

South Carolina Board of Long Term Health Care Administrators
9:30 a.m., Thursday, March 4, 2010
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

MINUTES

1. Call to Order

David Buckshorn, vice chairman, of Greenville, called the regular meeting of the Board of Long Term Health Care Administrators to order at 9:32 a.m. Other members present for the meeting included: David Buckshorn, vice chairman, of Greenwood; Pam Dukes, of Columbia; Melvin Hiatt, of Fairfax; Marvin Hyatt, of Rock Hill; Julius Kinney, Jr., of Anderson; Brown McCallum, of Columbia; and Nikki Robertson, of Little River.

Staff members participating in the meeting included: Lee Ann Bundrick, RPh, Administrator; Stephanie Calhoun, Administrative Assistant, Sharon Dantzer, Associate General Counsel; Sandra Dickert, Administrative Assistant; Dean Griggs, Hearing Officer; Yolanda Rodgers, Investigator, Office of Investigations and Enforcement; and James Saxon, Hearing Officer.

A. Public Notice

Mr. Buckshorn 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. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Introduction of Board Members and All Other Persons Attending

3. Consideration of excuses for absences of Board Members

Mr. McLeod was granted an excused absence.

4. Adoption of Agenda

MOTION

Mr. McCallum made a motion the Board adopt the agenda. Ms. Robertson seconded the motion, which carried unanimously.

5. Approval of the December 3, 2009 Meeting Minutes

Mr. McCallum noted he is from Columbia, not from Summerville.

MOTION

Mr. McCallum made a motion the Board approve the December 3, 2009 meeting minutes as amended. Ms. Robertson seconded the motion, which carried unanimously.

6. Chairman's Remarks

A. Legislative Update

Ms. Dukes briefed the Board regarding legislation by the SC Department of Health and Environmental Control. She stated DHEC submitted the revised CRCF legislation to the

agency's Board in January during which discussion ensued regarding background checks on direct caregivers. She further stated the board was dismayed that CRCF owners are not required to have criminal records checks and directed staff to work with the legislature to change the law so that CRCF owners of licensed facilities could not have any type of conviction for violent crimes or financial crimes, such as fraud, embezzlement or any drug related crimes. She noted staff began the process of drafting language and shortly thereafter Senator Jackson introduced a bill specifically stating CRCF owners could not have certain types of convictions but the bill did not include financial crimes. She stated DHEC worked with Senator Jackson and the bill was expanded to include nursing home owners as well as CRCF owners could not have certain types of convictions and that the bill was discussed in committee the week of February 22, 2010. She noted the bill did not change the language regarding direct caregivers and it is up to the owner's/administrator's discretion whether or not to hire an individual with a criminal background.

Ms. Dukes stated the agency all included the owners of residential treatment facilities for adolescents and children and hospice in the bill to require criminal background checks.

Ms. Dukes stated the criminal background check would be done at initial licensure and licensure renewal. She went on to say if an individual could not prove residency in South Carolina for at least one year that individual would be required to submit an FBI criminal history check, which must be supported by a fingerprint card. She said SLED has informed DHEC fingerprints could be kept on file which could be updated and that the agency would notify DHEC if an arrest had been made since the last license renewal.

Ms. Dukes stated all individuals who spoke at the subcommittee hearing wanted the bill to pass. She does not know if the bill would pass this year, although it is possible. She noted DHEC requires an owner of the corporation to sign the license.

Ms. Calhoun briefed the Board regarding Bills S.1009, S.990 and H.4546. She stated Bill S.1009 is to amend Section 17-5-530 of the 1976 Code, to provide that county coroners must be notified of deaths in nursing homes. She further stated Bill S.990 is amend Section 44-7-260 of the 1976 Code, to provide that nursing homes must carry at least one million dollars in comprehensive general liability insurance to obtain a license, to provide that a nursing home must notify the Department of Health and Environmental Control upon cancellation of a general liability policy, and to provide that a nursing home license shall be revoked upon failure to maintain general liability insurance. She went on to say Bill H.4546 is a joint resolution to establish a self-directed semi-independent agency pilot project so as to create certain professional and occupational licensing boards as separate and distinct individual state agencies to the extent provided for in the joint resolution and that as of January 1, 2011, to provide for their powers and duties with regard to their fiscal, regulatory, and operational responsibilities, and to provide that the joint resolution is repealed July1, 2015, unless extended by the General Assembly.

7. New Business

A. Committee Reports

1. Investigative Review Committee

Ms. Yolanda Rogers, of OIE, briefed the Board regarding the cases from the IRC meeting. She noted there are six cases for dismissal, three cases for formal complaints, six cases for letter of caution, and two cases for reconsideration for dismissal.

MOTION

Mr. Kinney made a motion the Board approve the six cases for dismissal. Mr. Hiatt seconded the motion, which carried unanimously.

MOTION

Mr. Hyatt made a motion the Board approve the six cases for letters of caution. Mr. McCallum seconded the motion, which carried unanimously.

MOTION

Mr. Kinney made a motion the Board approve the two cases for reconsideration for dismissal. Mr. Hiatt seconded the motion, which carried unanimously.

2. Credentials Committee

Mr. McCallum noted as of February 25, 2010 there are four NHA approved candidates, 17 CRCFA approved candidates, and one dual approved candidate. He said there are also three NHA provisional licenses, nine CRCFA provisional licenses, and one dual provisional license. He further stated there were 15 NHA licenses issued between December 9, 2009 and February 25, 2010, nine CRCFA licenses issued between December 9, 2009 and February 25, 2010, and three dual licenses issued between December 9, 2009 and February 25, 2010. He also stated nine NHA licenses were issued since January 1, 2010, four CRCFA licenses were issued since January 1, 2010, and two dual licenses were issued since January 1, 2010.

