

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

**MINUTES OF REGULAR QUARTERLY BOARD MEETING
FEBRUARY 12, 2009**

10:00 AM

**GRANT SAWYER STATE OFFICE BUILDING
CONFERENCE ROOM 4500
555 EAST WASHINGTON AVENUE
LAS VEGAS, NEVADA 89101**

(Revisions to Section 8 in italics)

1. **Margaret McConnell, Chairperson, called the meeting to order at 10:10 a.m.**
2. **Terry Pedrotti, Executive Secretary, was asked to call the roll.**

Board Members:

Margaret McConnell, Chair
Donna J. Rose, Secretary/Treasurer
Terry Clodt
Carol Sala

Mary Ellen Wilkinson, Vice Chair
Douglas R. Sinclair
Robert W. Shreck, MD

Staff:

Michael D. Wymer, DAG

Terry Pedrotti

Guests:

Paul Shubert, BHCQC
Michael Clark

Charles Perry, Executive Director, NHCA

A quorum was present.

Ms. McConnell asked if there was an item that someone would like to have taken out of order. There was none, and Margaret McConnell welcomed the guests and thanked them for attending.

3.* Secretary/Treasurer's Reports –Donna J. Rose – Final Board Approval is Required:

A. Minutes of Quarterly Regular Board Meeting held November 13, 2008. The minutes had been distributed previously and Carol Sala reported several typing errors. Those errors were accepted and will be corrected. Carol Sala moved to accept the Minutes with the corrections. Douglas Sinclair seconded the motion, and the motion was carried.

B. Donna Rose presented the first quarter un-audited report received from the CPA that indicated a slight profit over expenses. Also presented was the second quarter report that was received by the board office 2 days prior to the meeting. It also showed a profit over expenses. The report had been distributed to the board members prior to the meeting for review.

C. Ms. Rose explained the figures in the Financial Comparison Report and stated that income for fiscal 2008 – 2009 would probably be less than the previous year because of the biennial decrease in license renewals, and the impact of the newly implemented RC/AL Training Program. Additionally, the recession conditions will impact the interest rate on the CD's that will come up for renewal on February 24, 2009 by a much lower rate.

Margaret McConnell requested a motion. Robert Shreck moved to accept the financial reports as presented. Douglas Sinclair seconded the motion, and the motion was carried.

4. Administrative Report – Terry Pedrotti –Information:

A. The Quarterly Disciplinary Report that is sent to LCB was reviewed regarding the Hearing for Adelaida Guevarra-Tolentino who agreed to have her license revoked, acknowledging neglect in her duties as administrator-of-record of Grace Elderly Care Group Home.

B. The All Licensee Activity Report for the second quarter indicated a raise in new RFA applications and the issuance of new licenses. Also, Ms. Pedrotti explained that NFA applications and licenses have also increased. The increase in candidates for nursing facility administrators is due to people from out of state, using our state to become licensed, then moving to other states to begin practicing. The question was raised about whether the licensees maintain their licenses in Nevada or allow them to expire. Ms. Pedrotti stated that most licensees do and some do not. It is difficult to generalize.

The question was raised about those licensees who request inactive status and what is the procedure. Ms. Pedrotti explained that those licensees can only maintain the inactive status for a maximum of 2 years. At the conclusion of the 2-year period the licensee must either renew, fulfilling all of the requirements, or the license expires. A few do renew their licenses at the conclusion of the 2-year period.

Terry Pedrotti explained that there are three licensees who were disciplined in the past and who have fallen behind in their payments of the legal fees and administrative fines. Ms. Pedrotti plans to send a certified notice to each of them notifying them that unless payments are brought up to date in a timely manner, as they agreed originally, legal action would be taken which would also increase their financial obligations, to which they had also agreed. A discussion followed regarding Janice Burch's disregard of completing her payments. The agreement Ms. Burch reached with the Board allows the Board to automatically suspend her license if she does not honor the agreement. Michael Wymer and Terry Pedrotti were asked to research the original agreement to determine the Board's options.

In an addition to the Administrative Report, Margaret McConnell explained that this board has been deluged with legal complaints and Statements of Deficiencies from the Division of Aging Services and the Bureau of Health Care Quality and Compliance (BHCQC), formerly the Bureau of Licensure and Certification. Some of the complaints date back to early 2008. Due to the State's budget constraints, there are several unfilled DAG positions, and the present DAG's have had their workloads increased. However, Ms. McConnell negotiated with the Chief DAG in Las Vegas, to prioritize the cases in the order of severity.

