



January 9, 2008, Quarterly Meeting

MINUTES

A regular meeting for the Board of Examiners of Nursing Home Administrators was held in room 445 at the Portland State Office Building on January 9, 2008, with the following items considered and actions taken.

Convened

The meeting convened at 8:40 a.m.

Members Present

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

Members Absent

Others Present

Janet Bartel, Executive Director
Ruth Gulyas, OASHS
Mary Gear, DHS
Meredith Cote, Ombudsman's Office
Jim Carlson, OHCA
Linda Kirschbaum, OHCA
Lauren Rhoades, OHCA

Adoption of January 9, 2007, Agenda

Action: Jim Bagley moved to accept the meeting agenda and Kathleen Elias seconded; Rob Hays amended the motion to add:

1. George Winn, License without examination application.
2. Revisit of the October 10, 2007, discussion related to Publishing Board Actions

Arlene Gardner seconded and the motion passed unanimously.

Approval of October 10, 2007, Minutes

Action: George Gerding moved to approve the October 10, 2007, minutes as submitted. Margaret Clark seconded and the motion passed unanimously.

Ratification of Licenses

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

Licenses Issued From October 2007 To December 2007

<u>LICENSEE NAME</u>	<u>LIC. NO.</u>	<u>LIC. TYPE</u>	<u>ISSUE DATE</u>
Driver, Nancy	669	Provisional	10/01/2007
Head, Kari	671	Provisional	11/05/2007
Johnson, Derek	2447	NHA	11/06/2007

Kimbrough , Glyndon	674	Provisional	12/24/2007
Olds , Julie	2448	NAH	11/26/2007
Titus , Keith	672	Provisional	11/12/2007
Walsh , Michele	673	Provisional	12/01/2007
Winn , George	670	Provisional	10/11/2007

Mid-Way Interviews

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

Jennifer Hagen, Marquis Care at Wilsonville

- Become knowledgeable about consultant pharmacy role (include a tour of the pharmacy)
- Become knowledgeable about psychotropic drugs and effect on geriatric population (learn about F-Tag 329/unnecessary drugs)
- Become knowledgeable about the following services:
 - Nursing (DNS, RCM, etc.)
 - Rehab & Restorative services
- Increase knowledge about gerontology
- Visit not-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
- Interview a union building administrator by phone or in person
- Increase knowledge about ethnicity and diversity of staff & residents
- Begin preparing for the national examination

Joshua Roberts, Willamette View Health Center

- Participate in CNA training class or review training materials for 40 hours classroom training or CNA manual review and shadow a nurse for 40 hours
- Become knowledgeable about consultant pharmacy role (include a tour of the pharmacy)
- Become knowledgeable about psychotropic drugs and effect on geriatric population (learn about F-Tag 329/unnecessary drugs)
- Become knowledgeable about the following services:
 - Nursing (DNS, RCM, etc.)
 - Social Services (including discharge planning and dental/vision/hearing services)
 - Rehab & Restorative services
- 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 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
- Interview a union building administrator by phone or in person
- Begin preparing for the national examination

Eric Murk, Camelot Care Facility

- Become knowledgeable about consultant pharmacy role (include a tour of the pharmacy)
- Become knowledgeable about psychotropic drugs and effect on geriatric population (learn about F-Tag 329/unnecessary drugs)
- Become knowledgeable about the following services:
 - Nursing (DNS, RCM, etc.)
- 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 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
- Interview a union building administrator
- Increase knowledge about ethnicity and diversity of staff & residents
- Begin preparing for the national examination

Kasey Wright, Avamere Rehabilitation of Eugene

- 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 (include a tour of the pharmacy)
- Become knowledgeable about psychotropic drugs and effect on geriatric population (learn about F-Tag 329/unnecessary drugs)
- Become knowledgeable about the following services:
 - Nursing (DNS, RCM, etc.)
 - Activities (try to develop and lead an activity)
 - 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 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

- Interview a union building administrator by phone or in person
- Increase knowledge about ethnicity and diversity of staff & residents
- Begin preparing for the national examination

Jennifer Luria, Hillside Heights Rehabilitation

- 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 (include a tour of the pharmacy)
- Become knowledgeable about psychotropic drugs and effect on geriatric population (learn about F-Tag 329/unnecessary drugs)
- Become knowledgeable about the following services:
 - Nursing (DNS, RCM, etc.)
 - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
 - Rehab & Restorative services
 - Human Resources (hiring, firing, discipline, etc.) and learn about BOLI
 - Medical Records
- 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
- Interview a union building administrator by phone or in person
- Increase knowledge about ethnicity and diversity of staff & residents
- Begin preparing for the national examination

Final Interviews (Exam Candidates)

Action: Ronald Gilson moved to approve the following candidates for the national and State NHA examinations. George Gerding seconded and the motion passed unanimously.

