

**NEVADA BOARD OF EXAMINERS
FOR
LONG TERM CARE ADMINISTRATORS**

**MINUTES OF REGULAR QUARTERLY BOARD MEETING
JULY 27, 2011 and JULY 28, 2011**

9:30 A.M.

**GRANT SAWYER STATE OFFICE BUILDING
CONFERENCE ROOM 4401
555 EAST WASHINGTON AVENUE
LAS VEGAS, NEVADA
VIDEO CONFERENCE
LEGISLATIVE COUNSEL BUREAU
CONFERENCE ROOM 2134
401 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701**

- I. Margaret McConnell, Chairperson, called the meeting to order at 9:50 a.m.
- II. Sandy Lampert, Executive Secretary, called the roll and a quorum was present.

Board Members:

Margaret McConnell, Chair
Douglas Sinclair, Secretary/Treasurer
Lindsay Hansen, M.D.
Carol Sala, Administrator, ADSD

Mary Ellen Wilkinson, Vice Chair
Terry Clodt
Linda Gelinger, NFA

Staff:

Sophia G. Long, Esq., DAG
Kali Miller, Esq., Bd. DAG, Pro Tem

Sandy Lampert, Executive Secretary
Rene' Hannah, Court Reporter

Guests:

Don Dehar, Senior Advocate
Theresa Brushfield, RFA Administrator
Donald Trump, Emeritus @ Spring Valley
Jennifer Taft, Emeritus @ Spring Valley
Joe Tinio, ECHO
Teresa Stricker, ADSD, State Ombudsman

Carson City:

Patricia Chambers, BHCQC
Jaris Beltejar

Jorabel Beltejar
Enlyn Beltejar

- III. Public Comments



Don Dehar spoke requesting wider notification of Board Meetings to Nursing Homes and Social Workers, Case Managers, etc. so that those staff who are responsible for referrals are better informed. Joe Tinio, from ECHO stated that the needed information was available on the HCQC Website.

IX. Hearing in the Matter of the Complaint for Disciplinary Action Against Imelda Galanga, Residential Facility Administrator, License No. RFA 9206 “for possible action”.

Sophia Long, Deputy Attorney General has asked for a motion to continue this matter. Motion to continue made by Douglas Sinclair, Seconded by Carol Sala. Motion carried

V. Hearing in the matter of the Complaint for Disciplinary Action Against Carey Clopot, Residential Facility Administrator, License No. RFA 5721 “for possible action”.

And

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And

VII. Hearing in the Matter of the Complaint for Disciplinary Action Against Peterson Durias, Residential Facility Administrator, License No. RFA 6083 “for possible action”

And

VIII. Hearing in the Matter of the Complaint for Disciplinary Action Against Josephine Eugenio, Residential Facility Administrator, License No. RFA 7078 “for possible action”

And

XIII. Hearing in the Matter of the Complaint for Disciplinary Action Against Marieta Narcisco, Residential Facility Administrator, License No. RFA 5650 “for possible action”

And

XIV. Hearing in the Matter of the Complaint for Disciplinary Action Against Warlito Pizarro, Residential Facility Administrator, License No. RFA 8057 “for possible action”

And

XV. Hearing in the Matter of the Complaint for Disciplinary Action Against Marina Vaughn, Residential Facility Administrator, License No. RFA 5851 “for possible action”

Sophia Long, Deputy Attorney General, explained that all of the above cases were provided with a Settlement Proposal and all have agreed. The Board has the option to collectively accept the Settlement Agreements, or the Board can pull any case that a member disagrees with the proposal for action to be heard at a later date. The Board cannot reject an item of the agreement. The agreement must be agreed upon in its entirety. Chairperson, Margaret asked for a motion to approve all of the Settlement Agreements. Lindsay Hansen moved to approve all of the agreements. Douglas Sinclair seconded the motion. Motion carried. Terry Clodt abstained.

X. Hearing in the Matter of the Complaint for Disciplinary Action Against Patricia Lite, Residential Facility Administrator, License No. RFA 5652 Case No B-35931 “for possible action”

Sophia Long, Deputy Attorney General informed the Board that Patricia Lite has signed a Waiver of Attending the Hearing and Stipulation of Fact. Margaret McConnell called for a motion to approve the Stipulation of Fact. Douglas Sinclair moved to accept the Stipulation of Fact. Lindsay Hansen seconded the motion. Motion carried. Terry Clodt abstained.

