

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 21, 2014
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.	Call to Order Determination of Quorum and Notification of Electronic Recording		
	II.	Approval of Agenda	Draft Agenda	
	III.	Approval of Minutes of Regularly Scheduled Meeting A. June 19, 2014 Board Meeting Minutes	Draft Minutes	

	<p>IV.</p>	<p>Administrator in Training</p> <p>A. <u>Request for Administrator in Training Approval</u></p> <ol style="list-style-type: none"> 1. <u>Pacheco, Kristine</u> Facility: Golden Living Center-Garden Place-Attleboro Preceptor: Brian Brown-NH1749 2. <u>Howe, Teale</u> Facility: Academy Manor-Andover Preceptor: Susan Gauthier-NH2758 3. <u>Lapanne, Heidi</u> Facility: Prescott House-Andover Preceptor: Shari LaRoche-NH3199 4. <u>Fuanyi, Paul</u> Facility: Sherrill House, Inc.-Jamaica Plain Preceptor: Patrick Stapleton-NH2836 	<p>Applications and related documents</p>	
	<p>V.</p>	<p>A. <u>Request for Administrator in Training Credit</u> None</p> <p>B. <u>Request for Administrator in Training Change of Preceptor</u> None</p> <p>C. <u>Administrator in Training Mid-Point Review</u></p> <ol style="list-style-type: none"> 1. <u>Baker, Nicholas</u> Facility: Charlwell House Skilled Nursing and Rehabilitation Center-Norwood Preceptor: Jason Preuss-NH5109 <p>D. <u>Administrator in Training Final/Completion Review</u></p> <ol style="list-style-type: none"> 1. <u>Septimus, Shmuel (Reviewed by Board on 6/19/14)</u> Facility: Braemoor Rehabilitation Center –Brockton Preceptor: David Carboneau-NH2895 	<p>Application forms and related documents</p>	
	<p>VI.</p>	<p>Review of Applications for Initial Licensure</p> <p>None</p>	<p>None</p>	
	<p>VII.</p>	<p>Review of Applications for Reciprocity Licensure</p> <ol style="list-style-type: none"> A. <u>Malcolm, Dean</u> (Licensed in ME and NH) B. <u>Francis, Tony</u> (Licensed in TX, OK, and CT) C. <u>Chadderton, Karen</u> (Licensed in CT as RN and NHA) 	<p>Reciprocity Applications and supporting documents</p>	

	VIII. Review of Applications for License Reactivation (within 3 years of license expiration) A. <u>Flagler, Howard</u> NH2704 (Expired: 06/30/2012) B. <u>Nordin, Alicia</u> NH3535 (Expired: (06/30/2013) C. <u>Wade, Terri</u> NH2116 (Expired: (06/30/2013) D. <u>Wade, John</u> NH3166 (Expired: 06/30/2013) E. <u>O'Toole, Maureen</u> NH5211 (Expired: 06/30/2013) <u>Practiced on an Expired License</u> A. <u>Driscoll, Robert</u> NH1342 (Expired: 06/30/2012) B. <u>Hannon, Christopher</u> NH5091 (Expired: 06/30/2013)	Reactivation Application forms and supporting documents	
	IX. Review of Applications for License Reactivation (more than 3 years since license expiration) None	None	
	X. Triage A. <u>Update: Trg-5536</u> Silvia, Frank	Verbal	MC
	XI. Appearance before the Board A. <u>SA-INV-5053</u> Waterman, Chad NH14499811	Investigation Report and supporting documents	PB/IH
	XII. Staff Assignments None	None	
	XIII. Docketed Complaints None	None	

