



April 12, 2006, Quarterly Meeting

MINUTES

Convened

The meeting convened at 8:30 a.m. in room 445 of the Portland State Office Building.

Members Present

Rob Hays, NHA, Chair; Jim Bagley, Public Member; Larry Davy, NHA; Kathleen Elias, RN; George Gerding, R.Ph; Ronald Gilson, MD; Dolores Hubert¹, Public Member; Anita Schacher, NHA, Vice Chair

Members Absent

Margaret Clark, Public Member

Others Present

Janet Bartel, Executive Director, BENHA; Margaret Carley, OHCA

Approval of April 12, 2006, Agenda

Action: Jim Bagley moved to accept the agenda as submitted. Ronald Gilson seconded and the motion passed with Dolores Hubert absent for the vote.

Approval of January 11, 2006, Minutes

Action: Larry Davy moved to approve the January 11, 2006, minutes as submitted. George Gerding seconded and the motion passed with Jim Bagley and Anita Schacher abstaining and Dolores Hubert absent for the vote.

Ratification of New Licenses

Action: George Gerding moved to ratify the following licenses as issued. Jim Bagley seconded and the motion passed with Dolores Hubert absent for the vote.

Licenses Issued From January 2006 To March 2006

<u>LICENSEE NAME</u>	<u>LIC. NO.</u>	<u>LIC. TYPE</u>	<u>ISSUE DATE</u>
Ahmed, Faraz	2400	NHA	02/17/2006
Arakaki, Jason	2395	NHA	01/09/2006
Curtis, Leann	643	Provisional	03/01/2006
Delany, Christy	2399	NHA	02/16/2006
Dezember, Duffy	638	Provisional	01/05/2006

¹ 10:30 a.m. arrival

<u>LICENSEE NAME</u>	<u>LIC. NO.</u>	<u>LIC. TYPE</u>	<u>ISSUE DATE</u>
Flores, Dana	2403	NHA	03/20/2006
Gori-Cruz, Elizabeth	2397	NHA	02/06/2006
Hepworth, Lael	2401	NHA	03/07/2006
Lamb, David	642	Provisional	02/20/2006
Miller, Christine	2402	NHA	03/16/2006
Oltman, Craig	644	Provisional	03/22/2006
Parker, Jo Ann	2396	NHA	01/18/2006
Pearlman, Amanda	2398	NHA	02/06/2006
Redberg, Nathan	640	Provisional	01/24/2006
Rees, Colleen	641	Provisional	01/24/2006
Stephens, Patricia	2404	NHA	03/23/2006
Tolman, Jeremiah	639	Provisional	01/12/2006

Executive Session Convened

Public session was closed and executive session convened at 8:45 a.m. to discuss the following:

- DHS Notice of Intent to Deny Nursing Facility License #NFNR06-001
- DHS Notice of Intent to Deny Nursing Facility License #NFNR06-002
- Periodic Performance Evaluation of Executive Officer

Executive session was closed at 9:15 a.m. and public session reconvened at 9:16 a.m.

DHS Notice of Intent to Deny Nursing Facility License #NFNR06-001

Action: Board consensus that no action is required in the matter given that facility licensing falls under the jurisdiction of the Department of Human Services. Bartel will continue to monitor the item for any issues specific to the facility administrator.

DHS Notice of Intent to Deny Nursing Facility License #NFNR06-002

Action: Board consensus that no action is required in the matter given that facility licensing falls under the jurisdiction of the Department of Human Services. Bartel will continue to monitor the item for any issues specific to the facility administrator.

Periodic Performance Evaluation of Executive Officer

Action: Board consensus to authorize telecommute policy, so long as it does not adversely impact board office operations.

AIT Rules Advisory Committee Recommendations

Schacher introduced the Advisory Committee recommendations for board consideration. Bartel advised the board that they would need to address questions regarding the proposed language in sections 853-010-0060(8)(b), 853-010-0060(8)(d), and 853-010-0060(9)(g).

853-010-0060(8)(b): Has been a licensed nursing home administrator for at least three years. **The Board may waive up to one year of / grant exceptions to the three-year requirement for good reason, but not limited to experience in long-term care;**

Bartel reported that she received two directives from the Advisory Committee and that both are reflected in the proposed language. The first option places a one-year cap on the time that may be waived while the second option leaves it open to the board's discretion. She called on the board to choose the preferred language. When questioned, Schacher explained the committee's rationale for extending the board's jurisdiction to waive part of the three-year license requirement for preceptors. She emphasized that preceptors typically do not provide the bulk of the training, rather they oversee/supervise the training program. Additionally, there is a significant difference in a new licensee with a history as a DNS verses a new licensee straight out of college. Gilson expressed concern with reducing the three-year requirement and questioned whether the board would need to provide a reason for denying a petition. Bartel stressed that regardless of whether a petition is approved or denied, the board should strive to be consistent with its decisions and explanations. Gerding recommended the board develop criteria to follow when considering preceptor petitions. Bartel suggested that criteria might consist of years of experience in the profession and positions held as well as the number of surveys experienced, etc. During further discussion, the board agreed to the language that leaves the amount of time that may be waived to the board's discretion.

