STATE OF NEVDA

BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS

3157 North Rainbow Boulevard, #313 Las Vegas, Nevada 89108

Telephone: 702-486-5445 Fax: 702-486-5439

Website: www.beltca.nv.gov E-mail: beltca@beltca.nv.gov

MEETING NOTICE AND AGENDA

Date & Time:

May 7, 2015, 9:30 am

Place of Meeting:

Nevada Early Intervention Service

3811 W. Charleston Blvd.

Suite 112

Las Vegas, Nevada 89102

and

Video Conferencing:

Nevada Early Intervention Service

2667 Enterprise Rd. Reno, Nevada 89512

All times are approximate. The Board reserves the right to take items in a different order, items may be combined for consideration by the Public Body and items may be pulled or removed at any time to accomplish business in the most efficient manner.

In certain situations, the option exists to declare the meeting on that agenda item to be a Closed (Executive) Session per NRS 241.030.

- OPEN MEETING
- II. ROLL CALL
- III. PUBLIC COMMENTS

This item is to receive comments, limited to five (5) minutes, on any issue and any discussion of those items. However, no action will be taken on an item raised during Public Comments. Comments based on viewpoint are welcome.

- IV. APPROVAL OF THE FOLLOWING PROPOSED DISCIPLINARY ACTION** (Board may go into closed session) "for possible action"
 - a. Nelia Buendia, Providence Home Care Case No. B-36100
 - b. Julieta G. Iban, Golden Valley Group Care 2 Case No. B-36102



- V. SECRETARY'S REPORTS:
 - a. Approve Minutes of February 9, 2015 Meeting "for possible action".
- VI. ADMINISTRATIVE REPORT
- VII. ADMINISTRATOR LICENSES ISSUED MUST RECEIVE FINAL BOARD APPROVAL WHEN ALL REQUIREMENTS HAVE BEEN MET.
 - Nursing Facility Administrator Licenses Issued "for possible action".
 - (1) Olsen, Katherine
 - (2) Chappelow, Lisa
 - (3) Donohue, Daniel
 - (4) Smith, Lowell
 - (5) Kohn, Ashley
 - (6) Flygare, Brady
 - (7(Leinweber, Michael
 - b. Residential Facility Administrator Licenses Issued "for possible action".
 - (1) Dixon, Valessa
 - (2) Cadaval, Stacey
 - (3) Cowley, Peter
 - (4) Gray, Denise
 - (5) Graham, Nicole
 - c. Inactive Requests "for possible action".
 - (1) Phillips, Susan RFA
 - (2) Hines, Shelia RFA
 - (3) Pangilinan, Angel RFA
- VIII. UNFINISHED BUSINESS:
 - a. RCAL AIT Program Reports "for possible action"
 - b. NFA lack of AIT opportunities, and formalize training for preceptors "for possible action"
- IX. NEW BUSINESS:
 - a. Regulation Workshop "for possible action"
- X. DEPUTY ATTORNEY GENERAL'S REPORT
- XI. BOARD MEMBER COMMENTS
- XII. PUBLIC COMMENTS

This item is to receive comments, limited to five (5) minutes, on any issue and any discussion of those items. However, no action will be taken on an item raised during Public Comments. Comments based on viewpoint are welcome.

XIII. TIME/DATE/LOCATION OF NEXT REGULAR QUARTERLY MEETING(S) "for possible action"

XIV. ADJOURNMENT

**Pursuant to NRS 241.030(1), The Nevada State Board of Examiners for Long Term Care Administrators may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

We are pleased to make reasonable accommodations for members of the public who are Note: disabled and wish to attend the meeting. If special arrangements for the meeting are necessary please notify the Board of Examiners for Long Term Care Administrators by calling the Board Office at 702-486-5445, or by e-mail at: beltca@beltca.nv.gov.

Anyone desiring additional information regarding the meeting, including information on how to obtain supporting board meeting material is invited to call Sandy Lampert, Executive Director, at . (702) 486-5445.

