

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 16, 2018  
10:00 a.m. to 2:00 p.m.

239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 417A  
Boston, Massachusetts 02114

Agenda

Time	Item #	Item	Exhibits	Staff Contact
10:00 a.m.	I	<b>Call to Order</b> <b>Determination of Quorum</b> <b>Notice of Electronic Recording</b>		Board Chair
	II	<b>Approval of Agenda</b>	Draft Agenda	Board
	III	<b>Conflict of Interest</b>		Board
	IV	<b>Approval of Minutes of Regularly Scheduled Meeting</b> A. January 19, 2018 Board Meeting	Draft Minutes	Board
	V	<b>Board Inquiry</b> A. <b>CEU Request</b> Jonathan G. McCosh, NH2433 Deferred to March 16, 2018 by applicant request	Letter & Supporting Document	Board
	VI	<b>Administrator In Training</b> A. <b>Reciprocity</b> 1-John Gage, RI (App #835706)	Applications	Board
	VII	<b>Board Meetings</b> A. Remote Participation By Board Members	Draft Memo	MS
	VIII	<b>Staff Action Policy</b> A. Nursing Home Survey Reports	Draft Policy	MS/RC

	<b>IX</b>	<p><b>Open Investigations:</b></p> <p><i>Triage(s):</i>  A. TRG-11023: Larry Lenz, NH1375  Facility: St. Joseph Manor  Attorney: N/A</p> <p><i>Staff Assignment(s):</i>  A. SA-INV-10842: Gary Leger, NH3518  Facility: Worcester Health Center  Attorney: Paul Shaw</p> <p><i>Complaint(s):</i> N/A</p>	Investigative Report	KJ
	<b>X</b>	<p><b>Flex Session</b></p> <p>A. Announcements/Discussions  B. Topics for the next Agenda  NAB Program Launch  Presented By Randy Lindner, President of NAB</p>	N/A	RC
	<b>XI</b>	<p><b>Executive Session (Roll call vote)</b>  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"> <li>Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provision of a pending application.</li> <li>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.</li> </ol> <p>The Board will not reconvene in open session subsequent to the executive session.</p>	Closed Session	Board Chair
	<b>XII</b>	<b>Adjudicatory Session</b>	Closed Session	Board Chair
2:00 p.m.	<b>XIII</b>	<b>Adjournment-next Board meeting scheduled for March 16, 2018.</b>		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Friday, February 16, 2018  
239 Causeway Street - 4th floor, Room 417A/B  
Boston, MA 02114

MINUTES

Board Members Present: William Graves, Nursing Home Administrator 1, Chair  
Sherman Lohnes, Department of Public Health, Vice-Chair  
Mary K. Moscato, Hospital Administrator, Secretary  
Nancy Lordan, Nursing Home Administrator 3  
Roxanne Webster, Registered Nurse  
Mary McKenna, Executive Office of Elder Affairs  
James Divver, Nursing Home Administrator 4  
Patrick J Stapleton, Nursing Home Administrator 5 (Non-Proprietary Nursing Home)

Board Members not Present: Michael Baldassarre, Nursing Home Administrator 2  
Mary Ellen Coyne, Office of Long Term Services and Supports at MassHealth  
Daniel Gebremedhin, Physician

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL  
Philip Beattie, Deputy Executive Director, Multi-Boards, BHPL  
Mary Strachan, Board Counsel, Office of the General Counsel, DPH  
Kimberly Jones, Board Investigator, BHPL

Guests:

- I. Call to Order - Determination of Quorum  
A quorum of the Board was present. Mr. Graves, Board Chair, called the meeting to order at 10:10 a.m.
- II. Approval of Agenda  
Board members reviewed the meeting Agenda

DISCUSSION: None

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

Document: February 16, 2018 Regularly Scheduled Board Meeting Agenda.

III. Conflict of Interest

DISCUSSION: Mr. Graves asked the Board members to review the agenda and disclose if there is any conflict of interest regarding any items on the agenda. No Board member indicated a conflict of interest.

IV. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: January 19, 2018

The Board reviewed the January 19, 2018 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: January 19, 2018 Regularly Scheduled Board Meeting Minutes

V. Board Inquiry

A. CEU Request

Jonathan G. McCosh, NH2433

RECOMMENDATION: Deferred to March 16, 2018 by applicant request

DISCUSSION: None

ACTION: None

Documents: Letter & Supporting Document

VI. Administrator In Training

A. Reciprocity

1. John Gage, RI (App #835706)

DISCUSSION: Ms. Cherfils explained the difference between the Rhode Island CE requirements and Massachusetts. Ms. Cherfils informed the Board that applicant is currently employed and that his Rhode Island license is in good standing.

RECOMMENDATION: Ms. Lordan recommended reciprocity.

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

Documents: Application

Mr. Lohnes made a motion to address item IX (A) in the agenda, as the licensee was present. Mr. Divver seconded the motion.

VII. Board Meetings

A. Remote Participation By Board Members

DISCUSSION: Ms. Strachan explained the purpose of the memo.

