

These minutes were approved by the Board on October 8, 2019

**CONFERENCE CALL MEETING MINUTES  
BOARD OF NURSING HOME ADMINISTRATION**

July 9, 2019

**1. ROLL CALL**

The conference call meeting of the Board of Nursing Home Administration was called to order by Debra Sutton, Chair, at 3:04 p.m. in Conference Room LU1, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law.

**Members Present:** The following members answered roll call:

Amy Fish, member  
Renea Gernant, Secretary  
Karen Jones, member  
Natalie Manly, MD, member  
Kevin Moriarty, member  
Debra Sutton, Chair  
Alexander Willford, Vice-Chair

**Members Absent:**

Scott Bahe, member  
Linda Bryant, member

**Others Present:**

Kris Chiles, Program Manager, Licensure Unit  
Ami Huff, Assistant Attorney General

**2. ADOPTION OF AGENDA**

**MOTION:** Willford moved, seconded by Gernant, to adopt the agenda. A voice vote was taken. Voting aye: Fish, Gernant, Jones, Manley, Moriarty, Sutton, Willford (7). Voting nay: none (0). Absent: Bahe, Bryant (2). Motion Carried.

**3. APPROVAL OF MINUTES (3.19.2019)**

**MOTION:** Willford moved, seconded by Gernant, to approve the 3.19.2019 minutes. A voice vote was taken. Voting aye: Fish, Gernant, Jones, Manley, Moriarty, Sutton, Willford (7). Voting nay: none (0). Absent: Bahe, Bryant (2). Motion Carried.

**4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION  
CLOSED SESSION**

**MOTION:** Moriarty moved, seconded by Gernant, to enter into closed session at 3:04 p.m. to hear discussions of investigative/other confidential nature, and for the prevention of needless injury to the reputation of the individuals. Sutton repeated the purpose of the motion. A roll call vote was taken. Voting aye: Fish, Gernant, Jones, Manley, Moriarty, Sutton, Willford (7). Voting nay: none (0). Absent: Bahe, Bryant (2). Motion Carried.

3:06 p.m. - Manley departed the meeting

**MOTION:** Gernant moved, seconded by Fish, to enter into open session at 3:24 p.m. A roll call vote was taken. Voting aye: Fish, Gernant, Jones, Moriarty, Sutton, Willford (6). Voting nay: none (0). Absent: Bahe, Bryant, Manley (3). Motion Carried.

3:30 p.m. - Manley rejoined the meeting

## **5. APPLICATION REVIEW, RECOMMENDATION AND REPORT OUT ON MAIL BALLOTS OPEN SESSION**

Alicia Elson – NHA Reinstatement (practice after expiration)

**MOTION:** Fish moved, seconded by Moriarty, to recommend reinstatement of the license with no terms and conditions and recommend that the Department access the administrative penalty for practicing as a nursing home administrator after the expiration date of the license. A roll call vote was taken. Voting aye: Fish, Gernant, Jones, Manley, Moriarty, Sutton, Willford (7). Voting nay: none (0). Absent: Bahe, Bryant (2). Motion Carried.

## **6. NEW BUSINESS AND UPDATES**

- 2019 Legislative Session

LB 112: This bill waives the initial licensing fees for young workers, military families, and low income applicant; it was signed by the Governor on 3-21-19 and will go into effect 1.1.2020.

Young worker: An applicant who is between the ages of 18 and 25 years.

Low-income individual: An individual enrolled in a state or federal public assistance program, including, but not limited to, the medical assistance program established pursuant to the Medical Assistance Act, the federal Supplemental Nutrition Assistance Program, or the federal Temporary Assistance for Needy Families program, or whose household adjusted gross income is below 130 percent of the federal income poverty guideline or a higher threshold to be set by the Licensure Unit of the Division of Public Health of the Department of Health and Human Services.

Military families: Active duty service members in the armed services of the United States, military spouses, honorably discharged veterans of the armed services of the United States, spouses of such honorably discharged veterans, and unremarried surviving spouses of deceased service members of the armed services of the United States.

- **2019 Board Goals**

After discussion, the Board identified the following goals for 2019 and Board members who would initiate and follow-through with the project:

1. Create a jurisprudence examination relating to Nursing Home Administrator laws and regulations to be used as a term and condition in disciplinary action cases. Assigned members: Fish, Willford, and Gernant – 1<sup>st</sup> draft due 10.22.2019.
2. Revise the Administrator-in-Training and Mentoring Trainee monthly report forms to be consistent with the revised draft regulations and updated to current terminology and practice. Assigned members: Fish and Sutton.
3. Review and revise the Board's Conviction guidelines. Assigned members: All members.

