

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 19, 2020
10:00 a.m. to 2:00 p.m.

General Session will be held via Webex at:

<https://statema.webex.com/statema/j.php?MTID=m941ef175d91a55076628042a7ee74204>

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

Meeting Number/Access Code: 161 411 3781

Meeting Password: CRC9TPz74r6

**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		Chair
	II	Conflict of Interest Approval of General Session Agenda	Draft Agenda	Board
	III	Approval of Minutes of Regularly Scheduled Meeting A. February 21, 2020 Board Meeting	Draft Minutes	Board
	IV	Discussion A. CEU Requirements In Light of COVID-19 <i>245 CMR 4.03 (2)</i>	Regulations & Order	Board Counsel/Chair
	V	Education Approval A. <u>Abt Associates</u> <i>Course: Caring for Nursing Home Residents with Dementia: Leadership Training</i> <i>Request: 4 CEUs</i>	Hard Copy Submission	Board

Time	Item #	Item	Exhibits	Staff Contact
	VI	Inquiries A. Preceptor Eligibility 1. Stephen Calvin B. Retroactive Educational Approval 2. Long Term Care Finance Association	Email, Memo & Consent Agreement Email & Course Materials	Board Counsel AED
	VII	Open Investigations: <i>Triage(s):</i> N/A <i>Staff Assignment(s):</i> N/A Complaint(s): A. NHA-2018-006: Thompson, Edin-NH5120 Facility: N/A Attorney: N/A COI:	Investigative Report	LSM
	VIII	Flex Session A. Announcements/Discussions B. Topics for the next Agenda	Verbal	KG

Time	Item #	Item	Exhibits	Staff Contact
	IX	<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"> 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. <p>The Board will not reconvene in open session subsequent to the closed session(s).</p>	Closed Session	Board Chair
	IX	65C Session: N/A		
	X	Adjudicatory Session: N/A		
2:00 p.m.	XI	Adjournment -next Board meeting scheduled for July 17, 2020.		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS
BOARD MEETING

Friday, June 19, 2020

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
Sherman Lohnes, Vice-Chair | Department of Public Health
Mary K. Moscato, N.H.A., Secretary | Hospital Administrator
Daniel Gebremedhin, M.D. | Physician
Nancy Lordan, N.H.A. | Nursing Home Administrator 3
Sister Jacquelyn McCarthy, N.H.A. | Nursing Home Administrator 2
Mary McKenna | Executive Office of Elder Affairs
Naomi M. Prendergast, N.H.A | Nursing Home Administrator 4
Patrick J. Stapleton, N.H.A. | Nursing Home Administrator 5 (Non-Proprietary Nursing Home)
Pavel Terpelets | Office of Long Term Services and Supports
Roxanne Webster, R.N. | Registered Nurse

Board Members Not Present: NONE

Staff Present: Karen Geoghegan | Assistant Executive Director - Multi-Boards, BHPL
Mary Strachan | Board Counsel - Office of the General Counsel, DPH
Lisa Seeley-Murphy | Board Investigator - BHPL
Walens Noel | Office Support Staff (Temp) - Multi-Boards, BHPL
James Neal | Office Support Staff –Multi-Boards, BHPL

Guests: N/A

Determination of Quorum:

All members present via WebEx via roll call. Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes; Roxanne Webster: yes.

I. Call to Order

Mr. Graves called the meeting to Order at 10:23.

II. Conflict of Interest

None noted.

III. Approval of the Agenda:

Motion by Sr. McCarthy to approve the Agenda as presented, seconded by Mr. Lohnes and unanimously approved by roll call vote as follows: Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes. Absent: None; Abstain: Roxanne Webster; Opposed: None; Recused: None.

IV. Discussion About On-Line CEUs in Light of COVID-19

Board Chair advised that no one can take in-person CEUs at the moment due to the social distancing requirements that have arisen due to COVID-19. NHA License renewal occurs soon therefore, he asked Board members what, if anything, they want to do about that. Board Counsel advised Board Chair prior to the meeting that the Board regulations at 245 CMR 4.00 (included in the Board packet) do not speak directly to the issue of on-line CEUs. Rather, the regulations require that each Nursing Home Administrator, as a requirement of license renewal, complete 20 contact hours. Contact hours may be obtained by “Attending a course, program, seminar, conference, workshop, or similar educational event outside Massachusetts that has been approved for continuing education credit by NAB.”¹ The Board can choose to interpret the word “seminar” broadly to include “webinar.” Mr. Grave asked Board members if they want to waive the CEU requirement entirely for the current renewal cycle. Mr. Stapleton asked if this issue isn’t already addressed in the Governor’s Emergency Order. Specifically, Mr. Stapleton is referring to the Governor’s Emergency Order dated March 7, 2020 providing for extension of NHA licenses.

“Licenses which are due to expire during the pendency of the State of Emergency shall not expire until 90 days after the Governor issues notice that the State of Emergency no longer exists.”