- **Sharon Van Eaton** – Rogue Valley Mannor
- **George Wheeler** – Rogue Valley Mannor
- **Nathan Garber** – Rose Haven Nursing Center
- **Duane Connor** – Hood River Care Center
- **Nai Saefong** – Oakwood Country Place
- **Caitlin VanDerSchaaf** – Mary’s Woods at Marylhurst

Action: The Board considered an examination candidate’s request to take the licensure exam prior to completion of AIT program hours and agreed by consensus that exam candidates must complete their program hours prior to attempting the licensure examinations.

Executive Session

Public session was closed and executive session convened at 12:35 p.m. Executive session was closed at 1:35 p.m. and public session reconvened with the following actions taken.

Executive Session – Review of DHS Civil Penalties

Action: Rob Hays moved to request the educational sign up sheet for administrators employed with the company to provide proof of participation in criminal history check training. Margaret Clark seconded and the motion passed unanimously.

Executive Session – Case NHA-06-08

Action: Jim Bagley moved to request a copy of the Plan of Correction and date of compliance from DHS. Kathleen Elias seconded and the motion passed unanimously.

Executive Session – HR Discussion

Action: None required.

ALF/RCF Administrator Licensing Discussion

The Board conducted an informal forum with major stakeholders consisting of representatives from Oregon Health Care; Oregon Alliance of Senior and Health Services; DHS, Seniors and People with Disabilities; and the Office of the Long-Term Care Ombudsman to discuss perspectives on the concept of Assisted Living and Residential Care facility (AL/RCF) administrator licensing.

Numbers:

There are currently 430 AL/RCF facilities and 142 nursing homes in Oregon.

Discussion Areas:

- Changing long term care environment and increased resident acuity in AL/RCF settings
- Administrator qualifications and training requirements
- Regulatory oversight and response
- Professional/ethical standards
- Workforce shortages and barriers
- Facility violations and numbers driving those violations
- Demonstrated need, quality outcomes, and ongoing rule review

Discussion highlights:

Currently to qualify for certification, an administrator candidate must have two years management experience in long-term care or a bachelor's degree in health or social services.

There are two training/certification programs for AL/RCF administrators. Oregon Health Care provides a five-day, 40-hour classroom training and Oregon Alliance of Senior and Health Services provides a one-day classroom training with a 40 hour internship.

The patient base in AL/RCF settings has changed and the acuity level of residents in these settings has increased. Community based care has provided some residents, who would have once been in a hospital, the option of living in a setting that they prefer.

Quality of care is paramount and there should be continuing efforts to improve this through ongoing rule review and revisions to address the challenges that surface.

Poor performing administrators and the remedies available to address these administrators (e.g., limited professional oversight) presents a challenge that existing regulations do not address.

Given existing healthcare workforce shortages and workforce needs, there is a legitimate concern that licensure may result in shortages and barriers, so the challenge is how to balance a quality system without creating artificial barriers.

Oregon continues to outpace the rest of the country and exceeds the national recommendations. The new AL/RCF regulations have established the same standards for abuse reporting as nursing facilities. The assessment/evaluation of the resident has 35-40 specific elements that have to be addressed in a resident evaluation. Everything from at risk issues to personal preferences, diet, skin, etc.

Professionals in the field need to be engaged in a dialogue for a licensure concept to succeed and to assure there is an entity to meet their needs in the framework of state government.

Questions Posed:

There is a need for more comprehensive training for AL/RCF administrators, development of a professional/ethical standard that would enhance the core of administrators, other or improved response mechanisms to complaints that are specific to administration and administrative practices.

- What is the best approach to accomplish these goals?
- Does it come through formal licensing or ongoing work on regulations?
- What is the best approach to achieve the goals in the area of training, response, and ethics?
- What entity would best help to achieve this?

Deficiency trends indicate that a few facilities drive the majority of deficiencies, with 25 percent of providers driving 75 percent of deficiencies. In terms of the small numbers that drive the majority of deficiencies, there is the consideration of how much of an overlay to place on the whole profession based on a few?

Does the Board want to license AL/RC administrators in terms of reviewing and revising the training standards; providing another level of accountability; ethical response; and will these in turn relate to improved quality?

Action plan:

1. Formulate an outline/timeline for discussions and identify how they will occur and the players;
2. Engage the professional associations and AL/RC administrators in licensing/discussion forums¹;
3. Continue to seek ongoing input from DHS and the Ombudsman's Office;
4. Determine whether this Board has the necessary resources; and
5. Explore the concept of semi-independent status.

Petitions

Eileen Beaudine

The Board considered Beaudine's petition to waive the national exam requirement and AIT hours with the following action taken.

