

**SOUTH CAROLINA BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
BOARD MEETING MINUTES**

110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina
July 28, 2022 at 9:30 am

Public notice of this meeting was properly posted at the S.C. Board of Long Term Health Care Administrators office, Synergy Business Park, Kingstree Building, and on the board website and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

BOARD MEMBER PRESENT

Melissa Yetter, Chairperson
Sarah Doctor-Greenwade, Vice Chairperson
William Birmingham
Elizabeth Schaper
Edward Burton

SCLLR STAFF PRESENT

Joseph Epting, Esq., Office of Advice Counsel
Meredith Buttler, Administrator
Jacquelyn White, Program Coordinator
Rowland Alston, Esq., Office of Disciplinary Counsel
Ashley Bailey-McNair, Office of Investigation and Enforcement
Byron Ray, Office of Investigation and Enforcement
Kim Long, Office of Disciplinary Counsel

PRESENT

Katherine Boone, Court Reporter
Jamonica Taylor, DHEC
Tameka Hawkins
Crystal McLeod Thompson
Lavene Smith
Kathy McMoore
Mark McElwee
Jane Trinkley, Esq.

CALL TO ORDER: Melissa Yetter, Chairperson called the meeting to order at 9:25 am.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all that was present.

APPROVAL OF AGENDA

Ms. Buttler asked to amend the agenda to discuss item #11 after 7c.

Motion: Motion to approve the agenda as amended.
Birmingham/Doctor-Greenwade/Approved.

MEMBER STATISTICS

Ms. Yetter reported there are four (4) vacant seats and three (3) expired seats on the board. Mr. Edward Burton is the new member of the Board. Mr. Burton's term commenced on June 9, 2020 and will expire on June 9, 2023.

INTRODUCTION OF BOARD MEMBERS AND OTHERS

Each board member introduced themselves.

APPROVAL OF EXECUTED ABSENCES

To excuse Bentley White due to work conflict.

APPROVAL OF MEETING MINUTES

Motion: To approve April 28, 2022 Board Meeting minutes.
Doctor-Greenwade/Schaper/Approved.

STAFF REPORTS

Office of Investigations and Enforcement (OIE) Statistical Report:

On behalf of Amanda Branham, Chief Investigator, Ms. Bailey-McNair reported for the period of April 21, 2022 through July 20, 2022, there have been ten (10) cases received, nine (9) cases opened, five (5) cases closed and nine (9) active investigations.

Investigative Review Committee (IRC) Report:

Ms. Bailey-McNair reported the committee met June 30, 2022. The IRC is recommending seven (7) cases for dismissal, one (1) case for letter of caution and one (1) case for Formal Complaint.

Motion: To accept the seven (7) cases for dismissal.
Birmingham/Burton/Approved.

Motion: To accept the one (1) case for Letter of Caution.
Schaper/Birmingham/Approved.

Motion: To accept the one (1) case for Formal Complaint.
Doctor-Greenwade/Schaper/Approved.

Office of Disciplinary Counsel (ODC) Report:

Mr. Alston reported there are four (4) cases open, three (3) pending hearings and ten (10) cases closed. Since January 1, 2022, there have been thirteen (13) cases closed, since April 11, 2022, there have been ten (10) closed cases and (0) appeals.

OLD BUSINESS

a. IRC Disciplinary Parameters

Mr. Alston and Ms. Buttler presented and explained the IRC Disciplinary Parameter to the board.

Motion: To accept the report as written.
Birmingham/Schaper/Approved.

DISCIPLINARY HEARING

a. 2019-48 FC

The respondent did not appear before the Board. The following were sworn as witnesses: Ms. Long, with LLR, Ms. Taylor, with DHEC; and Ms. Buttler, with LLR. Disciplinary Hearings are recorded by certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter an executive session for legal advice.
Birmingham/Doctor-Greenwade/Approved.

Motion: To return to public session.
Schaper/Birmingham/Approved.

Motion: In regard to 43-35-10, the Board will revoke the license. The Board is apologetic that the respondent didn't attend with any mitigating circumstances, all we had was the evidence that was presented before us.
Schaper/Burton/Approved.

APPLICATION HEARING

a. Tameka Hawkins – Reexamination Request

Ms. Hawkins appeared before the Board for reexamination request. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To approve the request for reexamination.
Birmingham/Burton/Approved.

The Board recommended Ms. Hawkins review the examination preparation reading materials listed on the NAB website.

Motion: To take a 10 minute break.
Birmingham/Doctor-Greenwade/Approved.

b. Crystal McLeod – Reexamination Request

Ms. McLeod appeared before the Board for reexamination request. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To approve the request for reexamination with that you wait and study extensively and prepare yourself before you sit for another exam.
Doctor-Greenwade/Schaper/Approved.

c. Lavene Smith – Reexamination Request

Ms. Smith appeared before the Board for reexamination request. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To approve the request for reexamination.
Birmingham/Doctor-Greenwade/Approved.

d. Kathy McMoore – Reexamination Request

Ms. McMoore appeared before the Board for reexamination request. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To approve the request for reexamination.
Birmingham/Schaper/Approved.

e. Mark McElwee – Renewal Application

Mr. McElwee appeared before the Board for renewal application. He was represented by counsel, Ms. Jane Trinkley, Esq. Mr. McElwee was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary

Motion: To enter an executive session with Ms. Buttler present.
Doctor-Greenwade/Schaper/Approved.

Motion: To return to public session.
Schaper/Birmingham/Approved.

