

**STATE OF NEVADA
BOARD OF EXAMINERS OF ADMINISTRATORS
FOR LONG-TERM CARE FACILITIES**

**MINUTES OF QUARTERLY MEETING
MAY 15, 2008
GRANT SAWYER BUILDING
CONFERENCE ROOM 4412E
555 EAST WASHINGTON BOULEVARD
LAS VEGAS, NV 89101**

1. THE MEETING WAS CALLED TO ORDER BY MARGARET MCCONNELL, CHAIRPERSON, AT 11:07 AM. MS. MCCONNELL STATED THAT ITEMS WOULD BE TAKEN OUT OF ORDER TO ACCOMPLISH BUSINESS IN THE MOST EFFICIENT MANNER AND THAT NO ACTION WOULD BE TAKEN ON PUBLIC COMMENTS. MS. MCCONNELL REQUESTED THAT PHYLLIS MILITELLO GIVE HER REPORT, RC/AL AIT TRAINING, UNDER UNFINISHED BUSINESS, 6* A. TO ALLOW HER TO LEAVE AT HER DISCRETION.
2. MS. MCCONNELL ASKED TERRY PEDROTTI, EXECUTIVE SECRETARY, TO CALL THE ROLL:

BOARD MEMBERS:

MARGARET MCCONNELL, CHAIRPERSON
DONNA J. ROSE, SECRETARY/TREASURER
TERRY D. CLODT, BOARD MEMBER
CAROL SALA, BOARD MEMBER

MARY ELLEN WILKINSON, VICE CHAIR
DOUGLAS R. SINCLAIR, BOARD MEMBER
ROBERT W. SHRECK, M.D., BOARD MEMBER

STAFF:

MICHAEL D. WYMER, DEPUTY ATTORNEY GENERAL

TERRY PEDROTTI, EXECUTIVE SECRETARY

A QUORUM WAS PRESENT.

GUESTS:

PHYLLIS MILITELLO, NGENC

6.* A. PHYLLIS MILITELLO REPORTED THAT THERE ARE 6 MENTORS IN THE NORTH AND 12 IN THE SOUTH; 1 CANDIDATE HAS COMPLETED THE PROGRAM; 2 ARE IN THE FINAL STAGES; 27 PEOPLE HAVE APPLIED FOR LICENSURE (21 IN THE SOUTH AND 6 IN THE NORTH) AND HAVE BEEN ASKED TO COMPLETE THE REQUIRED PAPERWORK (4 IN THE SOUTH AND 5 IN THE NORTH); 5 PEOPLE ARE IN THE STAGES OF COMPLETING ASSIGNMENTS); 2 PEOPLE ARE WAITING TO BE REVIEWED FOR MENTORS; THE TOTAL NUMBER OF CANDIDATES AT THIS TIME IS 46 – 10 OF WHICH ARE ACTIVE CANDIDATES FOR 2008, LEAVING 36 FOR 2009. MS. MILITELLO STATED THAT THE COST PER APPLICANT IS \$618.

MS. MILITELLO STATED THAT AN ADDITIONAL MENTOR/PRECEPTOR TRAINING WOULD BE SCHEDULED FOR EARLY FALL – AUGUST/SEPTEMBER OF 2008.

A QUESTION HAS BEEN RAISED ABOUT REWARDING THE MENTORS FOR THE TIME SPENT WITH THE CANDIDATES, AND THE POSSIBILITY OF AMENDING THE CONTRACT TO COVER THE INCREASED COSTS OF PROVIDING THE SERVICES TO THE CANDIDATES.

MARGARET MCCONNELL SUGGESTED THAT SINCE SOME OF THE QUESTIONS RAISED BY MS. MILITELLO WILL REQUIRE BOARD APPROVAL, THE QUESTIONS WILL BE PLACED ON THE AGENDA FOR THE NEXT BOARD MEETING.

