

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 17, 2017
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		Board Chair
	II	Approval of Agenda	Draft Agenda	Board
	III	Conflict of Interest		Board
	IV	Approval of Minutes of Regularly Scheduled Meeting A. October 20, 2017 Board Meeting	Draft Minutes	Board
	V	Board Alert(s) A. Request from NAB to alert licensees to CE registry	Flyer	RC
	VI	Administrator In Training None	Application	Board
	VII	Staff Action Policies A. Renewal Process	Memo	MS

	VIII	<p>Open Investigations:</p> <p><i>Triage(s):</i> None</p> <p><i>Staff Assignment(s):</i></p> <p>A. SA-INV-10323: Karen K. Babb, NH2911 Facility: Wingate at Andover Attorney: N/A</p> <p><i>Complaint(s):</i></p> <p>A. NHA-2016-006: Jeffery N. Heinze Facility: Wingate at East Longmeadow Attorney: N/A</p>	Investigative Report	KJ
	IX	<p>Flex Session</p> <p>A. Announcements/Discussions</p> <p>1. 2018 Meeting Dates</p> <p>B. Topics for the next Agenda</p>	Memo	RC
	X	<p>Sanction Hearing:</p> <p>A. NHA-2015-005: Emmanuel M. Azzum NH5137 Facility: N/A Attorney: None</p>		
	XI	<p>Executive Session (Roll call vote)</p> <p>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> <p>1. Specifically, the Board will discuss and evaluate the <u>Good Moral Character</u> provision of a pending application.</p> <p>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.</p> <p>The Board will not reconvene in open session subsequent to the executive session.</p>	Closed Session	Board Chair
	XII	Adjudicatory Session	Closed Session	Board Chair
2:00 p.m.	XIII	Adjournment-next Board meeting scheduled for December 15, 2017.		Board

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING

Friday, November 17, 2017

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

Boston, MA 02114

MINUTES

Board Members

Present:

William Graves, Nursing Home Administrator 1, Chair
Sherman Lohnes, Department of Public Health, Vice-Chair
Mary K. Moscato, Hospital Administrator, Secretary
Nancy Lordan, Nursing Home Administrator 3
Roxanne Webster, Registered Nurse
Mary McKenna, Executive Office of Elder Affairs
James Divver, 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
Jeannette Sheehan, Public Member 1
Daniel Gebremedhin, Physician

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
Richard Banks, Prosecutor, Office of the General Counsel, DPH

Staff Not Present:

Anson Chu, Office Support Specialist, Multi-Boards, BHPL
Kimberly Jones, Board Investigator, BHPL

Guests:

I. Call to Order - Determination of Quorum

A quorum of the Board was present. Mr. Graves, Board Chair, called the meeting to order at 10:06 a.m.

II. Approval of Agenda

Board members reviewed the meeting Agenda.

DISCUSSION: None

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

Document: November 17, 2017 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. Ms. Lordan and Mr. Graves each disclosed a conflict with separate agenda items in the executive session.

IV. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: October 20, 2017

The Board reviewed the October 20, 2017 Regularly Scheduled Board Meeting Minutes.

ACTION: Mr. Divver 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: October 20, 2017 Regularly Scheduled Board Meeting Minutes

V. Board Alert(s)

B. Request from NAB to alert licensees to CE registry: Ms. Cherfils provided an update regarding the NAB CE registry. CE credit earned from all NAB approved trainings will be sent directly to the NAB CE registry (this will essentially eliminate the need for paper certificates). Licensees will need to set up a free account with NAB.

DISCUSSION: Mr. Divver asked about trainings that have not been approved by NAB. Ms. Cherfils explained that licensees taking courses that have been given “deemed status” by the Board would still be able to upload their certificate to the NAB registry.

ACTION: Mr. Divver made a motion to post this as an “alert” to the website; Ms. Webster seconded the motion; Motion passed with Board members present and voting in favor unanimously.

Documents: Flyer

VI. Administrator In Training

None

VII. Staff Action Policies

Renewal Process: Ms. Strachan summarized the draft document included in the Board packet. Specifically, the Board has discretion to impose additional requirements when a licensee is late renewing their license. The proposed policy describes the criteria by which Board staff may renew an individual's license consistent with 245 CMR 3.06 (1) and (2).

DISCUSSION: None

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

Documents: Memo/Policy

VIII. Open Investigations

Ms. Strachan requested that the Board conduct the Sanction Hearing related to NHA-2015-005 (Azzun), as the Licensee is out-of-state and would be participating by telephone. The Board members agreed and Ms. Strachan provided a history of the matter to date and an overview of the sanction hearing process. Specifically, the licensee holds NHA licenses in several states. The Oklahoma Nursing Home Administrator Board notified the MA Board that it had suspended his OK NHA license due to misconduct. The MA Board complaint investigation revealed that the Licensee failed to disclose the fact that he held multiple NHA licenses when he applied for MA licensure and that he failed to disclose when asked on each license renewal application.

Sanction Hearing

Ms. Strachan called Mr. Azzun. Ms. Strachan informed Mr. Azzun he would have ten minutes to make his case for sanction and then Attorney Banks would also be given ten minutes.

Mr. Azzun states that the Oklahoma case was over ten years old and has been dismissed. It took three years to be resolved. Mr. Azzun said when he applied it was over because he got a letter. Mr. Azzun appealed to the Board to consider the time lapse and he promised it will never happen again. Mr. Azzun requested that the Board dismiss the complaint with a warning.

