

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, DECEMBER 1, 2004

10:00 AM

Merry Anne Gaddy, Chairperson, called the regular meeting of the Board of Long Term Health Care Administrators to order at 10:05 a.m. Other members present for the meeting included: Daniel McLeod, Jr., Vice Chairperson, David Buckshorn, Leon Frishman, Melvin Hiatt, Brown McCallum, Jr., and Betty Tolbert.

Julius Kinney, Jr. was granted an excused absence.

Staff members participating during the meeting included: Dana Blanton, Board Administrator, Stephanie Calhoun, Administrative Assistant, and Wayne Whitworth, Investigator. LLR staff members participating during the meeting included: Sandra Dickert, Administrative Assistant and Rick Wilson, Deputy General Counsel, 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. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building.

APPROVAL OF MINUTES

September 8, 2004

MOTION

Mr. McCallum moved the Board accept the minutes of the September 8, 2004 meeting. Mr. McLeod seconded the motion, which carried unanimously.

COMMITTEE REPORTS

Investigative Review Committee

MOTION

Mr. McCallum made a motion, seconded by Mr. McLeod and unanimously carried, for the Board to enter executive session to hear the IRC recommendations.

RETURN TO PUBLIC SESSION

MOTION

Mr. McLeod made a motion, seconded by Mr. McCallum and unanimously carried, that the Board return to public session.

Cases for Dismissal

MOTION

Mr. Buckshorn moved the Board accept the IRC's recommendation regarding the cases for dismissal. The motion was seconded by Mr. Hiatt and unanimously carried.

Cases for Dismissal with Letter of Concern

MOTION

A motion was made by Mr. Buckshorn to accept the IRC's recommendation regarding the cases for dismissal with letters of concern. Mr. McLeod seconded the motion, which carried unanimously.

Cases Recommended for Formal Charges

MOTION

Mr. McCallum moved the Board accept the IRC's recommendation regarding the cases recommended for formal charges. Mr. Hiatt seconded the motion, which carried unanimously.

Consent Orders

2004034C

MOTION

Mr. McLeod moved the Board accept the Consent Order regarding this case. Mr. McCallum seconded the motion, which carried unanimously.

2004027C

MOTION

Mr. McCallum made a motion, seconded by Mr. McLeod and unanimously carried, that the Board accept the consent order regarding this case.

Credentials Committee

Ms. Tolbert presented the members with the report from the Credentials Committee. She noted that the number of nursing home administrator licenses were up for 2004; however, the CRCFA licenses were down.

Education Committee

Mr. Hiatt presented the members with the report from the education committee.

AIT Committee

Ms. Gaddy stated the AIT Committee would be meeting on January 5, 2005 to develop the new AIT program.

ADMINISTRATOR'S REPORT

AIT Program Update

Ms. Blanton stated no one has completed an AIT program since the September meeting; however, there were three AIT programs ongoing at that time.

Legislation Update

Ms. Blanton stated that during the last meeting the Board had approved the Notice of Drafting for the regulation concerning retirees. She further stated the Notice of Drafting and proposed regulation had been published in the State Register and the matter would be considered during the 2005 legislative session.

NAB Mid-Year Meeting

Ms. Blanton stated she attended the NAB meeting that was held in Scottsdale, Arizona, November 3-5, 2004. She indicated Mr. Buckshorn also attended the meeting.

Mr. Buckshorn stated there is a huge disparity regarding standards for nursing home administrators between each state. He noted that some states, approximately five or six, have lowered the standards and now allow individuals with high school diplomas to become administrators. He indicated there would be no reciprocity between the states until the states agree on standards for the administrators.

Ms. Blanton stated she also attended the Residential Care/Assisted Living Administrator Job Analysis Task Force meeting on November 6, 2004 to complete the revised test specifications for the national licensing exam. She further stated Ms. Gaddy was selected to participate on the task force with a few other select RC/AL administrators from across the United States.

January 2005 Newsletter

Ms. Blanton presented a draft copy of the newsletter to the Board and asked for any corrections. She reminded the members that the newsletter would no longer be mailed; however, it would be on the Board's website.

UNFINISHED BUSINESS

There was no unfinished business to be discussed.

