DRAFT

Time: 9:00 a.m.

Location: Department of Health
Town Center 2, Room 158
111 Israel Road SE
Tumwater, WA 98501

Board Members Present: Keith Fauerso, NHA, Chair
Annie Zell, NHA, Vice-Chair
Marlita Basada, RN
Angela Cerna, NHA (remote)
Carl Christensen, Ph.D., RN
Mary Kangas, RN (remote)
Diana Miller, Public Member
Sharon Rinehart, NHA
Catherine Van Son, NHA

Staff Present: Kendra Pitzler, Program Manager
Davis Hylkema, Program Support
Gail Yu, Assistant Attorney General
James Chaney, Executive Director

Guests: Donna Pool, ARNP, NCQAC
Paula Meyer, NCQAC
Micah Matthews, Deputy Executive Director, WMC
Jessica Van Fleet-Green, MD
Sabine Von Preyss-Friedman, MD
Lisa Evans, NHA
Laurie St. Ours, Washington Health Care Authority
Kate Reynolds, Washington State Executive Ethics Board

Open Session:

1. Opening – Keith Fauerso, Chair – DISCUSSION/ACTION -
   A. Call to Order – Mr. Fauerso, Chair, called the meeting to order at 9:24 a.m.
   B. Introductions – Board members, staff and guests introduced themselves.
   C. Order of Agenda – No changes to the agenda were requested.
D. Correspondence – No correspondence was introduced.
E. Announcements – Mr. James Chaney is now the Executive Director for the Board of Nursing Home Administrators (BNHA). Mr. Chaney is Executive Director for other professions as well, including the mental health professions. Ms. Pitzler is now program manager for the Applied Behavior Analysts (ABA) committee in addition to the BNHA.
F. Other – No other issues were presented.

2. Consent Agenda – Keith Fauerso, Chair, DISCUSSION/ACTION -
   A. Approval of January 25, 2019 agenda
   B. Approval of October 26, 2018 minutes
   C. Approval of January 3, 2019 minutes

MOTION: The motion was made to accept the consent agenda as presented. The motion was seconded and approved.

3. Discussion of Items Removed from the Consent Agenda - DISCUSSION/ACTION
   No items were removed from the consent agenda.

4. Washington Medical Commission’s (WMC) Opioid rules – Micah Matthews, Deputy Executive Director, WMC
   Mr. Matthews spoke on the adopted opioid rules that became effective January 1, 2019, including the history of the legislation that required that five boards and commission develop these rules. He provided background on how the rules were developed and information on related issues that are currently before the legislature.

   Mr. Matthews indicated that nursing home administrators, or other representatives from nursing homes, were not included in the rules development process. Because of this, issues specifically related to nursing homes were not discussed or dealt with in the rules. To deal with potential issues in the skilled nursing facility and long-term acute care center setting, the Washington Medical Commission is looking to adopt an interpretive statement, to clarify the current rules. The interpretive statement will indicate that nursing homes are considered to be part of the inpatient hospital exemption. NCQAC has adopted the interpretive statement and voted to open the rules. The Washington Medical Commission is also planning to reopen the rules specifically to open the definition section so that they can add skilled nursing facilities and long-term acute care centers to the definition of hospital. That will give them the same exclusions as hospitals.

   Mr. Carlson asked for more explanation of the interpretive statement. Lauri St. Ours, Washington Health Care Association (WHCA) helped answer this question, indicating that the rules require a practitioner to perform a new history and physical before prescribing opioids. The interpretive statement allows the skilled nursing facility prescriber, when a patient has come directly from a hospital, to rely on the history and physical that was recently done in the hospital setting.

   Mr. Fauerso pointed out that it is difficult to determine where DSHS surveyors may come down on these issues.

