

**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, May 18, 2018  
10:00 a.m. to 2:00 p.m.**

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

**Agenda**

<b>Time</b>	<b>Item #</b>	<b>Item</b>	<b>Exhibits</b>	<b>Staff Contact</b>
10:00 a.m.	<b>I</b>	<b>Call to Order Determination of Quorum Notice of Electronic Recording</b>		Chair
	<b>II</b>	<b>Approval of Agenda</b>	Draft Agenda	Board
	<b>III</b>	<b>Conflict of Interest</b>		Board
	<b>IV</b>	<b>Approval of Minutes of Regularly Scheduled Meeting</b> A. April 20, 2018 Board Meeting	Draft Minutes	Board
	<b>V</b>	<b>Licensing Applications</b> <b>A. Renewal Approval</b> 1- Application 822698: Alfred L. Arcidi	Applications	MM
	<b>VI</b>	<b>CEU Approval Request</b> A. Robert McMahan Course: Geriatric Health CE Anthology, 2018 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.  <b>Approve Status: CEU Course Approval</b> A. Leading Age Massachusetts Course: 2018 Annual Conference – Life of Purpose	Letter & Supporting Documents	MM

	<b>VII</b>	<b>Board Inquiry: Request for Retired Status</b> A. Laurie Talerico, NH1940 B. Rev. Duncan Hunter, NH2282	Application & Memo	PB
	<b>IX</b>	<b>Open Investigations:</b>  <i>Triage(s):</i> A. TRG-10637: Joseph Bray, NH5214 Facility: Worcester Rehabilitation & Health Center Attorney: None  <i>Staff Assignment(s):</i> A. SA-INV-10824: Christina Rootes-Hunter, NH2368 Facility: Worcester Rehabilitation & Health Center Attorney: None B. SA-INV-9556: Nathaniel Grim, NH5362 Facility: Worcester Rehabilitation & Health Center Attorney: None  <i>Complaint(s):</i> N/A	Investigative Report	PB
	<b>X</b>	<b>Flex Session</b> A. Announcements/Discussions B. Topics for the next Agenda	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
2:00 p.m.	<b>XII</b>	<b>Adjournment</b> -next Board meeting scheduled for June 15, 2018.		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Friday, April 20, 2018

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

Boston, MA 02114

MINUTES

Board Members

Present:

Mary K. Moscato, Hospital Administrator, Secretary  
Nancy Lordan, Nursing Home Administrator 3  
Roxanne Webster, Registered Nurse  
Mary McKenna, Executive Office of Elder Affairs  
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:

Michael Baldassarre, Nursing Home Administrator 2  
Sherman Lohnes, Department of Public Health, Vice-Chair  
William Graves, Nursing Home Administrator 1, Chair

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  
Anson Chu, Office Support Specialist, Multi-Boards, BHPL  
Lisa Seeley-Murphy, Board Investigator, BHPL

Guests:

Randy Lindner  
Helayne Ramirez  
Dov Reiss  
Nicholas Baker and Attorney Anthony Cichello  
Judith Nazaire  
Gary Leger  
Rodney Gonsalves

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Ms. Moscato, Board Secretary, called the meeting to order at 10:10 a.m.

II. Approval of Agenda

Board members reviewed the meeting Agenda

DISCUSSION: Ms. Cherfils informed that Board that one of the individual is present under Item X and asked the Board to review his case first to maximize the time.

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

Document: April 20, 2018 Regularly Scheduled Board Meeting Agenda.

III. Conflict of Interest

DISCUSSION: Ms. Moscato 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: February 16, 2018

The Board reviewed the February 16, 2018 Regularly Scheduled Board Meeting Minutes.

ACTION: Ms. Lordan 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: February 16, 2018 Regularly Scheduled Board Meeting Minutes

V. Board Presentation

A. **National Association of Long Term Care Administrator Boards (NAB)**

NAB Programs

Randy Lindner, MHSA, CAE – President & CEO

DISCUSSION: Mr. Linder is present before the Board and presented a Power Point slide on NAB programs. NAB is looking toward having one central requirement for the all jurisdictions for NHAs, and directors of assisted living programs. All jurisdictions will offer the same Administrator In Training program and Exam for all future Licensees so the requirements for licensure will be consistent across all states in the US. Ms. Strachan will review the Board statutes and regulations and determine if there's any language that may prevent the Board from adopting the process.

ACTION: None

Documents: Presentation

VI. Licensing Applications

A. **AIT Approval W/Credits**

1-Application 840787: Rafael Wainhaus

RECOMMENDATION: Ms. Webster recommended that the Board award 2 weeks credit toward the AIT requirement.

ACTION: Ms. Lordan made a motion to accept the recommendation; Ms. McKenna

seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Application

2-Application 839922: Roberto Costa

RECOMMENDATION: Ms. Webster recommended that the Board award 120 hours credit toward the AIT requirement.

