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**STATE BOARD OF HEALTH**  
**OKLAHOMA STATE DEPARTMENT OF HEALTH**  
**1000 N.E. 10<sup>th</sup>**  
**Oklahoma City, Oklahoma 73117-1299**

Tuesday, March 11, 2014 11:00 a.m.

R. Murali Krishna, President of the Oklahoma State Board of Health, called the 387<sup>th</sup> regular meeting of the Oklahoma State Board of Health to order on Tuesday, March 11, 2014 11:06 a.m. The final agenda was posted at 11:00 a.m. on the OSDH website on March 10, 2014, and at 11:00 .m. at the building entrance on March 10, 2014.

**ROLL CALL**

**Members in Attendance:** R. Murali Krishna, M.D., President; Ronald Woodson, M.D., Vice-President; Martha Burger, M.B.A., Secretary-Treasurer; Jenny Alexopulos, D.O.; Terry Gerard, D.O.; Charles W. Grim, D.D.S.; Robert S. Stewart, M.D.; Cris Hart-Wolfe.

**Absent:** Jenny Alexopulos, D.O.; Timothy E. Starkey, M.B.A.;

**Central Staff Present:** Terry Cline, Commissioner; Julie Cox-Kain, Chief Operating Officer; Henry F. Hartsell, Deputy Commissioner, Protective Health Services; Steve Ronck, Deputy Commissioner, Community and Family Health Services; Toni Frioux, Deputy Commissioner, Prevention and Preparedness Services; Mark Newman, Director of Office of State and Federal Policy; Don Maisch, Office of General Counsel; Leslea Bennett-Webb, Director of Office of Communications; Melissa Lang, Chief Financial Officer; VaLauna Grissom, Secretary to the State Board of Health; Commissioner's Office; Janice Hiner, Felesha Scanlan.

**Visitors in attendance:** (see sign in sheet)

**Call to Order and Opening Remarks**

Dr. Krishna called the meeting to order. He welcomed special guests in attendance.

**REVIEW OF MINUTES**

Dr. Krishna directed attention to review of the minutes of the January 10, 2014 Regular Board meeting.

**Ms. Wolfe moved Board approval of the minutes of the January 10, 2014, Regular Board meeting as presented. Second Dr. Grim. Motion carried.**

**AYE: Gerard, Grim, Krishna, Stewart, Wolfe, Woodson**

**ABSTAIN: Burger**

**ABSENT: Alexopulos, Starkey**

**APPOINTMENTS**

**Oklahoma Food Service Advisory Council** (Presented by Henry F. Hartsell, Jr.)

**Appointments:** John Kelly, Harold Kelly, Roy Escouba, John H. Williams, Bill Ricks, Bill Ryan, Jim Hopper, Park Ribble.

**Authority:** 63 O.S., § 1-106.3

**Members:** The Advisory Council shall consist of 13 members. Eight members are appointed by the Commissioner, with the advice and consent of the State Board of Health. Members serve three-year terms.

**Ms. Burger moved Board approval of the recommended appointees as presented. Second Dr. Stewart. Motion carried.**

**AYE: Burger, Gerard, Grim, Krishna, Stewart, Wolfe, Woodson**

**ABSENT: Alexopulos, Starkey**

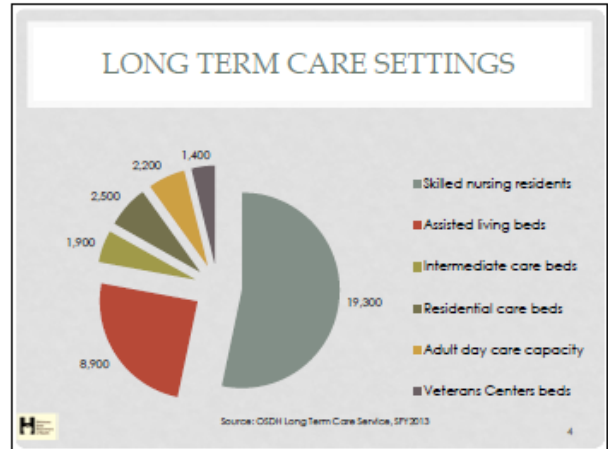
**STRATEGIC MAP UPDATE PRESENTATION**

Henry F. Hartsell, Jr., Deputy Commissioner for Protective Health Services

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LONG TERM CARE UPDATE FOR THE STATE BOARD OF HEALTH  
MARCH 11, 2014