853-010-0060(8)(d): Has not been disciplined by the Board in the prior five (5) years.

Bartel recalled that the AIT Subcommittee had set the timeframe at two years and the Advisory Committee increased it to five years. She questioned whether the board should consider language to grant exceptions given there are various levels of disciplinary action. Bartel cited a recent case where an administrator was issued a civil penalty for practicing with a lapsed license. Davy noted that the proposed language does not address the severity of the action or the type of discipline. The board directed Bartel to work with Carol Parks and the professional association to draft language granting the board discretion to waive the five-year timeframe.

853-010-0060(9)(g): Train only one AIT at any one time unless the facility is licensed for a minimum of 100 beds in which case a preceptor may train two trainees.

Bartel explained that the question regarding this rule arose due to John Hogan's request to train two AITs at Mary's Woods. The existing rule prevents Hogan from taking two AITs due to the limited capacity of the facility. Bartel questioned the relevancy of the 100-bed requirement and reminded the board that Rogue Valley Manor routinely trains three AITs at a time, although they all have different preceptors. During discussion, Elias believed it to be more difficult to manage two AITs in a smaller facility as opposed to a larger facility. The board agreed to replace the 100-bed requirement with language granting the board jurisdiction to consider preceptor requests to train multiple AITs on a case-by-case basis.

Action: Jim Bagley moved to approve the Advisory Committee's recommendations with the noted revisions. Kathleen Elias seconded and the motion passed with Ronald Gilson opposing and Dolores Hubert absent for the vote. Bartel will forward the revised language to board members for review prior to filing the Administrative Rulemaking Notice.

The board expressed its gratitude to the committee and advisory group members for their participation in development of the proposed AIT rule amendments.

OAR 853-010-0055

Bartel reported that in reviewing the rules for the AIT program, she recalled a rule change that was filed incorrectly prior to her arrival. As a result, the rule changes were never implemented. Bartel explained that the rule relates to relicensing and is seldom applied; however, the fee must be adjusted to reflect the increase approved by the legislature. Additionally, the interview and examination requirement should be removed in order to align the rule with the board's current practice in processing these applications. When questioned, Bartel confirmed that the amendments were approved with a board vote prior to her arrival.

Action: The board directed Bartel to file the previously approved administrative rule changes relating to OAR 853-010-0055.

Preceptor Petitions

- **Stacy Jones**, Rose Haven Nursing Center
- **Robert Swinea**, Highland House Nursing & Rehab Center

The board considered the petitions to waive the three-year license requirement for preceptor candidates.

Action: George Gerding moved to deny the petitions due to the limitation of the applicable rule. Ronald Gilson seconded and the motion passed with Rob Hays abstaining and Dolores Hubert absent for the vote.

- **John Hogan**, Mary's Woods at Marylhurst

The board considered Hogan's petition to allow a three-month overlap in two AIT programs at Mary's Woods, a facility with fewer than 100 beds.

Action: Jim Bagley moved to deny the petition due to the limitation of the applicable rule. Kathleen Elias seconded and the motion passed with Dolores Hubert absent for the vote.

The board noted that the proposed AIT rule changes would allow for consideration of the petitions and directed Bartel to invite the preceptors to resubmit their petitions at the July 12, 2006, meeting.

AIT Petitions

- **Tricia Grant**, Wallowa Valley Care Center

The board considered Grant's petition to waive 480 hours of the AIT program due to her education and work experience.

Action: George Gerding moved to waive 480 hours of the AIT program. Ronald Gilson seconded and the motion passed with Larry Davy abstaining and Dolores Hubert absent for the vote.

- **Julie Phelps**, Sheridan Care Center

The board considered Phelps' petition to waive 280 hours of the AIT program due to her work experience in long-term care. During discussion, the board agreed to grant 80 hours credit in the area of marketing rather than the 120 hours requested.

Action: George Gerding moved to waive 240 hours of the AIT program. Jim Bagley seconded and the motion passed with Dolores Hubert absent for the vote.

Mid-Way Interviews

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

Jaron Sue – Marquis Care at Wilsonville

- 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)
 - Pharmacy (try to include a tour of the pharmacy)
 - Dental/Vision
 - Rehab
 - Medical Records
- Become knowledgeable about role and function of medical director (increase knowledge of F-501 Tag)
- Increase knowledge about Medicare process and forms
- Increase knowledge about Medicaid process and forms
- Increase financial knowledge (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
- 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)

Louise Coe Hake – Eugene Rehab & Specialty Care

- Become knowledgeable about consultant pharmacy role from the perspective of the administrator rather than the DNS
- Become knowledgeable about the following services:
 - Activities (continue to complete rotation; 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
- Become knowledgeable about role and function of medical director (arrange to meet the medical director at your current facility)
- Increase financial knowledge (continue rotation in this area related to billing, collections, review of financial forms, etc.)
- Visit not-for-profit nursing facility
- 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)

