

LLR - BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS  
Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 108  
Columbia, South Carolina 29210

MINUTES

WEDNESDAY, JUNE 4, 2003 9:00 AM

Merry Anne Gaddy, Chairperson, called the regular meeting of the Board of Long Term Health Care Administrators to order at 9:00 a.m. Other members present for the meeting included: Daniel McLeod, Jr., Vice Chairperson; Leon Frishman; Melvin Hiatt; Julius Kinney, Jr.; Brown McCallum, Jr.; and Betty Tolbert.

David Buckshorn and Dr. Brenna DeLaine were granted excused absences.

Staff members participating during the meeting included: Stephanie Calhoun, Administrative Assistant; Dana Welborn, Board Administrator; and Wayne Whitworth, Investigator. LLR staff members participating during the meeting included: Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

WELCOME AND CALL TO ORDER Ms. Gaddy announced that this 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 and in addition, notice was posted on the bulletin Boards at the main entrance of the Kingstree Building.

APPROVAL OF MINUTES

Ms. Gaddy noted one correction under policy discussion. The date should read December 4, 2002 instead of December 4, 2003.

MOTION

Mr. McCallum made a motion, seconded by Ms. Tolbert and unanimously carried, that the Board approve the minutes as amended.

COMMITTEE REPORTS

Investigative Review Committee

MOTION

Mr. McCallum moved the Board enter executive session to hear the Investigative Review Committee report. Mr. McLeod seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

Cases for Dismissal

**MOTION**

Mr. McLeod moved the Board accept the IRC's recommendation of dismissal for the four case numbers listed. Mr. Kinney seconded the motion, which carried unanimously.

**Cases for Letters of Concern****MOTION**

Mr. McCallum made a motion, seconded by Mr. McLeod and unanimously carried, to accept the IRC's recommendation on Letters of Concern for the four cases listed.

**Case for Formal Charges****MOTION**

Mr. Kinney moved the Board accept the IRC's recommendation for formal charges for the case listed. The motion was seconded by Mr. McLeod and carried unanimously.

**Consent Orders****MOTION**

Mr. McCallum moved the Board accept the IRC's recommendation to approve the consent orders for the five cases listed. Mr. McLeod seconded the motion, which carried unanimously.

**Credentials Committee**

Ms. Tolbert provided the number of licenses issued in the last quarter and in 2003 and the number of candidates.

**Education Committee**

Ms. Welborn presented the members with the number of sponsor continuing education applications and the administrator continuing education applications in the 2002-2003 fiscal year and the number of the applications completed within the last quarter.

Ms. Welborn presented the members with a list of continuing education courses as of May 28, 2003. She asked that the members contact staff should they wish to monitor a class.

Ms. Gaddy asked the committee to consider awarding continuing education credit for attendance to Board meetings. Ms. Welborn said she would contact committee members to arrange a meeting prior to the September Board meeting.

**ADMINISTRATOR'S REPORT****2003-2004 License Renewal**

Ms. Welborn presented the members with the number of licensees that renewed as of the meeting date. She noted the numbers thus far were low and that there is a problem with individuals sending incomplete applications.

**NAB Annual Meeting**

Ms. Welborn stated she and Mr. McCallum would be attending the NAB meeting in Portland, Oregon from June 11-13, 2003.

Ms. Welborn stated Susan Shealy, a South Carolina licensed community residential care facility administrator, would be participating as a practitioner on the residential care exam committee.

#### July Newsletter

Ms. Welborn stated Ms. Calhoun presented the members with a revised draft newsletter. She noted that the newsletter includes articles regarding Ms. Adrienne Youmans being named director of LLR, an article from DHEC concerning background checks, a disciplinary update, recognizing Board members and Pat Hanks for their U.S. military service, a feature on a nursing home that has performed an exemplary achievement, and a list of continuing education classes.

#### AIT Program Update

Ms. Welborn stated there are six AITs in training. She noted that five of the trainings are nine months.

#### Legislation Update

Ms. Welborn stated the Board's proposed bill was not introduced this session. She further stated the bill was sent to Senator Harvey Peeler who was interested in sponsoring the bill but was busy with other matters. She indicated she plans to have sponsors in the House and Senate. She noted that the regulation (Reg. 2829) moved through the process this legislative session. She went on to say the regulation went before the House 3M committee at which time she learned that the regulation had to be withdrawn and resubmitted with a change because the proposed bill not was not introduced and passed first. She went on to say the resubmitted regulation went before the committee and was approved.

Ms. Welborn stated she has learned that two lobbyists for the South Carolina Association of Residential Care Homes, Richard Davis and Adrienne Huffman, have indicated they would like to meet with the Board to discuss the pre-examination and licensure requirements for residential care administrators. She indicated she asked Ms. Gaddy to call a meeting of the legislative committee to meet with Mr. Davis and Ms. Huffman for the end of June or the first of July.

Ms. Welborn stated that beginning with the next legislative session LLR program administrators would be more responsible for tracking bills due to changes being made within the agency's legislative liaison office.

