

## LLR - BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS

Synergy Business Park, Kingstree Building

Board Meeting

9:30 a.m., Thursday, June 6, 2002

110 Centerview Drive, Kingstree Building, Room 111

Columbia, South Carolina 29210

Ms. Merry Anne Gaddy, Chairperson called the regular meeting of the Board of Long Term Health Care Administrators to order at 9:30 a.m. Board members present for the meeting included: Mr. Daniel McLeod, Jr., Vice-Chairperson; Mr. Brown McCallum, Jr.; Mr. Leon Frishman; Mr. Kenneth Hiatt; Mr. Julius Kinney, Jr.; and Ms. Betty Tolbert.

Dr. Brenna DeLaine, Joann James and David Buckshorn were granted an excused absence.

Staff members participating at various times during the meeting included: Dana Welborn, Administrator; Stephanie Calhoun, Administrative Assistant; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Wayne Whitworth, Investigator; Carla McLawhorn, Attorney, LLR-Office of General Counsel; Randy Bryant, Assistant Deputy Director; Susan Duncan, Assistant to Legislative Liaison, LLR-Legislative Liaison Office; and Lisa Maseng, Legislative Liaison, LLR-Legislative Liaison Office.

### WELCOME AND CALL TO ORDER

Ms. Gaddy announced the meeting was held in accordance with Section 30-4-80 of the S. C. Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations or news media. In addition, notice was posted on the bulletin Boards at the main entrance of the Kingstree Building.

Ms. Gaddy welcomed all present.

### INVOCATION

Mr. McCallum delivered the invocation.

### APPROVAL OF MINUTES

March 6, 2002

Mr. Kinney moved that the minutes from the March 6, 2002 meeting be approved as written. The motion was seconded by Mr. McCallum and unanimously carried.

### COMMITTEE REPORTS

Executive Committee

Ms. Gaddy gave the report that David Buckshorn was reappointed to the Board for the term June 9, 2002 until June 9, 2005.

## Investigative Review Committee

Attorney Carla McLawhorn, Attorney for the Department, appeared before the Board in place of Attorney Pat Hanks, who was out on military leave.

### EXECUTIVE SESSION

Mr. Kinney moved to enter executive session to discuss the Notices of Charges, Agreement to Voluntary Surrender and Consent Orders. Mr. McCallum seconded the motion, which carried unanimously.

### RETURN TO PUBLIC SESSION

Mr. McCallum moved to return to public session. Mr. Kinney seconded the motion, which carried unanimously.

Ms. Gaddy noted for the record that no motions were made and no votes were taken during the time the Board was in executive session.

Mr. Kinney moved the Board approve the Agreement to Voluntary Surrender for Ada Foster. Mr. McLeod seconded the motion, which carried unanimously.

Mr. Kinney moved the Board approve the Consent Order for Betty Ferguson. Mr. McCallum seconded the motion, which carried unanimously.

Mr. Kinney moved the Board approve the Consent Order for Michelle Herron. Mr. McLeod seconded the motion, which carried unanimously.

Mr. Kinney moved the Board deny the proposed Consent Order for Harriette Jenerette. Mr. McCallum seconded the motion, which carried unanimously.

### EXECUTIVE SESSION

Mr. McLeod moved to enter executive session to discuss the other IRC recommendations. Mr. McCallum seconded the motion, which carried unanimously.

### RETURN TO EXECUTIVE SESSION

Mr. Kinney moved to return to public session. Mr. Hiatt seconded the motion, which carried unanimously.

Mr. McCallum moved the Board approve the IRC recommendations regarding case dismissals. Mr. McLeod seconded the motion, which carried unanimously.

Mr. Kinney moved the Board approve the IRC recommendations regarding letters of caution. Mr. Hiatt seconded the motion, which carried unanimously.

Mr. McCallum moved the Board approve the IRC recommendations regarding formal accusations. Mr. Kinney seconded the motion, which carried unanimously.

### Credentials Committee

Ms. Tolbert presented the members with data on the number of approved applicants and the number of new licensees in 1999-2001.

### Education Committee

Ms. Welborn gave the report in Dr. DeLaine's absence.

Ms. Welborn recommended that the education committee review the current continuing education application criteria and procedures and make recommendations for updates if needed.

### AIT Committee

Ms. Gaddy reported that the committee met on April 12, 2002 to review the current preceptor criteria.

The committee recommended three amendments to the Board's AIT Program Guidelines:

#### Amendment One

The facility under the preceptor's administration will:

- (a) have no outstanding penalties for noncompliance with federal or state regulations;
- (b) be in good standing with SC DHEC, Division of Certification and Division of Health Licensing; and
- (c) remain in good standing with SC DHEC, Division of Certification and Division of Health Licensing while training an AIT

#### Amendment Two

The Board may terminate a training program if the training site is cited for immediate jeopardy deficiency(ies) or found to be in substantial noncompliance with federal and/or state regulations.

