



July 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 July 9, 2008, with the following items considered and actions taken.

Convened

The meeting convened at 8:35 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

Members Absent

Rob Hays, NHA

Others Present

Janet Bartel, Executive Director
Michael Kaplan, BAM¹ Analyst
Josh Gordon, BAM
Susan Wilson, OHLA²
Trisha Allbritton, OHLA
Richard McNew, OHLA
Tim Molloy, OHLA

Adoption of July 9, 2008, Agenda

Action: Jim Bagley moved to accept the amended meeting agenda. Larry Davy seconded and the motion passed unanimously.

Approval of April 9, 2008, Minutes

Action: Larry Davy moved to approve the April 9, 2008, minutes with the following corrections. Jim Bagley seconded and the motion passed unanimously.

- Page 5 – change “Ronald Gerding” to “George Gerding”

Ratification of Licenses

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

Licenses Issued From December 2007 To March 2008

<u>LICENSEE NAME</u>	<u>LIC. NO.</u>	<u>ISSUE DATE</u>	<u>LIC. TYPE</u>
Barbieri, Jeffrey, V.	680	5/19/2008	Provisional
Burnham, Nichole E.	2205	2/11/1997	Reinstatement

¹ Budget and Management

² Oregon Health Licensing Agency

<u>LICENSEE NAME</u>	<u>LIC. NO.</u>	<u>ISSUE DATE</u>	<u>LIC. TYPE</u>
Connor , Duane D.	2459	5/23/2008	NHA
Driver , Nancy J.	2456	4/14/2008	NHA
Engel , Janet R.	2287	3/26/2002	Reinstatement
Garber , Benjamin J.	2461	5/29/2008	NHA
Hagen , Jennifer, L.	679	4/24/2008	Provisional
Hartley , Matthew S.	2145	2/13/1998	Reinstatement
Kennedy , Marilyn F.	2288	4/1/2002	Reinstatement
Newport , Christopher B.	2463	6/04/2008	NHA
Quayle , Michael G.	2458	4/17/2008	NHA
Ricker , Kevin M.	2100	2/11/1997	Reinstatement
Saefong , Nai C.	2457	4/17/2008	NHA
Titus , Keith R.	2460	5/23/2008	NHA
Van Eaton , Sharon M.	2462	5/29/2008	NHA

Mid-Way Interviews

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

Leslie Baurer, Avamere Rehab of Beaverton

- 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
 - Medical Records
- Become knowledgeable about role and function of medical director (learn about F-Tag 501)
- Continue to increase your knowledge about gerontology
- 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 of the culture change--person centered care--movement
- Increase knowledge about ethnicity and diversity of staff & residents
- Begin preparing for the national examination

Michael Borreggine, Marquis Care at Oregon City

- Include a tour of the pharmacy
- Become knowledgeable about the following services:
 - Social Services (including discharge planning and dental/vision/hearing services)
 - Medical Records

- 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
- Interview a union building administrator by phone or in person
- Begin preparing for the national examination

Christina De Jesus, Fernhill Estates

- Include a tour of the pharmacy
- Learn about F-Tag 501, role and function of medical director
- Continue to increase your knowledge about gerontology
- 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
- Begin preparing for the national examination
- Continue to increase financial, fiscal, accounting knowledge

Theresa Decker, 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.)
 - Dietary - sample the food textures (i.e., puree, thickened water, etc.)
 - Rehab & Restorative services
- Become knowledgeable about role and function of medical director (learn about F-Tag 501)
- Continue to increase your knowledge about gerontology
- Visit not-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
- Interview a union building administrator by phone or in person
- Begin preparing for the national examination

Lori George, Willamette View Health Center

- Continue to increase your 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
- 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
- Interview a union building administrator by phone or in person
- Continue preparing for the national examination

April Olsen, Marquis Care at Mt. Tabor

- Include a tour of the pharmacy

- Become knowledgeable about the following services:
 - Nursing (DNS, RCM, etc.) finish rotation
 - Social Services (including discharge planning and dental/vision/hearing services)
 - Rehab & Restorative services
- Increase knowledge about Medicare/Medicaid process and forms (financial knowledge, billing, collections, etc.)
- Visit not-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 about disaster planning and preparedness
- Continue preparing for the national examination

