

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

Friday, November 19, 2021
10:00 a.m.

General Session will be held via WebEx at:

<https://statema.webex.com/statema/j.php?MTID=m3574ff5a31747940439871ed003334a4>

Call-In Telephone number 1-866-692-3580 (toll-free)

Meeting Number/Access Code: 2431 622 9781

Meeting Password: r9bK63KSdT9

All Votes Must Be Via Roll Call

Agenda

Time	Item #	Item	Exhibits	Staff Contact
10:00 a.m.	I	Call to Order Determination of Quorum Notice of Electronic Recording		Board Chair
	II	Conflict of Interest Approval of Regular Session Agenda	Draft Agenda	Board
	III	Approval of Minutes of Regularly Scheduled Board Meeting A. October 15, 2021 General Session Minutes	Draft Minutes	Board
	IV	Request for Credit: A. Tammy Starion, Application No.1043570- Requesting Work-Related Credit B. David Sylvia, Application No. 1051126 Requesting Work-Related Credit	Memo & Verbal	Board Secretary & ED
	V	Waiver Request: Our Island Home A. Michelle Malavase-Waiver of Bachelor's Degree for AIT- Challenge in finding permanent NHA on the island.	Verbal & Letter	ED
	VI	Approved Status Renewal: A. Mass Senior Care	Application	ED

Time	Item #	Item	Exhibits	Staff Contact
	VII	Investigations: <i>Triage(s): N/A</i> <i>Complaint(s): N/A</i> <i>Staff Assignment(s):</i> A. SA-INV-16670: Tara Hupp, NH5608 Facility: Masonic Overlook Attorney: N/A COI:		
	VIII	Vice-Chair Election	Verbal	Board Chair
	IX	Flex Session A. National Association of Long-Term Care Administrator Boards- Health Services Executive License- National Portability B. Topics for the next Agenda	Verbal	ED
	X	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. 1. Specifically, 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. 2. Finally, the Board will discuss complaints or charges brought against a Licensee or Licensees. The Board will not reconvene in open session subsequent to the closed session(s).	Closed Session	Board Chair
	XI	65C Session: N/A		Board Counsel
	XII	Adjudicatory Session: N/A		Board Counsel
2:00 p.m.	XIII	Adjournment: Next Board meeting scheduled for December 17, 2021		Board

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS
BOARD MEETING
Friday, November 19, 2021
VIA WebEx

239 Causeway Street - 4th floor, Room 417A/B
Boston, MA 02114

(OPEN SESSION)
MINUTES

Board Members

Present:

William J. Graves, N.H.A., Chair | Nursing Home Administrator 1
Mary K. Moscato, N.H.A., Secretary | Hospital Administrator
Stephen Davis | Department of Public Health
Carolyn Fenn | Executive Office of Elder Affairs
Nancy Lordan, N.H.A. | Nursing Home Administrator 3
Tarah Loy | Educator
Sister Jacquelyn McCarthy, N.H.A. | Nursing Home Administrator 2
Naomi M. Prendergast | N.H.A | Nursing Home Administrator 4
Dr. Madhuri Reddy, M.D. | Physician
Patrick J. Stapleton, N.H.A. | Nursing Home Administrator 5 (Non-Proprietary Nursing Home)
Pavel Terpelets | Office of Long-Term Services and Supports

Board Members

Not Present:

Roxanne Webster, R.N. | Registered Nurse

Staff Present:

Steven Joubert | Executive Director – Multi-Boards, BHPL
Karen Geoghegan | Assistant Executive Director - Multi-Boards, BHPL
Mary Strachan | Board Counsel - Office of the General Counsel, DPH
Lisa Seeley-Murphy | Board Investigator – Multi-Boards, BHPL
Eleanor Montgomery

I. Call to Order | Determination of Quorum:

Mr. William Graves, Board Chair, called the meeting of the Board of Registration of Nursing Home Administrators to order at 10:05 A.M. and provided verbal notice of recording. A quorum was established with members present via WebEx via roll call as follows: Stephen Davis: present; Carolyn Fenn: present; William Graves: present; Nancy Lordan: present; Tarah Loy: present; Sr. Jacquelyn McCarthy: present; Mary K. Moscato: present; Naomi M. Prendergast: present; Dr. Madhuri Reddy: present; Patrick J. Stapleton: present; Pavel Terpelets: present. Absent: Roxanne Webster.

II. Conflict of Interest | Approval of Regular Session Agenda
Mr. Graves asked members to review the agenda.

DISCUSSION:

Ms. Carolyn Fenn disclosed a conflict of interest with Item IV-A. Ms. Naomi Prendergast and Mr. William Graves disclosed a conflict of interest with Item VI.

ACTION:

Motion by Mr. Patrick Stapleton to approve the agenda as presented, seconded by Ms. Prendergast and unanimously approved by roll-call vote as follows: Stephen Davis: yes; Carolyn Fenn: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: None.