Action: Margaret Clark moved to approve the request to waive 480 hours of the AIT program. Larry Davy seconded and the motion passed unanimously.

¹ There are numerous AL/RCFs that are not part of a provider organization. These smaller "mom and pop" places face significant operational challenges and need to be engaged in a separate discussion that addresses their specific needs.

Action: Kathleen Elias moved to deny the request to waive the national examination requirement. Jim Bagley seconded and the motion passed unanimously.

Duane Connor

The Board considered staff's request to ratify waiving 200 hours in Connor's AIT program with the following action taken.

Action: Rob Hays moved to ratify waiving a total 200 hours of the AIT program. Kathleen Elias seconded and the motion passed unanimously.

Jennifer Luria

The Board considered Luria's petition to waive 200 AIT hours with the following action taken.

Action: George Gerding moved to waive 100 hours of the AIT program in the areas of:

1. Social Services
2. Admissions
3. Marketing

Ronald Gilson seconded and the motion passed unanimously.

Endorsement Applications

William Gould – Marquis Care at Piedmont

Action: George Gerding moved to approve the endorsement application. Larry Davy seconded and the motion passed unanimously.

Kathryn Mullikin – Marquis Care at Mt. Tabor

Action: Rob Hays moved to approve the endorsement application. Margaret Clark seconded and the motion passed unanimously.

Old Business – Proposed Fee Increase

Bartel presented the draft language for the fee increase rule amendments. She reminded that while there is no looming deadline at present, the rule revisions would need to be filed prior to the proposed January 1, 2009, effective date. She reported that she decided to place the fee rules into a separate section to simplify future revisions and to provide consumers a single point of reference. She explained the addition of language to identify miscellaneous fees and refund policies that are not within the existing rules and that represent the Board's current practices.

Bartel reminded that during the October 2007 meeting, the Board directed her to prepare a proration schedule comparing monthly versus quarterly fees related for Initial and Activation licenses. She advised that the Board would need to decide its preference during the forthcoming April meeting. She reported the proration schedule would be included in the proposed Fee section and recommended that the Board follow the quarterly proration schedule currently used in prorating continuing education requirements.

During further discussion, Bartel emphasized the Board's existing rules are confusing and poorly written. She reported that in completing the revisions to the fee language, she attempted to address some housekeeping areas and to revise the more problematic rules without compromising the original intent and included language to reflect the Board's current practices. She called attention to the existing timeframes provided that relate to the one year grace period for expiring inactive licenses and the six month employment window for inactive licensees and recommended the Board review these timeframes during the April meeting. Bartel asked members to take the rules home for further consideration and to let her know of any needed revisions to the proposed language.

Action: Anita Schacher directed Bartel to place this discussion item on the April 9, 2008, meeting agenda. She further directed that Bartel email the Board with her comments and recommendations for specific changes.

New Business – NAB Mid-Year Meeting

Bartel presented a report on the activities of the NAB Mid-Year meeting. She reported that NAB considered a name change that is reflective more of the changing long-term care environment and that the Board of Governors approved a new logo as well. She confirmed there is increased interest in the area of licensing AL/RCF administrators, with a number of states actively engaged in the process to establish a licensure requirement.

New Business – Publishing Board Action Information Within the Newsletter

Rob Hays directed the Board back to their October 10, 2007, decision regarding publishing disciplinary actions in the quarterly newsletter and pointed out that posting disciplinary actions on the website would satisfy the Board's requirement for public disclosure. Gilson recalled the primary issue to be the clip art that called attention to the information and that the Board directed Bartel to remove the clip in future publications. During discussion, Bartel reminded that the newsletter is essentially the Board's publication and a vehicle for communicating Board information and activities to licensees. She added that it has developed more recently into a publication with information to assist licensees in their profession and thus may be perceived to be more a professional publication than a Board publication.

New Business – AIT Self-Evaluation Tool

Anita Schacher reported that she met with Katleen Elias and Janet Bartel to review the self-directed evaluation tool published within the NAB *AIT/Preceptor Program for Health Care Administrators* publication. She believed this to be a valuable learning tool in that it provides AIT candidates the opportunity to evaluate their knowledge entering the program and to identify areas they need to cover during the course of their program. She suggested that the AITs would further use the evaluation to prepare their training plan and would continue to submit their training reports, which should ideally mirror their training plan. She expressed that she would like to see the interview process change from its current format based on the recommendation checklist to a process where every board member is provided the opportunity to ask questions and to personally interact with the AIT candidate. She asked members to take the proposed forms and information home for review and consideration at a later meeting.

Adjournment

No further business being introduced, the meeting adjourned at 3:37 p.m. The next quarterly meeting is scheduled for Wednesday, April 9, 2008, at 8:30 a.m. in room 445 of the Portland State Office Building.

Respectfully Submitted:

Janet Bartel, Executive Director