#### Amendment Three

In considering applicants for the nursing home administrator preceptor certification, the Board will consider the compliance history of all facilities for which the NHA has served as administrator or assistant administrator.

Mr. McLeod moved the Board approve the recommendations from the AIT committee. Mr. McCallum seconded the motion, which carried unanimously.

Ms. Gaddy reported that a preceptor training was planned for the fall of 2002.

### Examination Committee

No examination committee report was given.

### Legislative Action Committee

Ms. Gaddy reported that the committee met on May 20, 2002 to consider the request

from the SC Chapter of the American College of Health Care Administrators to endorse applicants who are certified through the ACHCA.

The committee recommended the Board implement the following as a combination of education and experience accepted by the Board in policy:

Applicants who are certified by and who are in good standing with the American College of Health Care Administrators may use that credential to demonstrate an acceptable combination of education and experience to qualify for the SC NHA license, in lieu of employment references and college transcripts otherwise required in the initial application for licensure. The applicant must demonstrate that he or she meets all other license requirements as set forth in S.C. Code §40-35-230(A), including successful completion of the South Carolina NHA examination.

Ms. Gaddy moved the Board accept the recommendation of the LAC. Mr. McCallum seconded the motion, which carried unanimously.

#### ADMINISTRATOR'S REPORT

##### Web site Update

Ms. Welborn reported LLR has worked with the licensing boards to update the individual Websites. She said the Board of LTHCA's site has a new look and has been updated and expanded. New additions include the board forms (i.e., license application, AIT program forms) and the Code of Ethics for Long Term Health Care Administrators.

##### July Newsletter

Ms. Welborn gave a brief description of the newsletter information. No changes were made to the newsletter.

Ms. Welborn stated that beginning January 2003, staff would reduce the number of newsletters to two per year. It will be sent out in January and July.

##### CRCF Level of Care Committee

Ms. Welborn reported the DHEC, Division of Health Licensing committee completed its work at the last meeting, April 19, 2002. DHEC's final draft of the "Level of Care Criteria Guidance Document" dated April 25 was sent to the board May 2, 2002 for comment. No written comments were received.

She said staff confirmed with Jerry Paul, Bureau Chief of Health Facilities Regulations, and Dennis Gibbs, Director of Health Licensing that there were no substantive changes to the draft. Ms. Welborn advised the Board that she would provide them with the new level of care criteria document when it became available.

##### Integrated Personal Care Program

Ms. Welborn stated that she attended an IPC update meeting on May 6, 2002 at the Department of Health and Human Services. She reminded the Board that the program is

designed to provide reimbursement to participating facilities for providing personal care services to Optional State Supplementation (OSS) residents who have been assessed and approved for these services by the IPC nurse. Statewide implementation of the program was projected for July 1, 2002.

#### NAB Marketing Task Force

Ms. Welborn stated this committee was organized by NAB to promote the professions of nursing home administration and residential care/assisted living administration nationwide. NAB held a summit meeting December 13, 2001 in Washington, D.C. The focus of the summit was to ensure America would have enough nursing home administrators in the years to come.

Ms. Welborn said she would participate on the Task Force at the June NAB meeting upon the request of NAB President Bill McIlwaine.

#### UNFINISHED BUSINESS

There was no unfinished business.

#### NEW BUSINESS

Legislative Liaison Office Report by Lisa Maseng, Legislative Liaison

Ms. Maseng introduced herself to the Board as the new Legislative Liaison for the Department and gave a brief legislative summary.

Agency Report by Randall Bryant, Assistant Deputy Director

Mr. Bryant gave the Board an update on the Department's budget cuts and briefly reviewed how the Board's fines account is used to recoup disciplinary case expenses.

#### PROGRAM REVIEWS

04/25/02 Continuing Education Program "Being Prepared for DHEC Inspections"

Ms. Welborn stated that on April 26, 2002, she received a call from Janet Clayton with the Department of Health and Human Services about the April 25 program instructors and the manner in which the program material was presented. The instructors allegedly provided the administrators with information on ways to mislead DHEC inspectors during surveys. The class also ended approximately 1 ½ - 2 hours early. The April 25 program was Board-approved and sponsored by the South Carolina Association of Residential Care Homes.

Ms. Welborn advised the Board of her communication with Sandra Linn, Executive Director of SCARCH and Melissa Yetter, President of SCARCH following receipt of the complaint.

Ms. Welborn received information from Ms. Yetter about the association's prompt response to the matter. The Board was satisfied with the corrective actions taken by the association and agreed the participants at the April 25 program would not receive continuing education credit for the program.

## Community Residential Care Facility Administrator License Policy

Ms. Welborn stated that a nursing home administrator who held a provisional NHA license prior to receiving full licensure wants to use her period of provisional practice as experience for the community residential care facility administrator license.

Following the Board's discussion on this matter, Mr. McCallum moved the Board deny acceptance of experience gained with a provisional nursing home administrator license as work experience for the community residential care facility administrator license. Mr. McLeod seconded the motion, which carried unanimously.

