

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

9:30 a.m., December 3, 2020

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. In accordance with the Governor's directives regarding social distancing, the meeting will be held via video and teleconferencing. Members of the public who wish to attend may do so by telephone. The telephone number and access code are provided on the posted agenda.

BOARD MEMBERS PRESENT:

Melissa Yetter, Chair
William Birmingham, Vice-Chair
Timothy Slice
Sarah Doctor-Greenwade
Elizabeth Schaper
Bentley White

SCLLR STAFF PRESENT:

Mary League, Office of Advice Counsel
Kyle Tennis, Office of Advice Counsel
Meredith Buttler, Administrator
Wendy Taylor, Program Coordinator
Megan Flannery, Office of Disciplinary Counsel
Greg Hinson, Office of Investigations
Byron Ray, Office of Investigations
Doris Cochran, Office of Investigations
Bianca Smith, Office of Investigations

PRESENT:

Melissa Blackwell, Court Reporter
Qiana S. Anderson
Donya Irby
Ethel Pettis
Rogelio Singian
Cresencia Langit
James Langit

CALL TO ORDER: Chairman Yetter called the meeting to order at 9:32 a.m.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Birmingham/Doctor-Greenwade/approved.

INTRODUCTION OF BOARD MEMBERS

Each Board member provided a brief introduction of themselves.

APPROVAL OF EXCUSED ABSENCES

No members absent

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the September 10, 2020 meeting.
Slice/Birmingham/approved.

STAFF REPORTS

OIE Statistical Report

Greg Hinson reported for the fourth quarter of 2020, the Board has received 3 complaints for a total of 24 complaints year to date. A report showing the breakdown of complaints by alleged issues was provided to the Board as information. Additionally for the fourth quarter, OIE closed no cases, a total of 28 have been closed year to date.

IRC Report

Mr. Hinson informed the Board that the IRC met on November 19, 2020. The IRC Report recommends 3 cases for dismissal and 1 letter of caution.

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

Motion: To approve the recommendation for dismissal with a letter of caution on the IRC report.
Birmingham/Doctor-Greenwade/approved.

ODC Report

Ms. Megan Flannery reported there are currently 8 cases open: 4 pending CA/MOAs and 3 pending hearings. Since January 1, 2020, 3 cases have been closed. Ms. Flannery reported the number of cases has reduced slightly during 2020.

APPLICANT APPEARANCE

a. Ethel Pettis

Ms. Ethel Pettis appeared before the Board for an application hearing. She was not represented by counsel and was sworn in by Board Chair, Melissa Yetter. 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.
Birmingham/Doctor-Greenwade/approved.

Return to Public Session

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

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

Motion: To approve Ms. Pettis application for renewal with a note of concern regarding the DHEC consent order.
Birmingham/ Schaper /approved.

- b. Qiana S. Anderson
Ms. Anderson 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.
Birmingham/Schaper/approved.

Return to Public Session

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

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

Motion: To approve re-examination with a note on being mindful of the NAB allowance for re-examination.
Slice/ Doctor-Greenwade /approved.

- c. Donya Irby
Ms. Irby 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.

Motion: To approve re-examination application and encourage Ms. Irby to review the NAB practice tests and study material.
Birmingham/Schapper/approved.

DISCIPLINARY APPEARANCE

- a. 2020-3 MOA
b. 2020-4 MOA

The respondents for 2020-3 and 2020-4 appeared together before the Board for a closed Memorandum of Agreement Hearing due to being co-administrators of the facility. Respondents were not represented by counsel and were sworn in by the court reporter.

Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: For the Board to accept and review both MOAs as one case.
Birmingham/Doctor-Greenwade/approved.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice. Board Administrator to be included not for purposes of discussion but for facilitation of software.
Birmingham/Schaper/approved.

Return to Public Session

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

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

Motion: To accept each MOA as written with a penalty of \$500 for each admitted violation with a total fine of \$1,000 to be paid within six months of the Board Order.
Birmingham/Schaper/approved.

c. 2020-5 MOA

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. Disciplinary 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. Board Administrator to be included not for purposes of discussion but for facilitation of software.
Birmingham/Doctor-Greenwade/approved.

Return to Public Session

Motion: For the Board to return to public session
Schaper/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 as written with a penalty for the admitted violation with a fine of \$1,000 to be paid within six months of the Board Order.
Birmingham/Slice/approved.

Mr. Birmingham expressed his concern at having Mr. Singian appear for a second time for the same violation and if another appearance occurred, the Board would impose more severe sanctions.

ADMINISTRATOR REPORT

The Board Licensee reports were provided to members to review. Currently there are 574 active CRCFA licenses, 316 active NHA licenses and 184 active Dual licenses. Following the close of renewals on September 30, 2020, licensed were lapsed: 51 CRCFA, 35 NHA and 17 Dual. The report included breakdowns of the Select Inactive licenses and pending application numbers. The Board's current account balance as of October 31, 2020 is \$285,581.33.

Ms. Buttler shared with the board the amendments to Regulation 93-8 were published in the state register on August 28, 2020. The amendments to the regulation make allowances for preceptors to supervise up to two AIT candidates concurrently.

The Enlivant AIT Program three variations were provided to the Board for review and discussion. Per the Board's previous request, the programs fulfill the 3 month, 6 month and 9 month requirements for a CRCFA AIT program.

Due to social distancing restrictions, both the NAB Annual Meeting and the SCALA Annual Meeting were held virtually. The NAB Meeting took place October 26-30, 2020 with all board members being allowed to attend the sessions. Ms. Doctor-Greenwade represented the Board for the SCALA meeting held on December 2, 2020. She provided the yearly report and fielded questions from the meeting's attendees.

NEW BUSINESS

a. Review of Regulations 93-200

In light of the continued national health crisis, the Board reviewed the continuing education requirements for the upcoming 2021 renewal cycle.

Motion: To approve an extension to the current continuing education allowance through the 2020-2021 renewal cycle. The extension allows for licensees to attain 100% of the required continuing education course via NAB approved and Board approved online courses.
Birmingham/Schaper/approved.

b. Discussion: CARES Act Funding and Administrator Compliance to COVID Testing Requirements

Ms. Yetter brought to the Board's attention the upcoming expiration of the CARES act and the possible cases that could arise to the Board's attention following. With the end of the CARES Act, many facilities may not be able to afford testing for their residence as

required by DHEC. Ms. White stated she would review the DHEC policy and consequences for facilities no longer providing testing of their residence.

PUBLIC COMMENTS

None.

ANNOUNCEMENT

Next Board Meeting date January 28, 2021.

ADJOURNMENT

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

The December 3, 2020, meeting of the S.C. Long Term Health Care Administrators Board adjourned at 12:44 p.m.

The next meeting of the S.C. Long Term Health Care Administrators Board is scheduled for January 28, 2021 via WebEx platform.