

# Long Term Care Facility Advisory Board

**2014 Annual Report**

# LONG TERM CARE FACILITY ADVISORY BOARD

## 2014 ANNUAL REPORT

**PURPOSE:** The Long Term Care Facility Advisory Board is authorized by Section 1-1923 of the Oklahoma Nursing Home Care Act {63 O.S. § 1-1900 et seq.}. The Advisory Board, consisting of twenty-seven (27) members, is appointed by the Governor and functions as a professional advisory body to the State Commissioner of Health.

As part of their routine activities, the Advisory Board serves as an advisory body to the Department of Health for the development and improvement of services to and care and treatment of residents of facilities subject to the provision of the Nursing Home Care Act, homes subject to the provision of the Residential Care Act, facilities subject to the Continuum of Care and Assisted Living Act, and facilities subject to the provisions of the Adult Day Care Act. The Advisory Board reviews, makes recommendations regarding and approves in its advisory capacity the system of standards developed by the Department of Health; evaluates and reviews the standards, practices and procedures of the Department of Health regarding the administration and enforcement of the provisions of the Nursing Home Care Act, the Residential Care Act, the Continuum of Care and Assisted Living Act, and the Adult Day Care Act. The Advisory Board also reviews and evaluates the quality of services and care and treatment provided to residents of facilities and residential care homes and participants in adult day care centers. The Advisory Board may make recommendations to the Department of Health as necessary and appropriate.

The Advisory Board annually publishes a report of its activities and any recommendations for the improvement of services and care in long term care facilities. The annual report is prepared for the Governor, the State Commissioner of Health, the State Board of Health, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the chief administrative officer of each agency affected by the report.

**SERVICES:** Long Term Care facilities provide the following services in Oklahoma:

- Nursing Facilities provide twenty-four (24) hour skilled care and related services for residents who require medical or nursing care.
- Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) provide care designed to meet the needs of persons with developmental disabilities and those who require special health and rehabilitation.
- Assisted Living Centers provide assistance with personal care, medications and ambulation. The centers may also provide nursing supervision and information or unscheduled nursing care. An assisted living center cannot provide twenty-four (24) hour skilled nursing care as is provided in a nursing facility.
- Continuum of Care Facilities combine the services of a nursing facility with an assisted living center and/or an adult day care.

- Residential Care Homes offer or provide residential accommodations, food service and supportive assistance. A residential care home may provide assistance with meals, dressing, bathing and other personal needs, and it may assist in the administration of medication. However, it cannot provide medical care.
- Adult Day Care Centers provide basic day care services to unrelated impaired adults for more than four (4) hours in a twenty-four (24) hour period.

**PROVIDERS:** At the end of 2014, there were seven hundred two (702) long term care facilities operating in Oklahoma.

- Nursing Facilities – 322
- Adult Day Care Centers – 39
- Assisted Living Centers – 160
- Continuum of Care Facilities – 18
- Intermediate Care Facilities for Individuals with Intellectual Disabilities – 88
- Residential Care Homes – 75

**SUMMARY:**

The Long Term Care Advisory Board began 2014 by filling all vacancies. Activities included updates on several key programs and proposed rule changes. The Long Term Care Service showed significant improvement in staffing and the impact on complaint investigations. The Centers for Medicare and Medicaid Services issued a challenge focusing on residents with dementia and antipsychotics. The Advisory Board also participated with members of the Oklahoma State Department of Health (OSDH) in a quality improvement project regarding nurse aides.

**VACANCIES:**

During 2014, the Long Term Care Facility Advisory Board had the ability to conduct official business. Ten vacancies on the Long Term Care Advisory Board were filled in early 2014. There are currently no vacancies on the twenty-seven (27) member Advisory Board.

**ACTIVITIES:**

The Long Term Care Facility Advisory Board met on a quarterly basis during 2014 to evaluate and review the standards and practices of the OSDH in the administration and enforcement of the provisions of the Nursing Home Care Act, the Residential Care Act, the Continuum of Care and Assisted Living Act, and the Adult Day Care Act. The Advisory Board received reports on emerging health care issues in long term care facilities; rule and regulation review; updates of the Quality Indicator Survey (QIS) process; updates on the

awarded grant for a national background check system; legislative updates; neighborhood covenants; Nurse Aide Registry updates; proposed rule changes regarding nonprescription drugs in nursing facilities; and proposed rule changes to implement the Long Term Care National Background Check Program.