Additionally, many of the issues that have been referred to BELTCA may not have to go to complaint and hearing before the Board, but can be resolved in other negotiations that would not involve legal action. Mary Ellen Wilkinson and Terry Clodt are reviewing the cases to determine the severity and appropriate action that can be taken.

5.* Administrator Licenses Issued – All Requirements have been met – Final Board Approval is required.

A. NFA Licenses:

1. Bonner, Charles D.
2. Jones, Wesley D.
3. Merkel, Wm. Scott
4. Merkley, David
5. Weeks, Sheila

Terry Clodt moved to approve licensure for the above-named candidates. Carol Sala seconded the motion. The motion was carried.

B. RFA Licenses:

1. Forsberg, Mark R.
2. Miller, Pamela M.
3. O'Brien, Melania
4. Ramirez, Wendy J.

Douglas Sinclair moved to approve licensure for the above-listed candidates. Terry Clodt seconded the motion, and the motion was carried.

C. Inactive License Requests:

1. Conaway, David L., NFA
2. Mason, Julie, NFA
3. Rose, Donna J., NFA

Douglas Sinclair moved to approve the inactive requests made by the above-named licensees. Carol Sala seconded the motion. The motion was carried.

6.* Unfinished Business:

A. RC/AL Mentors Training Report –Phyllis Militello –Board Discussion

Phyllis Militello was unable to attend the meeting, but had submitted her report that was distributed to the Board Members. Ms. Militello's Report was very complete, showing the total number of candidates who had applied since the implementation of the program; those who had completed the procedure; those who were in the process of undergoing the AIT Program; the number waiting for Mentors; and a large number for whom there has been no activity. Ms. Militello also included a very descriptive evaluation report from the Mentors and the Candidates that indicated the AIT Program is being well received by both parties. Margaret McConnell complimented Ms. Militello, in absentia, for an excellent report.

A discussion followed in which the qualifications of the Mentors were questioned, citing an incident where a Mentor who has been paired with a candidate, and has been cited by either the BHCQC or the DAS for deficiencies or other problems in a facility. What actions will be taken against such a Mentor? The problem has not been addressed in the past, but will be placed on the agenda for discussion and action at the next board meeting. Terry Pedrotti was asked to e-mail the qualifications to become a Mentor to the board members for review prior to the meeting.

Michael Wymer stated that according to the statute, until a complaint is filed against a particular licensee, all information is confidential. Therefore, Mr. Wymer recommends discretion and caution in any communication with outside parties. Mr. Wymer also recommended that an individual should not be penalized before "due process" is exerted.

B. RC/AL Fiscal 2008 – 2009 Supplemental Budget – Patti Swager – Board Discussion

Patti Swager was unable to attend the meeting, but submitted her request for an additional \$9,270.00. Because the number of applicants/candidates has exceeded the original estimate for funding, the request for the increase in the current funding level will be required. Margaret McConnell stated that she had received word from Marla McDade-Williams, Chief of BHCQC, that the Bureau would also continue to assist the Board with financial help in the AIT Program. Ms. McConnell extended a verbal thank-you to Paul Shubert who represented the Bureau at the meeting.

Margaret McConnell explained that, based on the Board office report, the total funds received from the current list of applicants has allowed the fee for the AIT, presently charged by the Board, to cover the costs. However, it may become necessary to increase the fee charged to each RC/AL candidate, in the very near future to avoid a negative cash flow for the program. Terry Pedrotti was asked to bring a report back to the Board at its next meeting in which the components are outlined. The Board may need to discuss and approve the raising of the fees charged to each applicant in small increments to avoid a problem, at its next meeting,

C. Proposed Amendments to NRS Chapter 654 – BDR 54-173 – Wendy Simons -Tracking Report

Margaret McConnell stated that Wendy Simons, Consultant, had volunteered to track the BDR – 173, presented by Kathy McClain, Assemblywoman. Mary Ellen Wilkinson had reviewed the BDR that was introduced to the Legislative Session for approval, and found some items that had not been included. Specifically, the timetable for personal delivery of notices is not clarified in accordance with NRS 241.033 2. (a). Michael Wymer recommended that the personal delivery issue should be written to state: "personally served within so many days, or by certified mail within so many days" to clarify and to comply with the above named NRS 241.033 2. (a). Also, the request for levying fines instead of going to complaint and hearing was not included in the BDR that was introduced.

Carol Sala explained that the procedure for changing the BDR prior to its becoming a bill is to rewrite the bill with the recommended changes. Once it becomes a bill, amendments will need to be added.

Margaret asked Terry Clodt to contact Wendy Simons with the items that were omitted from the original draft. Margaret McConnell will confer with Wendy Simons and/or Kathy McClain, Assemblywoman, to discuss the possibility of adding amendments to the bill prior to its being presented for approval to the legislators.