3.* **SECRETARY/TREASURER'S REPORTS – DONNA J. ROSE**

A.* THE MINUTES OF THE BOARD MEETING, FEBRUARY 21, 2008, HAD BEEN PREVIOUSLY DISTRIBUTED, AND DONNA ROSE REQUESTED A MOTION. CAROL SALA PRESENTED A COPY OF THE MINUTES WITH SOME CORRECTIONS. DOUGLAS SINCLAIR MOVED TO ACCEPT THE MINUTES, INCLUDING THE CORRECTIONS, AS WRITTEN. TERRY CLODT SECONDED THE MOTION. THE MOTION WAS APPROVED.

B. & C. FINANCIAL REPORTS WERE TABLED UNTIL THE NEXT MEETING BECAUSE MICHAEL WYMER SUGGESTED THAT THEY SHOULD ALSO BE ACTION ITEMS. THE FINANCIAL REPORTS WILL BE PLACED ON THE AGENDA FOR THE NEXT QUARTERLY BOARD MEETING.

4. **ADMINISTRATIVE REPORT – TERRY PEDROTTI**

A. MS. PEDROTTI REPORTED THAT THE QUARTERLY REPORT THAT WAS NORMALLY SENT TO THE LEGISLATIVE COUNSEL HAS BEEN REPLACED BY THE NEW FORMAT OF REPORTING THE DISCIPLINARY ACTIONS AND NUMBER OF LICENSES ISSUED ON THE INTERNET, WHERE THE PUBLIC CAN HAVE ACCESS. CAROL SALA EXPLAINED THAT THE INFORMATION IS AVAILABLE ONLINE BY HAVING IT POSTED ON EACH AGENCY'S WEBSITE. MS. PEDROTTI WAS ASKED TO EXPLORE THE ISSUES WITH MS. SALA'S ASSISTANCE TO DETERMINE THE REQUIREMENTS, FOR PROVIDING A LINK FROM THE BOARD'S WEBSITE TO THAT OF THE LEGISLATIVE COUNSEL BUREAU (LCB).

B. MS. PEDROTTI EXPLAINED THE QUARTERLY ALL LICENSEE REPORT INDICATES THE ACTIVITY OF ALL LICENSEES DURING EACH QUARTER AS COMPARED TO THE LAST YEAR'S QUARTER FOR INFORMATION OF THE BOARD MEMBERS.

C.* TERRY PEDROTTI STATED THAT THE BOARD OFFICE HAS HAD SEVERAL REQUESTS DURING THE PAST FEW WEEKS FROM ASSISTED LIVING LICENSEES IN OTHER STATES WHO WOULD LIKE TO BE LICENSED IN NEVADA, BUT DO NOT WANT TO PARTICIPATE IN THE AIT PROGRAM. THE REASONING IS THAT THEY ARE LICENSED IN ANOTHER STATE AND HAVE BEEN PRACTICING FOR SEVERAL YEARS. IT WAS SUGGESTED THAT THE QUESTION WILL BE ADDRESSED IN MORE DETAIL DURING THE PROPOSED AMENDMENTS DISCUSSIONS.

5.* ADMINISTRATOR LICENSES ISSUED - ALL REQUIREMENTS HAVE BEEN MET – FINAL BOARD APPROVAL IS REQUIRED.

A.* NFA LICENSES:

1. BOYLES, EDWARD L.
2. CONRAD, MICHAEL C.
3. COOPER, BRYAN R.
4. DAVIS, ROBERT W.
5. FRANK, MELISSA
6. KALKOWSKI, JEFFREY
7. LEFLER, TYRUS W.
8. PADAMA, JOHN D.
9. SCHULZ, MARK A.
10. SULLIVAN, JAMES

MARGARET MCCONNELL REQUESTED A MOTION. TERRY CLODT MOVED TO APPROVE ALL NURSING FACILITY ADMINISTRATOR LICENSES ISSUED. MARY ELLEN WILKINSON SECONDED THE MOTION. THERE WAS NO DISCUSSION AND THE MOTION WAS APPROVED.

B.* RFA LICENSES:

1. LEANILLO, FLORENTINO
2. STEWART, DIANE
3. VALDEZ, CHRISTOPHER
4. WEST, CHINA L.

MARGARET MCCONNELL REQUESTED A MOTION. DOUGLAS SINCLAIR MOVED TO APPROVE ALL RESIDENTIAL FACILITY ADMINISTRATOR LICENES ISSUED. DONNA ROSE SECONDED THE MOTION. NO DISCUSSION FOLLOWED AND THE MOTION WAS APPROVED.