Greer Price, Rogue Valley Manor

- Learn about F-Tag 501, role and function of medical director
- Increase your knowledge about gerontology
- Visit facility(ies) certified for Medicare
- Visit facility(ies) certified for Medicaid
- Visit for-profit nursing facility
- Review LTC rules, interpretive guidelines and compare to facility procedures
- Meet with an ombudsman and learn more about program
- Interview a union building administrator by phone or in person
- Continue preparing for the national examination

Terry Rose, Town Center Village

- Include a tour of the pharmacy
- Become knowledgeable about psychotropic drugs and effect on geriatric population (learn about F-Tag 329/unnecessary drugs)
- Learn about F-Tag 501, role and function of medical director
- Visit not-for-profit nursing facility
- 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
- Increase knowledge about ethnicity and diversity of staff & residents

Oregon Health Licensing Agency (OHLA) Presentation

Bartel introduced Michael Kaplan, the board's budget analyst, and his colleague Josh Gordon. The presenters for the Oregon Health Licensing Agency (OHLA) introduced themselves and presented on the structure and operation of the OHLA and the pros and cons for the Board's proposed transition to the OHLA. Susan Wilson, Executive Director OHLA, presented first her introduction to the agency and perspective in the matter. Wilson thanked the Board for inviting OHLA and circulated an OHLA informational brochure. When questioned, Bartel explained that she was not able to copy the CD previously provided for board members.

Wilson stated the OHLA is a state consumer protection agency created in the 1999 legislative session. The difference in calling them an umbrella agency is that the agency was created as a licensing and regulatory body, which is different than other umbrella agencies. The concept was to oversee consumer protection issues as they relate to regulatory boards. She explained there is a partnership between the boards and the agency, which is very structured within the statutes. The central licensing law holds some basic overarching priorities built within the law.

The OHLA issue licenses for about 17,000 different type of licensees with about 17 different professions, they provide services to a variety of professions with expertise provided as needed. Currently they support nine boards in the areas of individual and business oversight. They regulate the approval of contracts between seniors and hearing aid specialists and the content of those contracts, so they are vast in what they do. They place emphasis on maintaining the quality and health of Oregonians and putting people to work as quickly as possible based on their qualifications. This one piece of the mission allows people to practice as soon as possible and supports the business environment. Wilson reported they are very proud of having same day licensing and getting people that are qualified and licensed as soon as possible. They provide professional expertise in the regulatory manners of compliance and discipline and in qualifiers to determine licensure.

The OHLA is at its 10th anniversary and have spent significant time examining the way they do business and methods for improvement and increased efficiencies. They have expended effort in the last several years to assure their laws correspond with the boards within their agency. They have restructured their internal arrangement in the office and have lowered fees for most practitioners.

A member questioned what economies of scale the OHLA would offer the Board. Wilson responded the Board would be in an organization that currently issues thousands of licenses, so the economies of scale would be, for example, a computer system that you would merely plug into and immediately have available for your needs. In addition, a professional board staff would provide committee and board work and enforcement support, which includes an inspection crew that inspects for all the boards under the OHLA. The economies of scale are in paying a piece of the cost to carryout the functions that already exist in the OHLA office.

When questioned on the Board's relocation, Wilson responded that a relocation would not occur right away and the two agencies would operate via a letter of agreement during the transitional period, with legislation in place to accommodate a full transition in 2009.

A member stated that they have heard the pros: economies of scale, possible fee reductions, and staff in place, and questioned Wilson on her perspective of the cons. Wilson identified agency perception to be a con. She elaborated that continuing to do business in Oregon the same way for so many years--with regard to the management of boards--has created a comfort zone that is difficult to break away from and the belief that some autonomy is lost in the OHLA model. She believed that it is important to determine whether the Board continues to perform some of the administrative functions or whether it is carried out by a professional office staff. Ideally, the Board's expertise would be utilized in practice standards, disciplinary issues, and examination development—pieces that call upon their expertise. The day-to-day functions like affirmative action, risk management, and all the functions required of agencies by state government become a workload issue for small, autonomous boards. This piece would become an agency piece that would be done for the Board. When questioned, Wilson confirmed there is the perception of a loss of control but she could not speak to this as it is more a subjective matter. The checks and balances that are in place for state agencies with regard to hiring, firing, affirmative action, etc., can become overwhelming to an individual board and these pieces are very complex for small boards. She used the Attorney General as example in that the group reaps the benefit of an opinion on a disciplinary case with similar applicable pieces but without the full burden of cost for the opinion.