Document: November 19, 2021 Draft Agenda

III. Approval of Minutes
A. October 15, 2021

DISCUSSION:

None.

ACTION:

Motion by Ms. Mary Moscato to approve the October 15, 2021 minutes as presented, seconded by Dr. Madhuri Reddy and unanimously approved by roll-call vote as follows: Stephen Davis: yes; Carolyn Fenn: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: None.

IV. Request for Credit

At 10:12 Ms. Carolyn Fenn recused herself and left the WebEx.

A. Tammy Starion, Application No. 1043570

Ms. Mary Moscato presented a summary of the applicant's work experience. Ms. Starion has both a Bachelor's and Master's degree in Nursing and 20 years of nursing leadership experience. She has requested three month's credit towards her AIT.

DISCUSSION:

Ms. Moscato explained that the Board would typically grant two weeks' experience for Director of Nursing experience. She stated that this person seems to have years of relevant experience, but the Board regulations state that three month's credit can only be granted to those with Master's degrees in Gerontology; Health Care Management;

Health Care Administration; Health Services Administration; Public Health, with a concentration in administration; or Human Services Administration. Ms. Moscato explained that the Board needed to act in accordance with the regulations and ultimately their hands were tied.

Dr. Tarah Loy asked if there was an opportunity to amend the regulations. Other members noted that they are often presented with candidates who have robust experience in Nursing Homes but cannot grant them more than the standard two weeks' credit. Ms. Nancy Lordan recalled that the Board has granted more than two weeks' credit in the past and would feel comfortable with granting a month's credit. Dr. Loy asked if the Board would be setting a new precedent by granting this credit. Board Counsel, Ms. Mary Strachan explained that the Board could waive regulatory requirements with caution. The Board does have discretion so long as they can articulate why a case is different than other cases. She explained that, going forward, the Board should consider amending the regulation. Ms. Lordan noted that there an AIT would spend more time with a Director of Nursing than with a department such as a Business Office. She asked if the Applicant would be stepping away from their job at the facility before taking on their AIT. Mr. Joubert stated that he would confirm with the Applicant.

Ms. Moscato recommended that the Board grant one-month credit towards the Applicant's AIT.

ACTION:

Motion to accept the Ms. Moscato's recommendation of one-month credit towards the Applicant's AIT by Ms. Lordan, seconded by Dr. Loy and unanimously approved by roll-call vote as follows: Stephen Davis: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: Carolyn Fenn.

At 10:28, Ms. Fenn returned to the WebEx.

B. David Sylvia, Application No. 1051126

Ms. Moscato presented a summary of the applicant's work experience. Mr. Sylvia has experience in social work, discharge planning, reimbursement, case management, and admissions. He is the Medical Case Manager Coordinator for post-acute transitions. He has a Bachelor's Degree in Social Work.

DISCUSSION:

Ms. Moscato recommended two-weeks' credit towards the Applicant's AIT.

ACTION:

Motion to grant two weeks' credit toward the Applicant's AIT by Ms. Prendergast, seconded by Dr. Loy and unanimously approved by roll-call vote as follows: Stephen Davis: yes; Carolyn Fenn: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes;

Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: None.

V. Waiver Request: Our Island Home

Mr. Joubert explained the background of the request. The facility has had difficulty finding a qualified candidate to work as the Nursing Home Administrator for the facility, which is located on the island of Nantucket. The facility had recently requested the Board waive the requirement for a Bachelor's degree, which was denied. In this request, the Applicant has requested that the approval for her AIT be conditional on her being enrolled in a Bachelor's program.

DISCUSSION:

Mr. Graves asked if the Board could even grant a request like this. Ms. Strachan explained that the Board has the authority to grant a waiver, but that they would need to articulate why this is a special case. Ms. Lordan explained that she was hesitant to grant the waiver and set the precedent given that there are many places in Massachusetts that may have difficulty recruiting due to their location. Ms. Prendergast noted that an AIT license is tied to an individual rather than a facility. She explained that with AIT candidates, the Board looks at the individual's qualifications, not the circumstances surrounding the location where they will be training.

Ms. Fenn agreed with the issue of setting the precedent. She elaborated that many nursing homes across Massachusetts also have difficulty recruiting for Administrator roles and that this facility has had success with their recruitment, even if they have had difficulty with retention. She stated that the candidate seems like a wonderful fit for the facility and would encourage the candidate to work towards her Bachelor's degree because the sooner she obtains it, the sooner she can go through the proper channels to get her AIT. Dr. Loy pointed out that the candidate has not yet enrolled in a Bachelor's program and noted that 6-8 years is a long period to ask for a waiver. Mr. Stapleton pointed out that the facility isn't big enough to host an AIT since it only has about 40-50 beds.

