

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, SEPTEMBER 3, 2003 9:00 AM

Merry Anne Gaddy, Chairperson, called the regular meeting of the Board of Long Term Health Care Administrators to order at 9:21 a.m. Other members present for the meeting included: David Buckshorn; Dr. Brenna DeLaine; Leon Frishman; Melvin Hiatt; Julius Kinney, Jr.; Brown McCallum, Jr.; and Betty Tolbert.

Daniel McLeod, Jr. was granted an excused absence.

Staff members participating during the meeting included: Dana Welborn, Administrator and Wayne Whitworth, Investigator. LLR staff members participating at various times during the meeting included: Randy Bryant, Assistant Deputy Director; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; and Pat Hanks, Attorney, LLR-Office of General Counsel.

WELCOME AND CALL TO ORDER

Ms. Gaddy 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 and that in addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

APPROVAL OF MINUTES

June 4, 2003

Mr. Kinney moved the minutes be approved as presented. Mr. McCallum seconded the motion, which carried unanimously.

COMMITTEE REPORTS

Investigative Review Committee

MOTION

Mr. Kinney made a motion, seconded by Mr. McCallum and unanimously carried, to enter executive session to discuss the Investigative Review Committee's report.

RETURN TO PUBLIC SESSION

MOTION

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

return to public session.

Ms. Gaddy noted for the record that no motions were made and no votes were taken during executive session.

Cases for Dismissal

MOTION

Mr. McCallum moved the Board accept the IRCs recommendation regarding the cases for dismissal. Mr. Buckshorn seconded the motion, which carried unanimously.

Cases for Letters of Concern

MOTION

Mr. McCallum made a motion, seconded by Mr. Buckshorn and unanimously carried, to accept the IRCs recommendation regarding the cases for letters of concern.

Cases for Formal Charges

MOTION

Mr. McCallum moved to accept the IRCs recommendation regarding the cases for formal charges. The motion was seconded by Mr. Buckshorn and unanimously carried.

Consent Order

MOTION

Mr. Buckshorn moved the Board accept the consent order regarding case #2000-103C. The motion was seconded by Mr. McCallum and unanimously carried.

Credentials Committee

Ms. Tolbert presented the members with a report from the Credentials Committee. She indicated that unless anyone had questions, the report would stand as written.

Education Committee

Dr. DeLaine stated the committee approved 211 sponsor continuing education applications and approved 279 administrator continuing education applications for 2002-2003.

Dr. DeLaine stated that, thus far, for 2003-2004 the committee has approved 30 sponsor continuing education applications and approved 15 administrator continuing education applications.

Dr. DeLaine stated the committee met by conference call to discuss whether the Board should award continuing education credits to members when attending Board meetings. She included the meeting minutes with her report. She noted that this issue was referred to this committee at the June 4, 2003 meeting.

MOTION

Mr. Kinney moved that continuing education credits be granted to Board members for attending meetings. Mr. McCallum seconded the motion, which carried unanimously.

Ms. Tolbert stated she recently monitored two of the approved continuing education classes. She further stated that Upstate AHEC asked if there had been a survey of the administrators' continuing education interests to see what programs they would like for the sponsors to present. Dr. DeLaine stated that information could be included in the program evaluations completed after each seminar. A brief discussion ensued during which it was suggested that the Board newsletter contain a brief statement indicating the continuing education providers are requesting information on pertinent programs and any input to staff would be sent to the providers. It was also suggested that when licenses are renewed, staff could ask licensees which classes were good and which ones were not.

Legislative Action Committee

Ms. Gaddy stated that during the June 3, 2003 meeting there had been a legislative concern expressed by the South Carolina Association of Residential Care Homes (SCARCH) that was referred to the legislative action committee. She noted that after further communication between Ms. Welborn and SCARCH, it was determined the concern was a misunderstanding. Ms. Gaddy indicated the scheduled committee meeting was cancelled.

ADMINISTRATOR'S REPORT

2003-2004 License Renewal

Ms. Welborn stated for 2003/2004, 280 nursing home administrators renewed, 603 residential care administrators renewed and 131 dually licensed administrators renewed (1007 out of 1115 administrator licenses in 2002/2003). She indicated most licensees renew their license each year; however, there are routinely approximately 100 who do not renew during the renewal period.

Ms. Welborn presented the members with a list of individuals who have not renewed. She noted that there are some individuals who are probably practicing without a license. She indicated staff would determine by the end of September 2003 who is practicing without a license and those individuals would be brought before the Board for disciplinary action. She indicated staff shares the lapsed license list with the S.C. Department of Health and Environmental Control (DHEC) for the months of July through September.