- **Approval of Method of Noticing Meeting Agendas**

Section 84-1411 of the Nebraska Open Meetings Act sets requires the reasonable advance publicized notice of the time and place of each meeting by a method designated by the board and recorded in its minutes. Chiles reported the board meeting agendas are currently published on the Department's website and posted in the lobby of the Licensure Unit.

**MOTION:** Gernant moved, seconded by Jones, to recommend retaining the current publishing methods for meeting agendas. A voice vote was taken. Voting aye: Fish, Gernant, Jones, Manley, Moriarty, Sutton, Willford (7). Voting nay: none (0). Absent: Bahe, Bryant (2). Motion Carried.

**7. REPORTS AND UPDATES**

• **Regulation Review Update**

Chiles reported that the draft regulations, 172 NAC 106, were sent to the Governor’s Policy Research Office on June 25 for review and approval to hold a public hearing. When approved for hearing, notice will be sent to all members. Following the hearing, a meeting will be scheduled to review any testimony presented, review any suggested changes based on testimony, and then request Board adoption of the final draft. Next steps following Board adoption are:

- Board of Health review and adoption
- Public Health Director review and approval
- Attorney General review and approval (constitutionality review)
- Governor’s review and approval
- File with Secretary of State (effective 5 days after filing)

• **National Association of Long Term Care Administrator Boards (NAB)** <http://www.nabweb.org>

NAB annual meeting is scheduled for June 12-14 in Charleston, SC. Topics of discussion will be NAB’s new online accreditation platform, review of University/College Educational program application, and Continuing Education Registry.

• **Health Service Executive Strategic Plan**

(per NAB website) The Health Service Executive is modeled after other national approaches to address the issue of licensure portability. This is NAB’s attempt at creating a solution for this critical workforce issue with a value added blending of classroom and internship skill building for the contemporary executive. As the nation’s workforce becomes more mobile, it is crucial to address a growing need of individuals to hold multi-state licenses.

Below is a listing of NAB confirmed states who currently will accept the HSE™. (per NAB website)

State	Date of Adoption	Information Regarding HSE Acceptance	Additional Information
Alabama	1/1/2019	The HSE™ qualification meets current NHA licensure requirements	The state regulatory exam is still required.
Arizona	11/10/2018	The HSE™ qualification meets current NHA licensure requirements	The state regulatory exam is still required.
Georgia	3/28/2019	The HSE™ qualification meets current NHA licensure requirements	
Kansas	1/1/2018	The HSE™ qualification meets current NHA licensure requirements	The state regulatory exam is still required.
Kentucky	8/31/2018	The HSE™ qualification meets current NHA licensure requirements	
Minnesota	8/1/2019	The HSE™ is recognized as a new licensure type.	If an applicant is HSE Qualified, they will be issued a “Health Services Executive” license. The state regulatory exam is still required.
Nebraska	1/1/2018	The HSE™ qualification meets current NHA licensure requirements	
Nevada	5/31/2018	The HSE™ is recognized as a new licensure type.	Applicants who transfer HSE™ will receive a Health Services Executive license in lieu of two separate licenses to practice in Nursing Home and Assisted Living. Also need to pass board provided regulation training
North Dakota	1/1/2017	The HSE™ qualification meets current NHA licensure requirements	The state regulatory exam is still required.
Oklahoma	10/1/2018	The HSE™ qualification meets current NHA licensure requirements	The state regulatory exam is still required.
Utah	12/10/2018	The HSE™ qualification meets current NHA licensure requirements	
Virginia	3/6/2019	The HSE™ qualification meets current NHA licensure requirements	

• **LeadingAge Nebraska** [www.leadingagene.org](http://www.leadingagene.org)

Sutton reported that Leading Age is working with the Nebraska Health Care Association and DHHS on rate reimbursement; and also researching CNA training.

- **Nebraska Health Care Association** [www.nehca.org](http://www.nehca.org)

Moriarty reported that NHCA is addressing Medicaid expansion and holding hearing across the state for public input on rate reimbursements.

Manley reported early conversation with Julie Masters regarding AIT/Mentoring training and how they may fit in educational programs.

- **Licensing Reports:** 1) Disciplinary and Non-Disciplinary Actions Taken; and 2) Statistics: AIT/Mentoring, Examinations, Licensure, and Administrative Penalties

Statistics will be deferred to the next meeting of the Board

## **8. ELECTIONS AND APPOINTMENT**

MOTION: Fish moved, seconded by Jones, to retain the current slate of officers for 2019. No other nominations or motions were made. A roll call vote was taken. Voting aye: Fish, Gernant, Jones, Manley, Moriarty, Sutton, Willford (7). Voting nay: none (0). Absent: Bahe, Bryant (2). Motion Carried.

## **9. ADJOURNMENT**

The Chair declared the meeting adjourned at 4:18 p.m.

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Renea Gernant, Secretary  
Board of Nursing Home Administration

Summarized by: Kris Chiles, Program Manager, Licensure Unit