

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS
IN COMPLIANCE WITH THE OPEN MEETING LAW, M.G.L. c. 30A, § 20

Thursday, August 20, 2015
10:00 a.m.

239 Causeway Street ~ 4th Floor ~ Room 417A
Boston, Massachusetts 02114

Agenda

Time	Item #	Item	Exhibits	Staff Contact
10:00 a.m.	I.	Approval of Agenda and notice of electronic recording	Draft Agenda	
	II.	Approval of Minutes of Regularly Scheduled Meeting A. July 16, 2015 Board Meeting	Draft Minutes	
	III.	Administrator in Training A. <u>Request for Administrator in Training Approval</u> None B. <u>Request for Administrator in Training Credit</u> None	Applications and related documents	

		<p>Administrator in Training</p> <p>A. <u>Request for Administrator in Training Change of Preceptor</u> None.</p> <p>B. <u>Administrator in Training Mid-Point Review</u> None</p> <p>C. <u>Administrator in Training Completion Review</u></p> <ol style="list-style-type: none"> 1. <u>Yurack, Andrew</u> <u>Facility:</u> Williamsett Center West-Chicopee <u>Preceptor:</u> David Ianacone, NH3105 2. <u>Follman, Shmuel</u> <u>Facility:</u> River Terrace Rehab & Health Care Center-Lancaster <u>Preceptor:</u> Thomas Sullivan, NH2742 3. <u>St. Pierre, Nathaniel</u> <u>Facility:</u> EPOCH Senior Healthcare of Brewster-Brewster <u>Preceptor:</u> Maureen Kalivas, NH2428 	Applications and related documents	
	IV.	<p>Review of Applications for Licensure by Reciprocity</p> <p>A. <u>Melissa Fijalkowski</u> (Licensed in: FL, CO and PA)</p>	Reciprocity Application and related documents	
	V.	<p>Triage</p> <p>A. <u>TRG-7842:</u> Genesis Healthcare Saugus Center</p>	Statements of deficiencies Statements	MC
	VI.	<p>Staff Assignments</p> <p>A. <u>SA-INV-7009</u> <u>Comley, Stephen</u> <u>NH2606</u></p>	Investigation Report	PB/MC
	VII.	<p>Inquiry</p> <p>A. Does the Evaluation of Foreign Education meet the Board’s educational requirements?</p>	Foreign Education Documents	
	VIII.	<p>Continuing Education</p> <p>A. <u>Requests for CEU Approval</u></p> <ol style="list-style-type: none"> 1. “Best Practices for Email Content Marketing” <u>Requested by:</u> Kathleen Salmon-Robinson, NH2659 	Documents related to requests for CEU	
	IX.	<p>Policies</p> <p>A. Probation Policy</p> <p>B. Valor Act Policy</p>	Draft Probation Policy Draft Valor Act Policy	VB VB

	X.	Regulations A. Regulatory Review B. Proposed Model Regulation	Executive Order Review Plan Draft of Proposed Model Regulation	VB MS
	XI.	Board Education A. Board Action	PowerPoint Presentation	MS
	XII.	Other Business/Announcements A. Wingate at Belvidere Nursing Home Article B. Synergy Health Centers Article C. <u>Discussion</u> : Immediate Jeopardy-Inviting Administrator D. <u>Discussion</u> : Checklist for Nursing Continuing Education Program Provider	Copy of Article Copy Article None Copy of Checklist	MC
	XIII.	Flex Session A. Topics for the next Agenda B. License Status Codes	Verbal Memo	VB

