

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

9:30 a.m., December 1, 2016
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 204
Columbia, South Carolina

Thursday, December 1, 2016

Note: These minutes are a record of the motions and official actions taken by the Board and brief summary of the meeting.

MEETING CALLED TO ORDER

Daniel R. McLeod, Jr., 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.

Daniel R. McLeod, Jr., Chairman, of Greenville, called the regular meeting of the Board of Long Term Health Care Administrators to order at 9:30 a.m. Other members present for the meeting included: Julius Sonny Kinney, Jr. of Anderson, Shelly Kelly of Columbia, Melvin K. Hiatt of Allendale, Timothy Slice of Chapin, Sarah D. Doctor-Greenwade of Columbia and Melissa Yetter of Simpsonville.

Staff members participating in the meeting included: Stephanie Calhoun, Program Coordinator I, Georgia Lewis, Office of Advice Counsel, Megan Flannery, Office of General Counsel, Ashley Bailey, Investigator, Office of Investigations and Enforcement, Jason Haynes, Chief Investigator, Office of Investigations and Enforcement, Darra Coleman, Office of General Counsel and Gregg Hinson, Lead Investigator, Office of Investigations and Enforcement.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

INTRODUCTION OF BOARD MEMBERS AND ALL OTHER PERSONS ATTENDING

Mr. McLeod introduced the members present.

CONSIDERATION OF EXCUSES FOR ABSENCES OF BOARD MEMBERS

David Buckshorn received excused absence.

MOTION

Mr. Kinney made a motion to accept Mr. Buckshorn's excused absence. Ms. Yetter seconded the motion, which carried unanimously.

CHAIRMAN'S REMARKS

There were no remarks.

APPROVAL OF AGENDA

MOTION

Mr. Kinney made a motion to accept the approval of the agenda. Ms. Greenwade seconded the motion, which carried unanimously.

APPROVAL OF MEETING MINUTES

September 1, 2016 Board Meeting Minutes

MOTION

Mr. Kinney made a motion to accept the September 1, 2016 Board meeting minutes. Ms. Greenwade seconded the motion, which carried unanimously.

October 11, 2016 Conference Call Meeting

MOTION

Ms. Yetter made a motion to accept the October 11, 2016 Conference Call minutes. Mr. Kinney seconded the motion, which carried unanimously.

BOARD TRAINING OVERVIEW

Board members were provided a training overview from the Office of Investigations, Office of Advice Counsel and Office of General Counsel. Each Board member was given a copy of the training for each of these departments to keep on file as a reference. They were also encouraged to contact these departments with any questions.

APPLICANT APPEARANCES

Kenneth L. James

Mr. James appeared before the Board to request to retake the RCAL national exam again after facility five times.

Executive Session In

MOTION

Ms. Yetter made a motion to go into executive session for legal advice. Ms. Greenwade seconded the motion, which carried unanimously.

Executive Session Out

MOTION

Mr. Kinney made a motion to come out of executive session. Mr. Hiatt seconded the motion, which carried unanimously.

MOTION

Ms. Yetter made a motion to allow Mr. James to retake the RCAL exam on the condition of a successful completion of a staff approved training. The completion of this training must be submitted to staff. NAB will be making changes to the exam in the summer of 2017 and the exam will be implement in the fall of 2017. Mr. James will be allowed to take the new exam in the fall of 2017. Mr. Kinney seconded the motion, which carried unanimously.

National State Based Law Exam

Ms. Calhoun asked if Mr. James has to retake the CRCF state exam since questions were updated after he took the exam in 2013.

MOTION

Mr. Kinney made a motion that Mr. James not be required to retake the CRCF state exam. Ms. Yetter seconded the motion, which carried unanimously.

Kim D. Duncan

Ms. Duncan appeared before the Board to request to allow her to retake the CRCF national exam again after failing four times.

MOTION

Mr. Kinney made a motion that Ms. Duncan be allowed to sit for the exam again. Ms. Yetter seconded the motion, which carried unanimously.

Patrina L. Rivers

Ms. Rivers appeared before the Board to request to retake the CRCF national exam again after failing four times.

MOTION

Ms. Yetter made a motion that Ms. Rivers be allowed to take the CRCF national exam again. Ms. Greenwade seconded the motion, which carried unanimously.