C.* INACTIVE REQUESTS:

1. CARRIER, ELEANOR P. NFA
2. WILLIAMS, ANNA B., RFA

MS. MCCONNELL REQUESTED A MOTION. CAROL SALA MOVED TO ACCEPT AND APPROVE THE INACTIVE REQUESTS. TERRY CLODT SECONDED THE MOTION, AND THE MOTION WAS CARRIED.

D.* APPLICATIONS IN QUESTION

NONE

6.* UNFINISHED BUSINESS:

B. PAMELA SMITH, CASE NO. B358546 CLOSURE REPORT – INFORMATION

TO DATE, PAMELA SMITH HAD NOT MADE HER FIRST PAYMENT OF RESTITUTION OF LEGAL FEES AND FINE DUE ON MAY 15TH, 2008. IF SHE DOES NOT HONOR HER OBLIGATION WITHIN THE ALLOTTED TIME FOR THE NEXT MONTH, THIS ITEM WILL BE PLACED ON THE AGENDA FOR THE NEXT QUARTERLY MEETING. MICHAEL WYMER STATED THAT THE PROCEDURE IS TO TURN THE ISSUE OVER TO THE CONTROLLER'S OFFICE FOR COLLECTION.

C. TERESA STRICKER, DAS OBSUDSMAN, MAILED A REPORT OF COURTESY VISITS TO FACILITIES OF WHICH PAMELA SMITH IS ADMINISTRATOR OF RECORD TO THE BOARD OFFICE. THE REPORT SHOWED REPEATED VIOLATIONS FOR WHICH MS. SMITH HAD PREVIOUSLY BEEN DISCIPLINED AT THOSE FACILITIES. THEREFORE, THE DIVISION FOR AGING SERVICES WILL BE ASKED TO CONTINUE THE COURTESY VISITS AND REPORT BACK TO THE BOARD AT ITS NEXT QUARTERLY MEETING.

D. MICHAEL WYMER STATED THAT AT THE LAST MEETING HE WAS ASKED TO EXPLORE THE PROCEDURE FOR ONLINE CREDIT CARD PAYMENTS BY APPLICANTS AND LICENSEES FOR THIS BOARD. MR. WYMER PROVIDED THE PROCEDURE THAT IS ACCEPTED BY THE STATUTES AND, IF THE BOARD MEETS THE CONDITIONS, HE SEES NO REASON WHY IT CANNOT BE ACCOMPLISHED. TERRY PEDROTTI WAS ASKED TO CONTACT THE CONTROLLER'S OFFICE TO EXPLORE THE POSSIBILITIES AND BRING A REPORT BACK TO THE BOARD AT ITS NEXT MEETING.

7.* NEW BUSINESS:

D. HOW TO APPROACH AN INVESTIGATION AND DISCIPLINARY ACTION IN GENERAL. MICHAEL WYMER EXPLAINED THAT IF AN ALLEGATION CONCERNS THE CHARACTER, PROFESSIONAL COMPETENCE, AND/OR THE PHYSICAL OR MENTAL HEALTH OF THE LICENSEE, THAT PERSON SHOULD BE BROUGHT BEFORE THE ENTIRE BOARD FOR ITS DECISION. IF, HOWEVER, THE DISCIPLINE INVOLVES AN INQUIRY, FOLLOWED BY AN INVESTIGATION, THEN HE FELT THE INDIVIDUAL MIGHT GO BEFORE A HEARING OFFICER. THE HEARING OFFICER WOULD THEN BRING HIS RECOMMENDATIONS BACK TO THE BOARD FOR ITS DECISION. MR. WYMER STATED THAT IT WOULD REQUIRE SOME THOUGHT BEFORE MAKING THAT DETERMINATION.