IMPROVING TARGETED HEALTH OUTCOMES

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### TARGETED IMPROVEMENTS: TODAY'S TOPICS

- Long term care settings
- Core priorities: mandates
- Improving resident outcomes
- Shared responsibilities
- Opportunities




### A TYPICAL NURSING FACILITY RESIDENT

- Person:
  - Widowed female, between 85 – 95
  - Can participate in activities or social interactions
  - Wants to choose clothing, take care of belongings, choose bedtime, go outside for fresh air, attend religious services, listen to favorite music and do favorite activities
- Nursing, medical and health:
  - Uses wheelchair, generally does not walk
  - Needs help lying down, sitting up, turning in bed, standing up
  - Admitted after hospital stay
  - Hypertension, depression, gastro esophageal reflux disease or ulcer, non-Alzheimer's dementia, hyperlipidemia, diabetes mellitus, anxiety disorder, heart circulation/anemia, heart failure, asthma, chronic obstructive pulmonary disease
  - Incontinent of bowel and bladder
  - Needs assistance dressing, toileting, bathing and eating




Source: OSDH Quality Improvement and Evaluation Service, from MGS, February 2014



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### TARGETED IMPROVEMENTS

LONG TERM CARE SETTINGS



### TARGETED IMPROVEMENTS

CORE PRIORITIES: MANDATES




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### A TYPICAL LONG TERM CARE SURVEYOR WITH OSDH

- Registered nurse (90%)
- 55 years of age
- 8 years experience surveying
- Nurses practice at least 5-7 years before OSDH hire




Years of Experience	Number of Surveyors
< 1	30
1	15
2-5	18
5-10	10
10-20	22
> 20	8

Source: OSDH Long Term Care Service, February 2014

### PERFORMANCE ON MANDATES JULY - DECEMBER 2013

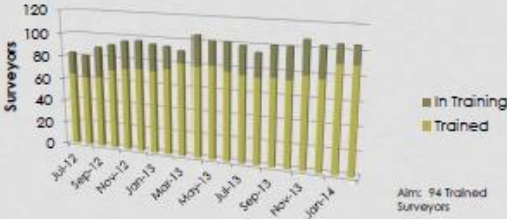
- 194 of 194 (100%) immediate jeopardy complaint investigations initiated within two days
- 189 of 194 (97%) complaint investigations for high priority complaints that do not constitute immediate jeopardy initiated within 10 days
- 241 of 296 (88%) of other lower-priority complaint investigations initiated within 25 days
- Nursing facility and assisted living survey intervals within 12.9 month requirement
- All residential care homes inspected at least once

Source: OSDH Protective Health Services, February 2014

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### INCREASING SURVEYOR STAFFING

Long Term Care Surveyor Staff Increases 27% July 2012 to February 2014



Legend: ■ In Training, ■ Trained

Aim: 94 Trained Surveyors

Source: OSDH Long Term Care Service, February 2014

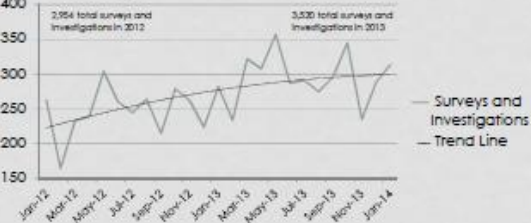
### TARGETED IMPROVEMENTS

RESIDENT OUTCOMES

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### INCREASING SURVEY PRODUCTION

Surveys and complaint investigations performed monthly increase 35% from Jan. 2012 to Jan. 2014




Legend: — Surveys and Investigations, — Trend Line

2,054 total surveys and investigations in 2012  
3,020 total surveys and investigations in 2013

Source: OSDH Long Term Care Service, February 2014

### OKLAHOMA PARTNERSHIP TO IMPROVE DEMENTIA CARE

Opportunity to reduce unnecessary antipsychotic medications in nursing facility residents with dementia



Legend: ■ Number of residents receiving antipsychotic medications

Quarter ending in month shown

Aim: 15% Improvement  
Actual: 18% Improvement  
Direct Impact: 944 residents

Source: OSDH Long Term Care Service, February 2014

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### SUCCESS STORY

#### Dementia patients administered fewer drugs

Adverse side effects decreased

- Death
- Heart attack
- Stroke
- Falls
- Hospitalizations

Benefits

- Enhanced quality of life
- Enhanced relationships
- Reduced medication error risk
- Opportunity for person-centered care
- Function at highest practicable well-being

