State Board of Examiners of Nursing Home Administrators August 30, 2023

4 5 6

1 2

3

BOARD MEMBERS:

7

8 Sharon K. McDermond, NHA, Chairperson 9 Arion R. Claggett, Acting Commissioner, Bureau of 10 Professional and Occupational Affairs 11 Ilene Warner-Maron, Ph.D., Vice Chairperson 12 Ann Chronister, Department of Health

13 Michael P. Kelly, NHA 14 Francis J. King, NHA

Robert L. Wernicki, NHA

16 | Sara L. King, NHA

Carrie E. Wilson, Office of Attorney General, Bureau of Consumer Protection

David R. Hoffman, Public Member

20 21

15

17

18

19

BUREAU PERSONNEL:

22 23 24

25

26

2728

29

Sean C. Barrett, Esquire, Board Counsel
Trista M. Boyd, Esquire, Board Prosecutor
Kathryn E. Bellfy, Esquire, Board Prosecution Liaison
Deidre Bowers, Board Administrator
Thomas Leech II, Acting Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

30 31 32

ALSO PRESENT:

37

38

39

40

41

Charles (Chachi) Angelo, Director of External Affairs,
Pennie

Jeanne O'Brien, Outreach Coordinator, Pennie Michelle Yvonne Fullerton, Applicant Stefanie Lynn Melick Aril Jefferys Nazirah Sabree

42 Nazirah Sabree 43 Tiffany Ferrieri 44 Jorganna Showers

45 46 47

48 49

* * *

1

4

5

11

13

14

15

16

17

23

24

25

2 State Board of Examiners of 3 Nursing Home Administrators

returned to open session at 10:30 a.m.]

August 30, 2023

* * *

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 10:00 a.m. the Board entered into Executive
8 Session with Sean C. Barrett, Esquire, Board Counsel,
9 for the purpose of conducting quasi-judicial
10 deliberations and to receive legal advice. The Board

12 **

The regularly scheduled meeting of the State
Board of Examiners of Nursing Home Administrators was
held on Wednesday, August 30, 2023. Sharon K.
McDermond, NHA, Chairperson, called the meeting to
order at 10:36 a.m.

18

[Sean C. Barrett, Esquire, Board Counsel, informed everyone that the meeting was being recorded, and those who continued to participate were giving their consent to be recorded.

Mr. Barrett also noted the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations on a number of matters

```
4
   that are currently pending before the Board and to
1
2
   receive the advice of counsel.
3
4
   Roll Call of Board Members
5
   [Sharon K. McDermond, NHA, Chairperson, requested a
6
   roll call of Board members.]
                              * * *
7
8
   Introduction of Attendees
9
   [Thomas Leech II, Acting Board Administrator,
10
   provided an introduction of attendees.]
11
12
   [Arion R. Claggett, Acting Commissioner, Bureau of
13
   Professional and Occupational Affairs, informed Mr.
14
   Kelly that he would not be called on to vote because
15
   he is utilizing a phone and is not part of Teams.]
16
   Appointment - Pennie and the Unwinding of Medicaid
17
18
     Presentation
19
   [Charles (Chachi) Angelo, Director of External
20
   Affairs, Pennie, presented to the Board to provide
21
   information regarding the importance of enhancing the
22
   awareness of Pennie and to provide an update on
23
   Medicaid unwinding. He noted there was unanimous
24
   bipartisan effort in the House and Senate to pass
25
   legislation for Pennsylvania to move away from
```

HealthCare.gov to set up a its own exchange called the Pennsylvania Health Insurance Exchange Authority known as Pennie at pennie.com.

Mr. Angelo mentioned that one side of the legislation was to set up the exchange and then to launch a reinsurance program to increase savings and keep costs at a manageable level for middle income families and individuals.

Mr. Angelo noted their mission statement is to maximize the number of Pennsylvanians with affordable quality health coverage and facilitate consumer decision-making for them and their families. He stated Pennie is the official health insurance marketplace for Pennsylvanians who fall into the gray area and do not have coverage through their employer or qualify for Medicaid. He noted Pennie works with Medicaid and the Children's Health Insurance Program (CHIP) to have a No Wrong Door policy.