	XVI.	Inquiries <ul style="list-style-type: none"> A. Licensee request for exemption from the requirement that a preceptor shall have practice as a nursing home administrator for at least five (5) years immediately preceding a preceptorship? B. Licensee request for AIT application to be place on hold and/or considered for another AIT program in the future? C. Candidate for AIT application inquiry regarding whether her internship and/or residency meets the AIT requirement for licensure? 	Statement and Resume Statement Email Inquiry	
	XVII.	Other Business/Announcements <ul style="list-style-type: none"> A. <u>Announcement</u>: Interchange Secure File and Email Delivery System for Board Materials B. <u>Update</u>: Random CEU Audit C. <u>Avoiding Potential Conflicts</u>: Individual members discussing matters that may ultimately be subject to consideration by the Board D. <u>Discussion</u>: Unsubstantiated complaints E. <u>Discussion</u>: Revision of Regulations F. <u>Discussion</u>: Removal of Reprimand from a licensee’s record 	Interchange File Transfer Quick Start Instructions Verbal Verbal	IH IH VB/DM DM
	XVIII.	Flex Session <ul style="list-style-type: none"> A. Topics for the next Agenda 		

11:30 a.m.	XIX.	<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. In addition, 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. Finally, the Board will consider approval of prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the June 19, 2014 meetings. <p>The Board will not reconvene in open session subsequent to the executive session.</p>	Closed Session	
	XX.	<p>M.G.L. c. 112, § 65C Session None</p>	None	
	XXI.	<p>Adjudicatory Session None</p>	None	
2:00 p.m.	XXII.	<p>Adjournment</p>		

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Thursday, August 21, 2014

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
Roxanne Webster, Registered Nurse, Secretary
Mary McKenna, Executive Office of Elder Affairs
Janet Cutter, Executive Office of Public Welfare
Sherman Lohnes, Department of Public Health
James Divver, Nursing Home Administrator 4
Michael Baldassarre, Nursing Home Administrator 2
Patrick J Stapleton, Nursing Home Administrator 5 (Non-Proprietary
Nursing Home)
Aaron Tobey, Public Member 2

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
Vita Berg, Chief Board Counsel, Office of the General Counsel, DHPL
David Murphy, Board Counsel, Office of the General Counsel, DPH
Marjorie Campbell, Investigator, Supervisor, Office of Public
Protection, DHPL

Guests:

Shmuel Septimus
Robert Driscoll
Christopher Hannon
Chad Waterman and Attorney John Patten
Patrick Steacie and Attorney Brian Flynn

I. Call to Order – Determination of Quorum

A quorum of the Board was present. Ms. Lordan, Board Chair, called the meeting to order at 10:09 a.m.

II. Approval of Agenda

Board members reviewed the meeting Agenda.

ACTION: Mr. Divver made a 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 21, 2014 Regularly Scheduled Board Meeting Agenda.

III. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: June 19, 2014

The Board reviewed the June 19, 2014 Regularly Scheduled Board Meeting Minutes.

DISCUSSION: Mr. Tobey noted that voted to oppose Item X on the Regular Minutes

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

Documents: June 19, 2014 Regularly Scheduled Board Meeting Minutes

IV. Administrator in Training

A. Request for Administrator in Training

Ms. Webster made the following recommendations:

1. Pacheco, Kristine

Facility: Golden Living Center-Garden Place-Attleboro

Preceptor: Brian Brown-NH1749

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. Howe, Teale

Facility: Academy Manor-Andover

Preceptor: Susan Gauthier-NH2758

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. Lapanne, Heidi

Facility: Prescott House-Andover

Preceptor: Shari LaRoche-NH3199

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.

[Mr. Stapleton recused himself and left the room at 10:13 a.m.]

4. Fuanyi, Paul
Facility: Sherrill House, Inc.-Jamaica Plain
Preceptor: Patrick Stapleton-NH2836

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

[Mr. Stapleton returned to the room at 10:14 a.m.]