Motion: To accept application for renewal.
Doctor-Greenwade/Schaper/Approved.

REPORTS

2022 NAB Annual Meeting Report

Ms. Doctor-Greenwade reported the NAB Annual Meeting was held in Chicago, IL on June 8-10, 2022. In July 2022, NAB released revised examinations which changed the exam domains slightly. PSI testing centers were down for a bit to facilitate this change but systems are now updated and running correctly. NAB is also re-evaluating all CE Providers to ensure CE courses, specifically online courses, are awarding CE hours for the proper time. Several CE Providers have been removed from the NAB approval list due to allowing licensees to click through the information quickly and not actually do the full CE hour. Online courses must now include a timer to ensure compliance.

Administrator Report

Ms. Buttler reported to date the Board has 540 active CRCFA licenses, 298 active NHA licenses, 169 Dual licenses, 23 active AIT NHA registration, 10 active AIT LCR registration, and 80 Preceptors licenses. At present there are 31 select inactive CRCFA licenses, 14 select inactive NHA licenses, 7 select inactive Dual licenses. Additionally, there are 9 provisional CRCFA licenses, 4 provisional NHA licenses, and 1 provisional Dual licenses.

The Board's current cash balance as of June 30, 2022 is \$371,421.12.

Ms. Buttler reminded the Board the renewals closed June 30, 2022 at midnight. As of July 1, 2022, there are 1,134 licensees in the CE Broker system which 910 are not showing compliance. Roughly 56% are non-compliant due to not activating their account. Per the CE Broker Activation plan, approved by the Board in January, licensee were to have activated their accounts by June 30, 2022. The Board office plans to run a 10% audit on individuals showing noncompliance in the CE Broker system. The Board office will use this as a way to help individuals activate their accounts and gain understanding of the system.

NEW BUSINESS

a. Approval of Board Mission

Ms. Yetter presented the Board's mission statement which is derived from the statutes. The statement will be read at future meetings.

b. Review of Interpretive Guidelines for Regulations 93-65

Ms. Yetter shared the Board's current policy clarifying Regulations 93-65. Mr. Epting stated that policy is not enforceable and that if the Board wished to enforce the policy then it would need to be made into regulations.

Motion: To enter an executive session, with Ms. Buttler present, for legal advice.
Doctor-Greenwade/Birmingham/Approved.

Motion: To return to public session.

Doctor-Greenwade/Burton/Approved.

Motion: To table until a future meeting.
Birmingham/Schaper/Approved.

c. Reexamination Retake Policy

As there have been a high number of retake hearings, Ms. Yetter wanted the board to assess current policy and processes to see if a change is needed. Per Regulations 93-110(K), applicants failing an examination three times must petition the Board if they desire to reexamine. Additionally, NAB has a limit to the number of times an applicant may take an exam within a twelve month period. Mr. Epting state that due to statutes the Board is not able to prohibit someone from retaking an exam but they may put conditions on applicants that they must complete prior to reexamination approval.

Motion: To delegate the authority to the Board administrator to approve reexamination petitions for candidates showing improvement and acceptable to the administrator.
Doctor-Greenwade/Schaper/Approved.

d. Procedure Clarification for Renewal Applications: Transitioning from Active to Inactive Licensure without completing the required CEs for the prior renewal period.

Ms. Buttler asked for clarification to how to handle renewals when an applicant goes from active to inactive statute and attests to not having completed the required CEs. Ms. Buttler stated at present when a licensee wishes to move from inactive statute to active, they are required to submit CEs for the period of inactive licensure. Therefore licensees who do not complete CE for their active period of licensure renew as inactive and then later reactivate are not being held responsible for the CEs required during the one year of active licensure. Identifying this loop-hole, Ms. Buttler requested Board guidance in how to ensure licensees remain compliant with renewal requirements.

Motion: To approve the applications.
Birmingham/Schaper/Approved.

e. Approval of Reinstatement Applications

Ms. Buttler presented revised reinstatement applications for approval.

Motion: To approve the application as presented.
Birmingham/Doctor-Greenwade/Approved.

f. Clarification: Provisional License Requests

Ms. Buttler stated the Board Office is receiving a high number of provisional license requests and needs guidance on the following:

As applications are good for one year, can someone request multiple provisional licenses without having to resubmit an application?

Following discussion, the Board clarified that per Regulations 93-130(F) and (G), if provisional licensee fails the examination the second time, the provisional license will be terminated at the end of the provisional license period. Applicants who have failed the exam twice are therefore not eligible to hold a provisional license and must pass the required examinations for permanent licensure.

Applicants who have not failed the examination more than twice are eligible to hold multiple, non-concurrent provisional licenses within one (1) year of receipt of the initial application. An applicant may not make an additional provisional license request for the same facility in which they have already been granted a provisional license.

g. Approval of Notice of Drafting for Regulatory Review

Mr. Epting reminded the Board that a regulatory review was required by law and the Board would need to submit a report as well as a notice of drafting for any regulations that may need to be amended. Mr. Epting suggested a special call meeting to go through the regulation for the report. The Board agreed and requested Ms. Buttler establish a meeting as well as send out the regulation for members to review.

Motion: To approve the Board administrator to seek written public comments on Regulatory review.
Birmingham/Schaper/Approved.

PUBLIC COMMENTS

No public comments.

NEXT MEETING

October 20, 2022 at 9:00 a.m.

ADJOURNMENT

Motion: To adjourn.
Schaper/Doctor-Greenwade/Approved.

The meeting was adjourn at 2:03 p.m.