



## January 10, 2007, Quarterly Meeting

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### MINUTES

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#### **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<sup>1</sup>; Margaret Clark, Public Member;  
Kathleen Elias, RN; George Gerding, R.Ph; Dolores Hubert, Public Member<sup>1</sup>

#### **Members Absent**

Anita Schacher, NHA, Vice Chair; Larry Davy, NHA; Ronald Gilson, MD

#### **Others Present**

Janet Bartel, Executive Director

#### **Adoption of January 10, 2007, Agenda**

Agenda Addition: Bartel advised that Dr. Gilson hoped to participate in the Budget Report Item and asked that the item be moved to follow the Executive Session.

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

#### **Approval of October 11, 2006, Minutes**

**Action:** Dolores Hubert moved to approve the October 11, 2006, minutes as submitted. Margaret Clark seconded and the motion passed unanimously.

#### **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 October 2006 To December 2006**

<b><u>LICENSEE NAME</u></b>	<b><u>LIC. NO.</u></b>	<b><u>LIC. TYPE</u></b>	<b><u>ISSUE DATE</u></b>
<b>Blacken, Kylie</b>	2421	NHA	11/15/2006
<b>Boulette, Bruce</b>	660	Provisional	11/17/2006
<b>Brockway, Gail</b>	2422	NHA	11/30/2006
<b>Conrad, Rebecca</b>	2423	NHA	12/12/2006
<b>Curtis, Leann</b>	2419	NHA	11/13/2006
<b>Dezember, Duffy</b>	2418	NHA	10/31/2006
<b>Knippers, Anthony</b>	2420	NHA	11/13/2006
<b>McManus, Edwin</b>	2416	NHA	10/18/2006

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<sup>1</sup> Participated via teleconference call

<b>Oltman, Craig</b>	656	Provisional	10/08/2006
<b>Owens, Nick</b>	657	Provisional	10/04/2006
<b>Phelps, Julie</b>	661	Provisional	11/15/2006
<b>Prather, Christine</b>	2417	NHA	10/26/2006
<b>Robers, Martha</b>	659	Provisional	11/13/2006
<b>Sinclair, Charles</b>	658	Provisional	10/11/2006
<b>Wakeman, John</b>	2415	NHA	10/10/2006
<b>Webster, Mary</b>	662	Provisional	11/27/2006

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

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

- **John Buckley** – Eugene Rehab & Specialty Care Center
- **Dan McLaren** – Rogue Valley Manor
- **Dustin Mitchell** – Marquis Care at Centennial
- **Sarah Prewitt** – Rogue Valley Manor

### **Mid-Way Interviews**

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

**Patricia Baker** – Lake Health District LT Care Facility

- Become knowledgeable about consultant pharmacy role (try to include a tour of the pharmacy)
- 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 (including Dental/Vision/Hearing services)
  - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
  - Rehab & Restorative services
  - Medical Records
- Become knowledgeable about role and function of medical director (learn about F-tag 501)
- Increase knowledge about gerontology
- Increase knowledge about Medicare/Medicaid process and forms (financial knowledge, billing, collections, etc.)
- Visit for-profit nursing facility
- Be involved in mock survey or visit another facility to participate in survey and Plan of Correction process
- Interview a non-union building administrator
- Increase knowledge about cultural diversity

**Kenneth Landau – Lake Health District LT Care Facility**

- Become knowledgeable about consultant pharmacy role (try to include a tour of the pharmacy)
- 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 (including Dental/Vision/Hearing services)
  - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
  - Rehab & Restorative services
  - Human Resources (hiring, firing, discipline, etc.) learn about BOLI
  - Medical Records
- Become knowledgeable about role and function of medical director (learn about F-tag 501)
- Increase knowledge about gerontology
- 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 the residents' perspective
- Increase knowledge of the culture change--person centered care--movement
- Interview a non-union building administrator
- Spend time on floor with residents and staff learning programs and services

**John Naumes – Rogue Valley Manor**

- Become knowledgeable about pharmacy (try to include a tour of the pharmacy)
- Become knowledgeable about the following services:
  - Social Services (including Dental/Vision/Hearing services)
  - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
  - Rehab & Restorative services
  - Human Resources (hiring, firing, discipline, etc.) learn about BOLI
- Become knowledgeable about role and function of medical director (learn about F-tag 501)
- Increase knowledge about gerontology
- 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 of the culture change--person centered care--movement
- Interview a union building administrator

**Amy Robbins – 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 the following services:
  - Nursing

- Rehab & Restorative services
- Human Resources (hiring, firing, discipline, etc.) learn about BOLI
- Medical Records
- Become knowledgeable about role and function of medical director (learn about F-tag 501)
- 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
- Interview a union building administrator