5. Opioids Within Post-Acute and Long-Term Care – Jessica Van Fleet-Green MD, Sabine Von Preyss-Friedman MD, Lisa Evans NHA, and Laurie St. Ours, Director
of Governmental and Legislative Affairs, Washington Health Care Association – DISCUSSION/ACTION
Laurie St. Ours introduced the panel, indicating that Mr. Fauerho was correct about DSHS and stating that the Washington Health Care Association (WHCA) would be contacting DSHS personnel to discuss this issue. She stated that WHCA and panel members would like the board to take an affirmative position related to the exemption of skilled nursing facilities from these rules with both the Washington Medical Commission (WMC) and the Nursing Care Quality Assurance Commission (NCQAC).

The panel presented information on the impact of the new opioid rules on post-acute and long-term care. Emphasized issues of concern included:

- Requirement for history and a physical examination of transfer patients in skilled nursing facilities delays administration of opioid post-acute pain management. Facilities may have practitioners on-site once per month and or once per week. Patients given pain medication at the hospital may not have that medication with them when admitted to a facility and cutting off the medication suddenly can cause harm.
- Prescribers must check the prescription monitoring program. Sometimes it’s overloaded and the practitioner can’t access it. In addition, for this setting, it is not beneficial.
- Inconsistencies in CMS Quality Metrics and guidance on pain management for providers. DSHS survey’s weight on the elimination of pain rather than reduction of pain results in a punitive emphasis.

The panel asked the board to add its voice in support to change rules to allow for an exemption for history and physical, the inquiry of the prescription monitoring program and the requirement for a pain contract.

Board discussion included that rule changes can take a year or more and identified the following immediate steps that can be taken:

- Write a letter of endorsement for the exemption rule change.
- Write a letter to the Medical and Nursing Commissions requesting that the Board of Nursing Home Administrators be listed as a stakeholder in the rules workshops; and, that the board needs to be included in communications.
- Participate in the workshops in order to give the long-term care perspective.
- Publish interpretive and best practices statements for educational outreach and clarification.

MOTION: The motion was made for the board to write a letter of support for the exemption of long-term care facilities in the definition of hospitals to the various boards and commissions that have adopted opioid rules. The motion was seconded and approved.

Staff will create a draft and share it with the board.

6. Ethics in Government – Kate Reynolds, Executive Director, Washington State Executive Ethics Board
Ms. Reynolds presented information on ethics laws and rules and how they relate to government employees. Ethics laws in government has to do with accountability to the public. They cover the handling of confidential information, the use of equipment, technology and that work time is to be used for public service and not for personal gain. Procedures for conflict of interest situations, gift acceptance, and political campaign
involvement are also addressed. Online training is available from the Washington State Executive Ethics Board website at https://ethics.wa.gov/training.

7. Nursing Home Administrator Program Statistics – Kendra Pitzler, Program Manager – DISCUSSION/ACTION
The Board reviewed the December 2018 data reports covering nursing home administrator licenses, and complaint investigation and discipline.

There are 429 active NHA licensees and 18 AIT approvals. Pending counts are 36 NHAs and 21 AITs. Twenty-six NHA applications have been received since July, and 17 applications for AIT approval. Over that same period, 35 NHA credentials and six AIT approvals expired. Over the last three quarters 100% of complete applications have been processed within 14 days.

The NHA License holders by age breakdown, as of December 2018, is as follows:
Between the age of 20-24 – 2; between 24-34 – 50; between 35-49 – 152; between 50-64 – 157; and age 65 and over – 67. Trending is the increasing number of those aged 24-34.

The disciplinary statistics report covering October 15, 2018 through January 15, 2019, showed 31 reports were viewed by the board with 11 being opened, and 20 being closed without investigation. Details on reasons for closures were included. Twelve of the closures were referred to DSHS. The report also showed 17 cases from investigations had been reviewed, two legal reviews, and one compliance review.