Anthony Knippers – Green Valley Rehab Health Center

- Participate in CNA training class or review training materials for 40 hours and shadow a nurse for 40 hours (complete 80-hour training requirement)
- Become knowledgeable about consultant pharmacy role
- Become knowledgeable about psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
 - Social Services (including dental/vision services)
 - Pharmacy (try to include a tour of the pharmacy)
 - Human Resources
- Become knowledgeable about role and function of medical director (learn more about the F-501 Tag)
- Increase knowledge about gerontology
- 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
- Try to spend a night in the facility to gain a better understanding of the residents' perspective
- Continue to increase knowledge of the culture change--person centered care--movement (www.pioneernetwork.net)

John Wakeman – Clatsop Care Center

- Participate in CNA training class or review training materials for 40 hours and shadow a nurse for 40 hours (complete 80-hour training requirement)
- Become knowledgeable about the following services:
 - Nursing
 - Social Services (continue rotation, including dental/vision services)
 - Pharmacy (try to include a tour of the pharmacy)
 - Dietary - continue rotation, sample the food textures (i.e., puree, thickened water, etc.)
 - Rehab
 - Human Resources (continue rotation)
 - Medical Records
- Become more knowledgeable about role and function of medical director (learn about F-501 Tag)
- Increase knowledge about gerontology
- 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)
- 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
- Try to spend a night in the facility to gain a better understanding of the residents' perspective

Endorsement Applications

▪ **Duffy Dezember**

Action: Larry Davy moved to approve the endorsement application. George Gerding seconded and the motion passed with Kathleen Elias abstaining and Dolores Hubert absent for the vote.

▪ **David Lamb**

Action: Jim Bagley moved to approve the endorsement application. Kathleen Elias seconded and the motion passed with Dolores Hubert absent for the vote.

▪ **Jeremiah Tolman**

Action: Jim Bagley moved to approve the endorsement application. Larry Davy seconded and the motion passed with Anita Schacher abstaining and Dolores Hubert absent for the vote.

▪ **Karen Walker**

Action: Larry Davy moved to approve the endorsement application. George Gerding seconded and the motion passed with Dolores Hubert absent for the vote.

Final Interviews (Exam Candidates)

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

- **Leann Curtis** – Evergreen the Dalles Health & Rehab
- **Nathanial Dawson** – Beaverton Rehab & Living Center
- **Bronson Ho** – Porthaven Healthcare Center
- **Katarine Ledford** – Rogue Valley Manor
- **Edwin McManus** – Rogue Valley Manor
- **Sharon Pewtress** – Rogue Valley Manor

Reinstatement Application

▪ **Kathleen Bond**

Action: George Gerding moved to approve the reinstatement application. Kathleen Elias seconded and the motion passed with Dolores Hubert absent for the vote.

Election of 2006-07 Officers

Action: Larry Davy nominated the existing officers—Rob Hays, Chair; Anita Schacher, Vice Chair—for the coming year. George Gerding seconded and the motion passed with Hays and Schacher abstaining and Dolores Hubert absent for the vote.

Old Business – OAR 411-086-0010(3) Temporary Absence of Administrator

Bartel reported that she participated in a teleconference call with Elaine Young and David Allm, DHS, Seniors and People With Disabilities, to discuss the board's concerns regarding OAR 411-086-0010(3). Carol Parks, the board's legal counsel, also participated in the call. Bartel advised that during the call, Young expressed the opinion that the rule did not conflict with the board's practice law given that it specifically addresses temporary medical leaves of absence and does not apply to termination or resignation situations, which is addressed in a subsequent rule requiring immediate replacement of the departing administrator. Bartel stated that she explained the issue to be that facilities misinterpret the rule and apply it inappropriately. When questioned, Bartel recalled the outcome to be that Young agreed to

distribute a letter to nursing facilities clarifying the appropriate application of the rule and to post the communication on the DHS website.

New Business – Board Office Update

Oregon Health Care Association Preceptor Training – The board considered the Oregon Health Care Association's request to provide preceptor training. Bartel explained that the Oregon Alliance for Seniors and Health Services is currently the sole provider for the training and recommended approving the request, as it would provide more options and training opportunities to preceptor candidates.

Action: Jim Bagley moved to authorize the Oregon Health Care Association to provide preceptor training. Ronald Gilson seconded and the motion passed with Dolores Hubert absent for the vote.

New Business – NAB 2006 Annual Meeting

Bartel reported that the NAB Annual Meeting would be held June 7-9, 2006, in San Diego, California. She reminded the board that the legislature approved a modest increase to out-of-state travel in order to promote board representation at the national level. Discussion ensued regarding meeting attendance costs with the board agreeing that a member should attend the meeting. During discussion, Kathleen Elias volunteered to represent the board at the NAB Annual Meeting.

Action: Board consensus that Kathleen Elias will represent the board at the NAB Annual Meeting.

Adjournment

The meeting adjourned at 2:00 p.m. The next quarterly meeting is scheduled for Wednesday, July 12, 2006, at 8:30 a.m. in room 445 of the Portland State Office Building.

Respectfully Submitted:

Janet Bartel, Executive Director