Wilson advised that she has brought staff to present the various components that the board might be interested in discussing. She introduced Richard McNew, administrative services

division manager; Tricia Allbritton, manager of the policy and strategic planning division; and Tim Molloy, manager of the regulatory operations section.

Richard McNew distributed the OHLA organization chart and elaborated on the staffing areas of the agency. He started by describing the directors office and staff and their role and function. He moved to the policy and strategic planning section explaining the role of staff in this division. The positions in this division are dedicated to the work of the boards, and he described the work of the two administrative specialists who are solely dedicated to assisting the boards. He explained there is a regulatory operations division with inspectors, compliance, and support staff who make up the regulatory team. In addition, there are six positions who can answer 80 percent of questions and inquiries for the various boards. When a question is beyond the knowledge of customer service staff, it is referred to the quality assurance group or to policy. From there, the question would go to a program analyst. He explained the work of the various board subcommittee groups in assisting with this process as well. He provided an example of economies of scale as the division of IT related costs for 400 licensees versus thousands of licensees.

Finally, McNew elaborated on the accounting functions of the administrative services division. During discussion on the budget aspect, he expressed that he put in a budget policy package for the Board's expenses at \$188,000 for the 2009-11 biennium. He believed that amount would go down initially and would return to a higher amount in 2011-13 due to rising costs. He added that he is planning a six year budget for the agency that should adequately cover the Board during this timeframe.

Bartel advised that the Board is considering fee increases in January 2009 and questioned whether the Board should proceed with the increases given the potential transition to OHLA. McNew advised that he did not consider this in his policy package and cautioned the Board on implementing any fee increases in the current biennium. He distributed the draft agreement and reiterated that he would be working with Bartel to identify cost savings in the remainder of the current biennium. When questioned, McNew explained the interagency agreement is primarily to assist the Board in the pre-transition phase and to help identify cost savings, etc.

Trisha Allbritton presented her portion of the presentation stating her background and experience with the agency. She explained that she manages the policy and strategic planning division. She added there are a lot of commonalities amongst the boards and commissions and the focus of her division is to identify similarities and streamline the various processes for consistency and improved efficiencies. They will consider laws, rules, procedures, and qualifiers that have common ground. She likened the law to the architecture that is used to set the structure followed by rules that define the framework of the structure, supplemented by policies and procedures and position statements. Her section works very close with the individual boards and their 57 members. They have ad-hoc, fact-finding, and task force committees to look at specific issues. They do a lot of outreach with association and lobby interests, special interest groups, etc. They schedule meetings a year in advance and have subcommittee meetings that typically deal with examinations, education, and continuing education—a subset of the education committee. Additionally, there are enforcement committees that advise on discipline, rules and legislation committees that work on drafting and developing language for board consideration, and industry liaison committees that liaise and represent business and industry interests.

Allbritton addressed the earlier question of subject matter experts explaining that once you have the foundation and you know the structure of the profession, it is a matter of learning about the

profession much in the same manner that anyone else does. They begin by examining a board's minutes, mission and goals, laws and rules, and programs to learn about a board's history and focus. Additionally, they rely on existing staff that may serve as subject matter experts during a transition. When questioned on the timeline for the projected learning curve, she estimated it to be about six months.

Allbritton stressed that her division works collaboratively with the boards and provided an overview of the types of services provided to board members and the support provided to the individual boards. She added they have established a board member hotline that is a number specifically reserved for board members' use.