8. Program Manager Report – Kendra Pitzler – DISCUSSION/ACTION
- Budget – The November 30, 2018 budget report was reviewed. The ending balance continues to be in the red. Earlier in the biennium, it was noted that the cost of investigations that contributed to overages. Staff time is now the more significant cause. However, we should see lower charges for staff time soon because additional program responsibilities have been assigned to Ms. Pitzler resulting in less of her FTE time being allocated to the Board of Nursing Home Administrators. In addition, Brandon Williams, program associate, is no longer assigned to the BNHA.

- Current Legislation
  o Engrossed House Bill 1049 Concerning health care provider and health care facility whistleblower protections. – The bill extends protections to witnesses and anyone involved in a case. The impact may be that witnesses in investigated complaints may need to waive their whistleblower rights. Should this bill pass, the public will need to be educated, and investigators and AGs will need training.

  o Engrossed House Bill 1394 Concerning community facilities needed to ensure a continuum of care for behavioral health patients. – This bill, in part, incentivizes nursing homes to provide beds to serve individuals with behavioral health needs at an enhanced reimbursement rate.

  o Senate Bill 5338 Concerning the protection of vulnerable adults. – This bill expands the definition of abuse of vulnerable adults and establishes a vulnerable adult abuse registry. Registered abusers would be allowed, after three years, to petition to have their name removed from the registry.

  o Engrossed House Bill 1349 Clarifying the definition of a geriatric behavioral health worker for individuals with a bachelor's or master's degree in social work, behavioral health, or other related areas. – This bill changes the definition of the
geriatric behavioral health worker including the requirement for a bachelor’s or master’s degree in social work or other related area.

- Legislative Meet-Me-Calls
  There was no report or discussion on Legislative Meet-Me-Calls.

- NAB Forum – Highlights of the NAB Mid-Year Meeting attended by Ms. Pitzler and Ms. Van Son included:
  o The work involved approval of the 2018-2020 Strategic Plan identifying its programs, services and priorities for the next two years.
  o NAB revived the AIT task force to review the AIT and preceptor programs.
  o The Member Relations and Outreach committee is making further efforts to increase the number of state delegates at NAB meetings and HSE applications. This committee is also exploring the development of videos and podcasts on NAB’s AIT programs and the HSE.
  o The keynote program was comprised of a program on ageism and a panel on the implementation of the HSE.
  o The Education Committee is working to increase the approval of programs across the country with the HSE accreditation, and a new online application process is being beta tested. The committee is also trying to support initiatives to accredit new HSE programs.
  o The next meeting will be June 12-14, 2019, in Charleston, South Carolina.

- Recruitment – The department has not received any board member applications from administrators who reside in Eastern Washington. Recruitment for the public member position has begun as well. Ms. Pitzler sent recruitment announcements to many groups she found on-line that looked promising. Although Ms. Pitzler did receive phone calls from some of these organizations, no applications have been received so far. Board members were encouraged to publicize the opportunity. Ms. Yu indicated that it might be easiest to get applications from individuals who reside in the Olympia, Lacey and Tumwater area since most of the meetings take place in Tumwater. Ms. Rinehart agreed to recruit at her facility located in Lacey.

- The DOH Office of Investigative and Legal Services (OILS) – Mark Defraine, director of OILS is offering to make a presentation to the board on the services they provide. He wanted to know if the board would like a shorter presentation from him or if the board would like a longer presentation with more legal staff presenting. Board members stated they would like the shorter presentation.

- The board agreed to have one OILS representative provide a 10-minute presentation. The board also expressed interest in also hearing about implementation of the new whistleblower law.

- April 19, 2019 Board Meeting – The next meeting of the board is scheduled to be held in Spokane at the Wingate Hotel by the airport. Ms. Pitzler has invited Eastern Washington University students. She asked for a volunteer from the board to help create a short presentation for the students including special attention to the application process. Mr. Fauerso agreed to assist with this.

