleen Elias seconded and the motion passed unanimously.

▪ **Patricia Stephens**

Action: Dolores Hubert moved to approve the endorsement application. Kathleen Elias seconded and the motion passed unanimously.

▪ **Jeremiah Tolman**

Action: The board agreed to postpone a decision on the application pending receipt of additional information.

Final Interviews (Exam Candidates)

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

- **Dana Flores** – Willamette View Health Center
- **Lael Hepworth** – Marquis Care at Springfield
- **Charles Lloyd** – Rose Linn Care Center
- **Nathan Redberg** – Marquis Care at Vermont Hills
- **Colleen Rees** – Laurelhurst Village
- **Corey Trembath** – Pioneer Nursing Home

New Business – Board Office Update

Shared Client Services – Bartel reported that the board office has fully transitioned from the Department of Human Services (DHS) to Shared Client Services (SCS). During the transition, the boards involved identified and requested the removal of a clause within the interagency agreement that provided for a higher level of personnel services at an additional cost. Removing the clause from the agreement reduces the board's cost to utilize SCS by \$2,017 per biennium.

Administrative Consolidation Efforts – Bartel reminded the board of the 2005 Legislative Budget Note requiring a number of Health-Related Licensing Boards (HRLB) to develop an administrative consolidation plan for the 2007-09 biennium. The Budget Note requires the boards' to provide a progress report to the Emergency Board no later than April 2006. Bartel explained the HRLBs' interpretation of the Budget Note to explore consolidation of administrative tasks with no further direction provided; however, a representative of the Department of Administrative Services (DAS) has directed the HRLBs to explore several consolidation models, including a model similar to the Health Licensing Agency in Salem.

DHS Temporary Absence of Administrator Rule, OAR 411-086-0010(3) – Bartel reported that the DHS' rule OAR 411-086-0010(3) appears to conflict with the board's practice law. She explained that the rule authorizes DHS to approve non-licensed individuals to serve in an administrator's absence when the absence exceeds 30 days. She expressed frustration with receiving the leave notices, as the board's laws do not authorize

the appointment of a non-licensed individual. Bartel advised that she was informed the rule applies solely to medical leaves of absence; however, this criteria does not appear within the rule, which leaves it open for interpretation. As a result, she questioned whether owner/operators could use the rule to cover in the event of a sudden termination or resignation rather than employing an interim or provisional licensee. Larry Davy expressed that there needs to be a method for dealing with the issue of leaves of absence and unexpected departures to ensure that there is not a gap. Bartel agreed, but believed that the board's existing law may prevent the development of rules to accommodate such leaves. Further, the current conflict in the two laws place individuals in the position of violating the board's practice law while complying with DHS' rule. Given that, Bartel believed the laws should be consistent and agreed on by both agencies. She advised that she has emailed DHS employees Elaine Young and David Allm twice without response and has consulted the board's legal counsel for guidance. Kathleen Elias reported that she would be attending a provider surveyor meeting in February and that she would explain the conflict and ask Elaine Young or David Allm to contact the board office.

Legislative Concepts

Bartel reported that she has received notice that the legislative concept deadline is in April. She recalled the board's discussions over the past two years regarding changes to its statute and questioned whether the board is interested in pursuing the following concepts:

1. Changing the board's renewal date from June 30 of odd-numbered years to June 30 of even numbered years. She emphasized that changing the renewal date would allow the board to receive the bulk of its revenue midway into the biennium thus providing a better perspective of its financial picture and allowing for expenditure adjustments.
2. Expanding the board's jurisdiction over non-licensed individuals. Bartel explained that the board currently has jurisdiction through a court process and this would simply provide more immediate jurisdiction.

Action: Ronald Gilson moved to proceed with the aforementioned legislative concepts. Kathleen Elias seconded and the motion passed unanimously.

Adjournment

The meeting adjourned at 2:50 p.m. The next quarterly meeting is scheduled for Wednesday, April 12, 2006, at 8:30 a.m. in room 445 of the Portland State Office Building.

Respectfully Submitted:

Janet Bartel, Executive Officer