IF AN ISSUE ARISES, IT IS ASSIGNED TO AN INVESTIGATOR, WHO WILL MAKE A DETERMINATION AS TO WHETHER THERE HAS BEEN A VIOLATION OF THE LAW. IF THERE HAS BEEN A VIOLATION OF THE LAW, THEN BELTCA WOULD REFER THE ISSUE TO HIM. THE INVESTIGATOR WOULD BRING THE ISSUE TO THE BOARD FOR GUIDANCE OR DIRECTION AS TO HOW TO PROCEED. THE INDIVIDUAL WOULD BE NOTICED TO APPEAR AT A MEETING OF THE BOARD WITH EITHER THE OPEN MEETING LAW OR HEARING PROCESS. WHOEVER HAS BEEN CITED, UNDER NRS 241.03, HAS THE RIGHT TO ASK THAT THE INQUIRY BE DONE IN "CLOSED" SESSION.

MARGARET MCCONNELL THEN ASKED FOR THE BOARD'S PLEASURE, WHEN POSSIBLE, HAVE ONE PERSON DO THE ENTIRE HEARING, AND BRING HIS RECOMMENDATIONS TO THE BOARD FOR ITS DECISION, OR HAVE THE ENTIRE BOARD SIT THROUGH THE ENTIRE PROCEDURE?

DOUGLAS SINCLAIR INDICATED THAT HE WOULD PREFER TO SIT THROUGH THE ENTIRE PROCEDURE IN ORDER TO HEAR THE INFLECTIONS IN THE VOICE OF THE PERSON AND TO WATCH BODY LANGUAGE WHICH CAN SPEAK VOLUMES.

THE DISCUSSION ENDED WITH THE BOARD AGREEING THAT FOR THE PRESENT THE INDIVIDUAL WOULD COME BEFORE THE ENTIRE BOARD AS HAS BEEN DONE IN THE PAST. ALSO, THAT WHEN POSSIBLE, MORE THAN ONE HEARING WOULD BE CONDUCTED DURING A BOARD MEETING.

MARGARET MCCONNELL ADJOURNED THE MEETING FOR LUNCH AT 12:30 P.M. AND STATED THAT THE MEETING WOULD BE RESUMED AT 1:00 P.M.

THE MEETING WAS RESUMED AS PLANNED.

10.* MS. MCCONNELL STATED THAT CAROL SALA HAD AN EARLY FLIGHT TIME THAT COULD NOT BE CHANGED. THE BOARD MEMBERS WERE ASKED TO CONSULT THEIR CALENDAR FOR THE NEXT QUARTERLY MEETING TO BE HELD IN AUGUST. THE BOARD MEMBERS ULTIMATELY DECIDED THAT THURSDAY, AUGUST 14, 2008 WOULD BE A MUTUALLY CONVENIENT DATE AT 10:00 A.M. ALTHOUGH, THE AUGUST MEETING IS NORMALLY HELD IN RENO, THE MEETING WOULD BE HELD IN LAS VEGAS TO ACCOMMODATE THE HEARING PROCESS DURING THAT MEETING. TERRY PEDROTTI WAS ASKED TO MAKE THE ARRANGEMENTS FOR THE MEETING AND NOTIFY THE BOARD MEMBERS OF ITS LOCATION.

7.* **NEW BUSINESS:**

B. CAROL SALA INDICATED THAT SHE HAD RESEARCHED THE FORMER LEGISLATIVE ACTION REGARDING "SUBPOENA POWERS" FOR THIS BOARD. THEY WERE ELIMINATED FROM THE BDR AT THAT TIME. THUS, AN ALTERNATIVE COULD BE TO HAVE A MEMBER OF THE COMMITTEE PRESENT IT IN HIS BDR REQUEST. DONNA ROSE WILL ACT AS LIAISON WITH THE REPRESENTATIVE FROM HER DISTRICT TO HAVE THE REQUEST INCLUDED.

TERRY CLODT PRESENTED HIS RECOMMENDED CHANGES TO NRS 654.190 AND CLARIFIED THE REQUEST OF WANTING SUBPOENA POWERS FOR RECORDS FOR INVESTIGATIVE PURPOSES AND FOR THE PEOPLE INVOLVED TO APPEAR AT THE HEARING.

