

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, November 15, 2019
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	Conflict of Interest Approval of General Session Agenda	Draft Agenda	Board
	III	Approval of Minutes of Regularly Scheduled Meeting A. July 19, 2019 Board Meeting Minutes B. September 20, 2019 Board Meeting Minutes	Draft Minutes	Board
	IV	ePrescribing Regulation Update	Presentation	LN

Time	Item #	Item	Exhibits	Staff Contact
	V	Licensing Applications: <ul style="list-style-type: none"> A. Reciprocity (Out of State AIT) <ul style="list-style-type: none"> 1. Application No. 952964 Ellen Belanger 2. Application No. 955693 Brian Nyberg 3. Application No. 954623 Lisa Rivard-Chopak 4. Application No. 957480 Michael McCarthy B. AIT with Credits (Work Experience) <ul style="list-style-type: none"> 1. Application No 951949 Maria Casey 2. Application No. 951358 Cherlene Jeudy 3. Application No. 951837 Cynthia Andrews 4. Application No. 957164 Jennifer Faro 5. Application No. 957173 Kelly Ann Madore 6. Application No. 959497 Lingda Hou 7. Application No. 957180 Nicholas Lausier 8. Application No. 956559 Joseph Braid 	Applications	Board
	VI	CY2020 Board Meeting Schedule	Memo	KG
	VII	Flex Session <ul style="list-style-type: none"> A. Announcements/Discussions B. Topics for the next Agenda 		RC

Time	Item #	Item	Exhibits	Staff Contact
	VIII	<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 necessity of modifying probation conditions for a Licensee. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees. Finally, 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. <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		Board Counsel
	X	Adjudicatory Session: N/A		Board Counsel
2:00 p.m.	XI	Adjournment -next Board meeting scheduled for December 20, 2019.		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Friday, September 20, 2019

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

REGULAR SESSION

(OPEN SESSION)

MINUTES

Board Members

Present:

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

Board Members

Not Present:

William J. Graves, N.H.A., Chair | Nursing Home Administrator 1
Naomi M. Prendergast, N.H.A. | Nursing Home Administrator 4
Daniel Gebremedhin, M.D. | Physician

Staff Present:

Roberlyne Cherfils, M.P.A. | Executive Director - Multi-Boards, BHPL
Karen Geoghegan | Assistant Executive Director - Multi-Boards, BHPL
Mary Strachan | Board Counsel - Office of the General Counsel, DPH
Lisa Seeley-Murphy | Board Investigator - BHPL
Vita Berg | Chief Board Counsel- Office of the General Counsel, DPH
[Exited the meeting at 10.23 a.m.]
Angela Martinez | Office Support Staff (Temp) - Multi-Boards, BHPL
Hindu Nanziri | Office Support Staff (Temp) - Multi-Boards, BHPL
Sophia Glemaud | Office Support Staff (Temp) - Multi-Boards, BHPL

Guests:

Members of the public

- I. Call to Order | Determination of Quorum | Notice of Electronic Recording
Board vice-chair Sherman Lohnes called to order the regular session meeting of the Board of Registration of Nursing Home Administrators (hereinafter BORNHA or the Board) at 10:00 a.m., requesting for the Board members present to state their name for the record. A quorum of the Board was determined. Mr. Lohnes reminded those present that the meeting was being recorded.

II. Conflict of Interest | Approval of the Agenda

Mr. Lohnes asked the Board members to disclose any conflicts of interest with the present meeting agenda, with none being brought forth.

DISCUSSION: NONE

ACTION: Roxanne Webster, Board member, made a motion to approve the September 20, 2019 Draft Agenda-BORNHA Regular Session Meeting. Nancy Lordan, Board member, seconded the motion. The motion was passed unanimously by Board members present.

Document: September 20, 2019 Draft Agenda – BORNHA Regular Session Meeting

III. Approval of Minutes of Regularly Scheduled Meeting

Board members reviewed the July 19, 2019 Draft Minutes – BORNHA Regular Session Meeting for approval.

DISCUSSION: Mary Strachan, Board Counsel, requested several edits to the draft minutes as presented, detailing item by item her proposed revisions.

Mr. Lohnes requested that the acronym NHA be removed next to his name on the last (signature) page of the minutes, as he is not a Nursing Home Administrator.

ACTION: NONE. Approval of minutes deferred to next meeting of the Board.

Document: July 19, 2019 Draft Minutes – BORNHA Regular Session Meeting

IV. Templates for Fines

Chief Board Counsel Vita Berg provided the Board members with a brief exposition on the Board's fining authority. She explained that similar to other Bureau of Health Professions Licensure licensing Boards, the BORNHA has limited authority regarding the imposition of fines. Within this limited scope of authority, she continued, the Board can impose fines for practice without a license (expired) or in the case where a person practices with a suspended, revoked or cancelled license.