9. Meeting Updates
   A. Assisted Living Quality Measures Project workgroup – Kendra Pitzler, Program Manager – DISCUSSION/ACTION.
   Cathy McAvoy, Program Manager for DSHS Residential Care Services, wrote an update on the progress of the Assisted Living Facilities Quality Measures workgroup.
Ms. Pitzler sent this document to the board prior to this meeting including a link to the workgroup’s website. Board members asked that they continue to be updated.

B. Nursing Care Quality Assurance commission (NCQAC) Long-Term Care Workshops – Kendra Pitzler, Program Manager – DISCUSSION/ACTION.
Ms. Gail Yu updated the board regarding the NCQAC long-term care workshop meetings that have taken place between July and October 2018. She explained that the budget bill passed in 2018 created a proviso to convene a Long-Term Care workgroup to research and provide recommendation on what could be done to improve long-term care. Issues discussed included training of nursing assistants, including the confusion and inefficiency of jurisdiction authority shared by the Department of Social and Health Services, the Department of Health and the Nursing Commission. Education and testing of nursing assistants are complicated by this dual authority as well. The workgroup is writing a report addressing these and other issues.

10. New Administrator Training – Kendra Pitzler, Program Manager – DISCUSSION/ACTION.
- New Administrator Training Compliance procedure – All new nursing home administrators are required to take training within six months of licensure. At the previous board meeting, board members agreed to a procedure to remind new licensees and to action steps when the class is not completed. The board reviewed a draft of a New Administrator Training Compliance procedure document provided by Ms. Pitzler. The board identified some changes in language to add clarifications.

MOTION: The motion was made to accept the draft as modified. The motion was seconded and passed.

- Three on-site trainings are being offered by the Department of Social and Health Services this year. Online training through WACA is an option. Board members helping with the 2019 Department of Health/Board of Nursing Home Administrator presentation for the DSHS trainings were confirmed as: Annie Zell, NHA – March 14; Catherine Van Son – July 11; and Sharon Rinehart, NHA – October 31.

11. Election of Officers – Keith Fauerso, Chair – DISCUSSION/ACTION.
Per the board’s bylaws, elections for chair and vice-chair are held the first meeting of the year and the new officers’ terms begin at the following meeting.

MOTION: The motion was made to accept the nomination of Annie Zell, NHA, to the office of Chair, and Carl Christensen, PhD., RN, to the office of Vice-Chair. The motion was seconded and unanimously approved.

12. Review of State Requirements for Endorsement – Kendra Pitzler, Program Manager – DISCUSSION/ACTION.
The board reviewed other states’ requirements in order to determine if they are substantially equivalent to requirements in Washington State. The law allows applicants who are licensed in states with substantially equivalent requirements to endorse to Washington. The last review was performed in 2012. The board is now reviewing other states’ licensure requirements if those requirements were updated since 2012.

The board identified the following states (10) to be substantially equivalent: District of Columbia, Louisiana, Maryland, Massachusetts, Nevada, New Jersey, Oregon, South Carolina, Texas, Utah, and West Virginia.
The board identified the following states (9) to not be substantially equivalent: Indiana, Michigan, Mississippi, Montana, Nebraska, North Carolina, South Dakota, Tennessee, Virginia and Wisconsin.

States to be brought back with more information (12): Colorado, Connecticut, Delaware, Florida, Iowa, Kentucky, Minnesota, New Mexico, New York, North Dakota, Oklahoma, and Pennsylvania.

Four states are still in the process of being reviewed. Other states either did not revise their licensure program since 1998 or are currently in the process of updating their program.

13. **Adjournment**

The board adjourned at 3:00 p.m.

_Kendra Pitzler_  
Program Manager  
Board of Nursing Home Administrators

_Keith Fauerso_  
NHA, Chair  
Board of Nursing Home Administrators

The next meeting of the Board of Nursing Home Administrators is scheduled for Friday, April 19, 2019 in Spokane, WA, at the WinGate by Wyndham Hotel, 2726 S. Flint Rd.