NAB Annual Meeting and Mid-Year Meeting

Ms. Welborn stated she and Mr. McCallum attended the annual meeting in June 2003. She presented the members with a summary of the annual meeting. She further stated she attended the Residential Care Administrator Exam Committee meeting during which they reviewed two exams to determine the passing score. The new exams will be administered in 2004. She indicated Mr. McCallum attended the Standards of Practice Committee meeting. Mr. McCallum gave a brief report on this portion of the meeting.

Ms. Welborn noted that the next NAB meeting would be held in Austin, Texas in

November 2003. She said that she would be making reservations and travel arrangements soon and asked that any Board member who wishes to attend the meeting contact her.

Ms. Welborn discussed the NAB memo on recommendations that will be discussed during the November Board of Governors meeting. The Nursing Home Administrator Exam Committee would be recommending to the Board of Governors that every one be given the pass/fail posting at the end of their exam. She indicated it would not be a score, but they wanted to be able to inform the candidates if they passed or failed. The Board was in agreement with this recommendation. She further stated that the State Government and Regulatory Issues Committee would be recommending to the Board of Governors that all states use the same license application. She noted that this license application would be an on-line application. She presented the members with a draft of the model licensure application for their review. She went on to say the application includes almost everything the Board includes on our application; however, she feels the application would have to be reviewed by the Office of General Counsel. Passage of the recommendation at the NAB meeting would not require compliance by the state boards.

AIT Program Update

Ms. Welborn stated there are several ongoing AIT programs and that an AIT program was completed at NHC Anderson in July 2003. She said there are two new preceptors from White Oak Manor, in Columbia and Rock Hill, that have recently been approved and she would be arranging a training seminar for the new preceptors.

Legislation Update

Ms. Welborn stated the bill drafted by the Board two years ago had slight modifications made during the 2003 legislative session, however, the bill did not get introduced. She further stated staff has the bill prepared for pre-filing for the 2004 legislative session. She noted she has mailed letters to five associations and provided them with the updated bill and a brief summary. She went on to say the letter asked for the associations' review and written support.

Ms. Welborn stated the regulations have almost completed the regulatory review process. She noted that when session ended the Joint Resolution to approve the regulations had received the third reading. She noted the regulations should not take long to become ratified after the 2004 legislative session begins.

Institutions for Mental Disease (IMD)

Ms. Welborn stated she was invited by the Department of Health and Human Services (HHS) to a meeting to learn about potential problems with the Centers for Medicare/Medicaid Services about their interpretation of what an Institution for Mental Disease (IMD) is and the impact on what that would have on residential care facilities and nursing homes in South Carolina that house and service individuals with a diagnosis of mental illness. She further stated that the Department of Mental Health (DMH) and HHS jointly hosted a meeting of the stakeholders on August 26, 2003. She noted that DMH and HHS have worked closely on what facilities they think have significant portions of mentally ill

residents and whether or not these facilities meet the IMD criteria.

Ms. Welborn presented the members with copies of handouts given during the stakeholders meeting and gave the members a brief report on the meeting

UNFINISHED BUSINESS

There was no unfinished business to be discussed during the September 3, 2003 meeting.

NEW BUSINESS

Scheduled 2004 Meeting Dates

The following dates have been proposed for the 2004 meetings.

March 3-4, 2004 June 1-2, 2004

September 8-9, 2004 December 1-2, 2004

Election of Officers

Ms. Gaddy opened the floor for nominations of officers.

Mr. Kinney nominated Ms. Gaddy and Mr. McLeod to be re-elected. Mr. McCallum seconded the nomination. Ms. Gaddy and Mr. McLeod were elected by acclamation.

RECESS

The Board took a short recess at 10:10 a.m.

RETURN TO PUBLIC SESSION

The Board returned to public session at 10:18 a.m.

Agency Update from Randy Bryant, Assistant Deputy Director

Mr. Bryant briefed the Board on the agency's changes since Mrs. Adrienne Youmans became director. During his presentation he noted the new board appointment process, the legislative process, and the newsletter process.

LICENSE APPLICATIONS

Jo A. Simmons

Ms. Simmons appeared before the Board in the matter of her application for a community residential care facility administrator license. Ms. Simmons was appealing the denial of her application.

