

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, June 15, 2018
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	Approval of Agenda	Draft Agenda	Board
	III	Conflict of Interest		Board
	IV	Approval of Minutes of Regularly Scheduled Meeting A. May 18, 2018 Board Meeting	Draft Minutes	Board
	V	Licensing Applications: AIT with Credits A. Application No. 850913 Kelsey T. Oliveira B. Application No. 850908 Zhenwei Chen	Applications	Board
	VI	CEU Approval Request A. Linda Sutter (NH2984) Course: Intro to Healthcare Compliance, 2018; Art and Science of Aging Well, 2017; Aging and Long Term Care, 2017; Psychopharmacology Conference, 2017; The Intersection of Pain and Culture, 2017. Credit Request: 60 B. James A. Lomastro (NH2432) Course: Aging Services Updates Credit Request: 8.5 C. Rebecca Elkins (NH5149) Course: LTS Survey Process for Surveyors Credit Requested: 20	Inquiries	PB

	VII	<p>Open Investigations:</p> <p><i>Triage(s):</i> N/A</p> <p>A. TRG-12678: Margaret Kaplan, NH5366 Facility: Gloucester Healthcare Attorney: Meaghan Murphy, Esq. of Bacon\Wilson P.C.</p> <p><i>Staff Assignment(s):</i> N/A</p> <p><i>Complaint(s):</i> N/A</p>	Investigative Report	LS
	VIII	<p>Staff Action Policy</p> <p>A. Nursing Home Survey Reports</p>	Draft Policy	MS/RC
	IX	<p>Flex Session</p> <p>A. Announcements/Discussions B. Topics for the next Agenda</p>	N/A	RC
	X	<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"> Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provision of a pending application. 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. <p>The Board will not reconvene in open session subsequent to the executive session and adjudicatory session.</p>	Closed Session	Board Chair
	XI	Adjudicatory Session	Closed Session	Board Chair
2:00 p.m.	XII	Adjournment -next Board meeting scheduled for July 20, 2018.		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Friday, May 18, 2018

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

MINUTES

Board Members Present: William Graves, Nursing Home Administrator 1, Chair
Mary K. Moscato, Hospital Administrator, Secretary
Nancy Lordan, Nursing Home Administrator 3
Roxanne Webster, Registered Nurse
Mary McKenna, Executive Office of Elder Affairs
Michael Baldassarre, Nursing Home Administrator 2
Naomi M. Prendergast, Nursing Home Administrator 4
Patrick J Stapleton, Nursing Home Administrator 5 (Non-Proprietary Nursing Home)
Mary Ellen Coyne, Office of Long Term Services and Supports at MassHealth
Daniel Gebremedhin, Physician

Board Members not Present: Sherman Lohnes, Department of Public Health, Vice-Chair

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL
Philip Beattie, Deputy Executive Director, Multi-Boards, BHPL
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH
Anson Chu, Office Support Specialist, Multi-Boards, BHPL

Staff Not Present: Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Lisa Seeley-Murphy, Board Investigator, BHPL

Guests: Nathaniel Grim and Attorney Anthony Cichello
Nathan Norton and Attorney Lauren Denaura
Alan Blier

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Graves, Board Chair, called the meeting to order at 10:05 a.m.

II. Approval of Agenda

Board members reviewed the meeting Agenda

DISCUSSION: Ms. Cherfils informed that Board that item IX will be discussed after Item V as some Board members will be leaving early. This way, the Board can review the cases for the individuals who are present at the meeting. Once the Board reviews the cases under item IX, the Board will go straight into Executive Session and then back to Regular to finish the other items if time permits.

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

Document: May 18, 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. Mr. Graves informed the Board that he needs to recuse on item IX.

IV. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: April 20, 2018

The Board reviewed the April 20, 2018 Regularly Scheduled Board Meeting Minutes.

ACTION: Ms. Lordan made a motion to approve the minutes as presented; Ms. Moscato seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: April 20, 2018 Regularly Scheduled Board Meeting Minutes

V. Licensing Applications

A. Renewals

1-Application 822698: Alfred L. Arcidi

DISCUSSION: The Board spoke to Mr. Arcidi as he is present before the Board for any questions. Mr. Arcidi described his work history over the past 10 years. Ms. Berg reviewed the current regulations with the Board and the requirement to take an exam has been eliminated. He has submitted all required CEUs to the Board.

RECOMMENDATION: Ms. Lordan recommended renewal for his reactivation application.