Mr. Angelo reported 371,000 Pennsylvanians enrolled through Pennie after the last open enrollment and about 90 percent are eligible for financial assistance. He mentioned that Pennie is the only source to link folks to the federal subsidy, which includes advanced premium tax credits and costsharing reductions. He addressed gold, silver, and

bronze tiers, noting individuals pay a lower deductible with a higher metal tier and individuals with a bronze plan may be eligible for a silver plan for even more financial assistance and a higher quality plan.

Mr. Angelo reported that a quarter of Pennie customers are paying about \$30 a month, around 15 percent are paying less than \$1 a month, and almost 40 percent of customers are paying less than \$75 a month.

Mr. Angelo addressed open enrollment, noting individuals have from November 1 to January 15 to enroll, along with a special enrollment period that runs throughout the year for a qualifying life event. He provided a list of qualifying life events, along with creating new qualifying life events, including those at or below 150 percent of the federal poverty level and may be helpful for individuals no longer eligible for Medicaid.

Mr. Angelo addressed the Path to Pennie program in collaboration with the Department of Revenue and referred to Form PA-40, where an individual could attest to being uninsured and interested in learning more about coverage through Pennie during the tax season. He noted Pennie reaches out to the

1 individual and provides an estimate of their subsidy 2 or financial savings.

Mr. Angelo stated anyone receiving Medicaid did not have to respond with a renewal packet since the pandemic, but the redetermination process started on April 1 to pre-pandemic processes, where those receiving Medicaid must respond to the renewal packet.

Mr. Angelo noted the Department of Human Services (DHS) is assisting and anyone deemed ineligible would be transferred to Pennie and provided a 120-day enrollment period but encourage to choose a plan within the first 60 days to have continuous coverage. He mentioned that Pennie is also receiving information from DHS for individuals who do not respond to the renewal packet.

Dr. Warner-Maron asked whether coverage is available for nursing home residents under Pennie.

Mr. Angelo explained that everyone should check out their options, noting it is commercial coverage that offers financial savings if they go through Pennie.

Mr. Wernicki, requested information regarding how much money goes to Pennie and their annual budget.

Mr. Angelo addressed Pennie's budget, noting

Pennie is an independent, self-funded agency through a user fee that insurance companies pay and is not under the governor's jurisdiction. He noted the annual budget for 2023 was around \$53 million.

Mr. Angelo further explained that Pennie is through the federal legislation from the Affordable Care Act that set up an individual marketplace for individuals who do not receive coverage from their employer and so individuals could not be denied care with preexisting conditions. He noted it to be Pennsylvania setting up their own marketplace with taxpayer dollars helping with the federal subsidies. He further explained \$53 million is their state agency budget but does not know the federal dollar amount for the federal subsidy.

Mr. Angelo addressed infrastructure, where individuals could receive help from customer service, along with help from over 3000 Pennsylvania brokers and about 300 assistors. He also mentioned help is available within the revenue cycle of a hospital or a health system. He noted they also have multilingual customer service representatives and translators to be a moderator between the customer and the customer service representative.

Mr. Angelo mentioned the addition of a new chat

- 1 | feature, along with self-help tools and videos
- 2 available at pennie.com. He noted Jeanne O'Brien is
- 3 the outreach coordinator for southeastern
- 4 | Pennsylvania, along with having resources in other
- 5 areas across Pennsylvania, who could provide
- 6 presentations to organizations. He offered to
- 7 provide free Pennie materials that are available in
- 8 their toolkits.
- 9 Mr. Angelo encouraged everyone to visit
- 10 pennie.com for enrollment and outreach events. He
- 11 informed everyone of a Pennie Community Workgroup
- 12 | that meets the second Friday of every month to learn
- 13 more about policy and outreach initiatives. He also
- 14 encouraged everyone to refer anyone who may need
- 15 coverage to pennie.com to help them receive coverage
- 16 | through their No Wrong Door policy.
- 17 Mr. Wernicki asked how long someone could be on
- 18 | Pennie coverage and whether Pennie coverage pays for
- 19 a stay at a nursing home.
- 20 Mr. Angelo explained that someone could stay on
- 21 Pennie as long as they are eligible but did not know
- 22 | whether Pennie would pay for a stay at a nursing home
- 23 and suggested reaching out to a broker, an assistor,
- 24 or service representative. He also referred him to
- 25 penny.com to search the plan comparison tool.