NEW BUSINESS

DHEC Board Membership

Rick Wilson, Advice Counsel, discussed the nonvoting status of the DHEC Board member and the impact that has on business meetings and disciplinary hearings. He stated the Office of General Counsel prefer a nonvoting board member recuse him or herself from a disciplinary hearing because his or her input could be cause for appeal by the Respondent. He stated the nonvoting member's participation in the board's discussion might be perceived as an impartial judgment.

Leon Frishman said he would recuse himself from the hearing scheduled for later that day.

Mr. McCallum recommended the issue be reviewed by the Legislative Action Committee to discuss amending the Practice Act by striking "nonvoting" in regards to the DHEC member. Mr. Wilson said OGC would research the matter and provide staff with some information for the committee to consider.

Ms. Gaddy stated that the committee would meet by conference call after the first of the year. Ms. Blanton said she would contact the committee members following receipt of the information from OGC.

LICENSE APPLICATIONS

Joy Kellogg Knight

Ms. Knight appeared before the Board in the matter of her community residential care facility administrator license application. Ms. Knight was asking the Board to consider her diploma in practical nursing in combination with her CRCF work experience for approval to take the licensing examinations. She gave an explanation of her education and employment history in assisted living administration.

Executive Session

MOTION

After hearing Ms. Knight's testimony, Mr. McCallum made a motion for the Board to enter executive session to discuss the application. The motion was seconded by Mr. Buckshorn and carried unanimously.

Return to Public Session

MOTION

Mr. McLeod made a motion to return to public session. The motion was seconded by Mr. McCallum and carried unanimously.

MOTION

Mr. McCallum made a motion to approve the application. Mr. McLeod seconded the motion, which carried unanimously.

Melissa Bungard

Ms. Bungard appeared before the Board in the matter of her community residential care facility administrator license application. Ms. Bungard was asking the Board to consider her diploma in practical nursing and college credit hours in combination with her CRCF work experience for approval to take the licensing examinations. She gave an explanation of her education and employment history in assisted living administration.

Executive Session

MOTION

After hearing Ms. Bungard's testimony, Mr. McLeod made a motion for the Board to enter executive session to discuss the application. The motion was seconded by Mr. McCallum and carried unanimously.

Return to Public Session

MOTION

Mr. McLeod made a motion to return to public session. The motion was seconded by Mr. Hiatt and carried unanimously.

MOTION

Mr. McLeod made a motion to approve the application. Mr. McCallum seconded the motion, which carried with a majority vote.

Kathy Klein-Porter

Ms. Klein-Porter appeared before the Board in the matter of her community residential care facility administrator license application. Ms. Knight was appealing the denial of her application. She gave an explanation of her education and employment history in residential care and other health care facilities.

Executive Session

MOTION

After hearing Ms. Klein-Porter's testimony, Mr. Buckshorn made a motion for the Board to enter executive session to discuss the application. The motion was seconded by Mr. McLeod and carried unanimously.

Return to Public Session

MOTION

Mr. McLeod made a motion to return to public session. The motion was seconded by Mr. McCallum and carried unanimously.

MOTION

Mr. McLeod made a motion to deny the application because Ms. Klein-Porter did not meet the minimum education for the license. Mr. McCallum seconded the motion, which carried unanimously.

NEXT MEETING

The next meeting of the SC Board of Long Term Health Care Administrators is scheduled for March 2-3, 2005 at the SC Department of Labor, Licensing and Regulation, Room 108, 110 Centerview Drive, Columbia, SC.

ADJOURN

The business meeting was adjourned at 12:00 p.m.

HEARING

Case No. 2004040C

2:00 p.m.

This hearing was transcribed by a court reporter.

After hearing the State's and the Respondent's presentations and witness testimonies, the Board entered executive session.

RETURN TO PUBLIC SESSION

MOTION

Mr. McCallum moved that the Board finds the Respondent violated the Board's Practice Act and that the following sanctions be imposed:

A fine of five hundred dollars and the cost of the court reporter in this case, payable monthly over a six month period.

The Respondent's license will be placed on probationary status for a period of one year with random inspections by the Board.

The Respondent will be required to attend a course, pre-approved by the Board, relating to protection from abuse. This has to be completed during the probation period and in addition to the normal eighteen-hour continuing education requirement.

Mr. McLeod seconded the motion, which carried unanimously.

ADJOURN

The hearing was adjourned at 2:52 p.m.