## RECESS

The Board recessed at 10:25 a.m.

## RETURN TO PUBLIC SESSION

Ms. Gaddy called the meeting back to order at 10:45 a.m.

## APPEARANCES

Nikki Robertson

Ms. Robertson appeared before the Board to appeal the denial of her nursing home administrator application for licensure.

Ms. Robertson gave the Board background information on her work experience and education.

Mr. Tom Porter, Vice President of Banyan Company, spoke on behalf of Ms. Robertson. He explained the operation of the facility, the responsibility that Ms. Robertson has been given to make budget decisions and her involvement in the overall administration of the nursing home.

Octavene Gray

Ms. Gray petitioned the Board to allow her to sit for the NAB residential care/assisted living administrator examination again.

Thelma Myers

Ms. Myers petitioned the Board to allow her to sit for both parts of the community residential care facility administrator license examination again.

Thomas Burgulis and Daphne Peeler

Ms. Gaddy noted for the record that Mr. Burgulis and Ms. Peeler withdrew their applications for licensure.

## EXECUTIVE SESSION

Mr. McCallum moved the Board go into executive session. Mr. Kinney seconded the motion, which carried unanimously.

## RETURN TO PUBLIC SESSION

Mr. Brown moved the Board return to public session. Mr. McLeod seconded the motion, which carried unanimously.

Mr. Kinney moved that Nikki Robertson be allowed to take the nursing home administrator examination. Mr. McLeod seconded the motion, which carried unanimously.

Mr. McCallum moved that Octavene Gray be allowed to sit for the NAB residential care/assisted living administrator examination again. Mr. Kinney seconded the motion, which carried unanimously.

Mr. McCallum moved that staff send a letter to Ms. Myers requiring her to submit evidence of further study to Board staff for presentation at the next Board meeting. Mr. McLeod seconded the motion, which carried unanimously.

### Virginia Whilmore

Ms. Whilmore appeared before the Board to appeal the denial of her community residential care facility administrator application for licensure.

Ms. Whilmore requested a waiver of the required three months of community residential care facility experience based upon her thirty years experience as a Registered Nurse.

### Chiquetta Wright

Ms. Wright appeared before the Board to appeal the denial of her community residential care facility administrator application for licensure.

Ms. Wright gave the Board background information on her work experience and education.

## EXECUTIVE SESSION

Mr. McCallum moved the Board go into executive session. Mr. McLeod seconded the motion, which carried unanimously.

## RETURN TO PUBLIC SESSION

Mr. Hiatt moved the Board return to public session. Ms. Tolbert seconded the motion, which carried unanimously.

Mr. McLeod moved the Board deny Ms. Whilmore's application and her request for a waiver of the required experience. Mr. McCallum seconded the motion, which carried unanimously.

Mr. Kinney moved the Board deny Ms. Wright's application because she did not provide satisfactory evidence of supervisory experience in her position at a community residential

care facility. Mr. McCallum seconded the motion, which carried unanimously.

Sonya Shankle

Ms. Shankle appeared before the Board to appeal the denial of her nursing home administrator application for licensure.

Ms. Shankle gave an explanation of her nursing home work experience and her other health care experience.

Kari Paraday

Mr. McLeod moved the Board not proceed with Ms. Paraday's application for licensure matter because she did not appear as scheduled. Mr. Kinney seconded the motion, which carried unanimously.

Phyllis Senyk

Ms. Senyk appeared before the Board to appeal the denial of her community residential care facility administrator application for licensure.

Ms. Senyk gave an explanation of her work experience and education.

#### EXECUTIVE SESSION

Mr. Kinney moved the Board go into executive session. Mr. McCallum seconded the motion, which carried unanimously.

#### RETURN TO PUBLIC SESSION

Mr. Kinney moved the Board return to public session. Mr. McCallum seconded the motion, which carried unanimously.

Mr. Kinney moved the Board accept the additional information presented by Ms. Shankle for her nursing home administrator application and approve her to sit for the nursing home administrator licensing exam. Mr. McLeod seconded the motion, which carried unanimously.

Mr. Kinney moved that based upon the information Ms. Senyk presented, she be approved to sit for the community residential care facility administrator licensing exam. Mr. McCallum seconded the motion, which carried unanimously.

Monica Jenkins

Ms. Jenkins appeared before the Board to request consideration for the community residential care facility administrator license. Ms. Jenkins described her education and experience to the Board: a practical nursing diploma, community residential care facility work experience and other health care experience in the field of nursing.

Mr. Kinney moved that based on Ms. Jenkins' testimony and the information contained in



her application, she be allowed to sit for the community residential care facility administrator licensing exam. Mr. Hiatt seconded the motion, which carried unanimously.

NEXT MEETING

September 4-5, 2002

ADJOURN

There being no further business to be brought before the Board at this time, the meeting adjourned at 4:07 p.m.