

LLR - BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 111
Columbia, South Carolina 29210

MINUTES

WEDNESDAY, DECEMBER 5, 2007

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; Sharon Dantzler, Assistant Deputy Counsel, Office of General Counsel; Stephanie Calhoun, Administrative Assistant, Sandra Dickert, Administrative Assistant, and Yolanda Rodgers, Investigator.

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

September 5, 2007

MOTION

Mr. McCallum moved the Board approve the September 5, 2007 meeting minutes as presented. Mr. Hiatt seconded the motion, which carried unanimously.

COMMITTEE REPORTS

Executive Committee

Mrs. Bundrick stated the terms of the current officers will end Dec. 31, 2007 and that elections will be held during this meeting.

MOTION

Mr. Kinney made a motion, seconded by Mr. McCallum and unanimously carried, the current officers be reelected for another term.

Mrs. Dantzler asked that the Board consider reaffirming the professional member of the IRC at this time.

MOTION

Mr. Kinney made a motion, seconded by Mr. McLeod and unanimously carried, that the Board reaffirm Jan Benson as the IRC chairman.

Investigative Review Committee

Ms. Yolanda Rogers, Investigator, reviewed the November 28, 2007 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
2006-57 2006-78 2007-04 2007-06 2007-07 2007-14
2007-15 2007-25 2007-36

Formal Complaints
2006-67 2006-93 2007-03

Formal Compliant – Cease and Desist
2007-27

Letter of Caution
2006-63

Mrs. Bundrick stated the Board members had reviewed a set of draft disciplinary parameters for consent agreements during the last meeting and at that time, the members asked that they be allowed additional time to review. She went on to say staff drafted the parameters based on historical documents from the previous five years. She noted staff has discussed the parameters with Jan Benson, the IRC chairman.

Ms. Benson stated she has a nursing background and has worked in long term care for many years, although she is now retired. She is licensed as nursing home administrator and a licensed residential community care administrator.

MOTION

Mr. McCallum made a motion, seconded by Mr. McLeod and unanimously carried, the Board accept the parameters as presented.

Credentials Committee

Mr. McCallum briefed the Board on the credentials committee reports. He found it interesting that there are less nursing home administrator licenses; however, there are more dual licenses this year than in previous years. More licenses are being issued in residential care.

Education Committee

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

Ms. Calhoun noted that the continuing education classes are posted on the Board's web site and is updated every week.

AIT Committee

The Board members reviewed the AIT report as presented.

ADMINISTRATOR'S REPORT

AIT Update

Mrs. Bundrick stated one AIT, Springdale Health Care Center, has been completed.

NAB Regional Conference Call

Mrs. Bundrick stated Mr. Buckshorn participated in the conference call on October 3, 2007. The states participating in the call included Georgia, Minnesota, North Carolina, South Carolina, Kentucky, Florida, New Jersey and Iowa. Twenty-two states have signed the endorsement

agreement with NAB; however, they are seeking at least 35. There was discussion pertaining to the name of NAB to make it more flexible and recognizes the future of elder services. Ms. Calhoun received an electronic mail (e-mail) from NAB in regard to the name change with several options in which to vote. She did choose a name that was shorter and recognizable on behalf of the Board.

Mrs. Dukes stated it is probably a moot point as she did not think NAB would be voting on shortening the name any time soon.

The Board asked that Mr. Buckshorn report on this conference call during the next meeting.

NAB Mid-Year Meeting

Mrs. Bundrick stated the mid year was held November 14-16 in Las Vegas, Nevada and Mrs. Dukes participated in the meeting.

Mrs. Dukes stated approximately 80 individuals participated in the meeting. She further stated she participated in a panel discussion with representatives from Idaho, Virginia, and Nevada.

DHEC-Regulation 61-17

Mrs. Bundrick stated the Board was asked to review draft regulation 61-17. The Board asked Mr. Buckshorn to review the proposed regulation since he was already working with DHEC on this document. She presented the members with a copy of Mr. Buckshorn's response to Mr. Dennis Gibbs.

Mrs. Dukes stated board approved the draft regulations during the November 2007 Board meeting and that the regulations have been forwarded to legislature for review.

Adult Protection Coordination Council

Mrs. Bundrick stated Ms. Calhoun has been attending the meetings in regard to the Adult Protection Coordination Council. She further stated during the last meeting Ms. Calhoun was asked to serve on the CRCF committee, which includes representatives from Long Term Health Care Administrators, DHEC Long Term Ombudsman, Adult Protection and Advocacy, and CRCF administrator-owners. She presented the Board with a letter from the Committee which is making the recommendation that the Board obtain their own investigator to investigate long term health care complaints only and to move the complaints through the IRC and the disciplinary process in a more timely manner. She noted this is for the Board's information only as the agency's investigators investigate complaints for all of the Boards. She said if the Board wishes to proceed with the recommendation the members would need to approach the Director or the Assistant Deputy Director

MOTION

Mr. Kinney moved the Board postpone addressing this matter until the March 2008 meeting. Mr. Hiatt seconded the motion, which carried unanimously.