- V. Administrator in Training
 - A. Request for Administrator in Training with Credit
None
 - B. Request for Administrator in Training Change of Preceptor
None
 - C. Administrator in Training-Mid-Point Review
Ms. Webster made the following recommendations:
 1. Baker, Nicholas
Facility: Charlwell House Skilled Nursing and Rehabilitation Center-Norwood
Preceptor: Jason Preuss-NH5109

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents
 - D. Administrator in Training-Final Review

Ms. Webster made the following recommendations:

1. Septimus, Shmuel (Reviewed by Board on 6/19/14)
Facility: Braemoor Rehabilitation and Nursing Center-Brockton
Preceptor: Dave Carboneau- NH1923

RECOMMENDATION: Approve

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

Documents : AIT Application and related documents

- VI. Review of Application for Initial Licensure
None

- VII. Review of Applications for Licensure by Reciprocity

- A. Malcolm, Dean (Licensed in ME and NH)

Ms. Webster made the following recommendation:

RECOMMENDATION: Approve

ACTION: Mr. Baldassarre 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

- B. Francis, Tony (Licensed in TX, OK, and CT)

DISCUSSION: Ms. Webster informed the Board the Mr. Francis indicated on his resume that is was licensed to practice as a Nursing Home Administrators in MA. Board requested to review a copy of the resume.

ACTION 1: Mr. Graves made a motion to defer action pending distribution of a redacted copy of the applicant's resume for Board review; Mr. Lohnes seconded the motion. Motion passed with Board members present and voting in favor unanimously.

DISCUSSION: Board members noted Mr. Francis's resume does suggest that he is licensed in MA, and in order to continue processing his application, the Board will need additional information.

RECOMMENDATION: Deferred pending additional information

ACTION 2: Ms. Cutter made a motion to accept the recommendation; Mr. Lohnes seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Application for Licensure by Reciprocity and related documents

C. Chadderton, Karen (Licensed in CT as RN and NHA)

Ms. Webster made the following recommendations:

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: Application for Licensure by Reciprocity and related documents

VIII. Review of Applications for License Reactivation (within 3 years of license expiration)

Ms. Webster made the following recommendations:

A. Flagler, Howard NH2704 Expired: (06/30/2012)

RECOMMENDATION: Approve

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

Documents: Reactivation Application and related documents

B. Nordin, Alicia NH3535 Expired: (06/30/2013)

RECOMMENDATION: Approve

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

Documents: Reactivation Application and related documents

C. Wade, Terri NH2116 (Expired: (06/30/2013)

RECOMMENDATION: Approve

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

Documents: Reactivation Application and related documents

D. Wade, John NH3166 (Expired: 06/30/2013)

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: Reactivation Application and related documents

E. O'Toole, Maureen NH5211 (Expired: 06/30/2013)

DISCUSSION: Ms. Webster informed the Board that Ms. O'Toole indicated on her resume she works as an Executive Director at Overlook Life Care Communities, Charlton, MA("Overlook"). Board Members noted Overlook is a retirement home, and the title Executive Director may not mean Ms. O'Toole is in the role of an NHA.

RECOMMENDATION: Defer action to the next scheduled Board meeting pending clarification of the use of the title "Executive Director" and her role at Overlook.

ACTION: Ms. McKenna made a motion to accept the recommendation to defer action pending a statement from the applicant clarifying the use of the title "Executive Director" and her role, duties, and responsibilities at Overlook; Mr. Divver seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Reactivation Application and related documents

Practiced on Expired License

A. Driscoll, Robert NH1342 (Expired: 06/30/2012)

Ms. Webster informed the Board that on his application for reactivation, Mr. Driscoll disclosed he practiced as a nursing home administrator in MA on expired license from May 9, 2014 to July 29, 2014. In a written statement, Mr. Driscoll explained that several personal and professional events occurred in his life that caused the oversight. Further, Mr. Driscoll submitted CEUs in compliance of the Board's regulations.

ACTION: Mr. Stapleton made a motion to approve Mr. Driscoll's application for reactivation; Mr. Graves seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Reactivation Application and related documents

B. Hannon, Christopher NH5091 (Expired: 06/30/2013)

Ms. Webster informed the Board that on his application for reactivation, Mr. Hannon disclosed he practiced on an expired license in MA from July 7, 2013 to July 28, 2014. In a written explanation, Mr. Hannon informed the Board that it was an oversight and as soon as he realized the mistake, he took immediate steps to correct the situation. Further, Mr. Hannon submitted CEUs in compliance with the Board's regulations.