During the April 9, 2014 Advisory Board meeting, Dr. Henry Hartsell Jr., Deputy Commissioner for Protective Health Services, noted the Long Term Care Service worked hard to increase the number of surveyors. There was a 27% increase in surveyor staff; this played a significant part in the increase in number of survey and complaint investigations. The average monthly increase was estimated at 35%. In 2013, 100% of Immediate Jeopardy complaints were initiated within two days. The Long Term Care Service has done a good job over the last four to five years in keeping up with Immediate Jeopardy complaints. With high priority complaints, the Long Term Care Service reached 97% compliance in investigating complaints within 10 days. Lower priority complaints were maintained at 88% compliance for 2013.

Long Term Care Service accepted a challenge from the Centers for Medicare and Medicaid Services (CMS) to improve care for residents with dementia who were on antipsychotic drugs. CMS asked for a 15% reduction of antipsychotic use within a year. The Long Term Care Service accepted the challenge to reduce unnecessary medications. They recruited the Oklahoma Foundation for Medical Quality as well as the Culture Change Coalition, Alzheimer's Association – Oklahoma Chapter, Oklahoma Geriatrics Institute, University of Oklahoma College of Pharmacy and others. A true quality approach was used by bringing the group together to discuss the data and develop a consensus plan for the reduction of antipsychotic medications. This project had an 18% reduction in antipsychotic use in Oklahoma long term care facilities, with a direct impact of 944 residents.

The Advisory Board acknowledged Dorya Huser, Chief of the Long Term Care Service, and Esther Houser, State Ombudsmen, for their retirements this year and presented them each with a Governor's Commendation for their outstanding service for the many years they have dedicated their careers to long term care.

### **RECOMMENDATIONS:**

At the April 9, 2014 Advisory Board meeting, Dr. Henry Hartsell Jr., Deputy Commissioner for Protective Health Services, presented a request from the State Board of Health and Dr. Terry Cline, Commissioner of Health. The Board of Health and Dr. Cline encouraged the Advisory Board to perform a structured quality improvement (QI) approach to review the standards, practices and procedures of the OSDH regarding nurse aides. The Advisory Board agreed to form an ad hoc committee, with support from OSDH staff, to look at the system standards and evaluate how the OSDH handles nurse aide issues. The ad hoc committee and the OSDH used the Plan, Do, Check, Act process during monthly meetings over a six month time span. The results from this process are as follows:

1. Improvements were made in processing times for placement of pending notations of abuse on the nurse aide registry. Processing times to place pending notations improved from an average of 49 days in 2013 to 16 days by October 2014.
2. The implementation of the Long Term Care National Background Check Program resolved problems with notification to employers about pending notations of abuse.
3. OSDH staff with the Nurse Aide Registry and the Office of General Counsel drafted proposed changes to the Oklahoma Public Health Code section dealing with nurse aides.
4. The OSDH Office of General Counsel began working with the Oklahoma Department of Human Services, Adult Protective Services (APS) in an effort to more directly use APS reports in the administrative process leading to the placement of abuse findings on the registry. On the basis of the positive results achieved, Chairman Dewey Sherbon authorized the ad hoc committee to continue its quality improvement efforts in 2015.

### **COMMITTEE REPORTS:**

Chairman Dewey Sherbon formed a nomination committee to elect officers for 2015 at the July 9, 2014 meeting. It was the decision of the nominating committee on October 8, 2014 to re-elect Dewey Sherbon as Chair; Donna Bowers as Vice Chair; and Linda Brannon as Secretary for the 2015 term.

### **AGENDAS:**

The meeting agenda items addressed various aspects of the long term care industry. The Long Term Care Facility Advisory Board allocated time at each regular meeting to discuss other long term care issues that might become the responsibility of this Board at some future date. The Advisory Board looks forward to prioritizing and addressing important issues in 2015 with the benefit of a full complement of members.

### **BOARD OFFICERS:**

Advisory Board Officers for 2015 are Dewey Sherbon, Chair; Donna Bowers, Vice Chair; and Linda Brannon, Secretary.

### **MEETING SCHEDULE FOR 2015:**

The 2015 regular meetings are scheduled on January 7, April 8, July 8, and October 7, 2015.