Margaret McConnell called for a motion to determine guilt. Douglas Sinclair moved to find

Ms. Lite guilty per the Stipulation of Facts. Lindsay Hansen seconded. Motion carried. Terry Clodt abstained.

Chair, Margaret McConnell called for a motion to determine disciplinary action.

Terry Clodt moved to impose an Administrative Fee in the amount of \$400.00, Disciplinary Fine of \$1,000.00 and all costs associated with the case. The terms of payment are as follows: First payment being ten (10) percent of the total order followed by 11 equal monthly payments due on the 15th day of each month following the initial payment until the fine is paid in full. No grace period will be permitted. Any installment payment not actually received by BELTCA on or before its due date will be subject to a Fifty Dollar (\$50.00) late fee and assessed Five Dollars (\$5.00) per day after ten (10) days of the due date. If the monthly installments are not brought current within thirty (30) days of due date, it will be considered as a default by respondent. In the event of default, the respondent agrees that his/her license shall be immediately suspended. The unpaid balance shall become immediately accelerated and shall be due in full to BELTCA within 10 calendar days of the date of the default. The suspension of Respondent's license shall continue until the unpaid balance is paid in full. Other debt collection actions for unpaid monetary assessments in this case may be instituted by BELTCA. BELTCA agrees not to pursue any other or greater remedies or fines in connection to the respondent's alleged conduct referenced herein. Once this order is fully performed, BELTCA will close its file on this matter. Douglas Sinclair seconded the motion.

Motion carried. Terry Clodt abstained.

XI. Hearing in the Matter of the Complaint for Disciplinary Action Against Patricia Lite, Residential Facility Administrator, License No. RFA 5652 Case No. B-35960 "for possible action"

Sophia Long, Deputy Attorney General informed the Board that Patricia Lite has signed a Waiver of Attending the Hearing and Stipulation of Fact. Margaret McConnell called for a motion to approve the Stipulation of Fact. Lindsay Hansen moved to accept the Stipulation of Fact. Douglas Sinclair seconded the motion. Motion carried. Terry Clodt abstained.

Margaret McConnell called for a motion to determine guilt. Douglas Sinclair moved to find Ms. Lite guilty per the Stipulation of Facts. Lindsay Hansen seconded. Motion carried. Terry Clodt abstained.

Chair, Margaret McConnell called for a motion to determine disciplinary action.

Terry Clodt moved to impose an Administrative Fee in the amount of \$400.00, Disciplinary Fine of \$1,000.00 and all costs associated with the case. The terms of payment are as follows: First payment being ten (10) percent of the total order followed by 11 equal monthly payments due on the 15th day of each month following the initial payment until the fine is paid in full. No grace period will be permitted. Any installment payment not actually received by BELTCA on or before its due date will be subject to a Fifty Dollar (\$50.00) late fee and assessed Five Dollars (\$5.00) per day after ten (10) days of the due date. If the monthly installments are not brought current within thirty (30) days of due date, it will be considered as a default by respondent. In the event of default, the respondent agrees that his/her license shall be immediately suspended. The unpaid balance shall become immediately accelerated and shall be due in full to BELTCA within 10 calendar days of the date of the default. The suspension of Respondent's license shall continue until the unpaid balance is paid in full. Other debt collection actions for unpaid monetary assessments in this case may be instituted by BELTCA. BELTCA agrees not to pursue any other or greater remedies or fines in connection to the respondent's alleged conduct

referenced herein. Once this order is fully performed, BELTCA will close its file on this matter. Douglas Sinclair seconded the motion. Motion carried. Terry Clodt abstained.

XII. Hearing in the Matter of the Complaint for Disciplinary Action Against Patricia Lite, Residential Facility Administrator, License No. RFA 5652 Case No. B-39534 "for possible action"

Sophia Long, Deputy Attorney General informed the Board that Patricia Lite has signed a Waiver of Attending the Hearing and Stipulation of Fact. Margaret McConnell called for a motion to approve the Stipulation of Fact. Lindsay Hansen moved to accept the Stipulation of Fact. Carol Sala seconded the motion. Motion carried. Terry Clodt abstained.