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: Reactivation Application and related documents

IX. Review of Applications for Licensure- Reactivation (more than 3 years since license expiration)

None

X. Triage

A. Update: Trg-5536 Silvia, Frank

DISCUSSION: Ms. Campbell informed the Board that the Office of Public Protection (OPP) investigator spoke to an Attorney at the Office of Campaign and Finance. The Attorney informed the OPP investigator she could neither confirm nor deny any information regarding the matter and the Office of Campaign and Finance website did not have a public resolution letter posted on their site related to the allegation. Further, OPP investigator spoke to the reporter who wrote the article who did not have any other information. In an interview, the Licensee reported that he was unaware that the letters forwarded to the resident's families were illegal. The letter was forwarded to resident's families at the direction of the company.

ACTION: Mr. Divver made a motion to close Trg-5536 without further action; Mr. Stapleton seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: None

[Mr. Divver recused himself and left the room at 10:39 a.m.]

XI. Appearance before the Board

A. SA-INV-5053 Waterman, Chad NHT14499811

DISCUSSION: As the Board requested, Mr. Waterman and his Attorney Patten appeared before the Board. The Board initiated SA-INV-5053 after Mr. Waterman allegedly during a conversation with the Board's Assistant Executive Director identified himself as the nursing home administration for Park Place Rehabilitation and Skilled Care Center (Park Place). Mr. Waterman did not possess a license to practice as a nursing home administrator in MA. In response to Board members' question, Mr. Waterman reported that he did not remember the conversation; he continues to work at Park Place as the admission coordinator; during the time of the allegations, the NHA spent approximately 4 hours per week at Park Place; Park Place was in poor condition and he performed the duties of the nursing home administrator in order to maintain the operation of the facility; several staff had communicated the issues to the NHA, but he did not act to correct the situation; and NHA no longer works at Park Place.

ACTION 1: Ms. Webster made a motion to close the SA-INV-5053; Ms. Cutter seconded the motion. Motion passed with Board members present and voting in favor: Ms. Lordan-

Mr. Graves, Ms. Webster, Mr. Tobey , Ms. Cutter, Mr. Lohnes, Mr. Baldassarre, Mr. Stapleton; Abstained: Ms. McKenna; Opposed: None; Recused: Mr. Divver.

ACTION 2: Ms. Webster made a motion to approve Mr. Waterman’s application for licensure and Board staff to issue his license; Mr. Baldassarre seconded the motion. Motion passed with Board members present and voting in favor: Ms. Lordan- Mr. Graves, Ms. Webster, Mr. Tobey , Ms. Cutter, Mr. Lohnes, Mr. Baldassarre, Mr. Stapleton; Abstained: Ms. McKenna; Opposed: None; Recused: Mr. Divver.

Documents: Investigation report and supporting documents

[Mr. Divver returned to the room at 10:54 a.m.]

XII. Staff Assignments

None

XIII. Docketed Complaints

None

XIV. Continuing Education

Ms. Cutter made the following recommendations:

A. Request for CEU Approval

1. A Skilled Nursing and Seniors Housing Investment Forum- Requested by: Kathleen Salmon-Robinson, NH2659

RECOMMENDATION: Approval for 10 CEUs

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

Documents: Requests for CEU Approval and related documents

B. Random CEU Audits

Ms. Cutter and Ms. McKenna reviewed the CEU files and informed the Board that the following licensee submitted CEUs incompliance with the Board’s requirements for CEUs.

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|-----------------------|--------|
| 1. Gauthier, Suzanne | NH5216 |
| 2. Norman Michaud | NH1998 |
| 3. Davis, Jennifer | NH5219 |
| 4. Davis, Heather | NH3452 |
| 5. Davis, Mary Louise | NH2599 |
| 6. Gauthier, Susan | NH2758 |
| 7. Gedney, Peter | NH3461 |
| 8. Genter, David | NH3397 |
| 9. Jasinski, David | NH1972 |

