



NOTICE Of MEETING and AGENDA

Board of Nursing Home Administration

This meeting will be held in-person. A conference call phone line has been established for the public to call in or the public is welcome to attend any Open Session discussion at the State Office Building. If calling in, please use the following to attend the Open Session items of the Board meeting:

PUBLIC CALL IN #: 888-820-1398
PARTICIPANT #: 8986450#

AGENDA

Date Posted: 5.9.2023

<p>Date: Tuesday May 16, 2023 1:00 p.m.</p> <p>Location: State Office Building 301 Centennial Mall South (14th & M) Lincoln, Nebraska</p> <p>Lower Level Goldenrod Room</p> <p>For Information Contact: Carrie Oldehoeft 402-471-4918 Dhhs.licensure 2117@nebraska.gov</p>	1	Call Meeting to Order and Roll Call Announcement: There is a current copy of the Open Meetings Act on the table with staff and available on the website listed below:
	2	Adoption of Agenda
	3	Approval of Minutes 10.18.2022
	4	Reports a. National Association of Long Term Care Administrator Boards (NAB) http://www.nabweb.org b. LeadingAge Nebraska www.leadingagene.org c. Nebraska Health Care Association www.nehca.org d. Reports: Disciplinary and Non-Disciplinary Actions; License Statistics; and Examinations
	5	CLOSED SESSION (approx. 1:30 pm) Confidential Information Purpose: To hear discussions of confidential nature, and for the prevention of needless injury to the reputation of the individuals
	6	OPEN SESSION (approx. 2:00 pm) Application Reviews, Recommendations, and Report Out
	7	Annual Business a. Approval of Method of Noticing Meeting Agendas https://ago.nebraska.gov/open-meetings (attached to agenda) b. Per Diem Payments (Neb. Rev. Stat. §38-171 – attached to agenda) c. Elections and Appointments (officers, investigative consultant, education reviewers, and 2023 NAB representative)
	Adjournment (approx 2:30 pm)	

All items known at the time of distribution of this agenda are listed. A current agenda is available from the office of the Department of Health and Human Services, Division of Public Health, Licensure Unit, and <https://dhhs.ne.gov/licensure/Pages/agendas-and-minutes.aspx>.

NOTICE: If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call (402) 471-2117 (voice), or for persons with hearing impairments, please call the Nebraska Relay System, **711** TDD, prior to the meeting date. Advance notice of seven days is needed when requesting an interpreter.

2023 Meeting Dates:

1-17-2023-cancelled
4-18-2023-rescheduled
5-16-2023
7-18-2023
10-17-2023

All meetings start at 1pm

Nebraska Open Meetings Act: 84-1407 through 84-1414

<https://ago.nebraska.gov/open-meetings>

Agenda Item 3:

These minutes have not been approved by the Board

MEETING MINUTES
BOARD OF NURSING HOME ADMINISTRATION
October 18, 2022

1. ROLL CALL

The Virtual Conferencing meeting of the Board of Nursing Home Administration was called to order by Alex Willford, Chairperson, at 1:06 p.m. in Lower Level, Room B, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 10.13.2022.

The following members answered roll call:

Members Present (8):

Shannon Buckminster, Member (on phone)
David Deemer, Member (on phone)
Amy Fish, Vice Chairperson (in room)
Theresa Parker, Secretary (on phone)
Alex Willford, Chairperson (in room)
Janelle Ali-Dinar, Member (on phone)
Natalie Manley, Member (on phone)
Debra Sutton, Member (on phone)

Members Absent (1):

Linda Bryant, Member

Others Present (4):

Kris Chiles, Program Manager, Licensure Unit (in room)
Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit (in room)
TJ O'Neill, Assistant Attorney General (in room)
Teresa Hampton, DHHS Attorney (on phone)
Anna Harrison, Compliance Monitor (on phone)

2. ADOPTION OF AGENDA

MOTION: Fish moved, seconded by Ali-Dinar, to adopt the agenda. A roll call vote was taken. Voting aye: Buckminster, Deemer, Fish, Parker, Willford, Ali-Dinar, Manley, Sutton (8). Voting nay: none (0). Absent: Bryant (1). Motion Carried.

3. APPROVAL OF MINUTES (07.19.2022)

MOTION: Parker moved, seconded by Deemer, to adopt the minutes with corrections. A roll call vote was taken. Voting aye: Buckminster, Deemer, Fish, Parker, Willford, Ali-Dinar, (6). Voting nay: none (0). Absent: Bryant (1). Abstain: Manley, Sutton (2) Motion Carried.

4. NEW BUSINESS, REPORTS, AND UPDATES

- a. Licenses Expire 12.31.2022; On-line Renewal Portal Open

Chiles reported that the online renewal portal is open and postcard renewal notices would be mailed in the near future.

- b. Executive Orders and FAQ's
- Executive Order 22-05 (Extends 22-02 until 12.31.2022):
<http://govdocs.nebraska.gov/docs/pilot/pubs/eofiles/22-05.pdf>
 - FAQ's: <https://dhhs.ne.gov/licensure/Documents/FAQ-Related-to-Executive-Order-22-05.pdf>

Chiles reported that Nebraska Governor Pete Ricketts issued Executive Order 22-05, which will expire December 31, 2022; it provides waivers of specific statutes and regulations due to a hospital capacity emergency and extended EO 22-02. Chiles provided an overview of the Order.

