

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, September 18, 2015
10:00 a.m.**

**239 Causeway Street ~ 4th Floor ~ Room 417A
Boston, Massachusetts 02114**

Agenda

Time	Item #	Item	Exhibits	Staff Contact
10:00 a.m.	I.	Approval of Agenda and notice of electronic recording.	Draft Agenda	
	II.	Approval of Minutes of Regularly Scheduled Meeting A. August 20, 2015 Board Meeting	Draft Minutes	
	III.	Administrator in Training A. <u>Request for Administrator in Training Approval</u> 1. <u>Haggerty, Maria</u> <u>Facility:</u> Woodbriar Health Center - Wilmington <u>Preceptor:</u> Donna Beck, NH3162 2. <u>Ward, Kristen</u> <u>Facility:</u> Webster Park Rehabilitation and Healthcare Center - Rockland <u>Preceptor:</u> Kathleen Ferranti, NH2825 3. <u>Wilkins, Zachary</u> <u>Facility:</u> Masconomet Healthcare Center-Topsfield <u>Preceptor:</u> Kim Grasso, NH3521 4. <u>Cooper, Julianne</u> <u>Facility:</u> Bay Path Nursing & Rehabilitation Center- Duxbury <u>Preceptor:</u> Marianne Martinez, NH1732	Applications and related documents	

		<p>Administrator in Training</p> <p>A. <u>Request for Administrator in Training Credit</u></p> <p>1. <u>McPherson, Stephanie</u> <u>Facility:</u> Neville Center - Cambridge <u>Preceptor:</u> Katherine Norfleet, NH5099</p> <p>B. <u>Request for Administrator in Training Change of Preceptor</u></p> <p>1. <u>Silva, Joseph Jr.</u> <u>Facility:</u> Watertown Health Center <u>Preceptor:</u> Victor Emodi, NH2889 <u>Proposed Preceptor:</u> Paula Topjian, NH5244 <u>Proposed facility:</u> Braemoor Health Center-Brockton</p> <p>C. <u>Administrator in Training Mid-Point Review</u></p> <p>1. <u>Danahy, Elaina</u> <u>Facility:</u> Riverbed of South Natick-Natick <u>Preceptor:</u> Gilbert Thisse, NH2714</p>	Applications and related documents	
	IV.	<p>Review of Applications for Licensure by Reciprocity</p> <p>A. <u>Rosemary Rese</u> (Licensed in: LA) B. <u>Domenic Borro</u> (Licensed in: MD) C. <u>Daniel Estee</u> (Licensed in: NH) D. <u>Marlene Johnson</u> (Licensed in:CT)</p>	Reciprocity Application and related documents	
	V.	<p>Appearance before the Board</p> <p>A. <u>NHA-2015-001</u> <u>Lennerton, Brett</u> <u>NH3196</u></p>	Investigation Report and Statement of Deficiencies	PB
	VI.	<p>Continuing Education</p> <p>A. <u>Requests for CEU Approval</u></p> <p>1. "MAMDA's Sixth Annual Meeting" <u>Requested by:</u> MA Medical Society Headquarters</p>	Documents related to requests for CEU	

	VII.	Requests for Approved Status A. Notre Dame Educational Bridge Center, NH-09015-030 B. American College of Health Care Administrators – Massachusetts Chapter, NH-09015-001 C. American Health Resources, NH-09015-017 D. Massachusetts Assisted Living Facilities Association, NH-09015-012	Approved Status documents	
	VIII.	Regulations A. Proposed Model Regulation	Draft of Proposed Model Regulation	MS
	IX.	Board Education A. Board Action	PowerPoint Presentation	MS
	X.	Flex Session A. Topics for the next Agenda		

11:00 a.m.	XI.	<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 discuss and evaluate the <u>Good Moral Character</u> provision of a pending application. 2. Specifically, 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. 3. Specifically, the Board will discuss complaints or charges brought against Licensees. 4. 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 executive session.</p>	Closed Session	
	XII.	<p>Adjudicatory Session None</p>	None	
	XIII.	<p>M.G.L. c. 112, § 65C Session None</p>	None	
2:00 p.m.	XIV.	<p>Adjournment-next Board meeting scheduled for [Oct. 15, 2015]</p>		