- Mr. Wernicki commented that it would be encouraging for nursing homes to maybe have residents who would be eligible for Pennie with the unraveling of Medicaid and growth of Pennie plans.
- Mr. Angelo offered to explore that issue a little more and welcomed the Board to reach out with other things that may be specific to their industry, where Pennie may be able to provide assistance.
- Dr. Warner-Maron commented that the targeted
 audience would be the families of the nursing home
 residents and not the residents themselves because
 many of the family members could use healthcare
 insurance themselves.]
- 14
- 15 Appointment Michelle Yvonne Fullerton 39.5(b)(5)
- 16 Applicant

1

2

3

4

5

6

- 17 [Sean C. Barrett, Esquire, Board Counsel, informed
- 18 everyone that Ms. Fullerton is required to appear
- 19 before the Board to ensure qualifications under
- 20 | 39.5(b)(5).
- 21 Chair McDermond asked Ms. Fullerton to explain
- 22 her responsibilities in the Administrator-in-Training
- 23 (AIT) program and learning the role of the
- 24 administrator in detail.
- 25 Michelle Yvonne Fullerton, LPN, Margaret E. Moul

Home, explained that she works a 40-hour week and would take a vacation day whenever she would do an AIT program. She addressed going through the daily routine with, Joe Lubas, the administrator. noted having experience during COVID with checking people in, going over the statistics, getting different reports, trying to figure out which departments were short, and how to manage resident care.

Ms. Fullerton also addressed taking care of daily business by ordering supplies and personal protective equipment (PPE) and reviewing what federal and state programs were available during the pandemic to make sure everyone was safe and nothing in the home with their service was disrupted. She discussed her regular duties and being responsible for 20 residents and staff as the charge nurse and supervisor.

Ms. Fullerton noted that the Margaret E. Moul Home was founded in 1982 and is a very unique facility with 82 residents ranging from 18 to 44 years of age for half of the residents. She mentioned that the majority of residents are in wheelchairs with only three who ambulate with assistance, some are nonverbal, and some require enteral feeding. She addressed staff training to

care for their needs.

Ms. Fullerton noted the facility is always at full census and has a waiting list. She mentioned that the facility is different from a nursing home and a bond is formed with the family because parents are placing their child in the facility.

Ms. Fullerton noted the facility is Medicaid and Medicare certified, but everyone has to be Medicaid eligible on day one with no private pay and no Veterans Affairs (VA) pay at all.

Chair McDermond requested information regarding her involvement during Department of Health surveys and preparation.

Ms. Fullerton noted that she prepped staff on questions that may be asked but always try to do everything right every day anyway. She mentioned assisting the administrator with preparing information and directing surveyors to information already available on the computer. She stated the facility was free of any deficiencies last year and did not need a plan of correction.

Ms. Fullerton mentioned that she has written a plan of correction by looking at other facilities with deficiencies that was reviewed by the administrator but has not submitted a plan of

correction.

Ms. King asked whether she worked with other departments and whether the managers reported to her directly during that time.

Ms. Fullerton stated no one actually reported to her directly but addressed working with other departments through the business office and attending finance meetings, along with working on the budget. She also addressed working with social services and families interested in applying to have their children placed in the facility by going through the admission process and being Medicaid approved.

Ms. Fullerton also noted assisting with residents who wanted to register to vote and had involvement with LeadingAge PA and occupational therapy.

Ms. King asked Ms. Fullerton whether she had a position in recruiting and hiring new staff and whether she had taken part in the disciplinary process, including termination.

Ms. Fullerton had no involvement with hiring in administration but does have experience with nursing. She noted a licensed practical nurse (LPN) program at the York County School of Technology and attending three LPN job fairs to recruit students, along with implementing a reward scholarship at graduation. She

also mentioned being involved in making more people in the community aware of their facility and what it does. She addressed her involvement with discipline, noting she never terminated anyone because they left on their own after the second write-up.