Source: [www.ok.gov/OSDH/longtermcare](http://www.ok.gov/OSDH/longtermcare)

### OSDH LONG TERM CARE SERVICE

#### Facility Reported Incidents Evaluated

Fiscal Year	Incidents Evaluated
FY09	17,000
FY10	18,000
FY11	19,000
FY12	26,000
FY13	30,000

#### Immediate Jeopardy Situations Triaged

CY	Situations Triaged
CY09	130
CY10	130
CY11	170
CY12	170
CY13	250

Source: OSDH Long Term Care Service, February 2014

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### REDUCTION IN USE OF PHYSICAL RESTRAINTS

65% Decrease Mar. 2011 to Nov. 13 in Oklahoma

Legend: Nation (grey line), Oklahoma (red line)

Source: MDS 3.0 CASPER Facility Level Quality Measure Report

### OSDH HEALTH RESOURCES DEVELOPMENT SERVICE

#### Nurse Aide Certifications Added to Registry

Fiscal Year	Certifications Added
FY09	14,000
FY10	15,000
FY11	13,500
FY12	14,000
FY13	13,000

#### Certificate of Need Acquisition Applications Approved

Fiscal Year	Applications Approved
FY09	10
FY10	7
FY11	9
FY12	13
FY13	30

Source: OSDH Long Term Care Service, February 2014

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### TARGETED IMPROVEMENTS

SHARED RESPONSIBILITIES

Source: OSDH Quality Improvement and Evaluation Service, February 2014

### OSDH QUALITY IMPROVEMENT AND EVALUATION SERVICE

#### Minimum Data Set (MDS) Resident Assessments

Legend: Uploaded (red), Rejected (grey)

#### MDS-2.0 ERROR REPORTER

Source: OSDH Quality Improvement and Evaluation Service, February 2014

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### OSDH OFFICE OF GENERAL COUNSEL

- Involuntary discharges
- Nurse aide incidents
- Office of the Attorney General
- CLEET certified investigators
- Enforcement and litigation

Year	Requests
2011	42
2012	46
2013	58

Source: OSDH Office of General Counsel, February 2014

### TARGETED IMPROVEMENTS

#### OPPORTUNITIES

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### FEDERAL AND STATE AGENCIES AFFECTING LONG TERM CARE

- U.S. Department of Health and Human Services
  - Centers for Medicare & Medicaid Services
  - Office of Inspector General
- Oklahoma Department of Human Services
  - Adult Protective Services
  - Long Term Care Ombudsman
  - State Council on Aging
- Oklahoma Health Care Authority
- Oklahoma Attorney General, Medicaid Fraud Control and Abuse Unit
- Oklahoma Department of Mental Health and Substance Abuse Services
- Oklahoma State Fire Marshal
- Oklahoma State Board of Examiners for Long Term Care Administrators
- Oklahoma State Board of Nursing
- Oklahoma Vocational Technical Centers (nurse aide training)
- Oklahoma State University - OKC (nurse aide training)
- Local Law Enforcement Agencies, (Police, Sheriff, District Attorney)
- Oklahoma Department of Veterans Affairs
- Oklahoma State Department of Health
  - County Health Departments
- Long Term Care Facility Advisory Board

### QUALITY IMPROVEMENT

- Process changes
  - Quality assurance and performance improvement (QAPI)
  - Quality indicator surveys (QIS)
- Clinical outcomes
  - Medications
  - Mobility
  - Infections
  - Pain
  - Pressure ulcers

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### OTHER PARTNERS

- Oklahoma Foundation for Medical Quality
- LeadingAge Oklahoma
- Oklahoma Association of Health Care Providers
- Oklahoma Assisted Living Association
- Oklahoma Residential and Assisted Living Association
- Alzheimer's Association - Oklahoma Chapter
- More than 700 long term care facilities

### TRANSFORM THE CULTURE OF CARE TOGETHER

- Promote choice, purpose, meaning in daily life
  - Consistent assignments
  - Staff stability
- Make long term care facilities better places to live, work and visit
- Innovate to enhance environment & quality
- Funding opportunities this year

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4 Mary Fleming, Director of Long Term Care Surveys was asked to define Immediate Jeopardy complaints in  
5 nursing facilities and provide examples of complaints or incidents that would be triaged as Immediate Jeopardy  
6 under that definition.

7

8 The presentation concluded.

9

## 10 **CONSIDERATION OF STANDING COMMITTEES' REPORTS AND ACTION**

### 11 **Executive Committee**

12 Dr. Krishna congratulated to Dr. Alexopulos. She has been re-appointment to the Board of Health through  
13 2023 and awaiting full Senate Confirmation. Dr. Krishna provided a few reminders to Board members.