Copies of BELTCA's Meeting Minutes are available at no charge at BELTCA's web site at: beltca.nv.gov

> The Agenda was posted at the following locations: BELTCA'S website: www.beltca.nv.gov

> > Grant Sawyer State Office Building 555 East Washington Ave. Las Vegas, NV 89101 702-486-2012

ADSD

3416 Goni Rd., Building - D 132

Carson City, NV 89706 Fax: 775-687-0574

ADSD

1860 East Sahara Ave.

Las Vegas, NV 89104

Fax: 702-486-3572

DPBH

727 Fairview Dr., Suite E Carson City, NV 89706

Fax: 775-684-1073

DPBH

4220 S. Maryland Pkwy.

Suite 810, Bldg. D

Las Vegas, NV 89119

Fax: 702-486-6520

ADSD

445 Apple Street Reno, NV 89502

Fax: 775-688-2969

Public Library Sierra View Branch

Fax 775-827-8792

Carson City Courthouse 100 Stewart St. Carson City, NV 89701 Fax: 775-887-2146 Clark County – Las Vegas Library 732 North Las Vegas Blvd. Las Vegas, NV 89101 Fax: 702-507-3598

By E-Mail

Sue Levinsky, ADSD, LV
Paul Shubert, DPBH, LV
Heather Korbulic, ADSD
Charles Perry
Rich Hernandez, Senior Transitions
Theresa Brushfield
Chris Nicholas, Administrator
Donald Sampson, DPBH

Jill Berntson, ADSD, Reno Teresa Stricker, ADSD, LV Donna McCafferty, DPBH Daniel Mathis, NVHCA Shawn McGivney Mark McBride, Administrator Susan Magluilo, Administrator E. Beck (Grant Sawyer State Office Bldg)

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BEFORE THE NEVADA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS

In the Matter of the Complaint for Disciplinary Action Against) Case No. B-36100
NELIA V. BUENDIA,	Filed:
RESPONDENT) Executive Director
Residential Facility Administrator for) Executive Director
PROVIDENCE HOME CARE)
)

STIPULATION FOR SETTLEMENT OF DISCIPLINARY ACTIONS

WHEREAS, as more fully addressed below, the NEVADA STATE BOARD OF EXAMINERS OF LONG TERM CARE ADMINISTRATORS, ("BOARD"), and RESPONDENT NELIA V. BUENDIA ("RESPONDENT" or "BUENDIA") (collectively referred to as "the Parties"), hereby enter into this Stipulation for Settlement of Disciplinary Actions as follows:

Jurisdiction

- 1. Pursuant to Nevada Revised Statute 654.110(1)(f), the BOARD has jurisdiction to receive, investigate and take appropriate action with respect to any charge or complaint filed with the BOARD against a licensee.
- 2. RESPONDENT at all times relevant hereto, was and currently is, licensed in the State of Nevada as a residential facility administrator ("RFA") by the BOARD, pursuant to the provisions of Nevada Revised Statutes and Nevada Administrative Code chapters 654.
- 3. At all times relevant hereto, RESPONDENT was the Administrator of PROVIDENCE HOME CARE, 5325 Vista Larga Circle., Reno, NV 89523 ("the

4. Pursuant to Nevada Revised Statute 233B.121(5), the BOARD is authorized to enter into a settlement agreement to resolve a disputed matter.

Allegations

- On or about October 13, 2014 through October 15, 2014, the State of Nevada, Division of Public and Behavioral Health ("DPBH") conducted annual State Licensure survey at Providence Home Care, and subsequently DPBH issued its Statements of Deficiencies ("SOD") against the Facility.
- On or about January 21, 2015, the BOARD sent a "Notice Pursuant to Nevada Revised Statutes ("NRS") 233B.127(3) of Intent to Take Administrative Action for Violations of Chapter 654 of NRS and Chapter 449 of NRS" to RESPONDENT, by certified mail, notifying him or her of an investigation concerning allegations of Chapter 654 violations.
- 7. On February 19, 2015, the Board sent correspondence to RESPONDENT, by certified mail, notifying RESPONDENT that sufficient evidence had been found for disciplinary action to be commenced, and that the BOARD proposed such action would be brought for an administrative hearing.
- Respondent acknowledges that information has been received by the BOARD or its agent, which constitutes sufficient grounds for the initiation of an administrative hearing.
- 9. The Parties desire to resolve any disputed matters relating to the BOARD'S investigation, and recognize that continued litigation of this dispute would be protracted, costly and time consuming, and therefore, the Parties have reached a

settlement agreement in the interest of judicial and administrative economy.

