

LLR - BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS  
BOARD MEETING

9:00 A.M., Wednesday, December 4, 2002  
Synergy Business Park, Kingstree Building  
110 Centerview Drive, Kingstree Building, Room 111  
Columbia, South Carolina 29210

MINUTES

Ms. Merry Anne Gaddy, Chairperson, 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: Daniel McLeod, Jr., Vice-Chairperson, Mr. Leon Frishman, Mr. Julius Kinney, Jr., Mr. Brown McCallum, Jr., and Mr. Melvin Hiatt.

Ms. Betty Tolbert was granted an excused absence.

Mr. David Buckshorn and Dr. Brenna DeLaine were not present for the meeting.

Staff members participating during the meeting included: Stephanie Calhoun, Administrative Assistant; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Pat Hanks, Attorney, LLR-Office of General Counsel; Dana Welborn, Administrator; and Wayne Whitworth, Investigator.

WELCOME AND CALL TO ORDER Ms. Gaddy announced that the meeting was being 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 4, 2002

MOTION

Mr. McLeod moved the board approve the minutes of the September 4, 2002 meeting as read. Mr. McCallum seconded the motion, which carried unanimously.

Ms. Gaddy stated the board should consider what time the meeting should adjourn should the weather prove inclement. Mr. Kinney suggested the board check the weather reports periodically and adjourn early if needed.

Ms. Gaddy said the hearing scheduled for December 5, 2002 has not been cancelled. She asked the board members if they would like to cancel the hearing.

MOTION

Mr. Kinney moved the board cancel and reschedule tomorrow's hearing. Mr. McCallum seconded the motion, which carried unanimously. Mr. Kinney amended the motion to include any applicants who are unable to make it to today's meeting.

Ms. Welborn stated that staff has learned of another cancellation. She noted Margaret Milligan has contacted staff to postpone her appearance at this meeting.

After some discussion, the board determined it would hold the hearings on January 7, 2003.

## COMMITTEE REPORTS

### Executive Committee

There was no report from this committee.

### Investigative Review Committee

(The following reports are herewith attached and become a permanent part of this record.)

#### Dismissal Report

#### MOTION

Mr. Kinney moved that the cases for dismissal be approved. The motion was seconded by Mr. McCallum and unanimously carried.

### Letters of Concern

#### MOTION

Mr. Kinney made a motion, seconded by Mr. McCallum and unanimously carried, that the letter of concern case be approved.

### Formal Charges

#### MOTION

Mr. Kinney moved that the committee's formal charges recommendation be approved. Mr. McCallum seconded the motion, which carried unanimously.

Mr. Hanks briefed the board on the following consent orders:

#2002-050C #2002-054C #2002-055C #2002-065C

#2002-068C #2002-085C

Mr. Hanks briefed the board on a case which the board authorized a formal accusation concerning case #2002-062C. He further stated the Office of General Counsel issued the formal accusation, however, in the intervening period the Administrative Law Judge overturned all of the allegations representing misconduct. He noted that in light of this action, the IRC is now asking the board to issue a dismissal in this case. He continued by saying should the board follow the IRC's recommendation the Office of General Counsel has ready to issue an order to reinstate the individual's license.

#### MOTION

Mr. Kinney moved to dismiss case #2002-062C. The motion was seconded by Mr. McLeod and unanimously carried.

#### MOTION

Mr. Kinney moved to accept consent orders as listed. Mr. Hiatt seconded the motion, which carried unanimously.

#### Credentials Committee

Ms. Welborn presented the members with the number of applications approved and licenses issued between September 1, 2002 and November 22, 2002. (This report is herewith attached and becomes a permanent part of this record.)

A brief discussion ensued whether or not South Carolina is licensing about the same number of licenses per year as the rest of the nation.

#### Education Committee

Ms. Welborn presented the members with the Education Committee report. She asked the members to contact staff if they would care to monitor a program. (This report is herewith attached and becomes a permanent part of this record.)

#### AIT Committee

There was no report from this committee.

#### Examination Committee

There was no report from this committee.

#### Legislative Action Committee

There was no report from this committee.

#### ADMINISTRATOR'S REPORT

##### AIT Preceptor Training Update

Ms. Welborn stated she conducted an AIT Preceptor Training on October 22, 2002. She further stated that Brad Morehouse assisted in the role of the preceptor training. She indicated that twelve preceptors were unable to attend. (An agenda, the evaluations and the listing of preceptors are herewith attached and become a permanent part of this record.)

##### NAB Mid-Year Meeting

Ms. Welborn stated the residential care/assisted living exam committee met for a day and one-half of the next day. She further stated that the Marketing and Public Relations Committee has formed a subcommittee for marketing the RC/AL administrator exam. She indicated she attended the committee meeting.

Ms. Welborn briefed the members with highlights of the meeting.

## January 2003 Newsletter

Ms. Welborn presented the members with a draft of the January 2003 newsletter. She thanked Melissa Hopkins, of the agency's Office of Communications & Governmental Affairs, for the new layout. She noted that the newsletter would now be done in the Pagemaker software program.

Mr. Kinney suggested DHEC's Spirit of Caring centers be included in the next newsletter.