National State Based Law Exam

Ms. Calhoun asked if Ms. Rivers has to retake the CRCF state exam since questions were updated after she took the exam in 2014.

MOTION

Mr. Kinney made a motion that Ms. Rivers not be required to retake the CRCF state exam. Ms. Yetter seconded the motion, which carried unanimously.

Ms. Yetter encouraged Ms. Rivers to take the practice exam and to contact Ms. Calhoun for the website. She also recommended her to wait until the new RCAL exam goes live in the fall of 2017.

James Blevins

Mr. Blevins appeared before the Board to request reconsideration for approval of his NHA application for licensure. Upon review, staff determined that he only had 2 years of the required 3 years with his education in Nursing home Administration. Therefore, the application could not be approved at staff level.

Melissa Yetter recused herself from this applicant hearing and left the room.

Executive Session In

MOTION

Mr. Kinney made a motion to go into executive session for legal advice. Ms. Greenwade seconded the motion, which carried unanimously.

Executive Session Out

MOTION

Mr. Kinney made a motion to come out of executive session. Ms. Greenwade seconded the motion, which carried unanimously.

MOTION

Mr. Kinney made a motion based on the information Mr. Blevins submitted, that he not be allowed to sit for NHA national and state exams. Mr. Hiatt seconded the motion, which carried unanimously.

James R. Thomason

Mr. Thomason appeared before the Board to request reconsideration for approval of his application to practice as a CRCF Administrator in South Carolina. Upon review, staff determined that he did not have on-site supervisory and director resident care responsibilities under the supervision of a licensed CRCF Administrator. The State of Illinois does not require a CRCF License. Therefore, the application could not be approved at staff level.

MOTION

Mr. Kinney made a motion that Mr. Thomason be allowed to sit for the RCAL national and NSBL state exams. Mr. Slice seconded the motion, which carried unanimously.

Zachariah T. Connell

Mr. Connell appeared before the Board because he answered “yes” to the question on the AIT application which states, “Have you ever been disciplined by a state licensure board? The application could not be handled in a routine manner by staff. His application and documents regarding discipline was available for Board review.

Mr. McLeod requested the public to exit the room because of HIPPA laws.

According to the documents presented to the Board, Mr. Connell is in a contract with RPP for the next four years.

Executive Session In

MOTION

Ms. Yetter made a motion to go into executive session for legal advice. Mr. Kinney seconded the motion, which carried unanimously.

Executive Session Out

MOTION

Mr. Kinney made a motion to come out of executive session. Mr. Hiatt seconded the motion, which carried unanimously.

MOTION

Mr. Kinney made a motion that Mr. Connell not be allowed to enter into the Administrator In Training Program at this time. Ms. Yetter seconded the motion, which carried unanimously.

Felicia A. Gates-Cade

Ms. Cade appeared before the Board at the March 3, 2016 Board meeting because she answered “yes” to the question on the application which states, “Have you ever been convicted of or pled guilty or nolo contendere to any felony, misdemeanor, or crime of moral turpitude?” The application could not be handled in a routine manner by staff. The order from the March meeting stated that the Board’s review of the application is continued pending the Applicant appearing before the Board with clarification from Ohio of the disposition of the two (2) felony charges on her criminal background report. The Board was provided the explanations of the charges.

MOTION

Mr. Kinney made a motion that Ms. Cade be allowed to sit for the RCAL national and NSBL state exams. Mr. Hiatt seconded the motion, which carried unanimously.

Kinsley Roper Wentzky

Ms. Wentzky appeared before the Board because she answered “yes” to the question on the CRCF application which states, “Have you ever been convicted of or pled guilty or nolo contendere to any felony, misdemeanor, or crime of moral turpitude?” The application could not be handled in a routine manner by staff. Her application and documents regarding discipline was provided to the Board.

Ms. Greenwade recused herself from the applicant hearing and left the room.

Executive Session In

MOTION

Ms. Yetter made a motion to go into executive session. Mr. Slice seconded the motion, which carried unanimously.

Executive Session Out

MOTION

Mr. Kinney made a motion to come out of executive session. Mr. Hiatt seconded the motion, which carried unanimously.

MOTION

Mr. Slice made a motion that Ms. Wentzky be allowed to sit for the RCAL national and NSBL state exams. Ms. Yetter seconded the motion, which carried unanimously.