#### Continuing Education Update

Ms. Welborn stated staff has learned of a sponsor who failed to adhere to the Board's guidelines and requirements for approved continuing education programs. She went on to say the S.C. Department of Mental Health applied for approval for a program they created entitled "Mental Health Matters". She indicated the program is geared toward nursing home and residential care staff and teaching them about mental illness and the

most common things to look for, diagnosis and treatment. She noted she attended the pilot program and felt it was an excellent program. She went on to say the Department of Mental Health had applied for a nine-hour program, which was approved for three, 3-hour segments. She said that the department, however, offered the program in a different format with a different number of hours and informed all of the attendees that it was an approved course, awarded a different number of CE hours than the Board approved and distributed certificates. She stated this process is prohibited. She went on to say once staff discovered what had happened a letter was mailed to the Department of Mental Health indicating they needed to apply for approval of their revised program to correct the problem for the administrators who thought the course was approved. She indicated that all of the administrators who attended the programs would receive credit.

Ms. Welborn stated the Continuing Education Department of Midlands Technical College has developed a new program entitled "Safety Wise System" that is intensive training. She further stated the program includes four modules regarding work place safety. She indicated Midlands Technical College also has a web-based program. She said that Mr. Charles Jenkins of the Continuing Education Department is in charge of the program.

#### Citizen Advocacy Center Continuing Competency Survey Results

Ms. Welborn stated she has received the results of a survey conducted by the Citizen Advocacy Center. She further stated the center surveyed a variety of health related professions on continuing competency. She went on to say the main thing on the survey was the center wanted to know how the licensing Boards throughout the United States determine competency among their professionals. She indicated that continuing education is the predominant form. She said the Center then lists reasons why they do not believe that is the best form.

#### UNFINISHED BUSINESS

Adoption of policy on the number of times applicants can sit for the licensing examinations A synopsis of the discussion from the previous meeting was included in the members' agendas. The policy basically states that the applicant would submit to the Board proof of what has been done to prepare to pass the exam after three attempts. The policy presented was as follows:

If an applicant petitions the Board to retake either portion of the licensing examination after failing three times, then he or she must provide information on the approved form to indicate how the applicant has further prepared for the examination, with particular attention to the areas of weakness. No applicant will be scheduled for hearing before the Board unless the form is complete. No applicant will be approved to take either portion of the examination more than five times per application. After five failures, the applicant who is interested in pursuing licensure must file a complete new application.

During discussion regarding this matter Mr. Frishman stated he thought the Board had determined that if the applicant had failed the exam the fourth time a new application would have to be submitted. Mr. Kinney and Mr. McCallum expressed concerns on taking away a passed portion of the exam when an individual cannot pass the other portion of

the exam. Ms. Dantzler stated that if an individual has passed the state examination that is the current examination at the time of reapplication, then the applicant would not retake the examination. However, if at the time of reapplication, the Board is using another state examination, then the applicant would have to pass the new examination.

#### MOTION

Mr. Kinney moved the Board accept the change in policy as presented. Mr. McCallum seconded the motion, which carried unanimously.

The new policy will take effect July 1, 2003.

The Board suggested deleting 'more than' in the first line and changing 'sat' to 'taken' on the petition to retake the examination form.

#### NEW BUSINESS

##### Implementation of Homeland Security Act

Ms. Dantzler stated in the aftermath of September 11, 2001 the legislature revised South Carolina's State Security and Emergency Health Powers Act. She further stated one thing the legislature asked was during the period of a declared emergency that the health related Boards cooperate with the emergency effort to the extent of allowing properly licensed individuals in other states to practice in South Carolina without a license only to the extent that they are involved in the emergency public health system under the assignment of the S.C. Department of Health and Environmental Control (DHEC). She noted that DHEC is the lead agency. She indicated the agency had the MOA carefully written so that an individual could not just come in and set up. She does not envision there would be a significant number of homes needing assistance, however, in the interest of making the system run smoothly the agency is asking the Board to endorse the Memorandum of Understanding. She indicated the Board is obligating Ms. Welborn to take her laptop, rolodex, or whatever she keeps records of states that license administrators and sit with the DHEC emergency team to make phone verifications of licensees who arrive in the state (through FEMA, the Red Cross or through a group who have had to move residents out of the emergency area and have brought in individuals from other states for assistance) under DHECs assignment until such time the emergency is over.

#### MOTION

Mr. McCallum moved the Board accept the Memorandum of Understanding. Mr. McLeod seconded the motion, which carried unanimously.

#### Request from James E. Allen, PhD

Dr. Allen is requesting the Board to allow his long term care administrator course to be part of the licensing process for nursing home administrators in South Carolina.

Mr. McCallum suggested Ms. Welborn inform Dr. Allen that the Board would be glad to recommend Dr. Allen's course as a pre-exam course, but it would not require the course

to be part of the licensing process.

## LICENSE APPLICATIONS

### James Gardner

Mr. Gardner appeared before the Board in the matter of his application for a community residential care facility administrator license. Specifically, Mr. Gardner was asked to explain his negative answer to the question on the application that states "Have you ever been convicted or pled guilty or nolo contendere to any felony, misdemeanor, or crime of moral turpitude?" and the fingerprint check results that show he was convicted of possession of beer under 21 in 1993.