Mr. Graves notes that the Governor’s Order does provide for the extension but then NHAs still must get all CEUs in a short window of time after the 90 days. Ms. McKenna noted that NHAs should have already been working on CEUs before COVID-19 began. Ms. Lordan stated that there is no regulatory *requirement* that NHAs spread their CEUs out over the license renewal period.

¹ 245 CMR 4.03(1)(d)

Mr. Graves pointed out that on the license renewal application, an NHA must attest that s/he has completed all CEUs for renewal. Sr. McCarthy stated she does not think the Board should do anything punitive if a NHA cannot complete all CEUs, given the crisis brought on by COVID-19. Mr. Lohnes noted he has never been as busy as he is now and encouraged Board members to be supportive of NHAs who have worked so hard due to COVID-19. Sr. McCarthy said just relying on the Governor's Order is not enough under the circumstances. She stated that the Board should waive the CEU requirement entirely for this cycle. Ms. Webster said she is in favor of waiving.

ACTION:

Mr. Graves made a motion to waive the Continuing Education Requirement for the 2020 renewal cycle, seconded by Ms. Lordan and unanimously voted by roll call vote: Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes; Roxanne Webster: yes. Absent: None; Abstain: None; Opposed: None; Recused: None.

Mr. Graves asked staff how this vote will be communicated to licensees. Board Counsel noted that we can draft an Alert for the Board's webpage. Ms McKenna noted that in the past, the Board has communicated with licensees with the help of Mass Senior Care and Leading Age. Mr. Terpelets stated his agency has the ability to send an "email blast" to all licensees. Mr. Lohnes also offered to do so.

V. Education Approval

ABT Associates. Ms. Moscato reviewed the application and accompanying documents and recommended that Board members award 4 hours for the course.

DISCUSSION:

None

ACTION:

Motion by Mr. Graves to adopt Ms. Moscato's recommendation, seconded by Mr. Stapleton and unanimously approved by roll call vote: Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes; Roxanne Webster: yes. Absent: None; Abstain: None; Opposed: None; Recused: None.

VI. Inquiries

A. Preceptor Approval

1. Stephen Calvin, NH5321

Board Counsel presented the matter to the Board. Mr. Calvin entered into a Consent Agreement for Reprimand on December 15, 2017 in order to resolve

a complaint that arose out of a poor survey. He contacted the Board to ask if he can act as preceptor to an A.I.T. given this disciplinary history. He has no other complaints before the Board and there are no restrictions on his license.

DISCUSSION:

Board members noted that a licensee with a history of license Reprimand and no other history of Board discipline and no practice restrictions holds a “license in good standing.”

ACTION:

Motion by Mr. Graves to approve Mr. Calvin’s request, seconded by Mr. Stapleton and unanimously approved by roll call vote: Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes; Roxanne Webster: yes. Absent: None; Abstain: None; Opposed: None; Recused: None.

B. Retroactive Continuing Education

1. Long Term Financing Finance Association.

The Board’s Assistant Executive Director presented this matter to Board members. This organization offered this course in February 2020 but failed to request Board Approval prior to presenting the course. There is no regulatory requirement for prior approval. Ms. Moscato reviewed the documents submitted and recommended awarding 3 hours.

DISCUSSION:

None

ACTION:

Motion by Mr. Graves to approve Ms. Moscato’s recommendation, seconded by Mr. Stapleton and unanimously approved by roll call vote: Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes; Roxanne Webster: yes. Absent: None; Abstain: None; Opposed: None; Recused: None

VII. Open Investigations

Complaints

NHA-2018-006, Thomas, Edin NH120.

The Licensee was present via WebEx.

Attorney Anthony Cichello was present via WebEx

Lisa Seeley-Murphy, the Board’s Investigator presented this matter to Board members. The Licensee holds a NHA license in New York as well as in MA and the

New York Board fined her for late renewal of her NY License. Out-of-state discipline is the only charge.

DISCUSSION:

None

ACTION:

Motion by Mr. Graves to dismiss the Complaint, seconded by Ms. Lordan and unanimously approved by roll call vote: Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes; Roxanne Webster: yes. Absent: None; Abstain: None; Opposed: None; Recused: None

VIII. Flex Session:

None

IX. M.G.L. c.30A, §21 Executive Session:

Motion by Mr. Lohnes, seconded by Ms. Webster to convene an Executive Session at 11:33 a.m. Motion passed unanimously by roll call vote via WebEx: Daniel Gebremedhin: yes; William J. Graves: yes; Sherman Lohnes: yes; Nancy Lordan: yes; Sister Jacquelyn McCarthy: yes; Mary McKenna: yes; Mary K. Moscato: yes; Naomi M. Prendergast: yes; Patrick J. Stapleton: yes; Pavel Terpelets: yes; Roxanne Webster: yes. Absent: None; Abstain: None; Opposed: None; Recused: None

X. Adjournment

The Board did not reconvene following Executive Session.