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

BOARD MEETING
Friday, September 18, 2015
239 Causeway Street - 4th floor, Room 417A/B
Boston, MA 02114

MINUTES

Board Members Present: Nancy Lordan, Nursing Home Administrator 3, Chair
Roxanne Webster, Registered Nurse, Secretary
Mary McKenna, Executive Office of Elder Affairs
Sherman Lohnes, Department of Public Health
James Divver, Nursing Home Administrator 4 (left at 10:10 a.m.)
Michael Baldassarre, Nursing Home Administrator 2
Patrick J Stapleton, Nursing Home Administrator 5 (Non-Proprietary Nursing Home)
Wayne S Saltsman, MD, PhD, Physician
MaryEllen Coyne, MassHealth Office of Long-Term Services and Supports

Board Members not Present: William Graves, Nursing Home Administrator 1, Vice-Chair
Aaron Tobey, Public Member 2

Staff Present: Ichelle Herbu, Assistant Executive Director, Multi-Boards, DHPL
Anson Chu, Office Support Specialist, Multi-Boards, DHPL
Mary Strachan, Board Counsel, Office of the General Counsel, DPH
Marjorie Campbell, Investigator, Supervisor, Office of Public Protection, DHPL
Philip Beattie, Board Investigator, Office of Public Protection, DHPL

Guests: Heidi LaPanne and Attorney
Joseph Silva, Jr.
Brett Lennerton

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

I. Approval of Agenda and notice of electronic recording
Board members reviewed the meeting Agenda.

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

Document: September 18, 2015 Regularly Scheduled Board Meeting Agenda.

II. Approval of Minutes

A. Minutes of the Regularly Scheduled Board Meeting: August 20, 2015
The Board reviewed the August 20, 2015 Regularly Scheduled Board Meeting Minutes.

ACTION: Mr. Divver made a motion to approve the minutes as presented; Mr. Baldassarre seconded the motion. Motion passed with Board members present and voting in favor unanimously. Dr. Saltsman abstained from voting.

Documents: August 20, 2015 Regularly Scheduled Board Meeting Minutes

[The Board decided to move to item VI – Continuing Education request first]

III. Administrator in Training

B. Request for Administrator in Training Approval

Ms. Lordan made the following recommendations:

1. Haggerty, Maria
Facility: Woodbriar Health Center - Wilmington
Preceptor: Donna Beck, NH3162

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents.

2. Ward, Kristen
Facility: Webster Park Rehabilitation and Healthcare Center - Rockland
Preceptor: Kathleen Ferranti, NH2825

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents.

3. Wilkins, Zachary
Facility: Masconomet Healthcare Center-Topsfield
Preceptor: Kim Grasso, NH3521

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents.

4. Cooper, Julianne
Facility: Bay Path Nursing & Rehabilitation Center-Duxbury
Preceptor: Marianne Martinez, NH1732

RECOMMENDATION: Approve

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

Documents: AIT Application and related documents.

C. Request for Administrator in Training Credit

Ms. Lordan made the following recommendations:

1. McPherson, Stephanie
Facility: Neville Center - Cambridge
Preceptor: Katherine Norfleet, NH5099

RECOMMENDATION: Approve – 1 week credit

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

Documents: AIT Application and related documents.

D. Request for Administrator in Training Change of Preceptor

Ms. Lordan made the following recommendations:

2. Silva, Joseph Jr.

Facility: Watertown Health Center

Preceptor: Victor Emodi, NH2889

Proposed Preceptor: Paula Topjian, NH5244

Proposed facility: Braemoor Health Center-Brockton

RECOMMENDATION: Approve –new preceptor and facility; can transfer hours to new facility

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

Documents: AIT Application and related documents

E. Administrator in Training Mid-Point Review

Ms. Lordan made the following recommendations:

1. Danahy, Elaina

Facility: Riverbend of South Natick - Natick

Preceptor: Gilbert Thisse, NH2714

DISCUSSION: Staff informed the Board that Mr. Thisse’s license expired while he was the preceptor of AIT Ms. Danahy. The Board reviewed Mr. Thisse’s letter to the Board in regard to his lapsed license and current work history.