DISCIPLINARY HEARINGS

Case#2015-45 MOA

Executive Session In

MOTION

Mr. Kinney made a motion to go into executive session. Ms. Greenwade seconded the motion, which carried unanimously.

Executive Session Out

MOTION

Mr. Kinney made a motion to come out of executive session. Mr. Hiatt seconded the motion, which carried unanimously.

MOTION

Mr. Kinney made a motion that according to 93-230(2) Acting in a manner inconsistent with the health or safety of the patients of the nursing home or community residential facility. He recommends a Letter of Caution. Ms. Yetter seconded the motion, which carried unanimously.

COMPLIANCE REPORTS

IRC Recommendations and Office of Investigations Report

Mr. Haynes presented the recommendations from the Investigative Review Committee. There were five (5) dismissals, three (3) formal complaints and six (6) letters of caution.

Dismissals

MOTION

Mr. Kinney made a motion to accept the dismissal letters. Ms. Yetter seconded the motion, which carried unanimously.

Formal Complaints

MOTION

Ms. Yetter made motion to accept the formal complaints. Mr. Hiatt seconded the motion, which carried unanimously.

Letters of Caution

MOTION

Mr. Kinney made a motion to accept the letters of caution. Ms. Yetter seconded the motion, which carried unanimously.

Office of Investigations Report

There were eight (8) cases received in the third quarter of the year 2016. There were sixteen (16) cases closed in the third quarter of the year 2016.

The Office of Investigations report also revealed trainings for the investigative staff.

Office General Counsel Report

Meghan Flannery presented the OGC report.

There were fourteen (14) open cases, four (4) pending actions, two (2) pending CA/MOAs, two (2) pending Board hearings/Action one (1) pending new OIE case, four (4) pending scheduling, six (6) closed and one (1) appeal. These cases are as of November 16, 2016.

ADMINISTRATOR'S REMARKS

Health Services Executive (HSE)

This item was tabled for discussion at a later date.

2016 NAB Mid-Year Meeting

April Koon, Melissa Yetter, Sarah D. Doctor-Greenwade attended the 2016 NAB Mid-Year meeting in Atlanta, GA, November 9-11, 2016.

Ms. Calhoun attended the State Executive Committee meeting. There was discussion about states accepting the Health Services Executive Credential, which one state, has had a law change to accept this new credential. Randy Linder was scheduled to present the HSE by phone, but for the sake of time, it was tabled for a later meeting.

The Committee discussed briefly the new AIT Preceptor online training. This training went live on NAB's website on November 14, 2016 for those individuals interested in becoming preceptors in their state. Those attending the Mid-Year meeting had the opportunity to go

through the four (4) module training presented by NAB. This training is very extensive and will provide the Administrator very pertinent information. The Administrator will have the opportunity to print a certificate upon completion of each module. They will also be provided CE hours. There is no cost for this training.

Ms. Calhoun gave them a legislative update for South Carolina and mention that the Board now has two new Board members. She provided them a regulation update which allows NHA practicing in South Carolina for two or more years to forgo the CRCF experience. However, they are required to take the national and state exams.

Ms. Greenwade attended the Continuing Education Committee. It was very interesting to see where states are in terms of what their requirements are. She spoke about the upcoming changes regarding the national examinations for NHA and CRCF. There will be a two part examination administered. If the applicant fails a portion of the exam, they will only have to retake that failed portion as opposed to retaking the entire exam. This will be very helpful to the applicant as well as cost efficient.

Ms. Greewnwade was very surprise to discover on a national level the qualifications that is required to become a licensed CRCF and also to see that other states do not require licensure. She looks forward to attending future meetings and becoming part of a committee.

Ms. Yetter attended the meeting as the state delegate for South Carolina to vote on decisions at the State Governance Meeting.

Ms. Yetter stated that NAB is really pushing the HSE credential. This new credential will not replace the requirements for NHA and CRCF. Having this credential will make it more appealing to those who are coming in the industry.

A press release has been sent out to all the state boards and associations regarding the AIT Preceptor online training. The associations are already asking if the Board is going to adopt the online training. This training tool will be useful for NHA and CRCF.

Office of Finance Report

The finance reports for August 2016, September 2016 and October 2016 were taken as information.