Margaret McConnell called for a motion to determine guilt. Douglas Sinclair moved to find Ms. Lite guilty per the Stipulation of Facts. Lindsay Hansen seconded. Motion carried. Terry Clodt abstained.

Chair, Margaret McConnell called for a motion to determine disciplinary action. Lindsay Hansen moved to impose an Administrative Fee in the amount of \$400.00, Disciplinary Fine of \$1,000.00 and all costs associated with the case. The terms of payment are as follows: First payment being ten (10) percent of the total order followed by 35 equal monthly payments due on the 15th day of each month following the initial payment until the fine is paid in full. No grace period will be permitted. Any installment payment not actually received by BELTCA on or before its due date will be subject to a Fifty Dollar (\$50.00) late fee and assessed Five Dollars (\$5.00) per day after ten (10) days of the due date. If the monthly installments are not brought current within thirty (30) days of due date, it will be considered as a default by respondent. In the event of default, the respondent agrees that his/her license shall be immediately suspended. The unpaid balance shall become immediately accelerated and shall be due in full to BELTCA within 10 calendar days of the date of the default. The suspension of Respondent's license shall continue until the unpaid balance is paid in full. Other debt collection actions for unpaid monetary assessments in this case may be instituted by BELTCA. BELTCA agrees not to pursue any other or greater remedies or fines in connection to the respondent's alleged conduct referenced herein. Once this order is fully performed, BELTCA will close its file on this matter. Chair, Margaret McConnell asked that Dr. Hansen amend his motion to extend payments of 36 months instead of 12. Motion so amended. Douglas Sinclair seconded. Motion carried. Terry Clodt abstained.

Chair, Margaret McConnell asked for a short break until 10:50 am.

Meeting reconvened at 11:05 am.

XVI. Secretary/Treasurer's Reports

Chair, Margaret McConnell asked for a motion to approve the Minutes of May 4th. Douglas Sinclair motioned to approve. Carol Sala seconded. Motion carried.

Douglas Sinclair reviewed the financial report. Terry Clodt moved to approve the report. Lindsay Hansen seconded. Motion carried.

XVIII. Administrator Licenses Issued Must Receive Final Board Approval When all Requirement Have Been Met.

a. Nursing Facility Administrator Licenses Issued "for possible action"

1. Cole, Peggy Sue
2. McGuire, Gary
3. Thatcher, Brent
4. Lomeli-Jimenez, Victor
5. Rasmussen, Ryan
6. Morache, Edmond

Terry Clodt moved to accept the candidates for Nursing Facility Administrator. Carol Sala Seconded. Motion carried.

b. Residential Facility Administrator Licenses Issued "for possible action"

1. Micali, Jane
2. Brown, Frederick D.
3. Harrison, Michael
4. Devano, Belinda
5. DeLeon, Navarrie
6. Ton, Miki
7. Hirschorn, Leonard
8. McClain, Susan M.
9. Call, Jake R.

Douglas Sinclair moved to accept the candidates for Residential Facility Administrator. Terry Clodt seconded. Motion carried.

c. Inactive Requests "for possible action"

1. Farris, Geri, RFA
2. Ottley, Brett, NFA
3. Provo, Rosemary, NFA

Terry Clodt moved to accept the requests. Douglas Sinclair seconded. Motion carried.

IV. Hearing in the matter of the Complaint for Disciplinary Action Against Theresa Brushfield, Residential Facility Administrator License No. RFA 5778

