

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

**MINUTES OF SPECIAL BOARD MEETING
TO CONSIDER PROPOSAL FOR AMENDMENTS
TO NRS CHAPTER 654 AND NAC CHAPTER 654**

TUESDAY, JULY 15, 2008

10:A.M. TO 12:00 NOON

VIDEO CONFERENCE

**ROOM 2143 LEGISLATIVE COUNSEL BUREAU, CARSON CITY
AND
CONFERENCE ROOM 4412, GRANT SAWYER BUILDING, LAS VEGAS**

1. MARGARET MCCONNELL, CHAIRPERSON, CALLED THE MEETING TO ORDER AT 10:09 A.M.
2. TERRY PEDROTTI, EXECUTIVE SECRETARY, WAS ASKED TO CALL THE ROLL.

BOARD MEMBERS:

MARGARET MCCONNELL
DOUGLAS SINCLAIR
TERRY CLODT

MARY ELLEN WILKINSON
CAROL SALA

STAFF

MICHAEL D. WYMER, DAG

TERRY PEDROTTI

EXCUSED:

DONNA ROSE

ROBERT W. SHRECK, M. D.

GUESTS:

SYLVIA BARCUS, CITIZENS FOR PATIENT DIGNITY
JOHN HEALY, CITIZENS FOR PATIENT DIGNITY
RAJA CAMPAGIORNI, CITIZENS FOR PATIENT DIGNITY

MARLA MCDADE WILLIAMS, BLC CHIEF
PATRICIA CHAMBER, BLC, CARSON CITY

MS. MCCONNELL ANNOUNCED THAT SINCE IT WAS NOT A REGULAR BOARD MEETING, THE BOARD MEMBERS WOULD NOT BE DISCUSSING ANY ISSUES OTHER THAN PROPOSALS TO AMENDMENTS. ALL INTERESTED PARTIES WOULD BE NOTIFIED OF THE REGULAR BOARD MEETING THAT WILL BE HELD ON THURSDAY, AUGUST 14, 2008, AT WHICH TIME PUBLIC COMMENTS WILL BE WELCOMED.

MARY ELLEN WILKINSON INTRODUCED MS. WILLIAMS AND MS. CHAMBERS FROM THE BUREAU OF LICENSURE AND CERTIFICATION OFFICE IN CARSON CITY. MS. WILLIAMS STATED THAT SHE HAS BEEN WITH THE BLC FOR 6 WEEKS AND IS LOOKING FORWARD TO WORKING WITH THIS BOARD AND OTHER AGENCIES IN THE ELDERLY CARE ISSUES. MARGARET MCCONNELL WELCOMED THE GUESTS AND THANKED MS. WILLIAMS AND PATRICIA CHAMBERS FOR ATTENDING. MS. WILLIAMS STATED SHE WOULD NOT BE STAYING AT THIS MEETING, BUT WOULD PLAN ON ATTENDING THE AUGUST 14TH MEETING.

3.* MARGARET MCCONNELL SUGGESTED THAT THE FIRST TOPIC WOULD BE THE ITEMS DISCUSSED AT THE LAST MEETING OF THE BOARD ON MAY 15, 2008., AND ASKED CAROL SALA TO SPEAK TO THE ISSUE OF THE BDR THAT WAS PROPOSED AT THE 2007 LEGISLATION SESSION.