11: 00 a.m.	XIV.	<p>Executive Session (Roll call vote) The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.</p> <ol style="list-style-type: none"> 1. Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provision of a pending application. 2. Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of licensees relevant to their petitions for license status change. 3. Specifically, the Board will discuss complaints or charges brought against Licensees. 4. Finally, the Board will consider approving prior executive session minutes in accordance with M.G.L. ch.30A, § 22(a) for previous executive sessions of the Board. <p>The Board will not reconvene in open session subsequent to the executive session.</p>	Closed Session	
11:30 a.m.	XV.	M.G.L. c. 112, § 65C Session	Closed Session	
2:00 p.m.	XVI.	Adjournment-next Board meeting scheduled for [Sept. 17, 2015]		

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Thursday, August 20, 2015

239 Causeway Street - 4th floor, Room 417A/B

Boston, MA 02114

MINUTES

Board Members Present: Nancy Lordan, Nursing Home Administrator 3, Chair
William Graves, Nursing Home Administrator 1, Vice-Chair
Sherman Lohnes, Department of Public Health
James Divver, Nursing Home Administrator 4
Michael Baldassarre, Nursing Home Administrator 2
Aaron Tobey, Public Member 2
Patrick J Stapleton, Nursing Home Administrator 5 (Non-Proprietary Nursing Home)
MaryEllen Coyne, Executive Office of Public Welfare

Board Members not Present: Roxanne Webster, Registered Nurse, Secretary
Mary McKenna, Executive Office of Elder Affairs
Wayne S Saltsman, MD, PhD, Physician

Staff Present: Mary Phillips, Executive Director, Multi-Boards, DHPL
Ichelle Herbu, Assistant Executive Director, Multi-Boards, DHPL
Anson Chu, Office Support Specialist, Multi-Boards, DHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Marjorie Campbell, Investigator, Supervisor, Office of Public Protection, DHPL
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH

Staff Not Present: Philip Beattie, Board Investigator, Office of Public Protection, DHPL

Guest: Christine E. Battisti Keane with her Attorney

A quorum of the Board was present. Ms. Lordan, Board Chair, called the meeting to order at 10:04 a.m.

- I. Approval of Agenda and notice of electronic recording
Board members reviewed the meeting Agenda.

ACTION: Mr. Divver made motion to approve the agenda as presented; Mr. Graves seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Document: August 20, 2015 Regularly Scheduled Board Meeting Agenda.

II. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: July 16, 2015

The Board reviewed the July 16, 2015 Regularly Scheduled Board Meeting Minutes.

ACTION: Mr. Divver made a motion to approve the minutes as presented; Mr. Lohnes seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: July 16, 2015 Regularly Scheduled Board Meeting Minutes

III. Administrator in Training

C. Request for Administrator in Training Approval

None

D. Request for Administrator in Training Credit

None

E. Request for Administrator in Training Change of Preceptor

None

F. Administrator in Training Mid-Point Review

None

G. Administrator in Training-Final Completion Review

Ms. Lordan made the following recommendations: Approve

1. Yurack, Andrew

Facility: Williamsett Center West-Chicopee

Preceptor: David Ianacone, NH3105

RECOMMENDATION: Approve

ACTION: Mr. Divver made a motion to accept the recommendation; Mr. Baldassarre seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: AIT Application and related documents.

2. Follman, Shmuel

Facility: River Terrace Rehab & Health Care Center-Lancaster

Preceptor: Thomas Sullivan, NH2742

RECOMMENDATION: Approve

ACTION: Mr. Divver made a motion to accept the recommendation; Mr. Baldassarre seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: AIT Application and related documents.

3. St. Pierre, Nathaniel
Facility: EPOCH Senior Healthcare of Brewster-Brewster
Preceptor: Maureen Kalivas, NH2428

RECOMMENDATION: Approve

ACTION: Mr. Divver made a motion to accept the recommendation; Mr. Baldassarre seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: AIT Application and related documents.