Tim Molloy, the OHLA regulatory manager, presented his portion of the presentation and detailed his professional background. He distributed the Board of Cosmetology inspection procedure stating that inspectors work as a cohesive unit and conduct a variety of inspections ranging from facilities, practitioners, and licensees. They work as a unit conducting inspections and lower level investigations. While they are in the field, they issue citations for violations and they also handle a variety of consumer complaints. They have compliance specialists who act as investigators on these complaints. He distributed a complaint process grid explaining that investigators perform interviews, take evidence, and process the complaint from beginning to end. He distributed a complaint process flow chart depicting the OHLA process for a complaint from beginning to end.

Molloy advised they also offer classes and training as an alternative to bring licensees into compliance rather than with civil penalty or formal action. He explained that you are not necessarily accomplishing the optimal goal by formal action given that it is more often a lack of knowledge and understanding of the laws than a matter of deliberate intent. In closing, he expressed that he believed this method of compliance has worked very well with bringing licensees into compliance.

Petitions

Lynn Szender, Ratify AIT Petition

The Board considered Szender's petition to waive 480 hours of the AIT program. The petition was previously approved via email poll.

Action: Jim Bagley moved to ratify the email poll approval for Szender's request to waive 480 hours of the AIT program. Arlene Gardner seconded and the motion passed unanimously.

Scot Fredrickson, Preceptor Petition (**Kari Renfro**, AIT)

The Board considered Scott Fredrickson's request for two half-time preceptors to share the responsibility for Renfro's AIT program.

Action: George Gerding moved to approve the two preceptors--Scott and Hope Fredrickson--to oversee Renfro's AIT program. Jim Bagley seconded and the motion passed unanimously.

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.

- **Jessica Lacasella** – Rogue Valley Manor
- **Bryon Schiffer** – Rogue Valley Manor
- **Eileen Beaudine** – Robison Jewish Health Center
- **Anne Haddock** – Glisan Care Center
- **Cole Mack** – Avamere Court at Kaiser

- **Joshua Roberts** – Hillside Senior Services
- **Erin Taylor** – Marquis Care at Centennial

Executive Session

Public session was closed and executive session convened at 2:55 p.m. Executive session was closed at 3:50 p.m. and public session reconvened with the following actions taken.

Executive Session – Complaint NHA-04-08

Action: Arlene Gardner moved that absent any additional information, no further action is required. Margaret Clark seconded and the motion passed unanimously with Bagley, Gilson, and Schacher absent the vote.

Executive Session – Revisit Case NHA-06-08

Action: Arlene Gardner moved to issue an advisory letter to the administrator with advice to hereafter assure adequate initiation of incident training for all staff. Margaret Clark seconded and the motion passed unanimously with Bagley, Gilson, and Schacher absent the vote.

Executive Session – Revisit Case NHA-07-08

Action: Larry Davy moved that absent any additional information, no further action is required. George Gerding seconded and the motion passed unanimously with Bagley, Gilson, and Schacher absent the vote.

Executive Session – Complaint NHA-10-08

Action: George Gerding moved that absent any additional information, no further action is required. Margaret Clark seconded and the motion passed unanimously with Bagley, Gilson, and Schacher absent the vote.

Executive Session – Compliance NHA-12-08

Action: George Gerding moved to ratify the practice violation and civil penalty. Margaret Clark seconded and the motion passed unanimously with Bagley, Gilson, and Schacher absent the vote.

Executive Session – DHS Substandard Quality of Care Notice (NHA-09-08)

Action: George Gerding moved to arrange a personal audience with the prior facility administrator/owner for his perspective on the issues within the facility. Arlene Gardner seconded and the motion passed unanimously with Bagley, Gilson, and Schacher absent the vote.

Executive Session – DHS Restriction of Admissions #NFROA08-001 (NHA-13-08)

Action: Arlene Gardner moved to issue an inquiry letter to the prior administrator for his perspective on what happened to bring about the issues in the facility. Margaret Clark seconded and the motion passed unanimously with Bagley, Gilson, and Schacher absent the vote.

Executive Session – DHS Substandard Quality of Care Notice (NHA-15-08)

Action: Larry Davy moved that absent any additional information, no further action is required. George Gerding seconded and the motion passed with Kathleen Elias recused, and Bagley, Gilson, and Schacher absent the vote.