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

Documents: Draft Memo

VIII. Staff Action Policy

A. Nursing Home Survey Reports

DISCUSSION: Ms. Cherfils informed the Board that the existing policy may need to be clarified as there has been cases brought to the Board that don't fit the current policy and the Board has asked why the case is before them. Ms. Strachan added that the Board seems to make a distinction based on the level of tags at follow up surveys. Mr. Lohnes stated that the Board wants to see all complaint surveys, all consumer complaints and all surveys with a finding of Immediate Jeopardy. Ms. Lordan added that if a survey that found substandard care is cleared on the first follow up, it does not need to come to the Board. Mr. Lohnes suggested that if the administrator has had a prior finding of substandard care, even at a different facility, the Board would want to see that. Mr. Lohnes added that if a follow up survey revealed a "D" tag or higher the Board would also want to see that case. Ms. Strachan advised that she would update the policy to reflect the clarifications.

ACTION: None

Documents: Draft Policy

IX. Open Investigations

*Triage(s)*

A. TRG-11023: Larry Lenz, NH1375

Facility: St. Joseph Manor

Attorney: N/A

Ms. Jones presented this case to the Board.

Triage-11023 was opened on March 7, 2017 based on an August 29, 2016 survey that found deficiencies that constituted substandard quality of care. A follow up survey was conducted on October 27, 2016. The October survey found that two deficiencies were not corrected (F225) and (F281). The survey also identified a new deficiency (F328). On November 25, 2016, the facility's plan of corrected was accepted. On December 15, 2016, DHCFLC found all deficiencies associated with the October surveys have been corrected. At its' October 20, 2017, Board meeting the Board voted to open a Staff Assignment against the Licensee.

Ms. Jones pointed out that while the licensee has submitted written responses to the Board, he did not address the issues raised in the survey.

DISCUSSION: Mr. Divver asked the licensee if he suspended the Director of Nursing (DON). The licensee responded that when he received instructions from corporate, he suspended the DON. The licensee explained that he knew the resident who alleged misappropriation and spoke with him regularly. The licensee explained that they didn't feel they had enough evidence to report theft. Ms. McKenna asked why the licensee didn't report the verbal abuse. The licensee said that the Social Worker waited three days to report to him. She reported to him on a Friday night. The licensee instructed the Social Worker to call DPH and leave a message. Mr. Lohnes asked the licensee if the facility had a reporting policy. The licensee said that it was the same as everywhere else. The licensee acknowledged the reporting requirements state that a report is to be made within two hours, but it was the weekend so they left a voice mail for DPH. Mr. Graves asked if the licensee made the report on August 18, 2016. The licensee couldn't recall, he said he thought he answered all the questions with the DPH ombudsman. He got a letter from Roberlyne Cherfils saying he was all set. He has been an administrator for forty years with no issues. He got another letter saying he had to respond. He responded that he was not the administrator at the time of the survey. Ms. Strachan explained the difference between a renewal letter and an open investigation. Mr. Lohnes said his concern was that the licensee did not follow reporting guidelines. The licensee said he understood the concern. He is not that technically savvy. He thought leaving a voice mail was sufficient. His focus was on the resident and running the facility. He apologized for making a mistake and added that he was not trying to be elusive.

ACTION: Ms. Lordan made a motion to dismiss with an advisory letter reminding administrators that they must follow DPH reporting requirements; Mr. Divver seconded the motion; Motion passed with Ms. Lordan, Ms. Webster, Mr. Divver, Ms. Moscato and Mr. Stapleton in favor. Mr. Lohnes, Ms. McKenna, and Mr. Graves opposed.

Documents: Investigative Report

Mr. Lohnes made a motion to go into Executive session. Mr. Divver seconded the motion. The motion passed with all in favor.

***Staff Assignment(s)***

- A. SA-INV-10842: Gary Leger, NH3518  
Facility: Worcester Health Center  
Attorney: N/A

Ms. Jones informed the Board that the Licensee's attorney requested the matter be deferred to the March meeting.

DISCUSSION: Deferred

ACTION: None

Documents: Investigative Report

***Complaint(s)***

*None*

X. Flex Session

A. Announcements/Discussions

DISCUSSION: Ms. Lordan said she needed a new password for her state email. Ms. Cherfils will help her with it next week.

B. Topics for the next Agenda

NAB Program Launch

Presented By Randy Lindner, President of NAB

DISCUSSION: Ms. Cherfils announced that Mr. Linder will be here to give a presentation at the March meeting. Mr. Lohnes advised that he would not be able to make the March meeting.

XI. Executive Session (Roll call vote)

At 10:49 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 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. Lohnes made a motion to enter the Executive Session; Mr. Divver seconded the motion. Motion passed with Board members present and voting in favor: Mr. Graves-yes, Mr. Lohnes-yes, Ms. Webster-yes, Mr. Divver-yes, Mr. Stapleton-yes, Ms. Moscato-yes, Ms. Lordan-yes, Ms. McKenna-yes, Opposed: None; Abstain: None; Recused: None.

The Board adjourned the Executive Session at 11:10 a.m.

XII. Adjudicatory Session

The Board entered into the Adjudicatory Session at 11:47 a.m.

XIII. Adjourn

There being no other business before the Board, Ms. Webster 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 11:54 a.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, March 16, 2018. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

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William Graves Board Chair

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Date