Sophia Long, Deputy Attorney General advised the Board that Ms. Brushfield and her attorney, Dan Winder, are present and that Ms. Brushfield has signed a Stipulation for Settlement Agreement. Ms. Long recommended that the Board accepts the Stipulation for Settlement of Disciplinary Action. Summary of the settlement as follows: Disciplinary Fine of \$500.00, Cost to BELTCA of \$400.00 and attorney fees in the amount of \$1,639.32 for a total monetary assessment of \$2,539.32. Total paid to the Board in 18 installments. The first payment of 10% of the total balance in the amount of \$254.01 is payable within 30 days after the effective date of the Board's Order. The additional 17 installments of \$134.43 will be paid on the 15th day of each next month until the entire balance is paid in full. No grace period. 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 and any installment payment not actually received by the Board shall be subject to a \$50.00 Late Fee and an assessment of \$5.00 per day after 10 days of the due date. If monthly installments are not brought current within 30 days, the remaining unpaid balance shall become immediately accelerated and the entire unpaid balance of the monetary assessment shall become immediately due and payable in full, and in such event debt collection actions for unpaid monetary assessments in this case may be instituted by the Board. In the event of default, the respondent agrees that her license shall be immediately suspended and the suspension of respondent's license shall continue until the unpaid balance

is paid in full. She further acknowledges that this Settlement Agreement is not effective until the Board adopts the settlement agreement.

Douglas moved to accept the Settlement Agreement. Lindsay Hansen seconds. Motion carried. Terry Clodt abstained.

XX. New business

a. Requests for Mailing Lists "for possible action"

Executive Secretary, Sandy Lampert, informed the Board that currently when we get requests for mailing lists we only send facility information. Administrators who are not affiliated with a facility are not included. Sophia Long was asked whether or not we could include personal information. Discussion followed. Douglas Sinclair moved to provide personal information when given consent by administrator by application or email. Terry Clodt seconds. Motion carried.

f. Procedure for Disciplinary Actions "for possible action"

Questions regarding the new procedure of Proposed Disciplinary Action were heard with regard to what happens if a licensee does not send back his/her response. Then, if they send back the approval, would this settlement have to be approved by the Board and then would an Order need to be drafted? It was determined that if a licensee does not respond, the case would be sent to Board investigator and a formal complaint would be initiated. Approvals need to be accepted by the Board, and Orders are then drafted.

XXV. Chair, Margaret McConnell adjourned at 11:50 a.m.

DRAFT OF MINUTES – MEETING JULY 28, 2011

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

Board Members:

Margaret McConnell, Chair	Mary Ellen Wilkinson, Vice Chair
Douglas Sinclair, Secretary/Treasurer	Terry Clodt
Lindsay Hansen, M.D.	Linda Gelinger, NFA
Carol Sala, Administrator, ADSD	

Staff:

Sophia G. Long, Esq., DAG	Sandy Lampert, Executive Secretary
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Guests:

Rosemary Womack	Lynn Ann Homnick, RFA
Leilani George, RFA	Nana Gyeabour, RFA

Carson City:

Patricia Chambers, BHCQC

III. Public Comments

XVIII. d. Review Probation Requirements “for possible action”

1. Leilani George

As part of a disciplinary action from August of 2010, Ms. George was given Probation for 2 years from October 10, 2010 and she must attend every other Quarterly Board Meeting to discuss her operations.

Leilani George informed the Board that she was currently the administrator at 2 homes, Desert Breeze with 5 beds, and Queen Desert licensed for 6 beds. Both received As on their last surveys. Desert Breeze was surveyed on November 10, 2010, and Queen Desert was surveyed on July 10, 2011. Ms. George was required to complete 8 hours CEUs on the Review of Rules and Regulations. Ms. George confirmed that she completed this requirement in January, and this was confirmed by Sandy Lampert, Executive Secretary. Terms of the probation also limited Ms. George to a maximum of three facilities. Mary Ellen Wilkinson then commended Ms. George for taking these actions seriously and meeting all requirements.

e. Review request by Nana Gyeabour for secondary license “for possible action”

Chair, Margaret McConnell asked for a motion to Close the meeting. Douglas Sinclair moved to close the meeting. Mary Ellen Wilkinson seconded. Motion Carries.

Douglas Sinclair motioned to Return to Open the Session. Terry Clodt seconds. Motion carried.

Douglas Sinclair motioned to grant Mr. Gyeabour 3 secondary licenses with the provisions that he will not drive any residents for 1 year, he will come before the board every other meeting for 2 years to report on the status of his facilities, all surveys need to maintain at least a B and copies of the surveys will be provided to the Board. Lindsay Hansen seconds. Motion carried.