Mrs. Dantzler stated there have been two inquiries regarding a provision in the statute regarding regulations for the combination of education and experience in lieu of the baccalaureate degrees in nursing home administration. She asked the Board to reconstitute the Legislative Committee to discuss this matter.

MOTION

Mr. Kinney made a motion, seconded by Mr. McCallum and unanimously carried, that the Board reconstitute the legislative committee.

Mr. McLeod appointed Mr. McCallum, Mrs. Dukes, Mr. Buckshorn, Mrs. Bundrick, and Ms. Calhoun to the Legislative Committee.

LICENSE APPLICATIONS

Shannon Berg

Ms. Berg appeared before the Board as a result of a criminal history included with her application. Due to the criminal history report Ms. Berg's application could not be handled in a routine manner by staff.

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. Hiatt and unanimously carried, that the Board enter executive session to seek legal advice on this matter.

The Board returned to public session to ask Ms. Berg further questions.

MOTION

Mr. Kinney moved the Board enter executive session to seek legal advice on this matter. Mr. McCallum seconded the motion, which carried unanimously.

MOTION

Mr. McCallum made a motion, seconded by Mr. Kinney and Mr. Hiatt and unanimously carried, the Board allow Ms. Berg be allowed to move through the licensure process, upon successful passage of the exam, any initial license issued by this Board will be placed on probation for three years during which time she must provide the Board with a SLED report at her own expense each year during the three year probation, if the SLED report reflects that she has been arrested her license will be immediately suspended and she will be required to appear before the Board.

Janice Cosgrove

Ms. Cosgrove is appearing before the Board because the Credentials Committee determined the full Board should review the application.

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 Board enter executive session.

MOTION

Mr. Kinney moved the Board allow Ms. Cosgrove take the exam. Mr. McCallum seconded the motion, which carried unanimously.

Recess

The Board took recessed at 10:45 a.m. and returned to public session at 10:50 a.m.

Return to Public Session

Sonia A. Crisp

Ms. Crisp is appearing before the Board because the Credentials Committee determined the full Board should review the application.

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 Mrs. Dukes and unanimously carried, the Board allow Ms. Crisp take the exam.

Victoria C. Hannibal

Ms. Hannibal is appearing before the Board because the Credentials Committee determined the full Board should review the application.

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

MOTION

Ms. Kinney moved the Board enter executive session to seek legal advice on this matter. Mr. McCallum seconded the motion, which carried unanimously.

MOTION

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

Lynn D. Kilpatrick

Ms. Kilpatrick is appearing before the Board because the Credentials Committee determined the full Board should review the application.

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 moved the Board enter executive session to seek legal advice on this matter. Mr. McCallum seconded the motion, which carried unanimously.

MOTION

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

Peter C. Marshall

Mr. Marshall is appearing before the Board due to a recent consent agreement with the Maine Department of Professional and Financial Regulations Nursing Home Administrators Board. Staff could not process the application through the normal process due to this consent agreement.

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 moved the Board enter executive session to seek legal advice on this matter. Mr. McCallum seconded the motion, which carried unanimously.

MOTION

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

Peggy Moore

Ms. Moore is petitioning the Board to allow her to take the 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 moved the Board allow Ms. Moore take the exam. Mr. Kinney and McCallum seconded the motion, which carried unanimously.

Linda S. Orcutt

Ms. Orcutt is appealing the denial of her application. Staff originally denied the application because she does not meet the educational and experience requirements.

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 moved the Board allow Ms. Orcutt take the exam. Mrs. Duke seconded the motion, which carried unanimously.

MOTION

Mr. Kinney moved the Board enter executive session. Mr. McLeod seconded the motion, which carried unanimously.

Return to Public Session

Betty Mouzon

Ms. Mouzon is petitioning the Board to allow her to take exam for a fourth time after failing the exam 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 moved to allow Mrs. Mouzon take the exam for the fourth time. Mr. Kinney seconded the motion, which carried unanimously.

Consent Agreement – Case #2006-29

Ms. Susan Johnston, Attorney, briefed the Board on the consent agreement for case #2006-29.

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 approve the consent agreement.

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.

NEXT MEETING

The next meeting of the SC Board of Long Term Health Care Administrators is scheduled for March 5-6, 2007 in conference room 108.

ADJOURN

MOTION

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

The December 5, 2007 meeting of the SC Board of Long Term Health Care Administrators adjourned at 12:23 p.m.