

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, MARCH 5, 2008

9:00 AM

Dan McLeod, Jr., chairman, of Greenville, called the regular meeting of the Board of Long Term Health Care Administrators to order at 9:01 a.m. Other members present for the meeting included: Pam Dukes, of Columbia; Melvin Hiatt, of Fairfax; Julius Kinney, Jr., of Anderson and Brown McCallum, of Summerville.

David Buckshorn, vice chairman, of Greenwood, was granted an excused absence.

Staff members participating in the meeting included: Lee Ann Bundrick, RPh, Administrator; Sheridan Spoon, Legal Counsel, Office of General Counsel; Stephanie Calhoun, Administrative Assistant, Pleas Faglie, and Yolanda Rodgers, Investigator, Office of Investigations and Enforcement.

WELCOME AND CALL TO ORDER

Mr. McLeod 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.

APPROVAL OF MINUTES

December 5, 2007

MOTION

Mr. Kinney moved the Board approve with the December 5, 2007 meeting minutes with a correction of the spelling of his last name. Mr. Dukes seconded the motion, which carried unanimously.

COMMITTEE REPORTS

Investigative Review Committee

Ms. Yolanda Rogers, Investigator, reviewed the February 21, 2008 IRC Report with the Board.

MOTION

Mr. Kinney moved the Board the IRCs recommendations on the below referenced cases. Mr. McCallum seconded the motion, which carried unanimously.

Dismissal				
2006-6	2006-49	2007-19	2007-23	2007-32

MOTION

Mr. Kinney moved the Board the IRCs recommendations on the below referenced cases. Mr. Hiatt seconded the motion, which carried unanimously.

Formal Complaints				
2006-79	2006-96	2007-10	2007-24	2007-41

Credentials Committee

Mr. McCallum briefed the Board on the credentials committee reports. Mr. McCallum stated that according to the chart it looks like we are alternating licensure increase and decrease for nursing home administrators, but this is nothing of great importance this far. Mr. McLeod asked if there were a trend in the decrease of licenses. Mr. McCallum stated that this is a nationwide problem. The harder the job becomes, the more likelihood of people deterring from licensure.

Education Committee

Mr. Hiatt briefed the Board on the Education Committee report.

Mr. Kinney asked if the Silver Chair Learning program was a part of the continuing education course listing. Ms. Calhoun stated that if a sponsor contacts the office about approved NAB courses, then they are added to the approved continuing education list.

Mr. Kinney asked if there are requirements for the Preceptor Training. Ms. Calhoun stated that the requirements are still the same. A training date is set up with the approved administrators and Tom Porter trains the qualified administrators to become preceptors.

AIT Committee

The Board members reviewed the AIT report as presented.

OLD BUSINESS

Adult Protection Coordination Council

Mr. Faglie explained the data received from Office of Investigations on Long Term Health Care Administrators investigations. He stated that at this time the cases are up to date. There are only four cases pending at this time with OGC. Mr. McLeod asked if the complaints must be in writing. Mr. Faglie stated that OIE prefers to get the complaints in writing, but sometimes the office receives anonymous calls where the person does not want to leave their name. Either Mrs. Bundrick or Mr. Faglie would put that information on a complaint form to investigate the issue pertaining to the safety of a resident. He stated that this board does not receive a lot of phone calls regarding anonymous complaints.

Mr. Kinney stated that it appears that OIE is doing a very good job of investigating and asked why there is a need for another investigator. Mrs. Bundrick stated that it takes a while for the Board to receive information from DHEC on a case and that could prolong the process of investigations.

Ms. Dukes asked if the process of streamlining DHEC cases before coming to the Board has helped with the investigative process. Ms. Bundrick stated that it has helped the process. Ms. Dukes asked that a letter be sent to Adult Protection Coordinating Council regarding the parameters that the Board has set in regards to investigating cases. Ms. Dukes explained that APCC is not a state agency, but is made up of state agencies.

Mr. Kinney stated that the IRC committee met previously to discuss parameters for the committee to use to determine if the cases were normal surveys or if they needed investigating. Mrs. Bundrick stated that this is not just for the Long Care Health Administrators Board, but that the agency has been trying to streamline cases for all of the Boards.

MOTION

Mr. Kinney made a motion that the Board table the decision for obtaining another investigator for the board at this time. Mr. McCallum seconded the motion, which carried unanimously.