3. Education Committee

Mr. Hiatt stated since July 1, 2009 80 sponsor continuing education applications and 43 administrator continuing education applications have been approved. He further stated since January 1, 2010 15 sponsor continuing education applications and nine administrator continuing education applications have been approved.

4. AIT Committee

i. AIT Committee Meeting

Mr. Kinney stated the AIT Committee met on February 16, 2010 and discussed how to get more administrators involved in becoming preceptors. The committee agreed to ask for the support of the SC Nursing Home Association and the SC Health Care Association to financially support those facilities who may not be able to provide payment for a trainee. A meeting will be scheduled sometime in April with these associations to discuss this matter,

In the future, a regulation change will need to be made allowing a preceptor to train at least two people. The current regulation allows the preceptor to train one AIT at a time. The regulation change should allow one AIT candidate per preceptor with less than 150 beds and two AIT candidates per preceptor with more than 150 beds.

The CRCF AIT Program is not currently in place. There will be a meeting set up with the SC Residential Care Homes and the SC Residential Program to discuss how they may support the program participants financially along with helping to produce quality administrators to run the community residential care facilities. One the committee has met with them, information will be sent to interested administrators.

ii. AIT Committee Report

There are currently four individuals participating in the AIT program.

5. New Mileage Rate

Ms. Calhoun presented the members with a memorandum stating the new mileage rate is 50¢ per mile.

6. Statement of Economic Interest Forms

Ms. Calhoun reminded the members to complete and submit the Statement of Economic Interest Forms to the SC Ethics Commission.

7. Board Member Resignation

Staff received a letter of resignation from Mr. Brown McCallum. Ms. Calhoun presented Mr. McCallum with a plaque of appreciation for his time and service to the Board.

8. Applicant Appearance(s)-Qualification Approval

1. Amadi E. Nwankudu

Mr. Nwankudu appeared before the Board because the Credentials Committee determined that his combination of education and experience must be reviewed by the full Board.

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Kinney made a motion the Board approve Mr. Nwankudu for licensure. Mr. Hyatt seconded the motion, which carried unanimously.

9. Applicant Appearance(s)-Qualification Approval-Other Certificate Program

1. Venna S. Reese

Ms. Reese appeared before the Board because she does not meet the minimum education requirement for the CRCFA license. Her diploma in practical nursing and additional college credit hours and work experience must be considered by the Board in accordance with the Board policy that states, 'Other certificate programs in combination with CRCF and other health care work experience will be considered on a case-by-case basis.'

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Kinney made a motion Ms. Reese be allowed to sit for the exam. Mr. McCallum seconded the motion, which carried unanimously.

2. Leslie H. Grubb

Ms. Grubb appeared before the Board because she does not meet the minimum education requirement for the CRCFA license. Her diploma in practical nursing and work experience must be considered by the Board in accordance with the Board policy that states, 'Other certificate programs in combination with CRCF and other health care work experience will be considered on a case-by-case basis.'

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Kinney made a motion Ms. Grubb be allowed to sit for the exam once she demonstrates to the staff that she has successfully completed six months of employment in a CRCF, which

should be one and one-half months to two months according to the Board's calculations. Ms. Grubb be allowed to sit for the exam once she demonstrates to the staff that she has successfully completed six months of employment in a CRCF, which should be one and one-half months to two months according to the Board's calculations. Mr. McCallum seconded the motion, which carried unanimously.

10. Applicant Appearance(s)-Criminal Background Results

1. Darren L. Wilson

Mr. Wilson appeared before the Board because he answered 'yes' to the question asking, 'Have you ever been convicted or pled guilty or nolo contendere to any felony, misdemeanor, or crime of moral turpitude?' According to a letter included with his application he was charged with possession of cocaine in 1986 and was convicted in 1989.

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Kinney made a motion Mr. Wilson be granted the opportunity to sit for his exam. Mr. McCallum seconded the motion, which carried unanimously.

2. Laura G. Spearman

Ms. Spearman appeared before the Board because she answered 'yes' to the question asking, 'Have you ever been convicted or pled guilty or nolo contendere to any felony, misdemeanor, or crime of moral turpitude?' Her criminal record indicates she was convicted of a DUI in 2006. Her application is also before the Board for reconsideration after being denied by the Credentials Committee.

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. McCallum made a motion Ms. Spearman not be allowed to sit for the exam until such documented work experience is satisfied. Mr. Kinney seconded the motion, which carried unanimously.

11. Public Comments

No public comments were made during this meeting.

12. Adjournment for March 4, 2010 Board Meeting

MOTION

Mr. Kinney made a motion the meeting be adjourned. Mr. McCallum seconded the motion, which carried unanimously.

The March 4, 2010 meeting of the SC Board of Long Term Health Care Administrators adjourned at 11:21 a.m.

The next meeting of the SC Board of Long Term Health Care Administrators is scheduled for June 3, 2010.

Hearing(s)

1. Melina Mayweather

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

The Board members were presented with a proposed Memorandum of Agreement in lieu of a hearing.

MOTION

Mr. Kinney made a motion the Board the MOA and find the nature of the violation does not rise to the level of the imposing sanction. Mr. Hyatt seconded the motion, which carried unanimously.

2. Anne O. Winn

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

MOTION

Mr. Kinney made a motion the Board accept the proposed consent agreement. Mr. McCallum seconded the motion, which carried unanimously.

3. Lillian R. Jamison

This proceeding was taken by a court reporter in order to produce a verbatim transcript should one be necessary.

A consent agreement was presented to the Board members in lieu of a hearing.

MOTION

Mr. Kinney made a motion the Board accept the proposed consent agreement. Mr. McCallum seconded the motion, which carried unanimously.