Violations of Law

10. RESPONDENT admits that the conduct set forth in the DPBH survey and/or complaint investigation constitutes a violation of law regulating the practice of residential facility administrators and/or skilled nursing administrators.

RESPONDENT has elected to enter into this settlement agreement rather than face the possibility of further disciplinary action by the BOARD.

Administrative Penalty

11. RESPONDENT shall maintain a grade of C or better for all of her facilities for the eighteen (18) months immediately following the Effective Date of the Board's Final order, and agrees that if licensee receives a grade below a C, her license shall be immediately suspended until she comes before the Board at the next Quarterly Board Meeting. Respondent shall also complete Modules 5, 7 & 8 of the Nevada Best Practices Training to be provided by the Board and 16 CEU hours on Medication Training and submit the Certificates of Completion to the Board within thirty (30) days after the Effective Date of the Board's Final Order, and pay the following monetary assessment to the BOARD:

Administrative rine.	Ą	2,000.00
Best Practices Training:		150.00

2 000 00

Administrative Fine:

Administrative & Legal Costs: <u>375.00</u>

Total Assessed: \$ <u>2,525.00</u>

12. RESPONDENT shall pay to the BOARD the total sum of \$2,525.00, in twelve (12) installments consisting of the first payment being ten (10) percent of the total

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balance equaling \$252.51 and eleven (11) equal monthly installment payments \$206.59 thereafter.

- 13. The first payment of \$252.51 is due and payable within thirty (30) days after the EFFECTIVE DATE of the BOARD'S Final Order, with eleven (11) additional installment payments of \$206.59, each installment payment becoming due and payable on the 15th day of each next succeeding month after the first payment, until the total balance due is paid in full. No grace period will be permitted. Any installment payment not actually received by the BOARD on or before its due date shall be construed as an event of default of this agreement by the RESPONDENT.
- 14. Any installment payment not actually received by the BOARD on or before its due date shall be subjected to a Fifty Dollar (\$50.00) late fee and assessed Five Dollars (\$5.00) per day after ten (10) days of due date.
- 15. If monthly installments are not brought current within thirty (30) days of due date, the remaining unpaid balance shall become immediately accelerated, and the total remaining unpaid balance of the monetary assessments shall become immediately due and payable in full. In such event, debt collection actions for unpaid monetary assessments in this case may be instituted by the BOARD.
- 16. In the event of default, RESPONDENT agrees that his/her license shall be immediately suspended. The suspension of RESPONDENT'S license shall continue until the unpaid balance is paid in full.
- 17. RESPONDENT acknowledges that the BOARD has the legal power and authority to take action against her/him, including instituting debt collection actions for unpaid monetary assessments in this case.
- 18. RESPONDENT acknowledges that the BOARD will retain jurisdiction over this matter until all terms and conditions set forth in this settlement agreement have

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a copy of this settlement agreement and all related documents including, but not limited to, complaints, preliminary investigations or prior disciplinary actions.

- RESPONDENT hereby agrees to waive any rights she/he might have to challenge 30. the impartiality of the BOARD to hear the disciplinary complaint, based on prior knowledge obtained by the BOARD through consideration of this settlement agreement, if after review by the BOARD, this settlement agreement is rejected.
- 31. If the BOARD does not accept the settlement agreement, it shall be regarded as null and void. Admissions by RESPONDENT in the settlement agreement will not be regarded as evidence against him at the subsequent disciplinary hearing. The RESPONDENT will be free to defend himself and no inferences against him will be made from his willingness to have entered into this agreement.