Dr. Warner-Maron noted Ms. Fullerton was in the
Air Force for several years but asked how she
attained her skills in supervision.

Ms. Fullerton explained that she attained supervisor skills through her job as a charge nurse and the military. She mentioned being willing to have people follow her and be a leader but also listen to their suggestions.

Ms. Fullerton informed Board members that she would like to be an assistant administrator for a few years once she receives her license before having her own facility.]

18 MR. BARRETT:

9

10

11

12

13

14

15

16

17

19

20

21

22

I believe the Board Chair would entertain a motion to approve the 39.5(b)(5) NHA Application of Michelle Yvonne Fullerton.

23 DR. WARNER-MARON:

24 So moved.

25 ACTING COMMISSIONER CLAGGETT:

15 Second. 1 2 MR. LEECH: 3 McDermond, aye; Claggett, aye; Warner-4 Maron, aye; Chronister, aye; Francis 5 King, aye; Sara King, aye; Wernicki, 6 aye; Wilson, aye, Hoffman, abstain. 7 [The motion carried. David Hoffman abstained from voting on the motion because he was not on camera.] 9 10 Approval of minutes of the May 3, 2023 meeting 11 MR. BARRETT: 12 Agenda item 3 is approval of minutes 13 from May 3, 2023. 14 I believe the Board Chair would 15 entertain a motion to approve the 16 minutes from the May 3, 2023. 17 DR. WARNER-MARON: 18 So moved. ACTING COMMISSIONER CLAGGETT: 19 20 Second. 21 MR. LEECH: 22 McDermond, aye; Claggett, aye; Warner-23 Maron, aye; Chronister, abstain; 24 Francis King, aye; Sara King, abstain; 25 Wernicki, aye; Wilson, aye, Hoffman,

```
abstain.
1
2
   [The motion carried. Ann Chronister, Sara King, and
3
   David Hoffman abstained from voting on the motion.]
                              * * *
 4
5
   Report of Prosecutorial Division
   [Trista M. Boyd, Esquire, Board Prosecutor, presented
6
7
   the Consent Agreement for Case No. 22-62-009954.]
8
   MR. BARRETT:
9
                  I believe the Board Chair would
10
                  entertain a motion to approve the
11
                  Consent Agreement and Order at agenda
12
                  item 4, Case No. 22-62-009954.
13
   DR. WARNER-MARON:
14
                  So moved.
15
   ACTING COMMISSIONER CLAGGETT:
16
                  Second.
17
   MR. LEECH:
18
                  McDermond, aye; Claggett, aye; Warner-
19
                  Maron, aye; Chronister, aye; Francis
20
                  King, aye; Sara King, aye; Wernicki,
21
                  aye; Wilson, aye, Hoffman, abstain.
22
   [The motion carried. David Hoffman abstained from
23
   voting on the motion. The Respondent's name at Case
24
   No. 22-62-009954 is Mark Morwood McElwee, NHA.]
25
```

17 Report of Board Counsel 1 2 [Sean C. Barrett, Esquire, Board Counsel, had nothing 3 new to report at this time.] 4 5 Report of Board Chairperson 6 MR. BARRETT: 7 I believe the Board Chair would 8 entertain a motion to Ratify the 9 Temporary Permit Application at agenda 10 item 5 and 6, the Temporary Permit 11 Applications of Stafanie Lynn Melick 12 and April Jefferys. 13 DR. WARNER-MARON: 14 So moved. 15 ACTING COMMISSIONER CLAGGETT: 16 Second. MR. LEECH: 17 18 McDermond, aye; Claggett, aye; Warner-19 Maron, aye; Chronister, aye; Francis 20 King, aye; Sara King, aye; Wernicki, 21 aye; Wilson, aye, Hoffman, abstain. 22 [The motion carried. David Hoffman abstained from 23 voting on the motion.] 24 25 Report of Acting Commissioner - No Report

