

STATE OF NEVADA
BOARD OF EXAMINERS FOR LONG-TERM CARE ADMINISTRATORS
59 Damonte Ranch Parkway Suite B373
Reno, Nevada 89521
Telephone: 775-384-1208 Fax: 775-384-1128
Website: <https://beltca.nv.gov>
E-mail: beltca@beltca.nv.gov

Draft Minutes of Regular Quarterly Board Meeting

Date & Time: Wednesday, November 6, 2024, at 10:00 am
Place of Meeting: Virtually via Zoom:

<https://zoom.us/j/94883146352?pwd=DioXenCsqnkVIE9fntt81zqGhdXNrU.1>

Meeting ID: 948 8314 6352

Passcode: 124331

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I. Chair, Margaret McConnell called the meeting to order at 10:02 a.m.

II. MISSION STATEMENT:

It is the mission of the Nevada Board of Long Term Care Administrators (BELTCA) to license and regulate long term care administrators in Nevada, including Nursing Home Administrators, Residential Facilities for Groups Administrators, and Health Service Executives. The Board provides consumers with an assurance of the qualifications of licensees, along with a means of enforcement for the benefit of the public, to ensure Nevada's citizens are served in a dignified and caring manner.

III. ROLL CALL: Executive Director, Mary Wilkinson called the roll and a quorum was present.

Board Members:

Margaret McConnell, Chair
Lisa Meyer, Vice Chair
Lindsay Hansen, M.D.

Dena Schmidt, ADSD Excused
Douglas Sinclair
Brooke Westlake
Daniel Mathis

Staff:

Mary Wilkinson, Executive Director

Legal Counsel:

Louis Ling, Esq.

Guests:

Darin Polin, NFA
Purite Williams, ADSD
Dena Portello
Kim Harris, NFA

Christina Perez, RFA
Shawn Morris, NFA
Amanda Lawson, NFA
Jesusa Morgan, NHA

Brigham Church, NFA
Kim Harris, NFA
Marie Coe, ADSD
Jerry Swearingen, Applicant

IV. PUBLIC COMMENTS

Chair, Margaret McConnell asked if there is anyone who would like to make a public comment at this point.

Legal Counsel, Mr. Ling reminded all attendees that if there were comments on the regulation they should wait until we get to that agenda item as there will be a public comment portion of the regulation hearing later on today.

No public comments were made. Chair, Margaret McConnell reminded attendees that more public comment is on the agenda towards the end of the meeting and that comments can also be made on the regulation hearing.

V. Regulation Hearing

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of a regulation that pertains to Chapter 654 of the Nevada Administrative Code, LCB File No. R106-24.

Chair, Margaret McConnell explained the purpose of the Regulation changes: *“The purpose of the proposed regulation is: (1) to improve and streamline the licensure process by removing outdated requirements and references; (2) remove language that is outdated or unnecessary; (3) improve compliance with various notifications from licensees to the Board so that the public can better know which licensee is serving where; and (4) update and modernize investigative and disciplinary procedures”*

Chair, Margaret McConnell requested Louis Ling, Counsel to the Board to further discuss the Regulation to the Board. Mr. Ling noted that the Legislative Committee attended by himself and

Ms. Wilkinson in September would not pass without two (2) Amendments to the Regulation. He informed the Board that per Statute, Boards may not require applicants for licensure to declare citizenship. In order to enhance the chances of passage and remain in compliance with Statute, Mr. Ling recommended to the Board to eliminate citizenship questions under Section 5.1.b and Section 10.1.a of the regulations prior to the Board vote.

The Regulation Hearing was opened to public comment. There being no public comment, Mr. Ling called for a motion to close the public hearing. Motion was made by Brooke Westlake and seconded by Dr. Lindsey Hansen to close the public hearing. Motion carried.

Chair, Margaret McConnell asked for a Motion to adopt the regulations as written with Amendments recommended by Counsel. Motion to adopt the regulations with suggested amendments in Section 5.1.b and Section 10.1.a was made by Douglas Sinclair; seconded by Lisa Meyer. There being no further discussion, Motion Carried.

Brooke Westlake made a motion to close the regulation component of the hearing. Dr. Lindsay Hansen seconded the motion. There being no further discussion, Motion passed unanimously.

VI. SECRETARY'S REPORT: Approve Minutes of August 7, 2024, meeting "for possible action". Chair, Margaret McConnell called for a motion to approve the minutes of August 7, 2024 which are included in the distributed to Board Members. Lisa Meyer made a motion to approve the minutes; Daniel Mathis seconded the motion. Motion passed with Brooke Westlake abstaining from the vote as she was not in attendance at the August 7 meeting.