MICHAEL WYMER ALSO SUGGESTED THAT FINES SHOULD BE RAISED FOR EACH OFFENSE RATHER THAN THE \$5,000 MAXIMUM FINE THAT IS PRESENTLY PART OF THE STATUTE. MR. WYMER SUGGESTED THAT WORDS "PER VIOLATION" COULD BE ADDED. ADDITIONAL DISCUSSION FOLLOWED WHERE VARIOUS ADMINISTRATIVE FINES COULD BE ADDED FOR VIOLATIONS AFTER AN INVESTIGATION HAS BEEN CONCLUDED TO PAY A "PENALTY" (TO BE DETERMINED BY THE BOARD.) THOSE PENALTIES CAN BE SET BY THE BOARD IN ITS ADMINISTRATIVE REGULATIONS. HOWEVER, A PROVISION FOR DOING SO MUST BE GENERATED IN THE STATUTE. DONNA ROSE WILL ALSO DISCUSS THE POSSIBILITY OF ADDING A PROVISION, SUPPORTING THE BOARD IN ITS REQUEST TO IMPOSE ADDITIONAL PENALTIES WITHOUT DISCIPLINARY HEARINGS, WITH THE LEGISLATIVE REPRESENTATIVE.

ASSISTANT ADMINISTRATOR – IS NOT A LEGAL TITLE. THE TITLE THAT CAN BE USED IS "ASSISTANT TO THE ADMINISTRATOR". THE TITLE, "ADMINISTRATOR", CAN ONLY BE USED BY THE ADMINISTRATOR OF A FACILITY. ANY OTHER TITLE WOULD BE IN VIOLATION OF THE STATUTE AND ADMINISTRATIVE CODE OF THIS BOARD. ANY OTHER TITLE CAN BE USED AFTER THE TITLE "ADMINISTRATOR". MARGARET MCCONNELL STATED THAT AT THE CONCLUSION OF THE AMENDMENT PROCESS, A COMMUNICATION WILL GO OUT TO ALL ADMINISTRATORS ADVISING THEM THAT THIS BOARD WILL ENFORCE THE REGULATION THAT ONLY THE ADMINISTRATOR WHOSE LICENSE IS DISPLAYED IN A FACILITY CAN USE THE TITLE OF "ADMINISTRATOR" OF THAT FACILITY – NO OTHER TITLE CAN BE USED. LICENSEES WILL ALSO BE ADVISED THEY MUST USE THE TITLE "ADMINISTRATOR", NOT JUST "EXECUTIVE DIRECTOR", AS USED BY SOME CORPORATIONS.

RFA RECIPROCITY – REGARDING THE QUESTIONS RAISED BY LICENSED RFA'S FROM OTHER STATES, MICHAEL D. WYMER STATED THAT IF THE BOARD DOES NOT NECESSARILY REQUIRE THE INDIVIDUAL TO HAVE NEVADA TRAINING, BUT NATIONAL TRAINING, NRS 654.155 GIVES THE BOARD THE LATITUDE TO DETERMINE THE QUALIFICATIONS OF THE APPLICANT. HOWEVER, NAC 654.155 AND NAC 654.157 WILL NEED TO BE CHANGED TO INCLUDE THE PRESENT ADMINISTRATOR-IN-TRAINING EXPERIENCE OF 40 HOURS IN THE NAB 5 DOMAINS OF PRACTICE, IN ADDITION TO PREVIOUS EXPERIENCE. MARGARET MCCONNELL STATED SHE WOULD BRING THE WORDING BACK TO THE BOARD AT ITS NEXT MEETING.

MENTORS/PRECEPTORS – TERRY PEDROTTI WAS ASKED TO BRING THE REQUIREMENTS THAT WERE ADOPTED FOR MENTORS/PRECEPTORS TO THE NEXT MEETING. DONNA ROSE AND MARY ELLEN WILKINSON WERE ASKED TO WRITE THE LANGUAGE FOR THE REQUIREMENTS.

NAC654.100–(b) (1) - AFTER A BRIEF DISCUSSION THE BOARD DETERMINED THAT THE WORDS, "RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION" OR "APPROVED BY THE SUPERINTENDANT OF PUBLIC INSTRUCTION", ARE IRRELEVANT AND SHOULD BE REMOVED FROM THAT SUBSECTION.