A. MS. SALA STATED THAT THE LANGUAGE THAT REQUESTED SUBPOENA POWERS FOR THE INVESTIGATIONS CONDUCTED BY THIS BOARD WAS REMOVED AT THE LAST LEGISLATIVE SESSION. TERRY CLODT READ THE LANGUAGE THAT WAS TO HAVE BEEN INCLUDED. MARGARET MCCONNELL SUGGESTED THAT MR. CLODT PREPARE THE DOCUMENT AND SEND IT TO THE EXECUTIVE SECRETARY, SO THAT IT WILL BE THE FIRST ITEM TO BE INCLUDED IN THE REQUEST FOR AMENDMENTS TO THE LEGISLATIVE COUNSEL BUREAU. MARY ELLEN WILKINSON STATED THAT SEVERAL ADDITIONAL WORDS WERE TO BE ADDED IN THE LANGUAGE TO CLARIFY THE EXTENT OF THE SUBPOENA POWERS. MR. CLODT AGREED AND WILL PREPARE IT ACCORDINGLY. THOSE WORDS ARE: "THE BOARD MAY COMPEL BY SUBPOENA THE ATTENDANCE OF WITNESSES OR PRODUCTION OF DOCUMENTS FOR INVESTIGATION AND HEARING." NO VOTE WAS REQUIRED AT THIS TIME.

B. MR. CLODT STATED THAT HE WOULD ALSO LIKE TO INTRODUCE THE REQUEST FOR INCREASES IN FINES FOR

NRS 654.190, SPECIFICALLY, THE LIMIT OF \$5,000 SHOULD BE RAISED TO \$10,000 IN FINES FOR DISCIPLINARY ISSUES. MS. MCCONNELL STATED SHE HAD WRITTEN A REWORDING OF THE PROPOSAL TO READ: "THE BOARD MAY REQUIRE A FINE OF \$10,000 FOR EACH VIOLATION." MR. CLODT WENT ON TO LIST SEVERAL OTHER PROPOSED FINES IN OTHER SECTIONS OF NAC 654 AND LISTED THEM (COPY OF THE SUGGESTIONS IS INCLUDED AS AN INTEGRAL PART OF THESE MINUTES). MS. MCCONNELL SUGGESTED THAT THE ISSUE BE TITLED: "**DISCIPLINARY ACTIONS – IMPOSING FINES UNDER NRS CHAPTER 654.190.**"

C. CHANGE OF NAME OF THE BOARD TO COINCIDE WITH THE ACRONYM, "**BELTCA**", THAT HAS BEEN USED FOR A NUMBER OF YEARS. **NRS654.020**. THE PRESENT LEGAL NAME IS "**STATE OF NEVADA BOARD OF EXAMINERS FOR ADMINISTRATORS OF LONG-TERM CARE FACILITIES**", AND WOULD BE CHANGED TO "**BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS**".

A DISCUSSION ENSUED REGARDING THE FEES CHARGED FOR DEPUTY ATTORNEY GENERAL SERVICES BY THE STATE AND TERRY CLODT PROPOSED THAT PERHAPS A REQUEST FOR WAIVER OF THOSE FEES FOR AN AGENCY WITH A LOW BUDGET MIGHT BE CONSIDERED FOR INTRODUCTION. FURTHER DISCUSSION PROVIDED THE PROPOSAL MIGHT CREATE A NEGATIVE RESPONSE TO THE BOARD'S OTHER REQUESTS. MR. CLODT AGREED TO WITHDRAW THE PROPOSAL AND IT WAS TABLED FOR THE PRESENT TIME.

D. MARGARET MCCONNELL STATED THAT THE DISCUSSIONS MOVE FORWARD TO AMENDMENTS TO **NAC CHAPTER 654** BE CONSIDERED. MR. CLODT SUGGESTED THAT FINES BE ESTABLISHED FOR INFRACTIONS OF **NAC 654.181**, WHICH INVOLVES NOTIFYING THE BOARD OF CHANGES IN THEIR RESIDENTIAL ADDRESSES AND/OR FACILITY CHANGES PROPOSED THAT IF NOT NOTIFIED IN A TIMELY MANNER, A FINE OF \$500.00 COULD BE IMPOSED.

E. **NAC 654.250** A FINE OF \$500.00 COULD BE IMPOSED FOR NOT NOTIFYING THE BOARD OF THE ADDITION OF MULTIPLE FACILITIES IN A TIMELY MANNER.

