

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, February 15, 2019
10:00 a.m. to 2:00 p.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 Notice of Electronic Recording		Chair
	II	Conflict of Interest Approval of Executive Session Agenda	Draft Agenda	Board
	III	Approval of Minutes of Regularly Scheduled Meeting A. January 18, 2019 Board Meeting	Draft Minutes	Board
	IV	Educational Approval: A. Approved Status Group: Leading Age of Massachusetts Course: Team Essentials Request: 3 Continuing Education Credits	Submission	Board
	V	Staff Action Policy: A. License Retirement	Draft Policy	MS
	VI	Open Investigations: <i>Triage(s):</i> N/A <i>Staff Assignment(s):</i> A. SA-INV-13006: O'Leary, Colin, NH5550 Facility: Royal of Cotuit Attorney: N/A COI: <i>Complaint(s):</i> N/A	Investigative Report	LS

Time	Item #	Item	Exhibits	Staff Contact
	VII	Flex Session A. Announcements/Discussions B. Topics for the next Agenda	Verbal	RC
	VIII	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 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. The Board will not reconvene in open session subsequent to the closed session(s).	Closed Session	Board Chair
	IX	65C Session: N/A		Board Counsel
	X	Adjudicatory Session		Board Counsel
2:00 p.m.	XI	Adjournment -next Board meeting scheduled for March 15, 2019.		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Friday, January 18, 2019

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

Boston, MA 02114

MINUTES

Board Members

Present: William Graves, Nursing Home Administrator 1, Chair
Sr. Jacquelyn McCarthy, Nursing Home Administrator 2
Sherman Lohnes, Department of Public Health, Vice-Chair
Mary K. Moscato, Hospital Administrator, Secretary
Nancy Lordan, Nursing Home Administrator 3
Roxanne Webster, Registered Nurse
Naomi M. Prendergast, Nursing Home Administrator 4
Mary Ellen Heine, Office of Long Term Services and Supports at MassHealth
Mary McKenna, Executive Office of Elder Affairs
Daniel Gebremedhin, Physician
Patrick J Stapleton, Nursing Home Administrator 5 (Non-Proprietary Nursing Home)

Board Members

Not Present:

Staff Present:

Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Lisa Seeley-Murphy, Board Investigator, BHPL
Jonane Nicolas, Office Support Specialist, Multi-Board, BHPL
Celia Thomas, Office Support Specialist, Multi-Boards, BHPL

Staff Not Present:

Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH

Guests:

None

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Graves, Board Chair, called the meeting to order at 10:35. He also gave the notice of electronic recording.

Approval of Agenda for February 15, 2019

Agenda item II was amended to the Approval of the Regular Session Agenda.

DISCUSSION: None

ACTION: Ms. McKenna made a motion to approve the agenda as amended. Ms. Coyne seconded the motion.

Document: Agenda

II. Conflict of Interest

No conflict of interest was disclosed

III. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: November 16, 2018

ACTION: Mr. Graves made a motion to approve the minutes. Ms. Prendergast seconded the motion.

Documents: November 16, 2018 Regularly Scheduled Board Meeting Minutes

DISCUSSION: It was noted that on the fourth page of the minutes for the November 16, 2018 Board meeting, in one of the actions, the name of the person who had made a motion for the action was not documented. Mr. Graves recommended a motion to approve the minutes with a modification to include the name of the person.

ACTION: Ms. Prendergast made a motion to approve the minutes as amended. Ms. Webster seconded the motion. The motion passed with all Board Members present voting in favor unanimously.

IV. Licensing Applications

I. AIT with Credits (Education & Work Experience)
Application No. 870009 Patrick Morency

Ms. Moscato, Board Secretary, presented a summary of the case before the Board. The applicant was requesting both educational credit and work experience credit. The applicant had extensive work experience in the Nursing Home Administration industry and qualified for the work experience component.

RECOMMENDATION: Ms. Moscato made a recommendation of three months of for AIT training.

DISCUSSION: None

ACTION: Mr. Lohnes made a motion to approve the recommendation. Ms. Webster seconded the motion. All Board Members voted in favor unanimously.