- c. National Association of Long Term Care Administrator Boards (NAB)
- Mid-Year Meeting (November 2-4) <https://www.nabweb.org/2022-mid-year-meeting-palm-springs-ca>
 - Board Delegate to be Determined (Review Funding authorization 38-172)
 - (Consider Annual Appointment or Meeting to Meeting)

The following information was considered:

- Fish planning to attend as an Exam Writer.
- Parker attending as a Chair of Education.
- Willford requested to attend.
- Board Delegate-last couple years have been Parker.

MOTION: Sutton moved, seconded by Willford, for board to approve sending and funds for 3 members to attend the mid-term NAB conference. A roll call vote was taken. Voting aye: Buckminster, Deemer, Fish, Willford, Ali-Dinar, Manley, Sutton (7). Voting nay: none (0). Absent: Bryant (1). Abstain: Parker (1) Motion Carried.

MOTION: Willford moved, seconded by Buckminster, to approve Amy Fish as the NAB Board delegate. A roll call vote was taken. Voting aye: Buckminster, Deemer, Willford, Ali-Dinar, Manley, Sutton (7). Voting nay: none (0). Absent: Bryant (1). Abstain: Parker, Fish (2) Motion Carried.

- d. Reports: Disciplinary and Non-Disciplinary Actions; License Statistics; and Examinations (Attached to Agenda).

5. SCHEDULE 2023 MEETINGS: Set 2023 meeting dates (suggested: January 17, April 18, July 18, October 17)

Members approved the suggested dates for 2023.

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

MOTION: Deemer moved, seconded by Willford, to enter into closed session at 1:53 p.m. to hear discussions of investigative/other confidential nature, and for the prevention of needless injury to the reputation of the individuals. Fish repeated the purpose of the motion. A roll call vote was taken. Voting aye: Buckminster, Deemer, Fish, Parker, Willford, Ali-Dinar, Manley, Sutton (8). Voting nay: none (0). Absent: Bryant (1). Abstain: none (0) Motion Carried.

7. APPLICATION REVIEW (CONVICTIONS, PRACTICE PRIOR TO APPLICATION, REINSTATEMENTS), RECOMMENDATIONS, AND REPORT OUT ON MAIL BALLOTS **OPEN SESSION**

Members agreed to move to open session at 2:16 p.m.

Hollie Jacobsen – Provisional NHA applicant

MOTION: Parker moved, seconded by Manley, to defer for more information. A roll call vote was taken. Voting aye: Buckminster, Deemer, Fish, Parker, Willford, Ali-Dinar, Manley, Sutton (8). Voting nay: none (0). Absent: Bryant (1). Abstain: none (0) Motion Carried.

Shaun Meyer – Reinstatement Nursing Home Administrator

MOTION: Sutton moved, seconded by Buckminster, to issue without terms and conditions. A roll call vote was taken. Voting aye: Buckminster, Deemer, Fish, Parker, Willford, Ali-Dinar, Manley, Sutton (8). Voting nay: none (0). Absent: Bryant (1). Abstain: none (0) Motion Carried.

8. ADJOURNMENT

The Chair announced the next meeting is scheduled for 01.17.2023 and declared the meeting adjourned at 2:19 p.m.

Theresa Parker, Secretary
Board of Nursing Home Administration

Summarized by: Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit

Agenda item 4D

License Statistics:

		SUMMARY COUNT
Profession	License Statuses: License Types	Active
Nursing Home Administrator	Overseeing more than 1 NH	27
	Continuing Education Provider	
	EO 20-27 Prov Nursing Home Administrator	
	EO 21-15 Prov Nursing Home Administrator	
	EO 21-18 Prov Nursing Home Administrator	
	EO 22-02 Prov Nursing Home Administrator	
	EO 22-08 Prov Nursing Home Administrator	4
	NHA Administrator-in-Training	4
	NHA Mentoring Trainee	10
	NHA Preceptor	82
	Nursing Home Administrator	371
	Provisional Nursing Home Administrator	24
	Grand Total	522

Examinations:

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Nursing Home Administration		Run Date: 05/09/2023	
Date Range: 01/01/2023 to 5/9/2023		Page No: Page 1 of 1	
Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
NHA Exam	NHA-only	Pass	8
	NHA-only	Fail	2

	CORE-only	Pass	4
	CORE-only	Fail	2

Agenda Item 7

Neb.Rev.Stat. 84-1407-1414

4-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. **If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.** The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session.

84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; emergency meeting without notice; appearance before public body.

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, **such notice shall be given by a method designated by the public body.**

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means **of virtual conferencing** if the requirements of subdivision (2)(b) of this section are met:

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

Neb.Rev.Stat. §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.

Sample Per Diems for Discussion:

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|---|
| 1. \$50 For 1 day of preparation for each meeting (investigations/applications). |
| 2. \$50 Attending the Board meeting (in person or by virtual conferencing). |
| 3. \$50 Each day of travel where overnight arrangements have been made (board meeting or national meeting). |
| 4. \$50 Each day the member is representing the board at a national meeting of state licensing boards. |
| 5. \$50 Regulation Hearing or other board related meetings when representing the Board (prior board approval required). |