In the discussion that followed, Michael Wymer explained that if a fine is levied against a licensee, and that licensee objects to the fine, then the issue must go to hearing.

Margaret McConnell stated she would take responsibility to arrange for the changes in the BDR bill.

D. Possible New Developments to Amendments to NAC Chapter 654 – Board Discussion

A discussion followed in which possible amendments to NAC Chapter 654 were discussed, but tabled to future meetings after the Legislation Session has ended and the fate of AB 176 (formerly BDR 173) is known.

E. Online Credit Card Report – Terry Pedrotti

Ms. Pedrotti reported there has been no progress in the program development at State Department of Information Technology.

7. New Business:

Margaret McConnell brought AB 111 to the Board's attention. The passage of that bill is being presented by BHCQC, and Ms. McConnell asked Paul Shubert to describe its contents. Mr. Shubert explained that the Bureau is attempting to regulate the residents in group homes of 2 (HIRC Homes) or less. Independent residents cannot live in the same environment as residents who require personal care. Some of the smaller HIRC homes that do not require licensed administrators are actually caring for hospice patients or other patients that require personal care and calling them boarders, as an example.

Also brought to the Board's attention was AB 87. That bill explains the procedure for agencies to follow in the event the need for collection of past due debts is to be used by referring the problem to the State Controller's Office.

8. DAG's Comments:

Michael Wymer explained to the Board the reasons for delay in his ability to prosecute BELTCA's disciplinary cases. Two disciplinary cases for the Real Estate division have been exceedingly time-consuming. Mr. Wymer stated that he had discussed the matter of time allocation with his supervisors, and the decision had been made to address certain Manufactured Housing Division issues first, and that work on the Beltca cases would resume in about 4 weeks.

Mr. Wymer also made recommendations for expediting the process of case preparation and presentation. He suggested that reports, referrals, Complaint, pleadings and presentation should be standardized to reduce the amount of time required for individual drafting. He also indicated that he must receive written instructions from Beltca regarding the course of disciplinary action it wants to pursue in any given disciplinary case. Mr. Wymer stated that he did not want to substitute his judgment in place of Board policy in disciplinary matters.

9. Public Comments:

Carol Sala, Administrator, for the Division for Aging Services explained the Division's Budget Hearing, Ms. Sala also announced that the National Commission on Aging (NCOA) and the American Society on Aging (ASA) will be holding their national conference in Las Vegas in March. The Nevada Commission on Aging will be holding a mini-conference on caregiving issues in conjunction with the NCOA/ASA conference. Ms. Sala invited anyone who wishes to attend to contact her for further information.

Paul Shubert asked about the Board's reaction to referrals sent by BHCQC. It sounds as though everything they send is being viewed as a complaint, rather than information regarding a licensee for the Board to evaluate. Margaret McConnell explained that coming from the Bureau the Board is looking at administrators who have had more than one deficiency and prioritizing accordingly. The issues are given to the Board's investigators to determine and recommend what action should be taken. Ms. McConnell stressed that the information being sent and received is very much appreciated.

Terry Clodt requested that when the Bureau does send a Statement of Deficiency, it would be helpful to identify the Surveyor, so that if the issue does go to complaint, the investigator will know to whom he/she should go for further information.

Mr. Shubert explained that the Bureau uses several different templates, depending upon the severity of the deficiency, that it sends to advise the facility/administrator of its intent, and agreed to share those templates with the Board for its uses. Margaret McConnell thanked Mr. Shubert for attending and participating in the meeting.

At that point, Margaret McConnell acknowledged the retirement of Donna Rose, former Secretary/Treasurer, from the Board, and presented her with a crystal award. Ms. Rose has served the Board with dedication and service above and beyond for the past 15 years. She will be sorely missed, and the Board members thanked her and wished her well.

10.* Date/Time of Next Regular Quarterly Meeting:

The board members were asked to consult their calendars for the next quarterly meeting held in May, in Northern Nevada. Tuesday May 12, 2009 at 10:00 a.m. was decided upon. Terry Pedrotti was asked to confirm a meeting room in Reno, and also in Las Vegas. If a hearing is planned in either location, the Board will have a meeting room.

11.* Adjournment:

There being no further business, Douglas Sinclair moved to adjourn the meeting at 12:00 p.m. Robert Shreck seconded the motion, and the motion was carried.

Respectfully submitted:

Terry Pedrotti
(Ms) Terry Pedrotti, Executive Secretary

Donna J. Rose
Donna J. Rose, Secretary/Treasurer