MOTION

After hearing Ms. Simmons' testimony, Mr. McCallum moved the Board enter executive session to discuss her application. Ms. Tolbert seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

MOTION

Mr. Kinney made a motion to deny Ms. Simmons' application for a community residential care facility administrator license. The motion was seconded by Mr. McCallum and carried unanimously.

Sandra Lee

Ms. Lee appeared before the Board in the matter of her application for a community residential care facility administrator license. Specifically, Ms. Lee was asked to explain her criminal background.

MOTION

After hearing Ms. Lee's testimony, Mr. McCallum moved the Board enter executive session to discuss her application. Mr. Buckshorn seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

MOTION

Mr. Buckshorn made a motion to deny Ms. Lee's application for a community residential care facility administrator license. Ms. Dantzler explained that due to state law prohibiting community residential care facilities from hiring persons with criminal convictions relating to violence, she could not be considered for licensure until her record had been expunged or it has been more than ten years since the conviction. The motion was seconded by Mr. McCallum and carried unanimously.

Theo Martin

Ms. Martin appeared before the Board in the matter of her nursing home administrator license application. Specifically, she was asked to provide information about the employment history she submitted in her application.

MOTION

After hearing Ms. Martin's testimony, Mr. Kinney moved the Board enter executive session to discuss her application. Mr. McCallum seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

MOTION

Mr. Kinney made a motion to approve Ms. Martin's application and to allow her to take the nursing home administrator licensure examinations. Mr. Buckshorn seconded the motion, which carried unanimously.

John Vance

Mr. Vance appeared before the Board in the matter of his nursing home administrator license application. Specifically, he was asked to explain his negative answer to the question on the application that states "Have you ever been convicted or pled guilty or nolo contendere to any felony, misdemeanor, or crime of moral turpitude?" and the fingerprint check results that show he was convicted of driving under the influence of

alcohol and driving with suspended license in 1996.

MOTION

After hearing Mr. Vance's testimony, Mr. Kinney moved the Board enter executive session to discuss his application. Mr. McCallum seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

MOTION

Mr. Kinney made a motion to grant Mr. Vance a South Carolina nursing home administrator license and that he pay a fine of \$100 for providing incorrect information on his application. Mr. McCallum seconded the motion, which carried unanimously.

Ka-Ran K. Howle

Ms. Howle appeared before the Board in the matter of her community residential care facility administrator license application. Ms. Howle gave an explanation of her employment history in residential care and indicated that she had a diploma in practical nursing.

MOTION

After hearing Ms. Howle's testimony, Mr. McCallum moved the Board enter executive session to discuss her application. Mr. Buckshorn seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

MOTION

Mr. Kinney made a motion to approve Ms. Howle's application and allow her to take the licensure examinations. Mr. McCallum seconded the motion, which carried unanimously.

Michele Skripps

Ms. Skripps appeared before the Board in the matter of her nursing home administrator license application. She was appealing the denial of her application.

MOTION

After hearing Ms. Skripps' testimony, Mr. McCallum moved the Board enter executive session to discuss her application. Mr. Buckshorn seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

MOTION

Mr. Kinney made a motion to approve Ms. Skripps' application and allow her to take the licensure examinations. Mr. Hiatt seconded the motion, which carried unanimously.

Sandy Burgess

Ms. Burgess appeared before the Board in the matter of her community residential care facility administrator license application. Ms. Burgess gave an explanation of her

employment history in residential care and indicated that she had a diploma in practical nursing.

MOTION

After hearing Ms. Burgess' testimony, Mr. McCallum moved the Board enter executive session to discuss her application. Mr. Kinney seconded the motion, which carried unanimously.

RETURN TO PUBLIC SESSION

MOTION

Mr. McCallum made a motion to approve Ms. Burgess' application and allow her to take the licensure examinations. Mr. Kinney seconded the motion, which carried unanimously.

Angela Rose

Ms. Rose's community residential care facility administrator license application was before the Board at staff's request because she was applying for the license with her Alabama nursing home administrator employment experience. Ms. Rose was not required to appear.

Staff had already approved the applicant to take the state nursing home administrator licensure examination for the SC NHA license. The Board approved Ms. Rose to take the CRCFA licensure examinations as well.

NEXT MEETING

December 3-4, 2003

The next meeting of the Board of Long Term Health Care Administrators is scheduled for December 3-4, 2003. The meeting will be held at the S.C. Department of Labor, Licensing and Regulation (LLR) in Conference Room 111.

ADJOURN

The meeting was adjourned at 1:45 p.m.