

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, January 20, 2017  
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	Call to Order Determination of Quorum Notice of electronic recording		Board Chair
	II	Approval of Agenda	Draft Agenda	Board
	III	Conflict of Interest		Board Chair
	IV	Approval of Minutes of Regularly Scheduled Meeting A. Correction to September 16, 2016 Board Meeting B. December 16, 2016 Board Meeting	Draft Minutes	Board
	V	Regulations A. Regulation Review Update		VB
	VI	Policies A. Collection of Social Security Numbers and Department of Revenue Suspensions	Forms	VB
	VII	Presentations A. Conflict of Interest B. Board Member Indemnification	Presentations	VB

	<b>VIII</b>	<p><b>Administrator in Training</b></p> <p>A. <u>Request for Administrator in Training Approval</u></p> <ol style="list-style-type: none"> <li>1. <u>William A. Arria</u>  <u>Facility:</u> Jewish Rehabilitation Center  <u>Preceptor:</u> Carolyn Fennm NH3177</li> </ol> <p>B. <u>Request for Administrator in Training Credit</u></p> <ol style="list-style-type: none"> <li>1. <u>Susan Parkinson</u>  <u>Facility:</u> Kindred Transitional Care &amp; Rehab  <u>Preceptor:</u> Steven Colarusso, NH5063</li> <li>2. <u>Vivian Stameris</u>  <u>Facility:</u> Hebrew Rehabilitation Center  <u>Preceptor:</u> Scott Ariel, NH5328</li> <li>3. <u>Carly Veiga</u>  <u>Facility:</u> CareOne at Lowell  <u>Preceptor:</u> Nathan Norton, NH5270</li> <li>4. <u>Marie Zadeh</u>  <u>Facility:</u> Windemere Nursing &amp; Rehabilitation Center  <u>Preceptor:</u> Kenneth Chisholm, NH 5034</li> <li>5. <u>Rajat Sheth (Deferred at 12/16/16 Meeting)</u>  <u>Facility:</u> Brush Hill Health Care Center  <u>Preceptor:</u> Brian Freedman, NH2864 (Former Board Member)</li> </ol>	Applications and related documents	Board Members
	<b>IX</b>	<p><b>Administrator in Training</b></p> <p>C. <u>Request for Administrator in Training Change of Preceptor</u> None</p> <p>D. <u>Administrator in Training Mid-Point Review</u></p> <ol style="list-style-type: none"> <li>1. <u>Mohammad Ali</u>  <u>Facility:</u> Rose Court at Linden Ponds  <u>Preceptor:</u> Jonathan Schreck, PA5181</li> <li>2. <u>Robert Macarelli</u>  <u>Facility:</u> The Bostonian Skilled Nursing &amp; Rehabilitation Center  <u>Preceptor:</u> Sam Corey, NH 5037</li> <li>3. <u>Ann Rosasa</u>  <u>Facility:</u> Life Care Center of Acton  <u>Preceptor:</u> Christopher Foye, NH5245</li> </ol> <p>E. <u>Administrator in Training Completion Review</u></p> <ol style="list-style-type: none"> <li>1. <u>Nita Aines</u>  <u>Facility:</u> Hebrew Rehabilitation Center  <u>Preceptor:</u> Scott Ariel, NH5328</li> <li>2. <u>Stephen Fortin</u>  <u>Facility:</u> Southeast Healthcare Center  <u>Preceptor:</u> Paula Topjian, NH5244</li> </ol>	Applications and related documents	Board Member

	<b>X</b>	<b>Review of Applications for Licensure by Reciprocity</b> 1. <u>Jamie Belezarian</u> (RI)	Applications and related documents	Board Member
	<b>XI</b>	<b>CEU Request</b> None		
	<b>XII</b>	<b>Open Investigations</b> <i>Triage(s)</i> None <i>Staff Assignment(s)</i> None <i>Complaint(s)</i> None		
	<b>XIII</b>	<b>Flex Session</b> A. Announcements B. Topics for the next Agenda		Board
	<b>VX</b>	<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.  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 executive session.	Closed Session	Board Chair
2:00 p.m.	<b>XV</b>	<b>Adjournment-next Board meeting scheduled for February 17, 2017</b>		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Friday, January 20, 2017

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

MINUTES

Board Members

Present:

Nancy Lordan, Nursing Home Administrator 3, Chair  
Roxanne Webster, Registered Nurse, Secretary  
Sherman Lohnes, Department of Public Health  
Mary McKenna, Executive Office of Elder Affairs  
James Divver, Nursing Home Administrator 4  
Michael Baldassarre, Nursing Home Administrator 2  
Patrick J Stapleton, Nursing Home Administrator 5 (Non-Proprietary  
Nursing Home)  
MaryEllen Coyne, Office of Long Term Services and Supports at  
MassHealth  
Jeannette Sheehan, Public Member 1  
Mary K. Moscato, Hospital Administrator  
Daniel Gebremedhin, Physician

Board Members

not Present:

William Graves, Nursing Home Administrator 1, Vice-Chair  
Aaron Tobey, Public Member 2

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  
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH  
Anson Chu, Office Support Specialist, Multi-Boards, BHPL  
Clifford V. Pascarella II, JD, Board Investigator, BHPL

Guests:

Stephanie Silvia and Attorney Anthony Cichello  
Matthew Sweeney and Attorney Andrew Levine  
Marie Zadeh

- I. Call to Order - Determination of Quorum  
A quorum of the Board was present. Ms. Lordan, Board Chair, called the meeting to order at 10:03 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. Lohnes seconded the motion; Motion passed with Board members present and voting in favor unanimously

Document: January 20, 2017 Regularly Scheduled Board Meeting Agenda.