RECOMMENDATION: Deferred until more information is obtained about how Mr. Thisse can be a preceptor for the AIT program if he is employed at another facility, and to obtain clarification on the midpoint report on the number of hours.

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

Documents: AIT Application and related documents.

F. Administrator in Training-Final Completion Review

None

IV. Review of Applications for Licensure by Reciprocity

Ms. Webster made the following recommendations:

A. Rosemary Rese (Licensed in: LA)

DISCUSSION: Ms. Webster brought to the attention of Board members that per her resume, Ms. Rese has not been functioning as an Administrator for several years. During the period, she was working as a Nurse in a facility. Ms. Rese submitted all other required documents. The Board reviewed the regulations and agreed she met the requirements for licensure through Reciprocity.

RECOMMENDATION: Approve

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

Documents: Application for Licensure by Reciprocity and related documents

B. Domenic Borro (Licensed in: MD)

RECOMMENDATION: Approve

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

Documents: Application for Licensure by Reciprocity and related documents

C. Estee, Daniel (Licensed in: NH)

DISCUSSION: Ms. Webster informed the Board that Mr. Estee has submitted all required documentations for licensure through Reciprocity except for documentation of his exam score. He took the examination sometime before 1982, and he does not have a copy of the results. He submitted a letter to the Board from PES stating that they are not able to locate Mr. Estee's score report. Ms. Lordan questioned if a national examination existed in 1982, other Board members were not sure. Mr. Baldassarre suggested that Board staff inquire if the NH Board required an exam in 1982 or before. If so, and NH licensed Mr. Estee, this Board could infer that he passed the exam.

RECOMMENDATION: Pending approval – need confirmation from New Hampshire Board of Nursing Home Administrators if they require a passing NAB score in order to obtain a license

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

Documents: Application for Licensure by Reciprocity and related documents

D. Marlene Johnson (Licensed in:CT)

RECOMMENDATION: Approve

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

Documents: Application for Licensure by Reciprocity and related documents

V. Appearance before the Board

A. NHA-2015-001 Lennerton, Brett NH3196

DISCUSSION: Mr. Beattie presented the complaint case to the Board. Mr. Beattie reminded Board members that they previously heard the investigative report in this matter in April 2015. Mr. Lennerton was present as requested by the Board. A very lengthy discussion ensued. Mr. Lennerton explained that while he was employed as a NHA at a facility in NH, his corporate employer asked him to assist the NHA at a MA facility owned by the same corporation. Mr. Lennerton agreed and was present at the MA facility for approximately 4 hours per week, while he worked full time in NH. The corporation also asked (ordered) him to assist another new NHA in MA during this period. Mr. Lohnes asked why he agreed to do this work. Mr. Lennerton replied that he had an obligation to his family and he thought he could handle it. Ms. McKenna noted that the Licensee also had an obligation to his patients.

Mr. Lennerton stated that after approximately one and half months of coming to MA weekly, he realized that the administrator at the MA facility was not licensed as yet. He notified corporate and corporate told him to take over.

Mr. Lennerton said that his “license was on the wall in MA” and that after that, he was in MA daily. Mr. Lohnes asked Mr. Lennerton how this was possible because the HCQ surveyor was at the MA facility on a day when it snowed, and the property was not plowed. She called Mr. Lennerton and asked him why the snow was not cleared, he replied that it was being removed “as we speak”, which led her to conclude he was not in the MA facility. Mr. Lennerton admitted he was not. He further explained that corporate failed to pay vendors for services, including the snow plowers, and he arranged for a new vendor. He also stated that he paid for several items himself – bread, milk, postage, etc. when the facilities supplies ran low. Mr. Lohnes asked the Licensee if he was aware of NH regulations that require a full time licensed NHA in a facility and MA regulations required the same. Licensee replied “yes”. Mr. Lohnes then pointed out that by agreeing to work in both MA and NH as a full time NHA, Licensee was breaking the laws of 2 states.