**Erin Rudolph – Providence Benedictine Nursing Center**

- Participate in CNA training class or review training materials for 40 hours and shadow a nurse for 40 hours
- Become knowledgeable about pharmacy (try to include a tour of the pharmacy)
- Become knowledgeable about psychotropic drugs and effect on geriatric population
- Become knowledgeable about the following services:
  - Nursing
  - Activities (try to lead an activity)
  - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
  - Rehab & Restorative services (shadow therapists)
  - Human Resources (hiring, firing, discipline, etc.) learn about BOLI
  - Medical Records
- Become knowledgeable about role and function of medical director (learn about F-tag 501)
- Increase knowledge about gerontology
- 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
- Interview a union/non-union building administrator
- Increase knowledge about cultural diversity

During the midway interviews, the Board encouraged trainees to use the posted *Recommendation Checklist* when completing their midway recommendations. The *Midway Recommendation Checklist* is posted on the Board's website at [www.oregon.gov/nhabd](http://www.oregon.gov/nhabd) and includes hyperlinks to information and resources for many of the midway recommendations.

**2007-09 Affirmative Action Plan & Related Agency Policies**

The Board reviewed Bartel's proposed 2007-09 Affirmative Action Plan and Agency Policies. Bartel explained that the Plan is based on a format recommended by the Governor's Affirmative Action Office. While the Plan and Policies are open to Board revisions, she attempted to develop a Plan and Policies that best fit the Board's needs given its limited FTE.

**Action:** Kathleen Elias moved to approve the 2007-09 Affirmative Action Plan and Policies. Dolores Hubert seconded and the motion passed unanimously.

### **Executive Session Convened**

Public session was closed and executive session convened at 12:25 p.m.

### **Endorsement Application**

**Action:** George Gerding moved to approve the endorsement application. Kathleen Elias seconded and the motion passed unanimously.

### **Complaints NHA-07-07; NHA-08-07; NHA-09-07; NHA-10-07; NHA-11-07; NHA-12-07; NHA-14-07**

**Action:** Kathleen Elias moved that no action is required with regard to the complaints. Margaret Clark seconded and the motion passed unanimously.

Executive session was closed at 12:50 p.m. and public session reconvened at 12:51 p.m.
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### **Endorsement Applications**

- **Bruce Boulette** – Evergreen Health & Rehab
- **Lisa LaCaze**
- **Matthew Pool**
- **Martha Robers** – Life Care Center of Coos Bay
- **Mary Webster** – Evergreen Portland Health & Rehab

**Action:** James Bagley moved to approve the endorsement applications. Kathleen Elias seconded and the motion passed unanimously.

### **New Business – Budget Report**

Bartel reported that she has closely monitored the continuing revenue decline over the past few months and the Board's dwindling reserve. Given that, she contacted the Board's accounting service for advice knowing that the Board's revenue would not meet its expenditures through the current biennium. Bartel emphasized that she is the Board's most expensive single line item and has decided to reduce her work schedule to three days a week effective January 1, 2007, until the Board's revenue increases in May when the biennial renewal fully commences. In addition, the Board will immediately implement a number of cost-containment efforts in order to conserve resources and reduce costs in the current and future biennia. Bartel advised the Board that it must begin today to consider its future options carefully in both the short- and long-term. She emphasized that the Board will see less revenue in this and future biennia due to its recent decision to re-align with the provisional license laws, however, she fully supports and appreciates the Board's decision to follow its existing laws. When questioned, Bartel believed the Board would be in the same place financially or possibly worse near the end of the next biennium. She added that the Board must increase fees administratively in the next biennium. While the fee increases would occur too late for the 2007 license renewals, the Board would realize a revenue increase with the 2009 license renewals. Bartel referred to a list of fee options emphasizing that the renewal fees are the most significant revenue the Board receives in a biennium. When questioned, Bartel advised the fees were last raised in 2003; however, the increase was minimal and targeted primarily the Active license renewals. In addition, there are generally unforeseen costs and increases that arise during the course of a biennium. For example, Bartel reminded the Board that at the end of the last biennium when the Board's ending balance was higher due to license renewals; DAS transferred more than \$5,000 to the general fund account. Bartel emphasized that every few years the Board will need to

request fee increases and that she does not see that as a viable long-term solution for the Board. She expressed concern with the dwindling opportunities for nursing home administrators and emphasized that until the need for Oregon nursing homes increases, which may or may not happen, the license base will likely continue to decline. Bartel added that the Board could soften a fee increase for licensees and increase its cash flow by moving to an annual license renewal. She advised that other license fees should be increased to be proportionate with the renewal fees (e.g., initial licenses and activations). Finally, she advised that the Board's generous activation and renewal grace period allowances for Inactive licensees should be tightened to reduce Board costs and encourage timely activations and renewals. Bartel stressed that this would remove the Board's continued responsibility to monitor and notify these licensees of their activation and renewal status.