- | | |
|-------------------------|--------|
| 10. Jessup, Susan | NH2212 |
| 11. Quasnitschka, Blair | NH5176 |
| 12. Quigley, Jake | NH5298 |
| 13. Quillard, Philip | NH1830 |
| 14. Freddura, Emmanuel | NH122 |
| 15. Schwartz, Donald | NH3510 |

ACTION: Mr. Divver made a motion to accept the recommendation of Ms. Cutter and Ms. McKenna that the licensees are in compliance with the Board requirements for CEUs; Ms. Webster seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Audit Forms and Course Certification of Completion

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| 16. Jaworski, Ann Marie | NH2931 |
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RECOMMENDATION: Ms. Cutter informed the Board that Ms. Jaworski submitted 23 CEUs out of the requested 40 required CEUs. Ms. Cutter recommends that the Board defer action to the next scheduled meeting to allow Ms. Jaworski time to submit the remainder of the 17 CEUs.

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

Documents: Audit Form and Course Certification of Completion

- | | |
|---------------------|--------|
| 17. Fong, Lin | NH3242 |
| 18. Whitkin, Robert | NH1673 |
| 19. Gloor, Scott | NH5029 |

Ms. Herbu informed the Board that the Mr. Fong, Mr. Whitkin, and Mr. Gloor's licenses are expired and the licensees did not response for the Board's request for information. Further, the request forwarded to Mr. Fong's address of record returned to DHPL.

ACTION: None

Documents: None

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| 20. Jeffrey, Stephen | NH5170 |
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RECOMMENDATION: Ms. Herbu informed the Board that Mr. Jeffrey did not respond to the Board's request for continuing education documentations and the written request mailed to his address of record did not return to DHPL's offices. Mr. Jeffrey's license status is current and he has no prior disciplinary action against his license in MA.

ACTION: Ms. McKenna made a motion to open a complaint against Mr. Jeffrey's license; Ms. Webster seconded the motion; Motion passed with Board members present and voting

in favor: Ms. Lordan-yes, Mr. Graves-yes, Ms. Webster-yes, Ms. McKenna-yes, Ms. Cutter-yes, Mr. Lohnes-yes, Mr. Divver-yes, Mr. Baldassarre-yes, Mr. Stapleton-yes; Abstained: Mr. Tobey; Opposed: None; Recused: None.

Documents: None

21. George, Edward NH3113

RECOMMENDATION: Ms. Herbu informed the Board that Mr. George did not respond to the Board's request for continuing education documentation and the written request for information did not return to DHPL's offices. Mr. George's license expired on 6/30/14.

ACTION: Mr. Divver made a motion for Board staff to check the status of Mr. George's license after 90 days of his expiration date to make sure he did not renew online; Mr. Graves seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: None

XV. Requests for Deemed Status
None

XVI. Inquiries

A. Licensee request for exemption from the requirement that a preceptor shall have practice as full nursing home for at least five (5) years immediately preceding a preceptorship?

DISCUSSION: the Board determined that Ms. Mullen's request had not yet ripened for their consideration. Ms. Mullen should resubmit her request to supervise and precept an applicant during an Administrator-in-training program on or after November 19, 2014, which will complete the five-year period from the date of Ms. Mullen's initial licensure on November 19, 2009.

ACTION: Ms. Webster made a motion to communicate to Ms. Mullen should resubmit her request to supervise and precept an applicant during an Administrator-in-training program on or after November 19, 2014, which will complete the five-year period from the date of Ms. Mullen's initial licensure on November 19, 2009; Ms. McKenna seconded the motion. Motion passed with Board members present and voting in favor unanimously.

B. Licensee request for AIT application to be place on hold and/or considered for another AIT program in the future?

DISCUSSION: The Board noted that the date that the licensee will return to the AIT program is undetermined. The application cannot be left opened indefinitely. After a discussion, the Board determined that the licensee would need to reapply.

ACTION: Ms. Webster made a motion for Board staff to respond that at this the licensee needs to reapply when the individual is ready to proceed with the AIT program; Mr. Divver

seconded the motion. Motion passed with Board members present and voting in favor unanimously.