14

- 15 • Board Ethics Commission forms due May 15, 2014.
- 16 • The April Board of Health meeting will be held in Cherokee County.
- 17 • Board members will receive a draft of the State of the State's Health report for review and feedback  
18 beginning April 1<sup>st</sup> through April 15, 2014.

19

### 20 **Finance Committee**

21 Dr. Woodson directed attention to the Financial Brief provided to each Board member and presented the  
22 following SFY 2014 Finance Report and Board Brief as of February 18, 2014:

23

- 24 • Approximately \$426 million budgeted for state fiscal year 2014.
- 25 • Forecasted expenditure rate of 99.16% through June 30, 2014.
- 26 • "Green Light" overall for Department and all divisions.
- 27 • Overall projected available balance for the Department is less than last month due to increased payroll  
28 obligations and the transfer out, per legislation, of numerous licensing boards and associated revenue.

28

29 The *Financial Brief* this month focuses on Federally Qualified Health Centers (FQHCs)

- 30 • The department has a program that provides reimbursement to the FQHCs for providing primary health  
31 care services to the uninsured.
- 32 • The Legislature appropriated \$3.2 million this year for the program with an additional \$674 thousand  
33 available from carryover funding.
- 34 • Due to increased demand for services and eligible billing to the fund, the FQHC budget is nearly  
35 exhausted and will be totally exhausted after making partial payments for December services.
- 36 • Studies have shown that children of pregnant women who participate in WIC have better medical  
37 outcomes, including fewer premature births and fewer fetal and infant deaths.
- 38 • Medicaid participants on WIC have an average 29% lower Medicaid costs for infant hospitalization.

39

### **Accountability, Ethics, & Audit Committee**

1 The Accountability, Ethics, & Audit Committee met with Lloyd Smith and Jay Holland. Ms. Wolfe reported  
2 that there are no known significant audit issues to report at this time.  
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#### 4 **Public Health Policy Committee**

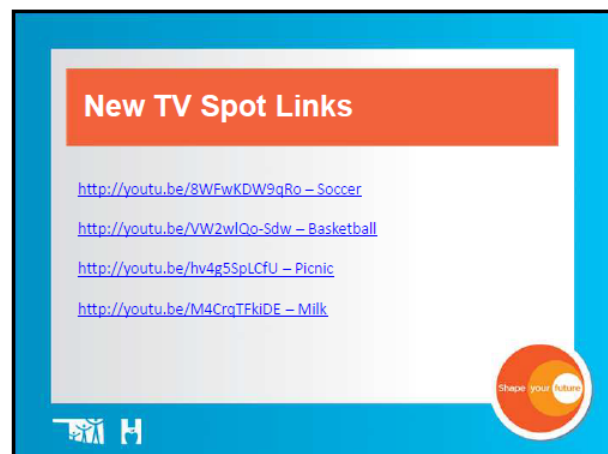
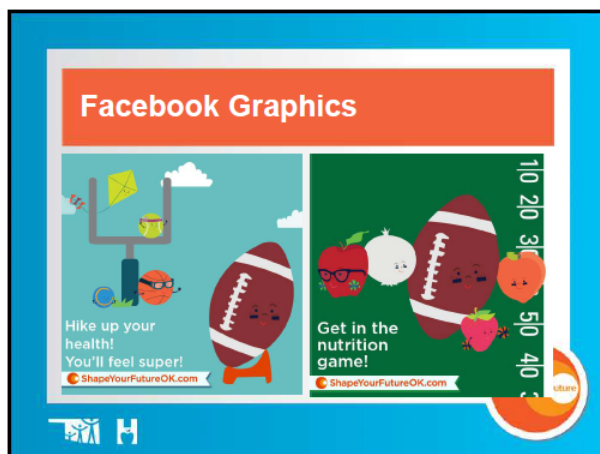
5 The Policy Committee met on Tuesday, March 11, 2014. Dr. Gerard and Dr. Grim were present. Both met  
6 with Mark Newman at the Oklahoma State Department of Health in Oklahoma City, Oklahoma. The Policy  
7 Committee discussed the legislative priorities of the Board and the fact that only one agency request bill, HB  
8 2904 by Rep. Ownbey and Sen. Simpson remained alive. HB 2904 would prohibit the sale of e-cigarettes to  
9 minors and has no tax implications. Copies of the legislative tracking reports are being sent electronically to  
10 each member of the BOH and will continue on a weekly basis throughout the legislative session.  
11