ACTION:

Motion to deny the request by Mr. Graves, seconded by Dr. Loy and approved by roll-call vote as follows: Stephen Davis: yes; Carolyn Fenn: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: None.

VI. Approved Status Renewal

At 10:42 AM, Mr. Graves and Ms. Prendergast logged off the WebEx.

Mass Senior Care

Mr. Joubert presented a summary of issue to the Board. Mass Senior Care has submitted a proposal to renew their “approved status” as a CE Provider. *After hearing the proposal, Sr. Jacquelyn McCarthy indicated that she would also need to recuse herself. She logged off of the WebEx at 10:45 AM.*

DISCUSSION:

None.

ACTION:

Motion to approve the renewal from Mass Senior Care by Ms. Fenn, seconded by Dr. Loy and Stephen Davis: yes; Carolyn Fenn: yes; Nancy Lordan: yes; Tarah Loy: yes; Mary K. Moscato: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: William Graves, Sr. Jacquelyn McCarthy, Naomi Prendergast.

At 10:49 AM, Mr. Graves, Sr. McCarthy, and Ms. Prendergast returned to the WebEx.

VII. Investigations:

Triage(s): N/A

Complaint(s): N/A

Staff Assignment(s):

SA-INV-16670: Tara Hupp, NH5608

Facility: Masonic Overlook

Attorney: N/A

COI: None.

The Licensee was not present via WebEx.

Board Investigator, Ms. Lisa Seeley-Murphy presented the Board with an overview of the case. The allegation is a consumer complaint from the staffing agency’s director which cites patient abandonment. The Licensee was hired to work at a MA long term care facility through a staffing agency. She allegedly left her position at the facility with no notice. In her response, the Licensee claims that she never received a contract from the facility, was working more than the agreed-upon 40 hours a week and was never provided with an apartment as promised.

DISCUSSION:

Mr. Graves opined that the Complainant and staffing agency appeared to be frustrated at not getting paid for the placement. Ms. Lordan voiced her agreement.

ACTION:

Motion to dismiss due to no evidence of a violation by Mr. Stapleton, seconded by Ms. Lordan and approved by roll-call vote as follows: Stephen Davis: yes; Carolyn Fenn: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn

McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: None.

VIII. Vice-Chair Elections

Due to Mr. Sherman Lohnes' retirement, the seat for Vice-Chair is vacant.

DISCUSSION:

Mr. Graves nominated Mr. Stapleton for the role of vice-chair, which he accepted.

ACTION:

Motion to nominate Mr. Stapleton as the Board's vice-chair by Mr. Graves, quickly seconded by Ms. Moscato and approved by roll-call vote as follows: Stephen Davis: yes; Carolyn Fenn: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: None.

IX. Flex Session

A. Announcements:

Mr. Joubert explained that the National Association of Long-Term Care Board rolled out a Health Services Executive (HSE) license. This is a license that allows Nursing Home Administrators, Resident Care Administrators, and Assisted Living Administrators to have flexibility and work across state lines. Additionally, there is a registry that states can adopt which allows Licensees to track their CEUs.

Ms. Strachan explained that the Board can't do this without legislative approval. NAB or another lobbying group would need to get a bill before the legislature. Mr. Graves asked if the CEU registry would be mandatory if the Board were to adapt it, as that would be an additional cost to licensees. Mr. Joubert stated that it is not mandatory and that members can elect to participate in it. Mr. Graves asked if the Board would have jurisdiction over HSE licenses. Ms. Strachan explained that it would depend on the scheme. For example, many states have nurse compact licensure which means (1) their state legislatures passed a law allowing this; (2) the involved states entered into a written agreement or "compact" with each other; (3) the Agreement terms include licensure by one Compact state and a "privilege" by other member states meaning that the nurse does NOT have to be licensed in each state. S/he can practice in a state that is part of the Agreement, but if she violates a rule, regulation, law or standard of care in that state, that state cannot take disciplinary action against the privilege. That state must rely on the "home" state to take action and the home state may decide not to take action. The Board does give up a lot of power when adopting compact licenses, although it makes it easier for practitioners who travel.

B. Topics for Next Session:
None.

X. M. G. L. c. 30A, §21 Executive Session:
Motion by Ms. Lordan to move into Executive Session at 11:10 A.M., seconded by Ms. Moscato and unanimously approved by roll call vote as follows: Stephen Davis: yes; Carolyn Fenn: yes; William Graves: yes; Nancy Lordan: yes; Tarah Loy: yes; Sr. Jacquelyn McCarthy: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Madhuri Reddy: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: Roxanne Webster. Abstained: None. Recused: None.

XI. Adjournment:
The Board did not reconvene in Open Session following Executive Session.

The next meeting of the Board of Registration of Nursing Home Administrators is scheduled for Friday, December 17, 2021 at 10:00 A.M. via WebEx.

Respectfully submitted:

The Board of Registration of Nursing Home Administrators