Ms. Berg elaborated that numerous Boards within the Bureau, including the BORNHA, though they are able impose fines, have rarely exercised this right because the collection of fines involves pursuing the matter within the Massachusetts State Superior Court, rendering the process much more costly, at times above the cost of the fee being collected.

The purpose of the presentation of the templates for fines before the Board, Ms. Berg added, was to obtain approval by the Board to utilize the templates. This would afford the Board's staff the ability to record the imposition of fines much more accurately, in anticipation of any future legislative reform that may facilitate the collection of these

finer. Ms. Berg also noted that the templates would serve in the more likely event that a licensee looking to reinstate his/her license had been issued a fine on his license, which would need to be collected before the reinstatement of such license could occur.

Ms. Berg highlighted that the Board's staff had referenced the templates utilized by the Division of Professional Licensure (DPL) in creating the templates being presented at the current meeting, as DPL has imposed fines in the past. A particular point modeled after the DPL fining processes was the definition of "per incident," which as Ms. Berg explained, meant that a fee collected on a "per incident" basis would be limited to each instance when the licensee's violation is brought before the Board, instead of per days or per shift during which a violation had occurred.

Ms. Berg recommended that in addition to approving the templates as presented, that the Board members vote to set the default fine amounts at the already established statutory caps, and that the Board considers mitigating circumstances on a per case basis, allowing for a lower fine to be levied if deemed appropriate.

DISCUSSION: Mr. Lohnes requested clarification regarding the fine amounts and how they could be assessed, and Ms. Berg clarified the process by which an offender would go about requesting a reduced fine.

Ms. Lordan asked if the templates were for fines for instances of practicing without a license (expired) or with a suspended, revoked or cancelled license, which Ms. Berg confirmed.

Board members questioned whether these templates were applicable to Administrator in Training licensees, with Ms. Berg noting that the templates did not define fines based on license type within the BORNHA, but that the Board did have fining authority over AIT licensees.

Upon request, Ms. Berg briefly discussed the process by which a licensee is informed about the imposition of a fine on his / her license.

ACTION: Patrick Stapleton, Board member, made a motion to approve the templates, as well as to set the fines at the proposed statutory caps. Ms. Lordan seconded the motion. The motion was passed unanimously by Board members present.

Document: Templates and Memos

V. Education Approval:

A. Mass-ALA

Course: From Challenge to Opportunity: Igniting Change in Assisted Living

Request: 5 CEUs

Board secretary Mary Moscato presented Mass-ALAs proposed course and request of 5 CEUs for the course. She commented that in her opinion, this was a "very good

program” and that the speakers presenting are “very well qualified” based on her review of their CVs which were provided with the application. She recommended that the Board approve the program course for 5 CEUs, and noted that the applicant organization had provided a course evaluation form with their materials.

DISCUSSION: Board member Mary McKenna expressed her concern before the Board that assisted living, the topic of the course, both in regulation and practice, has little to do with Nursing Homes. Ms. Moscato highlighted that on the submitted material, the organization had noted that upon course completion, CEUs would be awarded to “Social Worker, Nurse, Other.” Ms. Moscato said that in her opinion, “other” encompassed Nursing Home Administrators. Executive Director Roberlyne Cherfils informed the Board members that as it pertained to the target audience, she had advised the organization that they cannot advertise that CEUs will be awarded for the course unless and until the BORNHA approves their course for a specific number of CEUs.

Ms. Moscato remarked that the program would include a discussion on the medical needs of assisted living today, which in her opinion and from her experience was a critical component of long-term care. For this reason, she was recommending the approval of the course.

Ms. Strachan addressed Ms. McKenna’s concern about the relevance of the course material to Nursing Home Administrators, explaining that the Board members could approve the course for a lesser number of CEUs.

Board members reviewed the provided program outline and course content, commenting on the various topics covered and whether they were relevant or not to the work of Nursing Home Administrators.

Upon further evaluation of the course content, Mr. Stapleton proposed approving the course for 3 CEUs instead of the requested 5 CEUs. Ms. Cherfils explained that the CEUs should be assessed based on both content covered and the length of the course.

ACTION: Ms. McKenna made a motion to approve the proposed course for 3 CEUs based on the content covered in the course that appeared relevant to the work of Nursing Home Administrators. Ms. Lordan seconded the motion. The motion was passed unanimously by Board members present.

Document: Application and Supporting Document (Submission sent electronically prior to current meeting for review by Board members.)

- B. Massachusetts Guardianship Policy Institute
Course: Abuse and Self-Neglect
Request: 6.5 CEUs

Ms. Moscato recommended that the Board approve the Massachusetts Guardianship Policy Institute course as presented for the requested 6.5 CEUs as the speakers were well-qualified, and noted also that the course would be delivered through a longer session. She mentioned that the organization did not provide an evaluation form, however.