Ms. Webster asked the Licensee to clarify the chronology of events. Licensee was unsure of exact dates but he thought that starting in October, he stayed coming to MA 5 days per week. Mr. Lohnes again pointed to the HCQ surveyor incident that occurred in November or December. Mr. Baldassarre stated that the Licensee committed to be in 2 places at once and he should not have done so, regardless of the lack of support from the corporate office. He agreed but he stated he was afraid of losing his job. Ms. McKenna asked if he ever reported the conditions at the MA facility to DPH. He did not. Dr. Saltsman asked if there was any mechanism for anonymous reporting. Practically speaking there was not.

When asked about his current situation, Mr. Lennerton explained that the corporation closed the MA facility, and he remained the NHA in NH. He explained that the NH facility was placed in state receivership until another buyer could be found. Mr. Beattie explained that he interviewed the Director of the NH survey team who reported that he kept Mr. Lennerton on as NHA during the receivership period and that he found him to be competent and helpful. Although Mr. Lennerton’s license is expired in Massachusetts, he stated that he is interested in renewing/reactivating his license in the future. The Board asked for guidance from the Board Counsel as to what options are available to them in regards to this open complaint.

ACTION: Ms. Webster made a motion to offer a Consent Agreement for a Reprimand to Mr. Lennerton; Mr. Baldassarre seconded the motion; Ms. McKenna and Mr. Lohnes opposed; Motion passed with other Board members present and voting in favor unanimously.

Documents: Investigation Report and Statement of Deficiencies

[Dr. Saltsman recused himself and stepped out of the room at 10:07 a.m.]

VI. Continuing Education

Mr. Baldassarre made the following recommendations:

B. Requests for CEU Approval

“MAMDA’s Sixth Annual Meeting”

Requested by: MA Medical Society Headquarters

RECOMMENDATION: Approve for 6 CEU

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

Documents: Documents related to requests for CEU

[Dr. Saltsman returned to the room at 10:11 a.m.]

VII. Requests for Approved Status

E. Notre Dame Educational Bridge Center, NH-09015-030

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Approved Status documents

F. American College of Health Care Administrators – Massachusetts Chapter, NH-09015-001

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Approved Status documents

G. American Health Resources, NH-09015-017

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Approved Status documents

H. Massachusetts Assisted Living Facilities Association, NH-09015-012

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: Approved Status documents

VIII. Regulations

A. Proposed Model Regulation

DISCUSSION: Ms. Strachan distributed the proposed model regulation to the Board. This is for discussion purposes only. The Board asked for the time frame and process of the regulation review. Ms. Strachan explained that under the Governor's regulatory pause, new and amended regulations need to be ready for promulgation in March 2016. In the interim, the Board must send them for administrative review and make changes as necessary and hold a public hearing and review public comments for further changes all before March 2016. Counsel urged the Board to review the documentation and let her know of any additions, changes or revisions by the next scheduled Board meeting.

ACTION: None

Documents: Draft of Proposed Model Regulation

IX. Board Education

A. Board Action

DISCUSSION: Deferred until the next scheduled Board meeting.

ACTION: None

Documents: PowerPoint Presentation

X. Flex Session

None

XI. Executive Session (Roll call vote)

At 11:43 a.m., Ms. Lordan 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 reconvene in open session subsequent to the executive session.

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

The Board adjourned the Executive Session at 12:14 p.m.

XII. Adjudicatory Session

None

XIII. M.G.L. c. 112, § 65C Session

None

XIV. Adjourn

There being no other business before the Board, Ms. Webster made a motion to adjourn the Board meeting; Mr. Lohnes seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting was adjourned at 12:15 p.m.

The next meeting of the Board of Registration of Nursing Home Administrators will be held on Friday, October 16, 2015. The Board meeting begins at 10:00 a.m.

Respectfully submitted:

William Graves, NHA
Vice-Chair

Date