III. Conflict of Interest

Ms. Cherfils informed the Board that Item VIII, B5, Rajat Sheth will be deferred.

DISCUSSION: Ms. Cherfils asked the Board to review the agenda and disclose if there is any conflict of interest regarding the items on the agenda.

Ms. Moscato informed the Board (after the Conflict of Interest presentation) that there's an appearance of a conflict of interest on Item VIII, B2, Vivian Stameris and Item IX, E1, Nita Aines and she will recuse herself.

IV. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: September 16, 2016

The Board reviewed the correction to September 16, 2016 Regularly Scheduled Board Meeting Minutes. Ms. Berg pointed out that the Board minutes did not include the Board's motion and vote to promulgate the amended regulations even though the recording of the meeting revealed that there in fact was a motion, a second and a unanimous vote to promulgate the amendments to regulations.

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

Documents: September 16, 2016 Regularly Scheduled Board Meeting Minutes

B. Minutes of the Regularly Scheduled Board Meeting: December 16, 2016

The Board reviewed the December 16, 2016 Regularly Scheduled Board Meeting Minutes. ACTION: Mr. Stapleton made a motion to approve the minutes as presented; Ms. Webster seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: December 16, 2016 Regularly Scheduled Board Meeting Minutes

V. Regulations

A. Regulation Review Update

Ms. Berg informed the Board that there was no comment from the public hearing that was conducted and the proposed regulations were filed with the Secretary of the Commonwealth's Office. The regulations were promulgated with a December 30, 2016 effective date. Ms. Berg will provide final copies upon receipt for distribution to the Board.

VI. Policies:

A. Collection of Social Security Numbers and Department of Revenue Suspensions

Ms. Berg informed the Board of the Bureau's process on the collection of SSN and sharing with the Department of Revenue (DOR). On the memo that was distributed to the Board, it is outlined the purpose of sharing with DOR – it is part of the state's child support enforcement mechanism. There are instances where the applicant is applying out of the country. Ms. Berg mentioned it is less likely that might happen with this Board but the Bureau wants to have a uniform policy. Ms. Berg explained what the policy is about and what it can authorize the Board staff can do.

DISCUSSION: None

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

Document: Forms

## VII. Presentations

### A. Conflict of Interest

Ms. Berg presented the PowerPoint slides presentation regarding Conflict of Interest. Ms. Berg explained the caveat for the conflict of interest – there is an entire statute dedicated to the ethics of state employees including Board members. There are two reasons to recuse on a matter – one is a statutory conflict of interest. When there is matter before the Board that affects a financial interest of yourself or an immediate family member, a business partner or current employer or an organization where you are an officer, director or trustee. The Board member should be calling the Board Counsel and Executive Director if a matter arises. Ms. Berg mentioned the troublesome area is with the employer. If the matter is someone that is employed by the Board member's employer – and even if they don't personally know the person, the Board member should recuse or bring up the matter with the Board Counsel and Executive Director. A specific matter can be an application, disciplinary matter, investigation, etc. Ms. Berg informed the Board that if there's a quorum to hear a matter, it's not necessary to file the conflict of interest form. Ms. Berg also explained the difference between the process of recusal and filing a disclosure form.

DISCUSSION: Ms. Webster wants to know if Board staff can identify the Preceptor's employer and Mr. Divver wants to know if Board can delegate Board staff to approve the Preceptor but still bring the AIT applications to the Board for review. J. Divver asked about board members' "knowledge" of an AIT's preceptor through their mutual attendance at a conference only, no other relationship, do we have to disqualify ourselves? Ms. Berg suggested that the Board could either authorize staff to check the preceptor's credentials, or if you're making a judgment call, then the Board keeps the discretion, then the Board members who have a conflict or an appearance of conflict will need to recuse themselves. Ms. Berg asks "why are you looking at the name of the preceptor at all?" R. Webster asks what about the situation when the preceptor works for a corporation and a board member works for the same corporation. Ms. Berg advised either you recuse or you authorize staff to do it, if you're saying that the AIT applicant and program is the issue, not the name of the preceptor. Ms. McKenna says there is no judgment call with the preceptor per se. M. Moscato asked that she reviewed the agenda and I saw the

names of 2 individuals who indirectly report to me. Ms. Berg you will need to recuse and leave the room. R. Webster noted that with regard to AITs, we need to know the name of the facility because the facility must meet certain requirements as well as the preceptor must meet regulatory requirements, so do we need to know the name of the preceptor's employer, correct? The preceptor signs off on the midpoint evaluations and the final evaluation so we will know who the preceptor is. Ms. Cherfils summarizes that under the "Request for an AIT", on item 1, one person will have to recuse and on agenda item 5, many members have an appearance of conflict because the preceptor is a former Board member. Ms. Strachan asked Board members to complete the questionnaire emailed to members and then Counsel will assist Board members in completing the forms that will be filed with the Governor's Office.