DISCUSSION: NONE

ACTION: Ms. Lordan made a motion to approve the proposed course for education approval for the requested 6.5 CEUs. Mr. Stapleton seconded the motion. The motion was passed unanimously by Board members present.

Document: Application and Supporting Document (Submission sent electronically prior to current meeting for review by Board members.)

VI. **CEU Approval Request**

A. Robert McMahan

Course: Universal Infection Prevention and Control

Request: 28 Hours

Ms. Moscato presented the licensee's educational credit request for 28 hours. She noted that the applicant has a Texas address, and was unsure if he possessed both a Texas and a Massachusetts NHA license. Ms. Moscato also commented that the completion certificate provided by the licensee showed 2.5 CEUs awarded by CME, and that she believed that the Board had approved courses of such length in the past for a greater number of CEUs.

DISCUSSION: Ms. Webster asked for clarification regarding the amount of credit being requested, and Mr. Lohnes pointed to the licensee's written request where he is asking for consideration of 28 hours. Ms. Cherfils clarified that contact hours were calculated differently from CEUs.

ACTION: Ms. Webster made a motion to approve the proposed course for individual educational credit for the requested 28 hours. Ms. Lordan seconded the motion. The motion was passed unanimously by Board members present.

Document: Licensee Letter and Supporting Documents

VII. **Licensing Applications**

A. AIT with Credits (Education and Work Experience)

Application No. 941704 Andrew Arcidi

Board members reviewed the applicant's submitted application materials, including academic transcripts and resume.

Karen Geoghegan, Assistant Executive Director, noted that the applicant did not qualify for educational credit towards the required 1040 hours AIT because his graduate program was not in one of the fields listed under 245 CMR 3.03.

Ms. Cherfils provided a brief overview of the applicant's work experience as presented in his resume.

DISCUSSION: Mr. Lohnes communicated his concern regarding giving the applicant AIT credit for being an assistant administrator, as he viewed it as a "backdoor way" to becoming an administrator.

Ms. Lordan commented that she would not award the applicant credit based on his experience and that the applicant should be required to complete the six month AIT program.

ACTION: Ms. Webster made a motion to deny the request for education and work experience credit towards the required 1040 AIT hours, requesting that the applicant complete a 1040 hours AIT program. Ms. McKenna seconded the motion. The motion was passed unanimously by Board members present.

Document: Licensing Application

B. AIT with Credits (Work Experience)
Application No. 939645 Cheryl Lynch

Ms. Webster presented Ms. Lynch's request for credit towards the required 1040 hours AIT program based on her work experience as a social worker, as well as her role as Director of Social Services at a Nursing Home for four years. Based on this experience, Ms. Webster recommended awarding a 2 week credit towards the required 1040 hours AIT program.

DISCUSSION: NONE

ACTION: Ms. Lordan made a motion to approve the request for work experience credit for a maximum of 2 weeks (80 Hours), and requested that the applicant complete at least a 960 hours AIT program. Mr. Stapleton seconded the motion. The motion was passed unanimously by Board members present.

Document: Licensing Application

VIII. Flex Session

A. Announcements/Discussions

2019 Conflict of Interest Law Education Requirements

Ms. Cherfils reminded the Board members that they were required to complete the Conflict of Interest training every two years via PACE, and that the upcoming deadline for the completion of the training was October 16.

DISCUSSION: Board members asked for clarification on specifics of the required training, with Ms. Cherfils and Ms. Strachan providing further details.

ACTION: NONE

Document: Verbal

B. Topics for the next Agenda

DISCUSSION: NONE

ACTION: NONE

Document: NONE

IX. 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.

1. Specifically, the Board will discuss and evaluate the necessity of modifying probation conditions for a Licensee.
2. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees.
3. Finally, 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 closed session(s).

ACTION: There being no further business for the Regular Session meeting of the Board of Registration of Nursing Home Administrators, Ms. Webster made a motion to enter into Executive Session meeting. Mr. Stapleton seconded the motion. The motion passed with Board Members present voting in favor: Mary Moscato – yes; Nancy Lordan- yes; Roxanne Webster – yes; Mary McKenna – yes; Sister Jacquelyn McCarty- yes; Mary Ellen Heine – yes; Patrick Stapleton – yes; Sherman Lohnes – yes; Abstained: None; Opposed: None; Recused: None; Absent: William Graves, Naomi M. Prendergast; Daniel Gebremedhin.

- X. 65C Session: N/A
- XI. Adjudicatory Session: N/A
- XII. Adjournment:

The next meeting of the Board of Registration of Nursing Home Administrators is scheduled for **Friday, October 18, 2019.**

Respectfully submitted:



William Graves, Chair
Nursing Home Administrator 1

11/15/19

Date

Sherman Lohnes, Vice-Chair
Department of Public Health

Date

Mary Moscato, Secretary
Hospital Administrator

Date