Endorsement Applications

- **Jeffery Barbieri**, Medford Rehabilitation & Healthcare
- **Abigail Howard**, Marquis Companies
- **Andrea Kramer**, Marquis Companies
- **Chuck Williams**

Action: Margaret Clark moved to approve the endorsement applications. George Gerding seconded and the motion passed unanimously.

Old Business – Fee Increase Rules Advisory Committee Fee Report

Given the consolidation consideration, the Board elected to hold over discussion on this item to a future meeting.

Old Business – CE Approval Authority for Professional Associations – Ethics Criteria

Bartel reminded that the Board had previously granted continuing education approval authority to the professional associations; however, there was a lack of clear ethics criteria to assist the associations in identifying ethics related activities. She presented a draft Ethics Statement and Guidelines for the Board's consideration advising that it will likely change over the years based on profession and resident need. She called for the Board's perspective and any needed revisions to the draft. During discussion, the Board agreed the draft criteria to be fairly comprehensive. Bartel reported that she included the criminal records check (CRC) background training due to the CRC issues the Board has encountered lately within the Department of Human Services' civil penalties. She expressed that administrators need to be encouraged to attend these trainings and to acquire an understanding of the process and potential ramifications for failing to conduct appropriate employee background checks. She believed that promoting the training with ethics credit would help improve administrator understanding and compliance in this area.

Action: The Board approved by consensus the draft ethics criteria as presented.

New Business – 2009 Board Meeting Dates

Action: The Board approved by consensus the following 2009 quarterly meeting dates:

Wednesday

- January 14
- April 8
- July 8
- October 14

New Business – Annual Financial Transaction Delegation

Bartel reminded that the Annual Financial Transaction Delegation is an authorization that permits her to engage in Board acquisitions and related financial transactions. Transactions over \$1,000, unless otherwise exempted, would require additional approval by the Board Chair or the appointed alternate. Bartel recommended the alternate be a member in a near geographic location.

Action: Larry Davy moved to approve the Annual Financial Transaction Delegation with George Gerding serving as alternate to the Board Chair. Arlene Gardner seconded and the motion passed unanimously.

New Business – Appointing Authority Approval

Bartel reminded that the Appointing Authority Approval is also an approval revisited annually that grants her the authority to hire staff, when necessary and with sufficient funds. The Board Chair will serve as alternate appointing authority in the absence of the Executive Director.

Action: Arlene Gardner moved to approve the Executive Director Appointing Authority Approval. Kathleen Elias seconded and the motion passed unanimously.

New Business – Business Continuity Plan Contact Succession

Bartel reminded the Board developed a Business Continuity Plan in 2008 that provides for continued essential business operations in the event of a natural disaster or catastrophic disruption. The Plan calls for a contact succession that includes Bartel, the Board Chair, and one other board member. Bartel recommended the third contact be in a near geographic location.

Action: Margaret Clark moved to approve Arlene Gardner to serve as the local contact. Larry Davy seconded and the motion passed unanimously.

New Business – Best Practices Annual Assessment

Bartel reminded the Best Practices Assessment to be a newer Key Performance Measure mandated to boards and commissions during the 2007 legislative session. She asked members to complete and remit their assessment forms for consideration at the October meeting. She emphasized the importance of the self-assessment in evaluating the Board's ratings of its activities in the areas considered. Several board members questioned the training aspect stating that they have participated in the new board member training workshop but were not aware of other trainings that they needed to attend. Bartel advised there are other training opportunities that they could take advantage of but they should bear in mind the related costs. When questioned, the members who have completed the board/commission member orientation training expressed their belief that it was worthwhile and educational.

Action: Given its present budget constraints, the Board directed Bartel to change question number 14 "Board Member Trainings" to "Board Member Training".

Adjournment

No further business being introduced, the meeting adjourned at 4:15 p.m. The next quarterly meeting is scheduled for Wednesday, October 8, 2008, at 8:30 a.m. in room 445 of the Portland State Office Building.

Respectfully Submitted:

Janet Bartel, Executive Director