- IV. Review of Applications for Licensure by Reciprocity
Ms. Lordan made the following recommendations:

- A. Melissa Fijalkowski (Licensed in: FL, CO and PA)

RECOMMENDATION: Approve

ACTION: Mr. Graves made a motion to accept the recommendation; Mr. Divver seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Application for Licensure by Reciprocity and related documents

- V. Triage
A. TRG-7842: Genesis Healthcare Saugus Center

DISCUSSION: Ms. Campbell presented this triage case to the Board. The Board received an anonymous letter in regards to several incidents. The letter requests for an investigation of the facility. Ms. Campbell informed the Board that we did not receive a deficiency report from Health Care Quality but the letter was forwarded to them. After discussion, the Board decided that the best action is to wait for more information.

ACTION: Mr. Divver made a motion to table this triage case until a report comes back from Health Care Quality; Mr. Graves seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Anonymous letter

- VI. Staff Assignments

- B. SA-INV-7009 Comley, Stephen NH2606

DISCUSSION: Ms. Campbell presented the cases to the Board. Mr. Comley worked under an expired license. His license expired on June 30, 2013 and did not find out about the expiration

of his license until January 2015. Ms. Campbell informed the Board that Mr. Comley continued to work under an expired license as he tried and failed to locate another administrator to cover while he work on getting his license back to a current status. After discussion, the Board wants to know more information if this had happened in the past so they can set a precedent.

ACTION: Mr. Divver made a motion to table this staff assignment case until we have more information on this type of situation by reviewing past Board Minutes; Mr. Graves seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Investigation Report and supporting documents

VII. Inquiry

A. Does the Evaluation of Foreign Education meet the Board's educational requirements?

DISCUSSION: Ms. Phillips presented the inquiry before the Board. Ms. Phillips reminded the Board that in order for an applicant to apply for an Administrator-in-Training applicant, they need to document to us that they possessed a US accredited Bachelor's Degree. The Board reviewed the foreign education evaluation report from an organization under NACES that was distributed to them ahead of time.

ACTION: Mr. Divver made a motion to inform the applicant that based on the evaluation report, his degree does not met the requirement of the regulation to pursue for the Administrator-in-Training program; Mr. Graves seconded the motion; Mr. Tobey abstained from voting. Motion passed with other Board members present and voting in favor unanimously.

Documents: Foreign Education Documents

VIII. Continuing Education

Mr. Baldassarre made the following recommendations:

A. Requests for CEU Approval

1. "Best Practices for Email Content Marketing"

Requested by: Kathleen Salmon-Robinson, NH2659

DISCUSSION: Ms. Salmon-Robinson submitted two CEU request. The first one was approved and the other requires a certification of completion.

RECOMMENDATION: Approved the course "Best Practices for Email Content Marketing" for 1 CEUs and requested a certification of completion for the other course for review on the next scheduled Board meeting.

ACTION: Mr. Divver made a motion to accept the recommendation; Ms. Coyne seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Documents related to requests for CEU

IX. Policies

C. Probation Policy

DISCUSSION: Ms. Berg informed the Board of the draft Probation policy. This policy is a Division wide policy and has already been adopted by the Board of Registration in Pharmacy and Dentistry. Ms. Berg reviewed the policy with the Board and gave some statistics of probation cases to them. This policy is for “straight-forward” and common cases only so the Board will have a guideline to follow for those similar cases. Any complicated cases will be brought to the Board’s attention.

ACTION: Mr. Divver made a motion to adopt policy; Mr. Stapleton seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Probation Policy

D. Valor Act Policy

DISCUSSION: Ms. Berg informed the Board of the revised Valor Act policy. The Board already adopted this policy but the policy is not updated and revised. The revised policy was distributed to the Board ahead of time.

ACTION: Mr. Divver made a motion to adopt the revised policy; Mr. Stapleton seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Valor Act Policy

X. Regulations

C. Regulatory Review

DISCUSSION: Ms. Berg reviews the executive order number #562 with the Board. She explains the procedure of the review and reevaluation process. The Board was distributed copies of the proposed schedule for coordinating the Regulatory Review and the tentative schedule for the Board.