ADMINISTRATOR'S REPORT

AIT Update

Mrs. Bundrick stated two AIT programs are still current, Oakmont of West / West Ashley and NHC Anderson. There are four AIT programs that were completed at Woodruff Manor, C. M. Tucker Jr., Nursing Care Center, C. M. Tucker Nursing Care Center, Roddey Pavilion and Lowman Rehabilitation.

Transparency in State Spending Web Site

Mrs. Bundrick gave a brief description about State Spending Web site and that it is now available on the agency's website. The boards and commissions generate their revenue by licensees and is not taxable.

FARS-Federal Automated Recovery System

Mrs. Bundrick stated that LLR has a contract with the Federal Automated Recovery System for dishonored checks. The Board signs an agreement form for FARS to act on the Board's behalf to collect dishonored checks. The function of this system is to electronically collect NSF checks in an expeditious manner. The program will return 100% of the face amount owed to the Board. Mr. McLeod asked if dishonored checks are a problem with Long Term Health Care Administrators Board. Mrs. Bundrick stated that is not a problem with this Board, but is with Boards that have 50,000 licensees. This can be very time consuming for the agency to collect on these insufficient checks. Ms. Calhoun stated that a Stored Notification Report is sent to the Board when there is a dishonored check and a Store Reimbursement Report is sent to the Board when funds are recovered. If funds are not recovered in a specified time, then the Board will be notified to take care of the insufficient fund check. Mr. Spoon stated that this system follows the same laws that are applied to collecting monies on insufficient checks.

L-1 Identity Solutions Company

Mrs. Bundrick stated the law and regulations, S.C. Code Ann. § 40-35-130, § 40-1-130 and S.C. Regulation 93-230(A)(11) concerning fingerprinting processing for each applicant for a nursing home administrators license and a community residential care facility administrators license. The Long Term Health Care Administrators Board and the Medical Board will have applicants digitally fingerprinted by L-1 Identity Solutions Company. Mr. Kinney asked staff about the cost of fingerprint process for applicants. Ms. Calhoun stated that the cost is \$49.00, but the FBI has decreased their fees, so the total cost for FBI and SLED is \$44.25. L-1 Identity Solutions Company will charge the applicant an additional \$10.00 fee for processing, bringing the total for the fingerprint process to \$54.25. The applicants will be given a letter of a website to register with L-1 and set up a testing time. The site has not yet been determined for Columbia, SC. The Board is scheduled to go live on March 10, 2008. She will be able to retrieve the results from the Lemsweb site monitored by SLED within two to three hours. Out of state applicants may go to a site if it is available in their state or they will be sent a fingerprint card for fingerprinting at their local law enforcement. The applicant must mail the card back to the Board for processing by SLED. Eventually other sites will be available throughout South Carolina. Mr. Kinney asked why the company could not coordinate with local law enforcement in the different cities. Ms. Calhoun stated that the company will coordinate with local law enforcement in the future. Ms. Bundrick stated that there is current legislation regarding fingerprinting becoming law for other agencies. The Pharmacy Board and other Boards may be required (Ask Lee Ann about this)

Ms. Dukes ask if the Board has ever tracked individuals who could not be approved on staff level because of not meeting the education or experience, but by the full Board, to show that they have failed the exam three times, Ms. Calhoun stated that staff has not tracked applicants in the past. Mr. Kinney suggested that Ms. Calhoun research this issue further and come up with a tracking system for the next board meeting.

LICENSE APPLICATIONS

Tonja Boston

Ms. Boston is petitioning the Board to allow her to take the national exam after failing on three occasions.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Executive Session

MOTION

Mr. McCallum made a motion, seconded by Mr. McLeod and unanimously carried, that the Board enter executive session to discuss the applicant's request.

Return to Public Session

MOTION

Mr. Hiatt moved that the Board come out of executive session, seconded by Mr. Kinney and unanimously carried.

MOTION

Mr. Kinney made a motion, seconded by Ms. Dukes and unanimously carried, that Ms. Boston be allowed to take the exam for the fourth time with the understanding that she work hard to prepare for the exam.

German Glasscho

Mr. Glasscho is petitioning the Board to allow her to take the national exam after failing on three occasions.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mr. Kinney made a motion, seconded by Mr. McLeod and unanimously carried, that the Mr. Glasscho be allowed to take the exam.