NAC 654.100 – (b) (2) - REGARDING THE REQUIREMENT OF 1,000 HOURS OF AN ADMINISTRATOR-IN-TRAINING NFA PROGRAM IN NOT LESS THAN 26 WEEKS, A DISCUSSION FOLLOWED AS TO WHETHER THAT PROGRAM SHOULD BE REQUIRED OF AN APPLICANT WHO HAS RECEIVED A MASTER'S DEGREE IN HEALTH CARE. NO CONCLUSION WAS REACHED, BUT IT WILL BE DISCUSSED AND ACTED UPON AT THE NEXT MEETING.

"NATIONAL ASSOCIATION OF LONG TERM CARE ADMINISTRATOR BOARDS" IS THE NEW OFFICIAL NAME FOR NAB, AND TERRY PEDROTTI WAS ASKED TO CHANGE IT IN ALL COMMUNICATIONS.

NAME OF THIS BOARD – THE STATUTE'S LEGAL NAME OF THIS BOARD IS: "STATE BOARD OF EXAMINERS FOR ADMINISTRATORS OF FACILITIES FOR LONG-TERM CARE". THE BOARD WOULD LIKE THE NAME CHANGED TO "STATE BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS." THAT CHANGE WILL ALSO BE REQUESTED IN THE EARLIER RECOMMENDED CHANGES TO THE NRS STATUTE.

BOARD CRITERIA FOR CEU APPROVED PROGRAMS – MARY ELLEN WILKINSON PREPARED A HAND-OUT TO THE BOARD MEMBERS IN AN ATTEMPT TO STANDARDIZE THE CEU APPROVAL PROCESS ALONG THE LINES OF THE NAB CRITERIA AND WILL BRING IT BACK IN A REFINED MANNER AT THE NEXT MEETING.

MS. WILKINSON RAISED THE QUESTION OF WHETHER ALL "PRE-APPROVED" PROVIDERS' PROGRAMS MEET THE CRITERIA FOR LONG-TERM CARE ADMINISTRATORS. ALSO, ALL "NON-PROFIT" ORGANIZATIONS HAVE BEEN EXEMPTED FROM PAYING THE \$25.00 REQUIRED FEE WHEN SUBMITTING A PROGRAM FOR APPROVAL. AFTER ARRIVING AT A DECISION AT THE NEXT BOARD MEETING, A NOTICE WILL BE SENT TO ALL PROVIDERS, ADVISING THEM OF THE NEW PROCEDURES.

9. THERE WERE NO PUBLIC COMMENTS.

10. MICHAEL WYMER SUGGESTED THAT IT MIGHT BE MORE CONVENIENT TO HAVE A VIDEOCONFERENCE WHERE EVERYONE COULD BE PRESENT WITHOUT TRAVELING TO THE MEETING LOCATION. TERRY PEDROTTI WILL MAKE ALL OF THE ARRANGEMENTS AND NOTIFY THE BOARD MEMBERS.

THE BOARD MEMBERS CONSULTED THEIR CALENDARS AND DETERMINED THAT TUESDAY, JULY 15TH, AT 10:00 A.M. WOULD BE MUTUALLY CONVENIENT. THE MEETING WILL BE A "SPECIAL MEETING TO CONSIDER PROPOSALS FOR AMENDMENTS TO NRS CHAPTER 654 AND NAC CHAPTER 654", AND WILL BE HELD SIMULTANEOUSLY VIA TELECONFERENCE IN CARSON CITY AND LAS VEGAS

11.* DOUGLAS SINCLAIR MOVED TO ADJOURN THE MEETING AT 2:30 P.M.. DONNA ROSE SECONDED THE MOTION AND IT WAS CARRIED.

RESPECTFULLY SUBMITTED:

TERRY PEDROTTI
TERRY PEDROTTI, EXECUTIVE SECRETARY

ATTESTED:

DONNA J. ROSE
DONNA J. ROSE, SECRETARY/TREASURER