## Legislation Update

Ms. Welborn stated a few revisions were made to the proposed legislation the board had approved and is being held over for the 2003 legislative session. She further stated Ms. Rita McKinney, the agency director and Ms. Lisa Maseng, the agency's Legislative Liaison reviewed the proposed legislation and made three changes, which were accepted by staff. She indicated that Ms. McKinney and Ms. Maseng made other recommendations that were not accepted by staff. She presented the proposed legislation, with the three changes, to the members. She indicated that the Notice of Drafting for the regulations was posted in the November 22, 2002 State Register. She noted that the proposed legislation should be introduced early in the 2003 session.

Ms. Welborn stated she has received a report from the Professional Examination Service regarding the state exams for 2003. She then presented the members with a summary report and a memo from Paul King. She asked the members if they would like the exam committee to review the whole state exam. She indicated the committee could make up to ten item changes. She noted that the changes must be submitted by December 31, 2002. It was determined that the committee would not review the exam this year, however, it may review the exam next year.

## UNFINISHED BUSINESS

There was no unfinished business to be discussed at this meeting.

## NEW BUSINESS

### Policy Discussion

Ms. Gaddy stated that the board should consider better defining 'normal business hours'. She further stated that the board is hearing more cases that involve this issue. She indicated these individuals are working two jobs, which includes attempting to run a facility with sporadic hours during the day.

Mr. McCallum stated that this matter was discussed earlier and that Mr. Frishman had thought the definition was liberal at that time.

Mr. Frishman indicated two hours here and there during the day is not long enough.

A discussion regarding consecutive hours ensued.

Mr. McCallum made a motion, seconded by Mr. McLeod, that the board add that the work hours must be consecutive and equitably distributed daily.

A discussion ensued during which Mr. Kinney recommended this matter be referred back to committee. Ms. Gaddy stated she would like more information and recommended a committee be formed to study this matter. Mr. Kinney asked that a former board member be a member of the committee. Mr. Frishman asked to be a member of the committee.

Mr. McCallum withdrew his motion at this time.

Mr. McLeod stated he would like to hear from other individuals regarding this matter.

Ms. Gaddy asked that Joann James and Jerry Paul be asked to meet with the board/committee regarding this issue. She also asked that this matter be placed on the agenda for the January 7, 2003 meeting.

#### LICENSE APPLICATIONS

Paulee Lemmons

Ms. Lemmons asked for a postponement due to the inclement weather.

Charles Jackson

Mr. Jackson appeared before the board to appeal the denial of his community residential care facility administrator application. Mr. Jackson gave the board background information about his education and his duties while working in a health care facility. He told the board that he understood that he needed to obtain three months of work experience in a community residential care facility before he could be approved to sit for the examinations and withdrew his appeal.

Mills Pruden

Mr. Pruden appeared before the board to appeal the denial of his community residential care facility administrator application. Mr. Pruden gave the board background information about his education and his duties while working in a community residential care facility.

#### EXECUTIVE SESSION

The board went into executive session to discuss Mr. Pruden's application and testimony.

#### RETURN TO PUBLIC SESSION

The board returned to public session to entertain a motion on Mr. Pruden's application.

Mr. McCallum moved to require Mr. Prudent to update his application with his Elmcroft employment information and, specifically, any direct resident care responsibilities during his employment for a period of no less than three months. Mr. McLeod seconded the motion, which carried unanimously.

Margaret Milligan

Ms. Milligan asked for a postponement due to the inclement weather.

Sherrell Rawleigh

Ms. Rawleigh appeared before the board due to information contained in her application concerning her criminal background and restrictions to her nursing license in 1999 by the South Carolina Board of Nursing.

#### EXECUTIVE SESSION

The board went into executive session to discuss Ms. Rawleigh's application and testimony.

#### RETURN TO PUBLIC SESSION

The board returned to public session to entertain a motion on Ms. Rawleigh's application. Mr. McCallum moved the application be denied due to insufficient community residential care facility work experience in combination with her college credit hours. Mr. McLeod seconded the motion, which carried unanimously.

Angela Jones-Gamble

The board reviewed Ms. Gamble's written request to retake the national portion of the nursing home administrator licensing examination. The board voted unanimously to approve her to sit for the examination again.

Peggy Merisier

Ms. Merisier appeared before the board due to a period of unlicensed practice as the administrator of Merisier's Quality Care and for the board to review her application for licensure.

#### EXECUTIVE SESSION

The board went into executive session to discuss Ms. Merisier's application and testimony.

#### RETURN TO PUBLIC SESSION

The board returned to public session to entertain a motion on Ms. Merisier's application. Mr. Kinney moved that Ms. Merisier submit additional information relating to the time she has worked in the facility under a licensed administrator to Ms. Welborn. Upon receipt of the requested information, Ms. Welborn will make a determination on the application. Mr. McCallum seconded the motion, which carried unanimously.

#### NEXT MEETING

January 7, 2003 and March 5-6, 2003 at SCDLLR

The board will meet on agenda items carried over from the December 4, 2002 meeting to the rescheduled meeting date of January 7, 2003 at the S.C. Department of Labor, Licensing and Regulation in conference room 111.

The next meeting of the Board of Long Term Care Administrators is scheduled for March 5-6, 2003 and will be held at the S.C. Department of Labor, Licensing and Regulation in

conference room 108.

ADJOURN

The meeting was adjourned at 1:45 pm.