Catherine Hezekiah

Ms. Hezekiah is petitioning the Board to allow her to take the national exam after failing on three occasions.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mr. Kinney made a motion, seconded by Mr. McCallum and unanimously carried, the Board allow Ms. Hezekiah take the exam.

Shannon Berg

Ms. Berg is petitioning the Board to allow her to take the national exam after failing on three occasions.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mr. McCallum made a motion, seconded by Mr. Kinney and unanimously carried, the Board allow Ms. Berg to sit for the exam a fourth time.

Sharon L. Gary

Ms. Gary is appearing before the Board due to her Stipulation and Petition with the Board of Nursing in 1999.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Executive Session

MOTION

Mr. Kinney moved the Board enter executive session. The motion was seconded by Mr. McCallum and unanimously carried.

Return to Public Session

MOTION

Mr. Kinney moved that the Board come out of execution session, seconded by Mr. McCallum and unanimously carried

MOTION

Mr. Kinney made a motion, seconded by Mr. McCallum and unanimously carried that Ms. Gary be allowed to sit for the exam.

April B. Samol

Ms. Samol appearing before the Board because she does not meet the minimum educational requirements and is requesting the board consider her diploma in practical nursing in combination with her CRCF experience.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Mr. McCallum was recused due to the relationship of Presbyterian Home of SC with Agape Senior Community.

MOTION

Mr. Kinney made a motion, seconded by Mr. Hiatt and unanimously carried, the Board allow Ms. Samol to sit for the exam.

Kelly Forrest

Ms. Forrest is appealing the denial of her application. Staff originally denied the application because the applicant does not meet the minimum educational requirements. Applicant is requesting that Board accept her experience in lieu of the educational requirements.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

Executive Session

MOTION

Mr. McCallum made a motion, seconded by Mr. Hiatt and unanimously carried, the Board enter executive session, seconded by Mr. Hiatt and unanimously carried.

Return to Public Session

MOTION

Mr. McLeod moved that the Board come out of execution session, seconded by Mr. McCallum and unanimously carried. Mr. Tim Barresi wanted to speak on Ms. Forrest behalf.

Executive Session

MOTION

Mr. McCallum moved the Board enter executive session, seconded by Mr. Hiatt and unanimously carried.

Return to Public Session

MOTION

Mr. McCallum moved that the Board come out of execution session, seconded by Mr. Hiatt and unanimously carried.

MOTION

Mr. Kinney make a motion, seconded by Mr. Hiatt and unanimously carried that Ms. Forrest based on her education and experience be allow to sit for the exam.

Holly Black

Ms. Black is petitioning the Board to allow her to take the national exam after failing on three occasions.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

MOTION

Mr. Kinney made a motion, seconded by Mr. McCallum, and unanimously carried that Ms. Black be allowed to sit for the exam.

COMPLIANCE

Hearing

Case # 2005-30

This case was not heard during this meeting as Mr. McLeod and Mrs. Dukes recused themselves from participating and voting in this matter. Following Mr. McLeod's and Mrs. Dukes' recusal, there were not enough members present to constitute a quorum to hear the case. The parties involved in the case asked that the hearing be rescheduled to another date.

Mr. Kinney ask the question what can be done about the hearing since it was continued the last time and now. Mr. Spoon advised the board that they could think about having a hearing officer to hear the case if they end up without a quorum again. This person can make a recommendation to the Board in the form of a report that looks like an order and the Board decides whether or not to accept the recommendation. The hearing officer follows the same procedures as the administrators procedures act. Mr. Kinney ask what if the respondent does not want a hearing officer. Mr. Spoon stated that the Board should not want to be put in such a position because of the situation of not having a quorum. The advise of Mr. Spoon is to get this case resolved before the June 4, 2008 Board meeting. Mr. McCallum ask if the Administrative

Law Judge can come in place of the Board. Mr. Spoon said that the appeal of the Board decision would go before the Palette Court.

NEXT MEETING

The next meeting of the SC Board of Long Term Health Care Administrators is scheduled for June 4-5, 2008, in conference room 108.

ADJOURN

MOTION

Mr. McCallum moved the meeting be adjourned. Mr. Hiatt seconded the motion, which carried unanimously.

The March 5, 2008 meeting of the SC Board of Long Term Health Care Administrators adjourned at 11:25 p.m.