18 1 2 Report of Board Administrator 3 [Thomas Leech II, Acting Board Administrator, 4 announced Deidre Bowers would be replacing him as 5 Board administrator. 6 Mr. Barrett welcomed Ms. Bowers to the Board.] * * * 7 8 Report of Board Members - No Report 9 10 Report of Committees - Examination Committee [Thomas Leech II, Acting Board Administrator, noted 11 12 the Report of the Examination Committee is on the 13 OneDrive for the Board's review.] 14 MR. BARRETT: 15 At item 8, based on Executive Session 16 deliberations, I believe the Board 17 Chair would entertain a motion to 18 approve the Request of Nazirah Sabree 19 for a Fifth Examination Attempt subject 20 to conditions that she complete a 21 Board-approved course of study and refresher course in subjects, such as 22 23 federal and state regulations. 24 DR. WARNER-MARON: 25 So moved.

19 ACTING COMMISSIONER CLAGGETT: 1 2 Second. 3 MR. LEECH: 4 McDermond, aye; Claggett, aye; Warner-5 Maron, aye; Chronister, aye; Francis 6 King, aye; Sara King, aye; Wernicki, 7 aye; Wilson, aye, Hoffman, abstain. [The motion carried. David Hoffman abstained from 8 9 voting on the motion.] 10 11 Report of Committees - Administrator-in-Training 12 (AIT) 13 Review Committee 14 [Sharon K. McDermond, NHA, Chairperson, noted the AIT 15 Review Committee Report is available for the Board's 16 review. 1 17 18 Discussion Items - Election of Officers 19 MR. BARRETT: 20 Is there a nomination for the position 21 of Chairperson? Does anyone wish to 22 nominate anyone? 23 DR. WARNER-MARON: 24 I wish to nominate Sharon McDermond. 25 MR. BARRETT:

```
20
1
                  Sharon McDermond, if you were elected
2
                  for that position, would you wish to
3
                  serve in that position?
   CHAIRPERSON MCDERMOND:
4
5
                  Yes.
6
   MR. BARRETT:
7
                  Based on that, I believe the Board
                  Chair would entertain a motion to elect
8
9
                  Sharon McDermond as the Chairperson of
10
                  the NHA Board.
   DR. WARNER-MARON:
11
                  So moved.
12
13
   ACTING COMMISSIONER CLAGGETT:
14
                  Second.
15
   MR. LEECH:
16
                  McDermond, aye; Claggett, aye; Warner-
                  Maron, aye; Chronister, aye; Francis
17
18
                  King, aye; Sara King, aye; Wernicki,
19
                  aye; Wilson, aye, Hoffman, abstain.
   [The motion carried. David Hoffman abstained from
20
21
   voting on the motion.]
22
23
   MR. BARRETT:
24
                  Is there a nomination for the Vice
25
                  Chairperson position?
```

1 CHAIRPERSON MCDERMOND:

Yes. We'd like to keep Ilene Warner-

3 Maron.

4 MR. BARRETT:

5 Dr. Warner-Maron, if you were elected

6 to that position, would you wish to

7 serve as the Vice Chair?

8 DR. WARNER-MARON:

9 Yes.

10 MR. BARRETT:

Based on that, I believe the Board

12 Chair would entertain a motion to elect

13 Ilene Warner-Maron as the Vice Chair of

14 the NHA Board.

15 DR. WARNER-MARON:

16 So moved.

17 ACTING COMMISSIONER CLAGGETT:

18 Second.

19 MR. LEECH:

21

McDermond, aye; Claggett, aye; Warner-

Maron, aye; Chronister, aye; Francis

22 King, aye; Sara King, aye; Wernicki,

aye; Wilson, aye, Hoffman, abstain.

24 | [The motion carried. David Hoffman abstained from

25 | voting on the motion.]