VII. ADMINISTRATIVE REPORT "for possible action"

Mary Wilkinson, Executive Director noted that when receiving names to add to the agendas, we are unable to take requests through LinkedIn and requested emails instead. This will insure that the names will be added.

VIII. ADMINISTRATOR LICENSES ISSUED MUST RECEIVE FINAL BOARD APPROVAL WHEN ALL REQUIREMENTS HAVE BEEN MET.

- a. Health Services Executive Licenses Issued "for possible action:
- b. Nursing Facility Administrator Licenses Issued "for possible action"
 - (1) Meadows, Justin
 - (2) Polin, Darren C.
 - (3) Miller, Trevor
 - (4) Jewett, Robert A.
 - (5) Howet, Annabelle
- c. Residential Facility Administrator Licenses Issued "for possible action"
 - (1) Mitchell, Samantha
 - (2) Perez, Christina
 - (3) Weaver, Ryan

- d. Inactive Requests “for possible action”
 - (1) Gay, Lindsey, NFA
 - (2) Rodrigues, Jessica RFA

- e. Approve/Deny RFA Application “for possible action” May go into Closed (Executive) Session per NRS 241.030
 - (1) Swearingen, Jerry

Chair, Margaret McConnell called for a motion to approve items b, c and d. Douglas Sinclair moved to approve. Daniel Mathis seconded. There being no further discussion, Motion passed.

Chair, Margaret McConnell informed Mr. Swearingen (VII, e., (1) that he had the right to request a closed session in accordance with NRS 241.030 regarding his license. Mr. Swearingen stated that he did not require a closed meeting. The Chair noted that Mr. Swearingen waived his right to a closed session to which Mr. Swearingen agreed. The Chair informed Mr. Swearingen that regulations required denial of his licensure application and that his recourse is to re-apply with correct application information.

IX. UNFINISHED BUSINESS

There were no unfinished business items

X. NEW BUSINESS

There were no new business items

XI. LEGAL COUNSEL REPORT

Mr. Ling reminded the Board of 2 lawsuits that were brought against the board by a place for Mom. One was a public records lawsuit. The other one was a lawsuit related to the open meeting law and our regulations, and they were seeking various kinds of injunctive relief to get us to change our regulations. Since we have now changed the regulations we addressed the public records question by getting them the records they were requesting. The second referenced open meeting law issue. Through negotiations with their counsel, Mr. Barney, both cases were dismissed. One of them was dismissed on Monday, the other one the judge signed yesterday afternoon. They were dismissed with prejudice, meaning they cannot refile them, and they were dismissed with both parties bearing their own fees and costs. The Board will not incur fees and costs to a Place for Mom and the matter(s) are ended.

Chair, Margaret McConnell thanked Mr. Ling reminding the Board that this was not accomplished easily. Mr. Ling had to make numerous contacts with the litigators, and successfully negotiated on behalf of the Board and our licensees.

XII. BOARD MEMBER COMMENTS

Daniel Mathis gave an update on the newest category of facilities, intermediate care, facility for individual intellectual disability, non-medical. This category has been under a trial period with Clark County, State of Nevada, Medicaid. One six bed facility that was open for individuals with intellectual disabilities, with behavioral components. The demonstration period has ended and the State has decided to move forward with the development of the of this type of facility. Regulatory updates are not known to date.

Chair, Margaret McConnell asked Mr. Mathis if, with the State moving forward with this, Administrator licenses would be impacted. Mr. Mathis stated that they are required to have a Skilled Nursing Facility License and no information has come forward to change that requirement.

Chair, Margaret McConnell requested further updates to the Board Executive Director should this topic be part of a future agenda.

XIII. PUBLIC COMMENTS

There were no comments by the public or guests.

XI. TIME/DATE/LOCATION OF NEXT REGULAR QUARTERLY MEETING(S) “for possible action”

The Board will meet on Wednesday, February 5, 2025, at 10:00 am via Zoom.

XII. ADJOURNMENT

Chair, Margaret McConnell called for a motion to adjourn at 10:42 am. Daniel Mathis moved to adjourn. Douglas Sinclair seconded. There being no further discussion, Motion passed.

Respectfully submitted:

Mary Wilkinson
Executive Director

Attested by:

Dena Schmidt
Secretary/Treasurer