ACTION: None

Document: Presentation Slides

#### B. Board Member Indemnification

Ms. Berg informed the Board that this topic was echoed by other Boards where Board members wanted to understand the scope and policy. The question presented was if the state will compensate or reimburse in the event a Board member is sued? Ms. Berg explained this is covered under the M.G.L. 258 and then gave an example of a scenario when it will be covered. Whoever initiates the lawsuit should be only suing the state, not the individual person. However, this does not mean they will not file a suit against the person. The Board members then can request an attorney general from the Attorney General's Office to represent them with no charge under certain conditions. Board members can also get their own lawyers as well but the state will not pay. If a lawsuit is brought before the Board member, their starting point should contact the Legal Board Counsel and Executive Director.

DISCUSSION: Ms. Sheehan asks whether the financial cap of \$100k is for an individual occurrence or for all occurrences. Is that cap for the whole Board or each member? In the context of a negligent action. If a Board member engages in an intentional act, the Commonwealth may not indemnify you.

ACTION: None

Document: Presentation Slides

### VIII. Administrator in Training

#### F. Request for Administrator in Training Approval

Ms. Webster made the following recommendations:

1. William A. Arria  
Facility: Jewish Rehabilitation Center  
Preceptor: Carolyn Fenm NH3177

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: AIT Application and related documents.

G. Request for Administrator in Training Credit

Ms. Webster made the following recommendations:

1. Susan Parkinson

Facility: Kindred Transitional Care & Rehab

Preceptor: Steven Colarusso, NH5063

RECOMMENDATION: Approve – 2 weeks credit

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.

[Ms. Mary Moscato recused herself and left the room at 10:59 a.m.]

2. Vivian Stameris

Facility: Hebrew Rehabilitation Center

Preceptor: Scott Ariel, NH5328

RECOMMENDATION: Approve – 3 month credit

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

Documents: AIT Application and related documents.

[Ms. Mary Moscato returned to the room at 10:59 a.m.]

3. Carly Veiga

Facility: CareOne at Lowell

Preceptor: Nathan Norton, NH5270

RECOMMENDATION: Approve – 3 month credit

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.

4. Marie Zadeh

Facility: Windemere Nursing & Rehabilitation Center

Preceptor: Kenneth Chisholm, NH 5034

RECOMMENDATION: Approve – 1 month credit

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.

5. Rajat Sheth (Deferred at 12/16/16 Meeting)

Facility: Brush Hill Health Care Center

Preceptor: Brian Freedman, NH2864 (Former Board Member)

RECOMMENDATION: Deferred

ACTION: None

Documents: AIT Application and related documents.

IX. Administrator in Training

H. Request for Administrator in Training Change of Preceptor

None

I. Administrator in Training Mid-Point Review

Ms. Webster made the following recommendations:

1. Mohammad Ali

Facility: Rose Court at Linden Ponds

Preceptor: Jonathan Schreck, NH5181

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents.

2. Robert Macarelli

Facility: The Bostonian Skilled Nursing & Rehabilitation Center

Preceptor: Sam Corey, NH 5037

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents.

3. Ann Rosasa  
Facility: Life Care Center of Acton  
Preceptor: Christopher Foye, NH5245

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents.

- J. Administrator in Training-Final Completion Review  
Ms. Webster made the following recommendations:

[Ms. Mary Moscato recused herself and left the room at 11:04 a.m.]

1. Nita Aines  
Facility: Hebrew Rehabilitation Center  
Preceptor: Scott Ariel, NH5328

RECOMMENDATION: Approve

ACTION: Mr. Stapleton 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

[Ms. Mary Moscato returned to the room at 11:04 a.m.]

2. Stephen Fortin  
Facility: Southeast Healthcare Center  
Preceptor: Paula Topjian, NH5244

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

X. Review of Applications for Licensure by Reciprocity

Ms. Webster made the following recommendations:

1. Jamie Belezarian (Licensed in: RI)

RECOMMENDATION: Approve

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

XI. CEU Request

None

XII. Open Investigations

***Triage(s)***

None

***Staff Assignment(s)***

None

***Complaint(s)***

None

XIII. Flex Session

A. Announcements

None

B. Topics for the next Agenda

- 1) AIT Preceptor policy

XIV. Executive Session (Roll call vote)

At 11:08 a.m., Ms. Lordan, 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.

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

The Board adjourned the Executive Session at 12:11 p.m.

XV. 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 12:11 a.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, February 17, 2017. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

---

Nancy Lordan, NHA  
Chair

---

Date