

MINUTES
South Carolina Board of Long Term Health Care Administrators
Board Meeting

9:30 a.m., December 5, 2019
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 204
Columbia, South Carolina

Public notice of this meeting was properly posted at the S.C. Board of Long Term Health Care Administrators office, Synergy Business Park, Kingstree Building, and on the board website and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

BOARD MEMBERS PRESENT:

Melissa Yetter, Chairman
Gwen Thompson
Timothy Slice
Sarah Doctor-Greenwade
William Birmingham

SCLLR STAFF PRESENT:

Georgia Lewis, Office of Advice Counsel
Meredith Buttler, Administrator
Megan Flannery, Office of Disciplinary Counsel
Ashley Bailey-McNair, Office of Investigations

PRESENT:

Kitty Lindler, Court Reporter

CALL TO ORDER: Chairman Yetter called the meeting to order at 9:30 a.m.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Birmingham/Slice/approved.

INTRODUCTION OF BOARD MEMBERS

Each Board member provided a brief introduction of themselves.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve Elizabeth Schaper absence.
Birmingham/Doctor-Greenwade/approved.

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the September 23, 2019 meeting.
Slice/Birmingham/approved.

CHAIRMAN'S REMARKS

Chairman Yetter state she did not have any remarks.

STAFF REPORTS

OIE Statistical Report

On behalf of Greg Hinson, Ashley Bailey-McNair reported from January 1, 2019 to November 27, 2019, the Board has received a total of 79 complaints. A report showing the breakdown of complaints by alleged issues was provided to the Board as information. Additionally within the reported time period, OIE has closed 82 cases.

Ms. Bailey-McNair also reported on the OIE Investigator training completed in 2019.

IRC Report

Ms. Bailey-McNair informed the Board that the IRC met on November 19, 2019. The IRC Report recommends 13 cases for dismissal and 3 formal complaints.

Motion: To approve the recommendations for dismissals on the IRC report.
Slice/Birmingham/approved.

Motion: To approve the recommendations for formal complaints on the IRC report.
Birmingham/Doctor-Greenwade/approved.

ODC Report

Megan Flannery reported there are currently 8 cases open: 2 pending ODC action, and 21 closed.

APPLICANT HEARINGS

a. Patrick Deptula

Mr. Patrick Deptula appeared before the Board for an application hearing. He was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice.
Doctor-Greenwade/Slice/approved.

Return to Public Session

Motion: For the Board to return to public session
Birmingham/Slice/approved.

Board Chairman, Melissa Yetter, noted for the record that no votes or actions were taken while in executive session.

Motion: To approve Mr. Deptula's application and make him eligible for the appropriate examination.
Slice/Birmingham/approved.

b. Karen Turner

Ms. Karen Turner appeared before the Board for an application hearing. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice.
Slice/Doctor-Greenwade/approved.

Return to Public Session

Motion: For the Board to return to public session
Birmingham/Slice/approved.

Board Chairman, Melissa Yetter, noted for the record that no votes or actions were taken while in executive session.

Motion: To approve Ms. Turner's provisional application and make her eligible for the appropriate examination.
Doctor-Greenwade/Birmingham/approved.

DISCIPLINARY HEARINGS

Case #2018-40 – Memorandum of Agreement

The respondent appeared before the Board for a Memorandum of Agreement Hearing. Respondent was not represented by counsel and was sworn in by the court reporter. Board member Gwen Thomson and Sarah Doctor-Greenwade recused themselves from the hearing. Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: For the Board to enter into executive session to seek legal advice.
Slice/Birmingham/approved

Motion: For the Board to return to public session.
Birmingham/Slice/approved

The Board members asked additional questions of the respondent.

Motion: For the Board to enter into executive session to seek legal advice.
Birmingham/Slice/approved

Motion: For the Board to return to public session.
Birmingham/Slice/approved

Board Chairman, Melissa Yetter, noted for the record that no votes or actions were taken while in executive session.

Motion: To accept the MOA and mitigating testimony to include the following sanctions: a public reprimand, the respondents license shall be suspended for a period of two years immediately stayed, and license placed on probation for two years. The probation is pending payment of \$1,000 per violation for a total of \$2,000 within 90days of final written order. If compliance is not met, probation shall be lifted and suspension immediately placed upon the license.
Slice/Birmingham/approved.