Complete Agreement

32. This settlement agreement consists of eight pages and embodies the entire agreement between the BOARD and RESPONDENT. It may not be altered, amended or modified without the express consent of the parties.

NEVADA STATE BOARD OF EXAMINERS OF LONG TERM CARE

ADMINISTRATORS

Nelia V. Buendia

Licensee

Sandy Lampert **Executive Director**

Attorney General's Office 55 E. Washington, Suite 3900 Las Vegas, NV 89101

FOR LONG TERM CARE ADMINISTRATORS

In the Matter of the Complaint for Disciplinary Action Against) Case No. B36102		
JULIETA G. IBAN,)) Filed:		
RESPONDENT)) <u> </u>		
Residential Facility Administrator for	Executive Director		
GOLDEN VALLEY GROUP CARE 2))		
))		

STIPULATION FOR SETTLEMENT OF DISCIPLINARY ACTIONS

WHEREAS, as more fully addressed below, the NEVADA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS, ("BOARD"), and RESPONDENT JULIETA G, IBAN ("RESPONDENT" or "IBAN") (collectively referred to as "the Parties"), hereby enter into this Stipulation for Settlement of Disciplinary Actions as follows:

Jurisdiction

- Pursuant to Nevada Revised Statute 654.110(1)(f), the BOARD has jurisdiction to receive, investigate and take appropriate action with respect to any charge or complaint filed with the BOARD against a licensee.
- RESPONDENT at all times relevant hereto, was and currently is, licensed in the State of Nevada as a residential facility administrator ("RFA") by the BOARD, pursuant to the provisions of Nevada Revised Statutes and Nevada Administrative Code chapters 654.
- At all times relevant hereto, RESPONDENT was the Administrator of GOLDEN
 VALLEY GROUP CAR 2, 1140 Manhattan St., Reno, NV 89512 ("the Facility"),

License No. 5870, and as a result of such licensure, his/her conduct in the capacity of a licensee was and is governed by Nevada Revised Statutes Chapter 654, Nevada Administrative Code 654, and other provisions of Nevada law.

 Pursuant to Nevada Revised Statute 233B.121(5), the BOARD is authorized to enter into a settlement agreement to resolve a disputed matter.

Allegations

- On or about September 9, 2014 through November 21, 2014, the State of Nevada, Division of Public and Behavioral Health ("DPBH") conducted an annual State Licensure survey at Golden Valley Group Care 2, and subsequently DPBH issued its Statements of Deficiencies ("SOD") against the Facility.
- 6. On or about January 22, 2015, the BOARD sent a "Notice Pursuant to Nevada Revised Statutes ("NRS") 233B.127(3) of Intent to Take Administrative Action for Violations of Chapter 654 of NRS and Chapter 449 of NRS" to RESPONDENT, by certified mail, notifying him or her of an investigation concerning allegations of Chapter 654 violations.
- 7. On February 19, 2015, the Board sent correspondence to RESPONDENT, by certified mail, notifying RESPONDENT that sufficient evidence had been found for disciplinary action to be commenced, and that the BOARD proposed such action would be brought for an administrative hearing.
- Respondent acknowledges that information has been received by the BOARD or its agent, which constitutes sufficient grounds for the initiation of an administrative hearing.
- 9. The Parties desire to resolve any disputed matters relating to the BOARD'S investigation, and recognize that continued litigation of this dispute would be protracted, costly and time consuming, and therefore, the Parties have reached a

settlement agreement in the interest of judicial and administrative economy.

Violations of Law

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10. RESPONDENT admits that the conduct set forth in the DPBH survey and/or complaint investigation if proven at a hearing before the Board, would constitute a violation of law regulating the practice of residential facility administrators and/or skilled nursing administrators. RESPONDENT has elected to enter into this settlement agreement rather than face the possibility of further disciplinary action by the BOARD.