ACTION: None

Documents: Executive Order Review Plan

D. Proposed Model Regulation

DISCUSSION: None

ACTION: Deferred until the next scheduled Board Meeting.

Documents: Draft of Proposed Model Regulation

XI. Board Education
A. Board Action

DISCUSSION: None

ACTION: Deferred until the next scheduled Board Meeting.

Documents: Slide Presentation

XII. Other Business / Announcements

E. Wingate at Belvidere Nursing Home Article

DISCUSSION: Ms. Campbell presented the article to the Board. The article was presented to the Board for them to be aware of this facility and the administrator. According to the article, after the incidents, the parties involved were fired and arrested.

ACTION: Mr. Divver made a motion to table any decisions or discussions until there are more information from Health Care Quality; Mr. Graves seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Copy of Article

F. Synergy Health Centers Article

DISCUSSION: Ms. Campbell presented the article to the Board. According to the article, it seems like Health Care Quality is aware of this and is investigating the facility. The Board has not received any report from Health Care Quality nor other complaints filed by the other Boards yet.

ACTION: Mr. Graves made a motion to table any decisions or discussions until there are more information from Health Care Quality; Mr. Divver seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Copy of Article

G. Discussion: Immediate Jeopardy-Inviting Administrator

DISCUSSION: Ms. Campbell brought this before the Board for guidance. Board practice has been to an invite an Administrator to appear in front of the Board if they receive Immediate Jeopardy on a facility survey. Ms. Campbell wants to know if in the future, Board staff should automatically invite an Administrator with an IJ survey result to the next scheduled Board Meeting along with the Investigation Report for review or let the Board review the IR first and then decide whether or not they want to invite the Administrator in.

ACTION: Mr. Graves made a motion that whenever there is an Immediate Jeopardy case, Board staff should automatically invite the Licensee to the next scheduled Board Meeting after the investigation is complete; Mr. Stapleton seconded the motion; Motion passed with Board

members present and voting in favor unanimously.

Documents: None

H. Discussion: Checklist for Nursing Continuing Education Program Provider

DISCUSSION: Ms. Campbell distributed to the Board a checklist that the Board of Registration in Nursing uses to determine if a provider meets the Board's CE requirements.

ACTION: None

Documents: Copy of Checklist

XIII. Flex Session

A. Topics for the next Agenda

None

B. License Status Codes

DISCUSSION: Ms. Berg reviewed this document with the Board. This document's goal is to narrow down the inconsistency to answer questions from the public which comes down to question such as current/expired licenses, whether or not a license is in good standing and the type of disciplinary action on a license.

ACTION: None

Documents: Memo

XIV. Executive Session (Roll call vote)

At 11:05 a.m., Ms. Lordan announced that the Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of consider the Board will consider approving prior executive session minutes in accordance with M.G.L. ch.30A, § 22(a) for previous executive sessions of the Board.

The Board will not reconvene in open session subsequent to the executive session.

Mr. Divver made a motion to enter the Executive Session; Mr. Graves seconded the motion. Motion passed with Board members present and voting in favor: Ms. Lordan-yes, Mr. Graves-yes, Mr. Lohnes-yes, Mr. Divver-yes, Mr. Baldassarre-yes, Mr. Tobey-yes, Mr. Stapleton-yes, Ms. Coyne-yes; Opposed: None; Abstain: None; Recused: None.

The Board adjourned the Executive Session at 11:24 a.m.

[Break 11:25 a.m. – 11:30 a.m.]

XV. G.L. c. 112, § 65C Session

Mr. Divver made a motion to enter into 65C Session at 11:30 a.m.; Mr. Graves seconded the motion. Motion passed with Board members present and voting in favor

XVI. Adjourn

There being no other business before the Board, Mr. Lohnes made a motion to adjourn the Board meeting; Mr. Baldassarre seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting was adjourned at 11:56 a.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, September 18, 2015. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

Nancy Lordan, NHA
Chair

Date