Mr. Banks pointed out to the Board that the Licensee's response relates to the allegation that Mr. Azzun made misrepresentations to the Board on prior applications. Mr. Banks suggested to the Board that Mr. Azzun has demonstrated a lack of good moral character as he repeatedly was dishonest with the Board over seven renewal applications.

Mr. Azzun interjected and stated he was only answering "yes" or "no" questions and was not intentionally lying to the Board and that he was truly sorry. Ms. Strachan informed Mr. Azzun that his time was up and the Board would be going into adjudicatory session.

Documents:

OTSC, Prosecutor's Motion for Summary Decision, Recommended Ruling on Prosecutor's Motion for Summary Decision, Board's Ruling on Prosecutor's Motion for Summary Decision, Notice of Sanction Hearing.

Triage(s)

None

Staff Assignment(s)

A. SA-INV-10323: Karen K. Babb, NH2911

Facility: Wingate at Andover

Attorney: N/A

Mr. Beattie presented this case to the Board.

The Massachusetts Board of Nursing Home Administrators received information from the Division of Health Care Facility Licensure and Certification ("DHCFLC") that the Division had completed a survey at Wingate at Andover Rehab & SNR (the "Facility") on July 14, 2016 and found deficiencies. At a follow-up survey, completed on August 23, 2016, the DHCFLC determined that the deficiencies found at the initial survey still had not been corrected.

The facility received a total of eleven tags which included one G level tag. The following tags were cited:

- Right to Refuse; Formulate Advance Directives F155 SS=D (page 1 of 34)
- Personal Privacy/Confidentiality of Records F164 SS=D (page 3 of 34)
- Comprehensive Assess After Significant Change F274 SS=D (page 5 of 34)
- Services Provided Meet Professional Standards F281 SS=D (page 1 of 14)
- Provide Care/Services for Highest Well Being F309 SS=G (page 10 of 34)
- Free of Medication Error Rates of 5% or More F332 SS=E (page 20 of 34)
- Food Procure, Store/Prepare/Serve-Sanitary F371 SS=F (page 22 of 34)
- Drug Records, Label/Store Drugs & Biologicals F431 SS=D (page 25 of 34)
- Infection Control, Prevent Spread, Linens, F 441 SS=D (page 10 of 14, 27 of 34)
- Safe/Functional/Sanitary/Comfortable Environment F465 SS=B (page 31 of 34)
- Administration F502 SS=D (page 33 of 34)

The facility submitted a plan of correction to the Department of Public Health with a compliance date of 8/17/2016. On August 23, 2016, a resurvey was completed by the Department of Public Health Survey Team led by Marie Conlon. Nine of the eleven tags were put back into compliance: F155, F164, F274, F309, F332, F371, F431, F465, and F502. F281 and F441 were not in compliance based upon survey observations and a new Tag F282 was identified/cited by the team.

DISCUSSION: Mr. Lohnes asked if the results of the facility's 2017 survey were available. Mr. Beattie responded that staff has not received any information pertaining to the 2017

survey.

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

Documents: Investigative Report

Complaint(s)

- A. NHA-2016-006: Jeffery N. Heinze
Facility: Wingate at East Longmeadow
Attorney: N/A

Mr. Beattie presented this case to the Board.

The Massachusetts Board of Nursing Home Administrators received information from the Division of Health Care Facility Licensure and Certification ("DHCFLC") that the Division had completed a survey at the Wingate at East Longmeadow Rehab & SNR on 6/29/2016 and determined that the facility was found not to be in substantial compliance with federal regulations applicable to long-term care facilities.

The initial survey found the following eleven (11) deficiencies and one (1) licensure citation (R1500):

- R1500 Pharmaceutical Services & Medications- Policies (p. 1 of 1)
- F154 Informed of Health Status, Care & Treatments (p. 1 of 27)
- F155 Right to Refuse; Formulate Advance Directives (p. 2 of 27)
- F157 Notify of Changes (Injury/Decline/Room, etc (p. 3 of 27)
- F221 Right To Be Free From Physical Restraints (p. 5 of 27)
- F248 Activities Meet Interests/Needs of Each Resident (p. 9 of 27)
- F278. Assessment Accuracy/Coordination/Certified (p. 11 of 27)
- F279 Develop Comprehensive Care Plan (p. 14 of 27)
- F281 Services Provided Meet Professional Standards (p. 15 of 27)
- F282 Services by Qualified Persons/Per Care Plan (p. 16 of 27)
- F323 Free of Accident Hazards/Supervision /Devices (p. 20 of 27)
- F514 Resident Records-Complete/ Accurate/Accessible (p. 26 of 27)

A follow-up survey was conducted on 8/11/16 for the Recertification Survey of 6/29/16. The following deficiencies were corrected: F154, F155, F157, F221, F248, F278, F279, F282 and F514. The deficiencies F281 and F323 remained uncorrected:

On 9/20/16 the Division completed a second follow up review and determined that Wingate at East Longmeadow Rehab & SNR had corrected all deficiencies associated with the 6/29/2016 survey.

DISCUSSION: None

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

Documents: Investigative Report

IX. Flex Session

A. Announcements/Discussions

1- 2018 Meeting Dates

B. Topics for the next Agenda

1- None

X. Executive Session (Roll call vote)

At 10:54 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.

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

The Board adjourned the Executive Session at 11:24 p.m.

XI. Adjourn

There being no other business before the Board, Mr. Stapleton made a motion to adjourn the Board meeting; Mr. Divver seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting was adjourned at 11:49 p.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, December 15, 2017. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

William Graves, NHA
Chair

Date