Bartel recommended the Board consider pro-rating initial license fees with the next fee increase. Bartel stressed that she is concerned with the Board's practice of charging the full initial license fee when there are only a few remaining months in the license period. Elias stated that most corporations/companies pay the administrator license renewals, and that it has never been an issue so far as she knows. Bartel responded that if the Board is proposing to significantly increase license fees, the agency should demonstrate that it is making a good-faith effort to avoid financial barriers to licensing.

Gerding questioned the issue of consolidation, and Bartel replied that the Board will report to the legislature with the following three options:

1. Fee increase (short-term solution)
- ~~2.~~ 2. Increase the license base to include ALF/RCF administrators (long-term solution)
- ~~2.~~ 3. Consolidation with a like agency e.g., DHS, BON, HLA (long-term solution)

The Board asked that consolidation option #2 be made option #3, as the Board's preference would be to increase the license base rather than consolidation. Bartel advised that she would likely not stay with the Board in the event of the consolidation option.

Bartel emphasized that the Board's situation is critical and that its financial issues needed to be addressed a long time ago. Hubert believed that the new RALF rules would provide an incentive to explore the administrator licensing requirements. She added that the increased acuity level of the residents warrants sufficient licensing requirements for these administrators. Hays stated that RALF facilities are what nursing homes used to be and that today's nursing homes are a small step from the hospital. Bartel reported that she recently spoke with Oregon Health Care Association about licensing the RALF administrators and their response was they were open to future discussion on licensing requirements. Given that, Bartel reported that she would ask the legislature for fee increases and for time to explore the RALF licensing option. She expects the consolidation concept will arise regardless the Board's wishes given past legislative discussions. Hubert advised that the Board should attempt to secure a budget note directive from the legislature in support of the RALF licensing discussions.

Bartel asked for the Board to let her know of any needed changes to the Board's budget presentation. Gerding requested that Bartel remind the legislature of the state and federal mandate for the Board and to emphasize its unique training relationship and continued support of licensees.

### **New Business – Business Continuity Plan (BCP)**

Bartel reported that she is working on a Business Continuity Plan in case of a disaster and the Board must have a succession of three agency contacts. Bartel advised that she would be the first level contact.

**Action:** Kathy Elias moved that the Board Chair be the second contact and the Vice Chair the third contact with Margaret Clark as the local contact. George Gerding seconded and the motion passed unanimously with Rob Hays absent the vote.

### **New Business – Delegation for Disclosure of Confidential Information**

Bartel reported that she had encountered an issue with an applicant who reported an open investigation in another state while the state reported “no pending investigation”. She contacted the state and was advised that they were not authorized to release information on pending investigations. Oregon is allowed to report on pending investigations due to the disclosure issues that surfaced from the Sheridan Care case; however, not all states are allowed to disclose such information. Given that, Bartel was concerned on whether she could rely on other states’ license verification reports. Bartel reported that Carol Parks, the Board’s legal counsel, advised to include a “non-disclosure” selection within the license verification form. In addition, Parks reminded that the Board should delegate the authority to disclose confidential information to its Executive Officer.

**Action:** Dolores Hubert moved to delegate authority to disclose confidential information to the Executive Officer. James Bagley seconded and the motion passed unanimously.

### **New Business – Semi-Independence**

Bartel reported that the Senate is proposing a new semi-independent agency to oversee health benefits for Oregonians. She mentioned this to the Health-Related Licensing Boards (HRLB) who seized the ideal that the Governor may be open to semi-independence for other agencies. Regardless, it is too late for agencies to put in a bill for semi-independence; however, it could still occur from an outside source. The HRLB’s invited the Executive Director for the Optometry Board, a semi-independent agency, to meet in Portland to explain the pros and cons of semi-independence. Bartel invited the Board to attend next week’s meeting to gain a better perspective of semi-independence.

### **Executive Officer Vacation**

Bartel announced that she will be taking her annual vacation from February 17 through March 2, and she will continue to check emails and phone messages during that time.

### **Adjournment**

No further business being introduced, the meeting adjourned at 1:45 p.m. The next quarterly meeting is scheduled for Wednesday, April 11, 2007, at 8:30 a.m. in room 445 of the Portland State Office Building.

Respectfully Submitted:

Janet Bartel, Executive Director