C. Candidate for AIT application inquiry regarding whether her internship and/or residency meets the AIT requirement for licensure?

DISCUSSION: The Board noted that the AIT cannot be waived, and the Board practice has been to give a minimum of three months credit.

ACTION: Ms. Lordan made a motion for Board staff to respond to the individual that they may apply for the AIT program and request a three month credit; Mr. Graves seconded the motion. Motion passed with Board members present and voting in favor unanimously.

XVII. Other Business/Announcements

A. Announcement: Interchange Secure File and Email Delivery System for Board Materials

DISCUSSION: Ms. Herbu informed the Board that DHPL is implementing the interchange system, a secure system for file transfer, to forward Board packets to Board members. Board members will begin receiving Board packets via interchange for the September meeting. Board members raised concerns regarding the cost of copies and the ability to take notes when reviewing the materials.

ACTION: None

Documents: None

B. Update: Random CEU Audit

DISCUSSION: None

ACTION: None

Documents: None

XVIII. Avoiding Potential Conflicts: Individual members discussing matters that may ultimately be subject to consideration by the Board

DISCUSSION: Ms. Berg informed the Board in reference to the Open Meeting Law. Ms. Berg informed the Board to email the Board Chair or the Executive Director if they want to communicate and discuss an item on the agenda. Ms. Berg articulated the concerns about so-called serial deliberations and how that could constitute a violation of the Open Meeting Law.

ACTION: None

Documents: None

XIX. Discussion: Unsubstantiated complaints

DISCUSSION: Mr. Murphy discussed with the Board the hope by Board counsel and Board staff of receiving guidance with regard to unsubstantiated complaints. Mr. Murphy asked whether Board members were interested in the development of a staff-action policy that would allow guide staff and the Office of Public Protection on how to respond to situations fitting within well-defined parameters. A discussion took place amongst counsel, staff, and Board members about the volume of issues that would be implicated by these concerns. Board members expressed preferences for being notified of issues of alleged misconduct by licensees even if the issues raised are unsubstantiated. Board members stated that there was, at one point, a subcommittee brought into existence to examine these types of allegations.

ACTION: None

Documents: None

A. Discussion: Revision of Regulations

XX. DISCUSSION: Mr. Murphy reminded the Board that at a previous meeting it was determined that the Board would look at the NHA regulations in their entirety and suggested that a subcommittee be formed to begin the preliminary work of identifying regulatory provisions that should be amended with suggestions for amendments brought before the Board.

ACTION: Mr. Divver made a motion to form a sub-committee to review the regulations before the regular Board meeting and appointed Mr. Baldassarre (Chair), Mr. Stapleton and Ms. McKenna; Mr. Graves seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: None

XXI. Discussion: Removal of Reprimand from a licensee's record

DISCUSSION: deferred until the next scheduled Board meeting.

ACTION: None

Documents: None

XXII. Flex Session

None

XXIII. Executive Session (Roll call vote)

At 12:18 a.m., Ms. Lordan announced that the Board will meet in Executive Session 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.

Mr. Divver made a motion to enter into Executive Session at 12:19 p.m.; Mr. Baldassarre seconded the motion. Motion passed with Board members present and voting in favor: Ms. Lordan-yes, Mr. Graves-yes, Ms. Webster-yes, Ms. McKenna-yes, Ms. Cutter-yes, Mr. Lohnes-yes, Mr. Divver-yes, Mr. Baldassarre-yes, Mr. Stapleton-yes, Mr. Tobey-yes; Opposed: None: Abstained: None; Recused: None.

The Board adjourned the Executive Session at 12:40 p.m. and resumed its Regularly Scheduled Board Meeting.

XXIV. M.G.L. c. 112, § 65C Session (closed session)
None

XXV. Adjudicatory Session (closed session)
None

XXVI. Adjourn
There being no other business before the Board, Mr. Divver made a motion to adjourn the Board meeting; Mr. Baldassarre seconded the motion. The motion passed unanimously. The meeting was adjourned at 1:00 p.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Thursday, September 18, 2014. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

Nancy Lordan, NHA
Chair

Date