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

Documents: Application

VI. CEU Approval Request

Per Board Policy 2015-01 "Board Policy to Delegate Authority to Individual Members to Perform Select Board Functions," Ms. Moscato reviewed applications from NHAs for CEU.

A. Robert McMahan

Course: Geriatric Health CE Anthology, 2018

RECOMMENDATION: Ms. Moscato recommended 20 CEUs.

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

Documents: Letter & Supporting Document

B. Linda Sutter

Course: Intro to Healthcare Compliance, 2018;
Art and Science of Aging Well, 2017; Aging and Long Term Care, 2017; Psychopharmacology
Conference, 2017; The Intersection of Pain and Culture, 2017.

RECOMMENDATION: Ms. Moscato recommended 12 CEUs.

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

Documents: Letter & Supporting Document

Approve Status: CEU Course Approval

A. Leading Age Massachusetts

Course: 2018 Annual Conference – Life of Purpose

RECOMMENDATION: Ms. Moscato recommended 5.5 CEUs.

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: Letter & Supporting Document

VII. Board Inquiry: Request for Retired Status

A. Laurie Talerico, NH1940

DISCUSSION: Ms. Berg explained to the Board the history of the retirement status and why it was added
when the Board revised its' regulations.

ACTION: Mr. Stapleton made a motion to approve the Retirement status request; Ms. McKenna seconded
the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Application & Memo

B. Rev. Duncan Hunter, NH2282

DISCUSSION: Ms. Berg explained to the Board the history of the retirement status and why it was added
when the Board revised its' regulations.

ACTION: Mr. Stapleton made a motion to approve the Retirement status request; Ms. McKenna seconded
the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Application & Memo

Board staff will draft a policy and bring it next month to authorize Board staff to approve Retirement Status
Request.

[Mr. Bill Graves recused himself and stepped out of the room at 10:08 a.m.]

VIII. Open Investigations

Triage(s)

A. TRG-10637: Joseph Bray, NH5214

Facility: Worcester Rehabilitation & Health Center

Attorney: None

Mr. Beattie presented this case to the Board.

On 12/23/18 the Office of Public Protection (“OPP”) opened Triage-10637 based on an incident that occurred at Worcester Rehabilitation & Health Care Center on November 11, 2015. A resident was found on the bathroom floor and the alarm bathroom had not sounded. The resident suffered a right femoral neck fracture. A survey was conducted on December 4, 2015 and there was one tag identified:

- F 323 Free of Accident Hazards/Supervision/Devices.

A follow-up survey was conducted on January 13, 2016 and all of the deficiencies associated with the survey have been corrected.

DISCUSSION: This is one of three companion cases for the same facility. The Licensee states that he was not the administrator of record at the time of the incident or when the initial survey was conducted. The Licensee submitted a copy of his employment appointment letter. On the follow up survey, the deficiencies were corrected. The Licensee was not even there when the fall of the incident happened.

ACTION: Ms. Webster made a motion to close the Triage case as there are no violations; Ms. Lordan seconded the motion. Motion passed with Board members present and voting in favor unanimously.

Documents: Investigative Report

Staff Assignment(s)

A. SA-INV-10824: Christina Rootes-Hunter, NH2368

Facility: Worcester Rehabilitation & Health Center

Attorney: None

Mr. Beattie presented this case to the Board.

The Division of Health Care Facility Licensure and Certification (“DHCFLC”) completed a complaint survey (Complaints #MA00024154 and #MA#00024142) of the Worcester Rehabilitation & Health Center located at 119 Providence Street, Worcester, MA (the “Facility”) on September 15, 2015, and found the following deficiencies:

- Notify of Changes (Injury/Decline/Room, Etc.) F157 (survey pg. 1/7)
- Investigate/Report Allegations/Individuals F 225 (survey pg. 4/7)

The complaint survey found the Facility failed to notify the Physician of the Resident’s large right arm bruise with swelling, which had an underlying humeral fracture.

On October 13, 2015, DHCFLC conducted a follow-up survey at the Facility at which they determined the deficient practices were corrected.

On December 4, 2015, DHCFLC conducted a complaint survey at the Facility (Complaint #15-24478) and found one tag - F 323 Free of Accident Hazards/Supervision/Devices. The complaint allegations are regarding a resident who was found on the bathroom floor on 11/11/15, and the alarm on the bathroom door had not sounded. The resident sustained a right femoral neck fracture which required surgery to repair.