Case #2019-3 – Memorandum of Agreement

The respondent appeared before the Board for a Memorandum of Agreement Hearing. Respondent was not represented by counsel and was sworn in by the court reporter. Board member Gwen Thomson recused herself from the hearing. Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: For the Board to enter into executive session to seek legal advice.
Birmingham/Slice/approved

Motion: For the Board to return to public session.
Birmingham/Doctor-Greenwade/approved

Board Chairman, Melissa Yetter, noted for the record that no votes or actions were taken while in executive session.

Motion: To accept the MOA and mitigating testimony to include the following sanctions: a public reprimand and payment of \$500 per violation for a total of \$1,000 within 90 days of final written order.
Slice/Birmingham/approved.

The Board advised the respondent to be aware of evacuation procedures and zoning and the crafting of multiple agreements with various businesses to best be prepared.

NEW BUSINESS

c. Winthrop University AIT Program Proposal

Dr. Michael Matthews of Winthrop University and Mr. James Thomas of Westminster Towers presented the Board with an adapted AIT Internship Program that would allow students to attain Dual licensure upon graduation.

Motion: For the Board to enter into executive session to seek legal advice.
Birmingham/Doctor-Greenwade/approved

Motion: For the Board to return to public session.
Birmingham/Doctor-Greenwade/approved

Board Chairman, Melissa Yetter, noted for the record that no votes or actions were taken while in executive session.

The Board stipulated that the proposed program could not be approved as it did not meet the S.C. Regulation 93-80. Dr. Matthews and Mr. Thomas were invited to resubmit a revised AIT program for Board review once further adaptation are made to bring it into compliance with the Board Regulations. The Board encouraged Winthrop to consider applying to NAB for HSE credentialing route.

d. Panel Hearing Officer nominations and e. Investigative Review Committee Members nomination

Ms. Buttler presented the nominations received for replacement Panel Hearing Member and additional IRC Committee Members.

Motion: To approve the nominations pending acceptance by the nominee.
Doctor-Greenwade/Slice/approved

ADMINISTRATOR REPORT

The Board Licensee reports were provided to members to review. Currently there are 570 active CRCFA licenses, 313 active NHA licenses and 176 active Dual licenses. The report included breakdowns of the Select Inactive licenses and pending application numbers. The Board's current account balance \$255,063.83.

Ms. Buttler reported everything has been approved for CE Broker rollout. Notification will be sent to licensees shortly encouraging them to activate their free account. The utilization of CE Broker will not be mandatory for the 2020 renewal cycle but will be required for the 2021 renewal cycle. An attempt was made to build a software bridge between CE Broker and NAB CE Registry; however, it was not successful and CE Broker has now developed the ability for licensees to receive credit if they upload their report from NAB CE Registry.

NEW BUSINESS

a. Mid-Year NAB Meeting in Las Vegas

Ms. Doctor-Greenwade reported that the NAB meeting focused on the HSE Certification and identifying barriers to adoption. Additionally the conference address the issue of difficulty in attaining licensed Preceptors. Ms. Doctor-Greenwade stated that there is an industry shift toward home health care and as a licensing board, awareness of the issue is vital.

The Board discussed the restriction of Preceptors only being allow one AIT candidate was held. As the intent of the AIT program is to assist in facilitating licensure more quickly to qualified candidates, S.C. Regulation 93-80(F) has been identified a barrier.

Motion: To amend S.C. Regulation 39-80(F) to allow a preceptor to supervise up to two AIT candidates concurrently.
Birmingham/Doctor-Greenwade/approved

b. Administrator in Training – CRCFA Program Approval

Ms. Buttler submitted for the Board’s review documentation and applications for the CRCFA AIT Internship program. Additionally the current documents and applications for the NHA AIT Internship program have been updated to reflect the current version of the NAB AIT Manual.

Motion: To approve the AIT documents and forms.
Birmingham/Slice/approved

f. Review of Regulation 93-65 and Interpretive Guideline

Following the last IRC meeting, the IRC Committee Members requested the Board provided additional clarification regarding 93-65 and the interpretation of “available”. Investigations is running into issues of licensees engaged as the administrator of multiple facilities as being “available” by phone or email yet not being present at the facilities.

After discussion, board members asked for advice counsel to review the request and bring to the February 2020 board meeting.

PUBLIC COMMENTS

There were no public comments

ANNOUNCEMENT

Next Board Meeting date February 21, 2020.

ADJOURNMENT

Motion: To adjourn the meeting.
Doctor-Greenwade/Birmingham/approved

The December 5, 2019, meeting of the S.C. Long Term Health Care Administrators Board adjourned at 2:28 p.m.

The next meeting of the S.C. Long Term Health Care Administrators Board is scheduled for February 21, 2020, in room 204.