F. **NAC 654.190** – A FINE OF \$250.00 FOR NON-DISPLAY OF THE ADMINISTRATOR'S LICENSE – A FINE OF \$250.00 – FOR A FIRST OFFENSE MAY BE DOUBLED FOR A SECOND OFFENSE.

G. **NAC 654.210(n)** – FAILING TO MAINTAIN RECORDS AS REQUIRED BY LAW. A DISCUSSION FOLLOWED IN WHICH IT WAS SUGGESTED THAT PERHAPS A NEW NAC BE IMPLEMENTED TO INCLUDE INFRACTIONS THAT CAN BE DISPOSED OF BY AN ADMINISTRATIVE FINE (FOR SIMPLE MATTERS). LEGAL COUNSEL EXPLAINED THAT THE RESOLUTION OF MINOR INFRACTIONS WITH AN ADMINISTRATIVE FINE RATHER THAN A HEARING WOULD BE PREFERABLE. MR. WYMER WENT ON TO STATE THAT THE BOARD MAY WANT TO HAVE A NEW SUB-SECTION IN WHICH IT MAY WANT THE ADMINISTRATOR TO PAY A FINE INSTEAD OF GOING TO HEARING.

LEGAL COUNSEL, MICHAEL D. WYMER, SUGGESTED THAT THE INFRACTIONS THAT COULD FALL INTO EITHER CATEGORY ALSO BE LISTED TO CLARIFY THE LANGUAGE. TO THAT END, MARGARET MCCONNELL SUGGESTED THAT THE BOARD MEMBERS SEND THEIR RECOMMENDATIONS TO MR. TERRY CLODT, THE AUTHOR OF THE SUGGESTED FINES, VIA E-MAIL, SO THAT THE REWRITE CAN BE DETERMINED AT THE PUBLIC WORKSHOP.

THE BOARD DETERMINED THAT THE VIOLATIONS LISTED IN **NAC 654.210** SHOULD BE CATEGORIZED AS EITHER EGREGIOUS AND BROUGHT TO HEARING; OR MINOR INFRACTIONS THAT CAN BE SETTLED WITH AN ADMINISTRATIVE FINE.

ALL ABOVE INFRACTIONS FOR FINES MAY BE DOUBLED.

H. MARY ELLEN WILKINSON PRESENTED HER RECOMMENDATIONS FOR AMENDMENTS TO QUALIFICATIONS FOR NURSING FACILITY ADMINISTRATORS AND RESIDENTIAL FACILITY ADMINISTRATORS AND AMENDMENTS TO THE CEU APPROVAL PROCESS – THOSE RECOMMENDATIONS ARE ATTACHED AS AN INTEGRAL PART OF THE MINUTES:

(1) **NAC 654.100** – "QUALIFICATIONS PROGRAM FOR TRAINING (NRS 654.110, NRS 654. THE RECOMMENDED CHANGE OF 1,000 HOURS FOR NFA FROM "A MINIMUM OF 26 WEEKS" TO "20 WEEKS";

(2) **NAC 654.130** – "APPROVAL OF PROGRAMS OF STUDY; CONTINUING EDUCATION REQUIRED FOR RENEWAL OF LICENSE. (NRS 654.110, 654.150, 654.170):

(3) STRIKE AND ADD "THE ONLY PREAPPROVED PROGRAMS WOULD BE THOSE PREVIOUSLY REVIEWED AND APPROVED BY THE NATIONAL ASSOCIATION OF LONG-TERM CARE ADMINISTRATOR BOARDS (NAB).

(4) STRIKE.

"SPECIAL FORMS FOR REQUESTING MAY INCLUDE, (a) through (f) ADDING (g) RECREATIONAL ACTIVITY AND (h) ETHICS.