Mr. Garner gave an explanation to the Board about his application.

### MOTION

Mr. Kinney moved the Board enter executive session to discuss Mr. Gardner's application. Mr. McCallum seconded the motion, which carried unanimously.

## RETURN TO PUBLIC SESSION

### MOTION

Mr. Kinney made a motion to allow Mr. Gardner to sit for the community residential care facility administrator license examination. The motion was seconded by Mr. McCallum and carried unanimously.

### Deborah Williams

Ms. Williams appeared before the Board in the matter of her application for a community residential care facility administrator license. Specifically, she was asked to explain her disciplinary record with the South Carolina Board of Nursing.

Ms. Williams gave an explanation of the discipline of her nursing license.

### MOTION

Mr. Kinney moved the Board enter executive session to discuss Ms. Williams' application. Mr. Hiatt seconded the motion, which carried unanimously.

## RETURN TO PUBLIC SESSION

### MOTION

Mr. Kinney made a motion to allow Ms. Williams to sit for the community residential care facility administrator license examination. The motion was seconded by Mr. McCallum and carried unanimously.

### Gwendolyn Scott

Ms. Scott appeared before the Board in the matter of her application for a community residential care facility administrator license. Ms. Scott was asked to explain the misleading information in the application regarding her community residential care facility work experience.

Ms. Scott gave an explanation of her community residential care facility work experience and other employment.

#### MOTION

Mr. Kinney moved the Board enter executive session to discuss Ms. Scott's application. Mr. Hiatt seconded the motion, which carried unanimously.

#### RETURN TO PUBLIC SESSION

#### MOTION

Mr. Kinney made a motion to disapprove Ms. Scott's application for the community residential care facility administrator license. He further recommended that Ms. Scott consider submitting a new application with updated information. The motion was seconded by Mr. McCallum and carried unanimously.

#### Emily Shannon

Ms. Shannon appeared before the Board in the matter of her application for a community residential care facility administrator license. Ms. Shannon was appealing the denial of her application.

#### MOTION

After hearing Ms. Shannon's testimony, Mr. Kinney moved the Board enter executive session to discuss her application. Mr. McCallum seconded the motion, which carried unanimously.

#### RETURN TO PUBLIC SESSION

#### MOTION

Mr. Kinney made a motion to allow Ms. Shannon to sit for the community residential care facility administrator license examination. The motion was seconded by Mr. McLeod and carried unanimously.

#### Jo Simmons

Ms. Simmons requested her application be carried over to the September 2003 meeting.

#### Angela Jones Gamble

Ms. Gamble appeared before the Board in the matter of her application for a community residential care facility administrator license. Specifically, she was present to petition the Board to allow her to take the national nursing home administrator licensing examination a fifth time.

#### MOTION

After hearing Ms. Gamble's testimony, Mr. Kinney moved the Board enter executive session to discuss her petition. Mr. McCallum seconded the motion, which carried unanimously.

## RETURN TO PUBLIC SESSION

### MOTION

Mr. Kinney made a motion to allow Ms. Shannon to sit for the community residential care facility administrator license examination. The motion was seconded by Mr. McLeod and carried unanimously.

### NEXT MEETING

The next meeting of the Board of Long Term Health Care Administrators is scheduled for September 3-4, 2003 at the SCDLLR, Conference Room 111.

### ADJOURN

The meeting was adjourned at 1:30 p.m.

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### MINUTES

#### THURSDAY, JUNE 5, 2003 2:00 PM

Merry Anne Gaddy, chairperson, called the hearing before the Board of Long Term Health Care Administrators to order at 2:00 p.m. Other members present for the meeting included: Daniel McLeod, Jr., Vice Chairperson; Leon Frishman; Melvin Hiatt; Julius Kinney, Jr.; Brown McCallum, Jr.; and Betty Tolbert.

### WELCOME AND CALL TO ORDER

Ms. Gaddy welcomed all present for the hearing.

Mr. Frishman recused himself from the proceeding before any statements or testimony were given in the matter.

### HEARING

Case No. 2002084C

This hearing was transcribed by a court reporter.

After hearing the State's and the Respondent's presentations and witness testimonies, the Board entered executive session.

## RETURN TO PUBLIC SESSION

### MOTION

Mr. McLeod moved that the Board finds the Respondent violated the Board's Practice Act and that the following sanctions be imposed:

That the Respondent's license will be placed on probationary status for a period of

eighteen months, with the conditions to include random inspections by the Board and strict compliance with DHEC regulations.

Secondly, that the Respondent be required to complete six additional hours of continuing education addressing understanding of DHEC regulations; this has to be completed by December 31st of this year. This is in addition to the normal eighteen -hour continuing education requirement.

And finally, that the Respondent be required to pay a fine of a thousand dollars by December 31st of this year.

Mr. McCallum seconded the motion, which carried unanimously.

**ADJOURN**

The hearing was adjourned at 6:38 p.m.