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

Documents: Application

#### **B. Renewals**

1-Application 816941: David L. Lovelace

RECOMMENDATION: Mr. Lovelace last renewed his MA NHA license in 2014. Each licensed NHA must renew his or her license annually pursuant to Board regulations at 245 CMR 3.06. If a NHA fails to timely renew his or her license, he or she is not able to do so on-line after a 90 day "grace period". He submitted all required documentation to the Board which was reviewed by R. Webster per Board Policy 2015-01 "Board Policy to Delegate Authority to Individual Members to Perform Select Board Functions". Ms. Webster recommended renewing the license.

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

Documents: Application

#### **VII. 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. Jonathan G. McCosh, NH2433

RECOMMENDATION: Ms. Moscato recommended 5.2 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. Bristol County Coalition  
Submitted by Alison Novak

RECOMMENDATION: Ms. Moscato recommended 2.8 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. St. Patrick Manor  
Course: There is No Health Without Mental Health.

RECOMMENDATION: Ms. Moscato recommended 2.0 CEUs.

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

Documents: Letter & Supporting Document

VIII. Board Inquiry

A. AIT Program Eligibility: Dov Reiss

DISCUSSION: Ms. Cherfils presented this inquiry to the Board. Mr. Reiss has not submitted an application yet and asking the Board for guidance. Mr. Reiss is also present at the Board. According to his statement and letters from his preceptors, he had completed at least 600 hours of A.I.T. training in another jurisdiction. The Board reviewed the regulations and determined that Mr. Reiss is ineligible for several reasons: 1. Pursuant to 245 CMR 3.02(1)(b)(1) the preceptor must be licensed by the MA Board. Mr. Reiss's preceptors were not licensed in MA where they submit the study plans, agreement, etc. 2. pursuant to 245 CMR 3.02, (2) an applicant must request Board approval 2 weeks **before** beginning an A.I.T. program. Consequently, the Board cannot grant him Reciprocity since he's not licensed in another jurisdiction yet. Mr. Reiss has two options: 1) find out what's his requirements are with the Rhode Island Board to get a license through them and then apply for Reciprocity or 2) apply for an Administrator-In-Training application with us first and asked the Board for credits.

ACTION: None

Documents: Letter & Supporting Document

IX. Staff Action Policy

A. Nursing Home Survey Reports

DISCUSSION: Ms. Strachan distributed the revised draft policy for the Board for their review. The Board members are unclear as to why another revision was requested, note that Mr. Lohnes wanted changes, therefore, board members agreed to defer until Mr. Lohnes is present at the meeting for him to review.

ACTION: Ms. Webster made a motion to defer until Mr. Lohnes is present for review; Mr. Stapleton seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Draft Policy

X. Open Investigations

*Triage(s)*

- A. TRG-10709: Joanne M Bruell, NH3419  
Facility: Life Care Center of Auburn  
Attorney: N/A

Ms. Seeley-Murphy presented this case to the Board.

On 12/27/16, the Office of Public Protection (“OPP”) received a complaint from a former employee of Life Care Center of Auburn alleging wrongful termination of an employee.

DISCUSSION: The licensee states in her response that an internal investigation was conducted into the matter. The licensee included a chronological list of events that happened with the complainant. The licensee also offered statements from all of the staff, if needed. A copy of the Facility’s Drug and Alcohol Policy was also included in the response.

ACTION: Mr. Stapleton made a motion to dismiss the triage as it is an employment matter and employment matters are not within the Board’s jurisdiction Ms. Webster seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Investigative Report

*Staff Assignment(s)*

- A. SA-INV-9501: Nicholas Baker, NH5411  
Facility: Waban Health Center  
Attorney: Anthony Cichello

Ms. Seeley-Murphy presented this case to the Board.

The Division of Health Care Facility Licensure and Certification (“DHCFLC”) forwarded a copy of a survey completed on May 5, 2016 that found deficiencies at Waban Health Center (the “Facility”) that constitute substandard quality of care.

The deficiencies cited on the survey included:

- Privacy/Confidentiality of Records, F 164 (page 1 of 35)
- Investigation/Report Allegations/Individuals, F 225 (page 2 of 35)
- Reasonable Accommodation of Needs/Preferences, F 246 (page 9 of 35)
- Comprehensive Assessments, F 272 (page 11 of 35)
- ADL Care Provided for Dependent Residents, F 312 (page 19 of 35)



- Free of Accident Hazards/Supervision/Devices, F 323 (page 20 of 35)
- Nutritive value/Appear, Palatable/Prefer Temp, F 364 (page 33 of 35)

DISCUSSION: Mr. Baker and his Attorney are present before the Board. Mr. Baker read a letter to the Board in which he noted that the survey was in May and all deficiencies were cleared in June.

ACTION: Ms. Webster made a motion to dismiss as there's no discipline warranted; Mr. Stapleton seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Investigative Report

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

Ms. Seeley-Murphy presented this case to the Board.