MS. WILKINSON ALSO PROVIDED A DRAFT OF A PROPOSED NEW CONTINUING EDUCATION APPROVAL PROCEDURE BASED UPON THE APPROVAL PROCEDURE USED BY THE NAB IN AN EFFORT TO STANDARDIZE THE PRACTICE. A COPY OF THE THAT DRAFT IS ALSO ATTACHED AS AN INTEGRAL PART OF THESE MINUTES.

MS. WILKINSON ALSO ATTACHED A SCHEDULE OF FEES FOR REVIEWING SUBMITTED CEU PROGRAMS THAT WOULD APPLY TO ALL PROVIDERS WHETHER FOR-PROFIT OR NOT-FOR-PROFIT. A DISCUSSION FOLLOWED IN WHICH IT WAS DETERMINED THAT IT TAKES THE SAME AMOUNT OF TIME TO REVIEW EITHER PROGRAM. THEREFORE, THE FEES SHOULD BE THE SAME FOR EVERYONE. ALL PROVIDERS WILL BE NOTIFIED PRIOR TO THE PUBLIC WORKSHOP TO ALLOW FOR THEIR INPUT.

NAC 654.155 8.(c) MARGARET MCCONNELL PREPARED LANGUAGE INCORPORATING THE TRAINING FOR RC/AL APPLICANTS AND THE REQUIRED QUALIFICATIONS FOR MENTORS/PRECEPTORS. THAT DRAFT AND COPY OF THE QUALIFICATIONS ARE ALSO AN INTEGRAL PART OF THESE MINUTES.

NAC 654.100 MARGARET MCCONNELL ASKED IF THE BOARD IS ADHERING TO THE PRESENT REQUIREMENT TO CONDUCT AN "ON-SITE EVALUATION" OF THE TRAINING PROGRAM FOR NURSING FACILITY CANDIDATES. PRESENTLY, THAT IS NOT OCCURRING.

THE BOARD REVIEWS THE PROGRAM AND IF IT FOLLOWS THE NAB-APPROVED MANUAL, IT IS APPROVED. THEREFORE, THE LANGUAGE NEEDS TO BE REWRITTEN TO REFLECT THE PRESENT POLICY, AND TO INCLUDE THE QUALIFICATIONS FOR MENTORS AND REQUIREMENTS FOR RC/AL AIT TRAINING.

DONNA ROSE RECOMMENDED:

1. THAT THE WEBSITE BE PLACED ON THE COVER OF THE RULES AND REGULATIONS (SEE "REVIEW OF RULES AND REGULATIONS" BY DONNA ROSE);
2. USE LEGAL NAME CONSISTENTLY THROUGHOUT ALL CORRESPONDENCE AND DOCUMENTS, PRESENTLY: "NEVADA STATE BOARD OF EXAMINERS FOR ADMINISTRATORS OF FACILITIES FOR LONG-TERM CARE" – PROPOSED TO BE CHANGED TO: "**BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS**" (**BELTCA**);
3. **NAC 654.1 (b)** – REMOVE EXTRANEOUS LANGUAGE: " A MASTER'S DEGREE IN ADMINISTRATION OR RELATED FIELD;
4. **NAC 654.2 (a)** - A BACCALAUREATE DEGREE;
5. ONLY PRINTED OR ELECTRONIC APPLICATIONS WILL BE REVIEWED. HANDWRITTEN AND/OR INCOMPLETE APPLICATIONS WILL BE RETURNED AND AN ADDITIONAL PROCESSING FEE WILL BE REQUIRED;
6. **NAC 654.111 1(a)** – DELETE: "BY THE UNITED STATES DEPARTMENT OF EDUCATION", AND CHANGE THE WORDING TO READ: ". BACHELOR OF ARTS OR BACHELOR OF SCIENCE DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY";
7. CHANGE THE NAME OF NAB TO REFLECT THE NEW NAME TO: "**NATIONAL ASSOCIATION OF LONG-TERM CARE ADMINISTRATOR BOARDS**";
8. **NAC 654.250 1** - DELETE ". FOR MORE THAN 90 DAYS IN A CALENDAR YEAR". (THIS ISSUE NEEDS TO BE EXPLORED WITH BLC SO THAT IT DOES NOT CONFLICT WITH THEIR RULES AND REGULATIONS.)