22 * * * 1 2 MR. BARRETT: 3 Is there a nomination for the position 4 of Secretary? 5 DR. WARNER-MARON: I nominate Sara King. 6 7 MR. BARRETT: Ms. King, if you were elected as 8 9 Secretary, would you wish to serve in 10 that position? MS. KING: 11 12 Yes. 13 MR. BARRETT: 14 Based on that, I believe the Board 15 Chair would entertain a motion to elect 16 Sara King as the Secretary of the State 17 Board of Examiners of Nursing Home 18 Administrators. DR. WARNER-MARON: 19 20 So moved. 21 ACTING COMMISSIONER CLAGGETT: 22 Second. 23 MR. LEECH: 24 McDermond, aye; Claggett, aye; Warner-25 Maron, aye; Chronister, aye; Francis

```
King, aye; Sara King, aye; Wernicki,
1
2
                  aye; Wilson, aye, Hoffman, abstain.
3
   [The motion carried. David Hoffman abstained from
4
   voting on the motion.]
                              * * *
5
   Discussion Items - National Association of Long-Term
6
7
     Care Administrator Boards Mid-Year Meeting
8
   MR. BARRETT:
9
                  I believe the Board Chair would
10
                  entertain a motion to send two Board
11
                  members to the NAB Mid-Year Meeting
                  October 25-27, 2023, in New Orleans,
12
13
                  LA.
14
   DR. WARNER-MARON:
15
                  So moved.
16
   ACTING COMMISSIONER CLAGGETT:
17
                  Second.
18
   MR. LEECH:
19
                  McDermond, aye; Claggett, aye; Warner-
20
                  Maron, aye; Chronister, aye; Francis
21
                  King, aye; Sara King, aye; Wernicki,
22
                  aye; Wilson, aye, Hoffman, abstain.
23
   [The motion carried. David Hoffman abstained from
24
   voting on the motion. Board members interested in
25
   attending the meeting were encouraged to reach out to
```

1 Deidre Bowers.]

2

3 Discussion Items - Probable Cause Screening Committee

4 [Sean C. Barrett, Esquire, Board Counsel, referred to

5 | the appointment of members to the Probable Cause

6 | Screening Committee, noting prior discussion of

7 having Francis King as the primary member and David

8 Hoffman as the alternate member.

Chair McDermond appointed Francis King as the primary and David Hoffman as a secondary member of the Probable Cause Screening Committee.]

12 ***

13 Upcoming Meeting Dates

14 [Sean C. Barrett, Esquire, Board Counsel, noted the

15 next scheduled 2023 meeting date is November 1 and

16 2024 meeting dates are February 1, May 1, August 14,

17 and November 6.1

18

19 Adjournment

10

11

20 CHAIRPERSON MCDERMOND:

21 I'd like to make a motion for

22 adjournment.

23 DR. WARNER-MARON:

24 So moved.

25 ACTING COMMISSIONER CLAGGETT:

25 Second. 1 2 CHAIRPERSON MCDERMOND: 3 The meeting is adjourned. Thank you. * * * 4 5 [There being no further business, the State Board of 6 Examiners of Nursing Home Administrators Meeting 7 adjourned at 11:52 a.m.] * * * 8 9 10 CERTIFICATE 11 I hereby certify that the foregoing summary 12 13 minutes of the State Board of Examiners of Nursing 14 Home Administrators, was reduced to writing by me or 15 under my supervision, and that the minutes accurately 16 summarize the substance of the State Board of 17 Examiners of Nursing Home Administrators meeting. 18 19 20 Jorganna Showers, 21 22 Minute Clerk 23 Sargent's Court Reporting 24 Service, Inc. 25

		26
12345678901123456789012345678901234567890 1111111111122222222223333333333340		STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS REFERENCE INDEX
		August 30, 2023
	TIME	AGENDA
	10:00 10:30	Executive Session Return to Open Session
	10:36	Official Call to Order
	10:37	Roll Call
	10:38	Introduction of Attendees
	10:39	Appointment - Charles Angelo, Director of External Affairs, Pennie/Medicaid Unwinding Presentation
	11:12	Appointment - Michelle Yvonne Fullerton
	11:39	Approval of Minutes
	11:40	Report of Prosecutorial Division
	11:44	Report of Board Chairperson
	11 : 45	Report of Board Administrator
	11:46	Report of Committees
	11:47	Discussion Items
	11:51	Upcoming Meeting Dates
	11 : 52	Adjournment
41 42		
42 43 44		
44 45 46		
47		
48 49		
50		