The Division of Health Care Facility Licensure and Certification ("DHCFLC") completed a survey of Worcester Health Center (the "Facility") on August 1, 2017, which found six (6) deficiencies that constituted immediate jeopardy:

- Mistreatment/Neglect/Misappropriation, F 224 (page 2 of 55)
- Assessment Accuracy/Coordination/Certified, F 278 (page 13 of 55)
- Develop Comprehensive Care Plans, F 279 (page 20 of 55)
- TX/SVC for Mental/Psychosocial Difficulties, F 319 (page 27 of 55)
- Free of Accident Hazards/Supervision/Devices, F 323 (page 33 of 55)
- Responsibilities of Medical Director, F 501 (page 53 of 55)

On August 11, 2017, DHCFLC conducted a follow-up survey and determined that the immediate jeopardy was removed but there were ten (10) deficiencies that constitute substandard care (six (6) from 8/1/18 survey that had not been corrected and four (4) new:

- Informed of Health Status, Care & Treatments, F 154 (page 2 of 71) - new
- Right to Refuse; Formulated Advance Directives, F 155 (page 4 of 71)- new
- Notify of Changes (Injury/Decline/Room, etc.), F 157 (page 8 of 71) - new
- Mistreatment/Neglect/Misappropriation, F 224 (page 13 of 71)
- Assessment Accuracy/Coordination/Certified, F 278 (page 25 of 71)
- Develop Comprehensive Care Plans, F 279 (page 32 of 71)
- Services by Qualified Persons/per Care Plan, F 282 (page 39 of 71)- new
- TX/SVC for Mental/Psychosocial Difficulties, F 319 (page 42 of 71)
- Free of Accident Hazards/Supervision/Devices, F 323 (page 47 of 71)
- Responsibilities of Medical Director, F 501 (page 67 of 71)

DISCUSSION: This case was presented to the Board previously and the Board requested to speak to the Licensee in person. Mr. Leger is present before the Board and gave an overview of the situation that occurred. On the issue regarding the distribution/selling of the controlled substances, Mr. Leger informed the Board that his internal investigation showed no evidence against the resident who was accused of selling controlled substances to others. He consulted with the corporate office and was advised by them that if there was no evidence found, then it was not a reportable event. When a resident was caught trying to sell the controlled substance, the police were contacted and they reported the incident then. Ms. McKenna has a concern as to why they waited 5 days to report. Ms. Webster, Ms. Lordan and Mr. Stapleton argued that pursuant to DPH and Medicare regulations, nursing home administrators are *allowed* 5 days before they report. Ms. Strachan took this time to distribute the new regulations to the Board members for their review. She asked Board members to point to particular regulations that the licensee's conduct violated before determining whether or not that conduct warrants discipline. Ms. McKenna wants to know if there are any trainings/programs for facility staff in dealing with younger populations who suffer from substance abuse before the facility admits young resident with substance use disorders.

ACTION: Ms. Lordan made a motion to dismiss the Staff Assignment as it does not warrant discipline; Ms. Webster seconded the motion; Motion passed with Board members present and voting in favor: Ms. Webster-yes, Mr. Stapleton-yes, Ms. Moscato-yes, Ms. Lordan-yes, Ms. Coyne-yes, Dr. Gebremedhin-yes, Ms. Prendergast-yes; Opposed: Ms. McKenna; Abstain: None; Recused: None.

Documents: Investigative Report

***Complaint(s)***

*None*

XI. Flex Session

A. Announcements/Discussions

1-Opioid Experience Survey Reminder

2-MDPH Commissioner's Citation for James Divver: 6 Years of Service

DISCUSSION: Ms. Cherfils reminded the Board to reply and answer the opioid survey that was send over by Mr. Beattie. Ms. Cherfils also informed the Board that Mr. Divver is no longer with the Board as Ms. Prendergast stepped in. Board staff has requested for a citation for his years of service for the Board of Registration of Nursing Home Administrators.

B. Topics for the next Agenda

DISCUSSION: Place the Staff Action Policy back to the Board for review.

XII. Executive Session (Roll call vote)

At 12:05 p.m., Ms. Moscato, Board Secretary, 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; Ms. Lordan seconded the motion. Motion passed with Board members present and voting in favor: Ms. Webster-yes, Mr. Stapleton-yes, Ms. Moscato-yes, Ms. Lordan-yes, Ms. McKenna-yes, Ms. Coyne-yes, Dr. Gebremedhin-yes, Ms. Prendergast-yes; Opposed: None; Abstain: None; Recused: None.

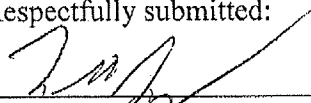
The Board adjourned the Executive Session at 12:55 p.m.

XIII. Adjudicatory Session  
None

XIV. 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 12:55 p.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, May 18, 2018. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

  
\_\_\_\_\_  
William Graves Board Chair

5/18/18  
\_\_\_\_\_  
Date