DISCUSSION: Based on the written response, Ms. Rootes-Hunter stated that the Nurses failed to report the incident. Ms. McKenna suggested there might have been some sort of system error. Ms. Webster pointed out that the Licensee was at the facility for at least 9 months.

ACTION: Mr. Baldassarre made a motion to close the staff assignment and open a complaint as she failed to report the incident; Ms. Webster seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Investigative Report

- B. SA-INV-9556: Nathaniel Grim, NH5362
Facility: Worcester Rehabilitation & Health Center
Attorney: None

Mr. Beattie presented this case to the Board.

On April 14, 2016 the Office of Public Protection (“OPP”) received a copy of the April 4, 2016 Recertification survey conducted at the Worcester Rehabilitation & Health Care Center (the “Facility”) at 119 Providence Street, Worcester, MA 01604 which found “isolated deficiencies” that constitute actual harm (that is not immediate jeopardy) from the Division of Health Care Facility Licensure and Certification (“DHCFLC”). (See Attachment 1: April 4, 2016 Recertification Survey with POC)
This survey came subsequent to complaint surveys conducted at the Facility on September 15, 2015, and December 4, 2015, which found actual harm.

The April 4, 2016 survey indicated violations of the following fifteen (15) tags:

- F 154 Informed Health Status, Care & Treatments (survey pg. 1/83)
- F 155 Right to Refuse; Formulate Advance Directives (survey pg. 3/83)
- F 225 Investigate/Report Allegations/Individuals (survey pg. 7/83)
- F 253 Housekeeping & Maintenance (survey pg. 9/83)
- F 281 Services Provided Meet Professional Standards (survey pg. 13/83)
- F 282 Services Provided by Qualified Persons/Per Care Plan (survey pg. 19/83)
- F 313 Treatment/Devices to Maintain Hearing/Vision (survey pg. 39/83)
- F 315 No Catheter, Prevent UTI, Restore Bladder (survey pg. 42/83)
- F 323 Free of Accident Hazards/Supervision/Devices (survey pg. 50/83)
- F 328 Treatment/Care for Special Needs (survey pg. 67/83)
- F 387 Frequency & Timeliness of Physician Visit (survey pg. 72/83)
- F 431 Drug Records/Label/Store Drugs & Biologicals (survey pg. 73/83)
- F 441 Infection Control, Prevent Spread, Linens (survey pg. 75/83)
- F 465 Safe/Functional/Sanitary/Comfortable Environ (survey pg. 78/83)
- F 514 Res Records-Complete/Accurate/Accessible (survey pg. 80/83)

DHCFLC conducted a follow-up survey on May 24, 2016 which found that the Facility corrected all the tags except for the following tags:

- F 154 Informed Health Status, Care & Treatments (survey pg. 1/8)
- F 225 Investigate/Report Allegations/Individuals (survey pg. 4/8)
- F 441 Infection Control, Prevent Spread, Linens (survey pg. 5/8)

(See Attachment 2)

DHCFLC conducted a second follow-up Desk Audit on July 5, 2016, which found all outstanding deficiencies were corrected.

DISCUSSION: Mr. Grim was present before the Board and spoke to the Board regarding the incident together with his Attorney. Mr. Grim informed the Board that there was high staff turnover at the facility when he arrived and that many staff members were there on an interim basis. Mr. Grim explained all the changes and updates he implemented subsequent to the incident. The Licensee updated the “care plan” to prevent situations like this from occurring again. Mr. Baldassarre asked why he decided to leave the facility after the huge amount of work he put in. Mr. Grim explained that at the time, he was licensed for only 4 months as an Administrator and he felt he would be better suited at a smaller facility.

ACTION: Mr. Stapleton made a motion to dismiss the Staff Assignment as there were no violations; Ms. Lordan seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Investigative Report

Complaint(s)

None

[Mr. Bill Graves returned to the room at 10:35 a.m.]

IX. Flex Session

A. Announcements/Discussions

None

B. Topics for the next Agenda

None

X. Executive Session (Roll call vote)

At 10:36 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.

The Board adjourned the Executive Session at 11:35 p.m.

XI. Adjourn

There being no other business before the Board, Ms. Webster made a motion to adjourn the Board meeting;

Ms. McKenna seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting was adjourned at 11:39 a.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, June 15, 2018. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

William Graves, NHA, Chair

Date

Sherman Lohnes, NHA, Vice-Chair

Date

Mary Moscato, Secretary

Date