

These minutes were approved by the Board on 1.21.2020

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

October 8, 2019

1. ROLL CALL

The conference call meeting of the Board of Nursing Home Administration was called to order by Alexander Willford, Vice-Chair, at 1:02 p.m. in Conference Room LLC, 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:

Scott Bahe, member
Amy Fish, member
Renea Gernant, Secretary
Karen Jones, member
Kevin Moriarty, member
Alexander Willford, Vice-Chair

Members Absent:

Linda Bryant, member
Natalie Manley, MD, member (entered meeting at 1:09 pm)
Debra Sutton, Chair

Others Present:

Kris Chiles, Program Manager, Licensure Unit
Angela Andersen, Health Licensing Coordinator, Licensure Unit

2. ADOPTION OF AGENDA

MOTION: Bahe moved, seconded by Gernant, to adopt the agenda. A voice vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Moriarty, Willford (6). Voting nay: none (0). Absent: Bryant, Manley, Sutton (3). Motion Carried.

3. APPROVAL OF MINUTES (7.9.2019)

MOTION: Fish moved, seconded by Moriarty, to approve the 7.9.2019 minutes. A voice vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Moriarty, Willford (6). Voting nay: none (0). Absent: Bryant, Manley, Sutton (3). Motion Carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION

CLOSED SESSION

MOTION: Fish moved, seconded by Bahe, to enter into closed session at 1:07 p.m. to hear discussions of investigative/other confidential nature, and for the prevention of needless injury to the reputation of the individuals. Willford repeated the purpose of the motion. A roll call vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Moriarty, Willford (6). Voting nay: none (0). Absent: Bryant, Manley, Sutton (3). Motion Carried.

1:09 p.m. - Manley entered the meeting

MOTION: Fish moved, seconded by Gernant, to enter into open session at 1:29 p.m. A roll call vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Manley, Moriarty, Willford (7). Voting nay: none (0). Absent: Bryant, Sutton (2). Motion Carried.

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

Angela McArthur – NHA reinstatement applicant

MOTION: Fish moved, seconded by Gernant, to recommend reinstatement of the license with no terms and conditions. A roll call vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Manley, Moriarty, Willford (7). Voting nay: none (0). Absent: Bryant, Sutton (2). Motion Carried.

Tiffany Shangreux – Mentoring Program for NHA applicant

MOTION: Gernant moved, seconded by Bahe, to recommend a new evaluation be completed and provided to the board. A roll call vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Manley, Moriarty, Willford (7). Voting nay: none (0). Absent: Bryant, Sutton (2). Motion Carried.

6. REGULATION REVIEW AND RECOMMENDATIONS: PUBLIC HEARING COMMENTS FOR 172 NAC 106

The hearing was held on September 23, 2019 at 10:00 am in the Nebraska State Office Building, LLB. Chiles reported there were no written or testimonial comments. Moriarty credited that to the policy being transparent and it being positive to their industry.

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

7. BOARD MEMBER PER DIEMS AND COMPENSATION RECOMMENDATIONS (NEB. REV. STAT. §38-171)

Chiles provided information relating to 38-171 in regards to per diems for each day engaged in duties as a member of the board (see statute language below)

38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

Board discussion:

- A per diem reimbursement for original meeting as a board member, any time they are representing the board at a national meeting, a day of travel where overnight arrangements need to be made, or board approved project or assignments but this will be capped at 2 then after that the board would need to approve. They agreed that they could be paid for 4 such normal allowances before it would need board approval to avoid misuse.
- Board examples were given but not agreed on:
 - Crosswalk work on board projects?
 - NAB, preceptor pre-meeting?
 - If the member has to miss work/use vacation?

MOTION: Gernant moved, seconded by Moriarty, to recommend adoption of the agreed on per diem reimbursements. A voice vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Manley, Moriarty, Willford (7). Voting nay: none (0). Absent: Bryant, Sutton (2). Motion Carried.

During a discussion, Fish had an item for the board's review regarding testing questions and answers. The Board determined, her item needed to be discussed in closed session to protect the integrity of the test and in order to avoid disclosure of the answers.

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

MOTION: Gernant moved, seconded by Jones, to enter into closed session at 1:47 p.m. to hear discussions of investigative/other confidential nature, and for the prevention of needless injury to the reputation of the individuals. Jones repeated the purpose of the motion. A roll call vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Manley, Moriarty, Willford (7). Voting nay: none (0). Absent: Bryant, Sutton (2). Motion Carried.

MOTION: Fish moved, seconded by Moriarty, to enter into open session at 2:04 p.m. A roll call vote was taken. Voting aye: Bahe, Fish, Gernant, Jones, Manley, Moriarty, Willford (7). Voting nay: none (0). Absent: Bryant, Sutton (2). Motion Carried.

9. REPORTS AND UPDATES

a. 2019 Board Goals

- Chiles provided the next steps for the regulations process following the public hearing:
 - Board's review of hearing comments (purpose is to recommend changes or no changes to the regulations based on the hearing comments)
 - Board of Health review
 - Director of Public Health review
 - Attorney General review
 - Governor review
 - File with Secretary of State
 - 5 days following filing with the Secretary of State, the regulations are effective
- Conviction guidelines will be sent again with the January agenda for review so the Board is aware of what to look when making recommendations.

b. 2020 Legislative Session – none

c. National Association of Long Term Care Administrator Boards (NAB) <http://www.nabweb.org>
– there will be three upcoming meetings. Mid-year meeting in Las Vegas, November 13-November 15, 2019. Annual meeting in Anchorage, AK, June 3-June 5, 2020. A writing meeting in Hawaii, dates TBA.

d. Health Service Executive Strategic Plan – none

e. LeadingAge Nebraska www.leadingagene.org – none

f. Nebraska Health Care Association www.nehca.org – Currently attention is centered on Medicaid changes and per diem rates.

Discussions:

- Providers are having to provide an argument that the rate system needs to change but with any change, there will be winners and losers.
- Skilled nursing facilities are closing.
- Facilities are taking on skilled facility patients without regulation due to closures.
- Small towns are losing their long term care facilities because the State will not pay more which means fragile patients are being moved into assisted living and not getting the higher care they need. Milford and Utica are two examples of facilities that are closing.
- People are having to travel further to family members.
- There is potential that facilities may release Medicaid patients or limit the number of Medicaid patients they accept.
- Funds that are intended for Long Term Care are not getting to where they need to.
- Question: should an assisted living license be created?

2:16 pm – Gernant departed from the meeting.

2:19 pm – Gernant reentered the meeting.

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

Disciplinary/Non-Disciplinary Report was circulated.

Examination Statistics since January 1, 2019:

NHA only – 18 pass, 11 fail

CORE only – 20 pass, 1 fail

License and Certificate Statistics:

Administrator Overseeing More than 1 Nursing Home – 18

NHA AIT – 3

NHA Mentoring Trainee – 9

NHA Preceptor – 80

NHA – 405

Provisional NHA – 24

No administrative penalties were assessed since the last meeting of the Board.

9. SET MEETING DATES FOR 2020

- Suggested dates: January 21, April 21, July 21, October 20. Dates acceptable to the Board.

10. ELECTION OF OFFICERS

- Elections will be part of the January Meeting

11. BOARD MEMBER SERVICE AWARDS

Alexander Willford presented awards to Scott Bahe and Renea Gernant for 10 years of service and Kevin Moriarty for 9+ years of services.

The Chair declared the meeting adjourned at 2:38 p.m.

Renea Gernant, Secretary
Board of Nursing Home Administration

Summarized by: Angela Andersen, Health Licensing Coordinator, Licensure Unit