Administrative Penalty

11. RESPONDENT shall maintain a grade of C or better for all of her facilities for the twelve (12) months immediately following the Effective Date of the Board's Final order, and agrees that if licensee receives a grade below a C, her license shall be immediately suspended until she comes before the Board at the next Quarterly Board Meeting. Respondent shall also complete 40 hours of the Nevada Best Practices Training to be provided by the Board and 16 CEU hours on Medication, Training and submit the Certificates of Completion to the Board within thirty (30) days after the Effective Date of the Board's Final Order, and pay the following monetary assessment to the BOARD:

Administrative Fine:	Ф	1,000.00
Best Practices Training:		400.00
Administrative & Legal Costs:		<u>375.00</u>
Total Assessed:	\$	1,775.00

Administrative Fine

12. RESPONDENT shall pay to the BOARD the total sum of \$1,775.00, in twelve (12) installments consisting of the first payment being ten (10) percent of the total balance equaling \$177.50 and eleven (11) equal monthly installment payments

Attorney General's Office

\$145.22 thereafter.

- 13. The first payment of \$177.50 is due and payable within thirty (30) days after the EFFECTIVE DATE of the BOARD'S Final Order, with eleven (11) additional installment payments of \$145.22, each installment payment becoming due and payable on the 15th day of each next succeeding month after the first payment, until the total balance due is paid in full. No grace period will be permitted. Any installment payment not actually received by the BOARD on or before its due date shall be construed as an event of default of this agreement by the RESPONDENT.
- 14. Any installment payment not actually received by the BOARD on or before its due date shall be subjected to a Fifty Dollar (\$50.00) late fee and assessed Five Dollars (\$5.00) per day after ten (10) days of due date.
- 15. If monthly installments are not brought current within thirty (30) days of due date, the remaining unpaid balance shall become immediately accelerated, and the total remaining unpaid balance of the monetary assessments shall become immediately due and payable in full. In such event, debt collection actions for unpaid monetary assessments in this case may be instituted by the BOARD.
- 16. In the event of default, RESPONDENT agrees that his/her license shall be immediately suspended. The suspension of RESPONDENT'S license shall continue until the unpaid balance is paid in full.
- 17. RESPONDENT acknowledges that the BOARD has the legal power and authority to take action against her/him, including instituting debt collection actions for unpaid monetary assessments in this case.
- 18. RESPONDENT acknowledges that the BOARD will retain jurisdiction over this matter until all terms and conditions set forth in this settlement agreement have been met to the satisfaction of the BOARD.

STATE OF NEVDA BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS

Minutes of Regular Quarterly Board Meeting

February 9, 2015 9:30 a.m.

Nevada Early Intervention Service 3811 W. Charleston Blvd. Suite 112 Las Vegas, Nevada 89102 and Video Conferencing Nevada Early Intervention Service 2667 Enterprise Rd. Reno, Nevada 89512

- 1. Chair, Margaret McConnell called the meeting to order at 9:35 a.m.
- II. Executive Director, Sandy Lampert called the roll and a quorum was present.

Board Members:

Margaret McConnell, Chair Terry Clodt, Sec/Treas.

Jane Gruner, ADSD - Excused

Lilia Sioson - Excused

Mary Ellen Wilkinson, Vice Chair

Lindsay Hansen, M.D.

Linda Gelinger

Staff:

Sophia Long, Esq. DAG

Sandy Lampert, Executive Director

Guests:

Heather Korbulic, ADSD

Minou Nelson, DPBH

Donald Sampson, DPBH

- III. PUBLIC COMMENTS -
- IV. SECRETARY'S REPORTS:
 - a. Approval of the Minutes of February 9, 2015 Meeting "for possible action" Terry Clodt moved to approve. Linda Gelinger seconded. Motion carried.
- V. ADMINISTRATIVE REPORT: Executive Director, Sandy Lampert, reported that the Board has been accepting payments by Credit Card for about the last 8 months. Also, fingerprints are accepted by cards and electronically. Further, DPBH no longer accepts our background checks since they search for 2 items not currently searched by BELTCA. Therefore, when a workshop is held for amendments to our regulations, this matter will be addressed by using language that refers back to the requirements of the Bureau.