12 The Policy Committee also discussed legislation regarding those bills which could have an impact on current  
13 and future state employees and the agency going forward. Some of the legislation discussed involved  
14 changes to open meetings, retirement, pay increases, shared services, and the merit system. If members of  
15 the Board have any questions regarding any policy issues or proposed legislation, please do not hesitate to  
16 contact Mark Newman for additional information or to provide your input.  
17

18 The next meeting of the Policy Committee will be prior to the May Board Meeting.  
19

#### 20 **PRESIDENT'S REPORT**

21 Dr. Krishna asked Julie Cox-Kain to briefly address the new Shape Your Future campaign which launched in  
22 February 2014. Julie Cox-Kain displayed some media clips from the campaign that have begun airing in  
23 February 2014.  
24



#### 25 **COMMISSIONER'S REPORT**

26  
27  
28 Dr. Cline highlighted the recent Bridges to Access meeting. There were approximately 350 medical students  
29 in attendance whose primary focus around volunteerism and giving back to the community. The keynote  
30 address was presented by Dr. Steven Schroeder, Distinguished Professor of Health and Healthcare at the  
31 University of California, San Francisco, and former President of the Robert Wood Johnson Foundation. The  
32 event is concluded by awarding the R. Murali Krishna award for volunteerism. Dr. Cline thanked Dr.  
33 Krishna for his leadership in this area.  
34

35 Next, Dr. Cline discussed his participation in a recent House interim study on ecigarettes. The initial interim  
36 study agenda had overrepresentation of the Tobacco Industry and Vaping Association. The agenda was later  
37 modified to include representatives from the Cancer Association. The concern around ecigarettes is that this  
38 field is completely unregulated. Because these devices are an excellent chemical delivery system there is  
39 also concern about the use of illegal substances in these devices as well as increased calls to the poison  
40 control center for children obtaining these devices. We are seeing many of the same tactics used in the  
41 tobacco legislation push.

1 Lastly, Dr. Cline highlighted the 5<sup>th</sup> annual Mission of Mercy event conducted in Enid, Oklahoma. The  
2 purpose of the event is to provide free dental services to Oklahomans in need. Volunteers provided free  
3 dental services to approximately 1400 people. As part of the collaboration, Christy Love organized  
4 transportation from the panhandle for a group of 162 individuals needing dental services. Dr. Cline  
5 recognized the efforts of these remarkable volunteers during the February ice storm.  
6

7 The presentation is concluded.  
8

9 **NEW BUSINESS**

10 No new business.  
11

12 **PROPOSED EXECUTIVE SESSION**

13 **Ms. Burger moved Board approval to go in to Executive Session at 12:21 PM** pursuant to 25 O.S.  
14 Section 307(B)(4) for confidential communications to discuss pending department litigation, investigation,  
15 claim, or action; pursuant to 25 O.S. Section 307(B)(1) to discuss the employment, hiring, appointment,  
16 promotion, demotion, disciplining or resignation of any individual salaried public officer or employee and  
17 pursuant to 25 O.S. Section 307 (B)(7) for discussing any matter where disclosure of information would  
18 violate confidentiality requirements of state or federal law.

- 19 • Discussion of potential or anticipated investigation or litigation concerning long term care issues
- 20 • Office of Accountability Systems Complaint #2014-005

21 **Second Ms. Wolfe. Motion carried.**  
22

23 **AYE: Burger, Gerard, Grim, Krishna, Stewart, Wolfe, Woodson**

24 **ABSENT: Alexopulos, Starkey**  
25

26 **Dr. Grim moved Board approval to move out of Executive Session. Second Ms. Burger. Motion carried.**  
27

28 **AYE: Burger, Grim, Krishna, Stewart, Wolfe, Woodson**

29 **ABSENT: Alexopulos, Gerard, Starkey**  
30

31 **ADJOURNMENT**

32 **Ms. Wolfe moved Board approval to Adjourn. Second Ms. Burger. Motion carried.**  
33

34 **AYE: Burger, Grim, Krishna, Stewart, Wolfe, Woodson**

35 **ABSENT: Alexopulos, Gerard, Starkey**  
36

37 The meeting adjourned at 1:40 p.m.  
38

39 Approved  
40

41 

42 R. Murali Krishna, M.D.

43 President, Oklahoma State Board of Health

44 April 8, 2014  
45