XXIII. Public Comments

Patti Chambers, HCQC, informed the Board that it is now possible to access the survey data base remotely and that as ordered by Governor Sandoval, HCQC will have to do a comprehensive regulatory review.

Starting in 2012, HCQC will not be issuing licenses. Instead they will send out stickers like those used by the DMV.

There were about 30 bills adopted in the last legislative session. Some of those effecting Skilled Facilities and Group Homes are as follows:

AB50 – Concerning Unlicensed Group Homes – Unlicensed homes will be charged for the cost of the inspection.

AB123 – Skilled & Group Homes – Must provide an itemized statement of charges and must notify responsible parties when the health or safety of a resident is threatened.

AB533 – Skilled & Group Homes – Owner or Administrator cannot be a beneficiary of a will or insurance policy of a former or current resident, and cannot be the power of attorney for health decisions for any current or former resident except for establishing Medicaid eligibility.

AB534 – Unlicensed Group Homes – Establishes a \$10,000.00 penalty for operating an unlicensed group home for the 1st offense, \$20,000.00 for the 2nd offense and \$50,000.00 for the 3rd.

AB535 – Skilled & Group Homes – Establishes penalty of \$10,000.00 for 1st offense, \$20,000.00 for 2nd for inappropriate referral to a group home or unlicensed facility.

SB129 – Skilled & Group Homes – All new applicants must attend training on Elder Abuse and all employees must take annual training. If an administrator does not require this training for staff, the administrator will be reported to BELTCA.

SB420 – Skilled & Group – Must have a bed hold policy and organization information posted in a conspicuous location.

SB338 – Skilled Facilities with more than 25 beds must post information regarding infection control.

XIX. Unfinished Business

e. Paperhangers and Provisional Licenses “for possible action”

Rosemary Womack spoke about the Administrators with multiple licenses

d. 24 Hour CEU program – Lynn Homnick – The first 3 classes will be Administration, Resident Care and Dietary. Classes will be held in September, October and November at the Flamingo Library.

b. RCAL AIT Program – Rosemary Womack reported that 6 Candidates will complete by 8-17-11

a. Nursing Home AIT Program – Linda Gelinger will send out a letter to those facilities who have not responded within the next 30 days. Mary Ellen Wilkinson motioned that facilities that do not submit their program within the next 45 days will not be approved. Lindsay Hansen seconds. Motion carried. Sandy Lampert will put the approved programs on the Website. Jane Baker from North Carolina provided BELTCA with a copy of their training manual for AIT programs for review.

c. Dual Licenses held by licensees for RC/AL Facilities and Nursing Facilities “for possible action” – Chair, Margaret McConnell stated that HCQC at times makes special provisions for a NFA to have 2 licenses hanging during a crisis. Per NAC 654.250, a NFA may not be the administrator of record for more than one nursing facility at the same time for more than 90 days in a calendar year. Question asked if we need to make some regulation changes regarding this issue. Mary Ellen Wilkinson brought up the issue of “Continuum of Care” facilities and the need for a consistent community. Margaret McConnell addressed the issue of proximity for dual licenses and suggests that we partner with HCQC regarding this issue.

XXI. Deputy Attorney General Report

Sophia Long reported on the change of the Open Meeting Laws, AB 59 and AB 257. AB59 refers to the Agenda which adds “for possible action” to the end of any actionable items. AB257 requires that the agenda states that items may be taken out of order, items may be combined for consideration by the Public Body, and items may be pulled or removed from the agenda at any time. Public Comment notice includes no restriction of time. NRS 241.040 requires that there be more than 1 Public Comment section. It also authorizes the Attorney General’s Office to seek a civil penalty not to exceed \$500 for any violation of the Open Meeting laws against any member of a Public Body when they know and actively participate in violating the Open Meeting Law.

XXIV. The next quarterly meeting will be held on October 13, 2011 at 1:00 pm and extended to October 14, 2011 at 9:00 am if needed.

Respectfully submitted:

Sandy Lampert

Sandy Lampert
Executive Secretary

Attested:

Douglas Sinclair

Douglas Sinclair
Secretary/Treasurer