- VI. ADMINISTRATOR LICENSES ISSUED MUST RECEIVE FINAL BOARD APPROVAL WHEN ALL REQUIREMENTS HAVE BEEN MET.
 - a. Nursing Facility Administrator Licenses Issued
 - (1) Weathers, Veronica
 - (2) Gardner, Michelle
 - (3) Pool, Matthew
 - (4) Rance, Aaron
 - (5) Wedemeyer, Jason

Chair, Margaret McConnell, called for a motion. Mary Ellen Wilkinson moved to approve the Nursing Facility Administrator Licenses. Terry Clodt seconded. Motion carried.

- b. Residential Facility Administrator Licenses Issued
 - (1) Handfinger, Brian
 - (2) Smith, Christina
 - (3) Zeneian, Silva
 - (4) Taylor, Gerald
 - (5) Bacal, Rosalie
 - (6) Hicks, Sandy

Chair, Margaret McConnell, called for a motion. Terry Clodt moved to approve the Residential Facility Administrator licenses. Linda Gelinger seconded. Motion carried.

- c. Inactive Requests
 - (1) Cords, Lucinda RFA
 - (2) Cheek, Bradley NFA
 - (3) Anatihan, Desiree RFA
 - (4) Panos, Angela RFA

Chair, Margaret McConnell, called for a motion. Mary Ellen Wilkinson moved to approve the Inactive License Requests. Linda Gelinger seconded. Motion carried.

VII. UNFINISHED BUSINESS:

a. RCAL AIT Program Report – Executive Director, Sandy Lampert, reported that the Board has taken back control of all RFA training except for the first 60 hour Introductory Course. Since the beginning of this fiscal year, we have 14 new candidates. 5 are licensed who have completed our Best Practices training which is provided electronically and our AIT with the help of our mentors. Currently 2 candidates are completing the Best Practices training, 2 are ready to schedule their National NAB Exam. The recent scores of the NAB Exam have been very good, so we are seeing a positive results by taking back all of this work and controlling the program. We have some very dedicated administrators who have stepped up to provide training to our AITs. We would like to thank them and publically and acknowledge them for all of their time and energy. All of the reviews from the candidates on the mentors have been outstanding. Also reported was that the mentors are getting all of the CEUs that our regulations provide for and they are also receiving a \$50.00 credit for each 8 hours of mentoring up to a maximum of \$350.00 to be used for their license renewal. Ms. Lampert asked if the Board would sponsor a luncheon and present plaques for the mentors to say thank you at the next Board meeting for the mentors in the South and at the following meeting in the North.

- b. NFA Lack of AIT Opportunities Mary Ellen Wilkinson reported that this issue is now being looked at on a national level. St. Joseph's University is spearheading placements in the East, but there are still very limited opportunities in the West. Chair, Margaret McConnell, reported that NAB has formed a very large task force to address this issue. Also, Chair, Margaret McConnell, is working on a NAB committee that is putting together a training program for preceptors. Upon completion, this will be an on-line training program that will be free to state boards for the training of their preceptors.
- VIII. NEW BUSINESS:
- IX. DEPUTY ATTORNEY GENERAL'S REPORT -
- X. BOARD MEMBER COMMENTS –
- XI. PUBLIC COMMENTS Heather Korbulic reminded the Board that their Caregiver Conference is being held in Reno. She also discussed AB28 and new BDR 417 which will establish staffing ratios for Nursing Facilities.
- XII. TIME/DATE/LOCATION OF NEXT REGULAR QUARTERLY MEETING The next meeting will be held on Thursday, May 7, 2015 at 9:30 a.m.
- XIII. ADJOURNMENT Meeting was adjourned at 10:00 am.

Respectfully submitted:

Sandy Lampert
Sandy Lampert
Executive Director

Attested by:

Terry Clodt

Secretary/Treasurer

Terry Clodt