2017 Board Meeting Dates

The Board meeting dates for 2017 were provided to the Board members.

MOTION

Mr. Kinney made a motion that the 2017 Board Meeting dates be accepted pending modifications. Mr. Hiatt seconded the motion, which carried unanimously.

Election of Officers

The Board elected new officers for 2017.

Board Chair

MOTION

Mr. Kinney made a motion that Daniel R. McLeod, Jr. remain the Board Chair. Mr. Slice seconded the motion, which carried unanimously.

Vice Chair

MOTION

Mr. Kinney made a motion that Melissa Yetter be elected the Vice Chair. Mr. Hiatt seconded the motion, which carried unanimously.

Review of Background Information

SLED requires that all Board members be fingerprinted and complete the CJIS training before becoming certified, to view applicant's background results. Below are two options staff would like for the Board to consider.

Option 1: Have Board members fingerprinted and certified after viewing CJIS training online video.

Option 2: Have staff to view background results and compare the applicant's explanation, to ensure accuracy with the background check. Present explanation from applicant at Board meetings for review.

MOTION

Mr. Kinney made a motion to allow staff to view background results and compare the applicant's explanation to ensure accuracy with the background check. Staff is to present the explanation from the applicant at Board meetings for review. Mr. Hiatt seconded the motion, which carried unanimously.

NAB AIT Preceptor Online Training

There was discussion about adopting the online training under the 2016 NAB Mid-Year Meeting heading.

MOTION

Ms. Yetter made a motion to adopt the AIT Preceptor Online Training for South Carolina Administrators. Ms. Greenwade seconded the motion, which carried unanimously.

Office of Inspector General's Recommendation

Ms. Calhoun gave an overview of the Office of Inspector General's Recommendation. LTHCA, DHEC and other agencies processes and laws were reviewed to determine how they can be streamline. The recommendation was made to transfer the licensure process of the CRCF Administrators over to DHEC. The law requires that LTHCA Board license the Administrators and does not provide changes to made to the law regarding this recommendation.

Ms. Kelly says that DHEC is not in a position to license administrators. The agency is setup to license facilities. A separate Board would have to be created to handle the licensure process. DHEC has not taken a position on the recommendation at this time.

COMMITTEE REPORTS

Credentials Committee

The Board took the report of the Credentials Committee as information. The report showed eleven (11) Nursing Home Administrators (NHA), twenty-three (263 Community Residential Care Facility Administrators (CRCF), and one (1) Dual administrator have been approved since November 18, 2016. The report shows four (4) NHA provisional license, eight (48 CRCFA provisional licenses and no Dual provisional licenses have been issued since November 18, 2016. The report shows thirteen (13) Nursing Home Administrators, eleven (11) Community Residential Care Administrators and four (4) Dual Administrators licensed between September 1, 2016-November 18, 2016. Since January 1, 2016, thirty-six (36) Nursing Home Administrators, forty-seven (47) Community Residential Care Administrators and seventeen (17) Dual Administrators were licensed.

Education Committee

The Board reviewed the Education Committee report. The report showed twenty-one (21) approved Sponsor CE applications, twelve (12) approved Administrator CE application between September 1, 2016-November 18, 2016. The report showed that one hundred-twelve (112) approved Sponsor CE applications and eighty-eight (88) approved Administrator CE applications between September 1, 2016-November 18, 2016.

Staff provided the Board with a current listing of Continuing Education courses.

AIT Committee

AIT Current Trainings

Mr. Kinney presented the AIT committee report. There are currently fifty-three (57) preceptors. Six (six) preceptors out of the total can only train employees. Nine (9) AIT candidates are currently training and two (2) AIT candidates have completed the program.

Ms. Calhoun mentioned that the AIT Committee will meet in January 2017 to review the program proposals for the three schools: MUSC, College of Charleston and Winthrop, to make sure that these are the proposals to be presented to the schools for implementation.

AIT Preceptor Directory

A list of current AIT preceptors were provided to the Board and taken as information.

PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT

MOTION

Mr. Kinney made a motion to adjourn the meeting. Mr. Hiatt seconded the motion which carried unanimously.

The December 1, 2016 Board meeting of the SC Board of Long Term Health Care Administrators adjourned at 3:10 pm.