THE QUESTION OF RETAINING AN INACTIVE APPLICATION WAS RAISED – THE BOARD DETERMINED THAT IF AN APPLICATION HAS HAD NO ACTIVITY IN 3 YEARS – THE STATE RETENTION LAW OF DESTROYING THAT RECORD AFTER 3 YEARS APPLIES. THIS ITEM IS TO BE CONSIDERED.

BECAUSE OF TIME CONSTRAINTS, THERE WERE SEVERAL OTHER ISSUES THAT WILL NEED TO BE ADDRESSED AT A SPECIAL BOARD MEETING TO CONTINUE WITH THE PROPOSED AMENDMENTS TO NRS CHAPTER 654 AND NAC CHAPTER 654.

MARGARET MCCONNELL ANNOUNCED THAT THE REGULAR QUARTERLY MEETING OF THE BOARD WILL BE HELD ON THURSDAY, AUGUST 14TH, AT 10:00 A.M. IN THE GRANT SAWYER BUILDING IN LAS VEGAS. THE MEETING WILL CONSIST OF PUBLIC DISCIPLINARY HEARINGS AND OTHER ISSUES. THEREFORE, IT WILL BE A LENGTHY MEETING THAT COULD TAKE MOST OF THE DAY. MS. MCCONNELL ASKED THAT THE BOARD MEMBERS COMING FROM THE RENO AREA CONSIDER THE TIME ELEMENT WHEN MAKING THEIR TRAVEL PLANS.

MS. MCCONNELL ASKED FOR PUBLIC COMMENTS.

MS. SYLVIA BARCUS, CITIZENS FOR PATIENT DIGNITY, SPOKE TO THE NEED OF HELP AND ASSISTANCE FROM THE STATE TO IMPLEMENT AND ENFORCE THE PRESENT LAWS TO STOP THE ABUSE AND NEGLECT THAT OCCURS IN MOST NURSING HOMES. THE MOST IMPORTANT ISSUE IS INSUFFICIENT STAFFING.

MS. MCCONNELL EXPLAINED THAT THE COMMITMENT OF THIS BOARD IS TO INSURE THAT THE ADMINISTRATORS WHOM WE LICENSE ARE HELD ACCOUNTABLE FOR QUALITY LEADERSHIP. IF IT IS BROUGHT TO THE ATTENTION OF THIS BOARD THAT AN ADMINISTRATOR IS OFFERING SERVICES THAT ARE LESS THAN ACCEPTABLE, AN INVESTIGATION IS PERFORMED AND THAT ADMINISTRATOR IS HELD ACCOUNTABLE. THE ADMINISTRATOR IS INVESTIGATED AND BROUGHT BEFORE THE BOARD IN A PUBLIC DISCIPLINARY HEARING. WE SHARE THE CONCERNS OF THE COMMUNITY FOR QUALITY CARE IN ALL OF THE LONG-TERM CARE FACILITIES.

CAROL SALA STATED THAT THE BUREAU OF LICENSURE AND CERTIFICATION REQUESTED THAT ANY CHANGES THAT ARE AGREED UPON IN TERMS OF CHANGES OF ADDRESSES AND/OR FACILITIES THAT NOTIFICATION BE MADE WITHIN 10 DAYS.

THERE BEING NO FURTHER BUSINESS, MARGARET MCCONNELL REQUESTED A MOTION. DOUGLAS SINCLAIR MOVED TO ADJOURN THE MEETING AT 12:12 P.M. TERRY CLODT SECONDED THE MOTION, AND THE MEETING WAS ADJOURNED.

RESPECTFULLY SUBMITTED,

TERRY PEDROTTI,
EXECUTIVE SECRETARY