Documents: Application

II. AIT with Credits (Education & Work Experience)
Application No. 867374 Derek Moore

Ms. Moscato presented a summary of the case before the Board. The applicant was requesting credit for three months' worth of AIT training.

DISCUSSION: None

RECOMMENDATION: Mr. Graves made a recommendation that the applicant qualifies for two weeks credit.

ACTION: Ms. McKenna made a motion to approve the recommendation. Ms. Webster seconded the motion. All Board Members voted in favor unanimously.

Documents: Application

B. Waiver of Exam Requirement Request

I. Reinstatement Application No. 866755

Raymond Cyr (NH2884)

Expired: 06/30/18

Ms. Cherfils, Executive Director presented an application for reinstatement to the Board. The applicant, Mr. Cyr, did not initiate the license renewal process until three months after his license expired. Mr. Cyr stated that the reason he allowed his license to lapse was that he had been considering retirement at that time, but ultimately came to the decision that he would prefer to work part-time. Upon initiating the renewal process, Mr. Cyr learned that because his license lapsed, he would need to fulfill examinations requirements from which he had been exempted from on his previous license renewal applications. Ms. Cherfils said that when Mr. Cyr first became licensed, the examinations in question did not exist. She explained that the examination requirement was waived for Nursing home Administrators who held a license before examination requirement was implemented. Because Mr. Cyr had been licensed before the examination requirement was implemented and had allowed his license to lapse only because he was considering retirement at that time, Mr. Cyr petitioned the Board to permit his reinstatement without the sitting for the exam. Ms. Strachan advised the Board to review whether or not the exam requirement was detailed in any statutes, as the Board does not have the authority to waive a requirement stipulated by statute. Ms. Strachan explained that the requirement is detailed in Massachusetts General Law 112, Section 111 – a statute regarding licensure. The section stated that in order for an applicant to become licensed, the applicant must pass an examination that is satisfactory to the Board.

RECOMMENDATION: Mrs. Strachan recommended that the Board does not have the authority to create a waiver for the examination in this case.

DISCUSSION: Ms. Strachan highlighted to the Board that the statute in question did not stipulate the type of exam; it does not state specifically that the NAB exam must be taken. Ms. Strachan also noted that the licensee, on his initial application, indicated he had passed a different examination.

RECOMMENDATION: Ms. Strachan then recommended the Board ask the licensee to clarify whether or not he had taken any examinations related to licensing and if so, had any evidence of passing any exam for his initial NHA licensure.

DISCUSSION: Ms. Cherfils explained to the Board that it might be possible that Connecticut, the state from which the licensee was licensed by reciprocity, did not keep records of such examinations. Mr. Graves proposed that before they notified the licensee that he is required to produce evidence of an alternative state exam, the Board should discuss whether the Board would be willing to make an exception if the evidence is produced.

RECOMMENDATION: Ms. Strachan made a recommendation that the Board propose a motion that if the applicant can confirm that he took a state examination upon his initial licensure, Board staff may reinstate the applicant's license.

ACTION: Ms. Webster made a motion to approve the recommendation to allow Board staff to process a reinstatement if the applicant can produce evidence of a state examination upon initial licensure. Ms. Lordan seconded the motion. All Board Members present voted in favor unanimously.

Documents: Application

- B. Change of Preceptor
N/A

- V. Educational Approval
N/A

- VI. Open Investigations
N/A

VII. Flex Session

- A. Announcements/Discussions
N/A

- B. Topics for the next Agenda
 - A. Staff Action on Retirement

I. Executive Session (Roll call vote)

At 10:16 a.m. Mr. Graves, Board Chair, 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 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 discuss and evaluate the Good Moral Character provision 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 to their petitions for license status change.

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

The Board adjourned the Executive Session at 11:18 a.m.

- II. 65C Session
N/A

- III. Adjudicatory Session
N/A

IV. Adjourn

There being no other business before the Board, Ms. Lordan made a motion to adjourn the Board meeting; Mr. Lohnes seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting was adjourned at 11:18 a.m. The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, February 15, 2019. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

William Graves, Board Chair

Date

Sherman Lohnes, NHA, Vice-Chair

Date

Mary Moscato, Secretary

Date