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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS**

TIME: 8:59 A.M.

BOARD ROOM B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Wednesday, August 1, 2018

1 State Board of Examiners of
2 Nursing Home Administrators
3 August 1, 2018
4
5

6 BOARD MEMBERS:
7

8 Kimberly Cobaugh, Chairperson
9 Ian J. Harlow, Commissioner of Professional and
10 Occupational Affairs - Absent
11 Sharon K. McDermond, Vice Chairperson - Absent
12 Anne E. Holladay, CNHA, MHA, Secretary
13 Diane M. Baldi, R.N.
14 Michael P. Kelly
15 Sara L. King - Absent
16 Anna E. Stewart, R.N.
17 Robert L. Wernicki
18 Susan Williamson, Department of Health Representative
19 Carrie E. Wilson, Consumer Protection Agent
20
21

22 BUREAU PERSONNEL:
23

24 Judith Pachter Schulder, Esquire, Board Counsel
25 Peter D. Kovach, Esquire, Senior Counsel
26 Chris Stuckey, Board Administrator
27
28 Kalonji Johnson, Director of Policy, PA Department of
29 State
30 Jacob (Jake) Derrick, Policy Analyst, Office of
31 Pennsylvania Governor Tom Wolf
32
33

34 ALSO PRESENT:
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36 Kimberly Sue Simchak, Applicant
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1 ***

2 State Board of Examiners of Nursing

3 Home Administrators

4 August 1, 2018

5 ***

6 The regularly scheduled meeting of the State
7 Board of Examiners of Nursing Home Administrators was
8 held on Wednesday, August 1, 2018. Kimberly Cobaugh,
9 Chairperson, called the meeting to order at 8:59 a.m.
10 Roll call was taken.

11 ***

12 Evacuation Announcement

13 [Chris Stuckey, Board Administrator, reviewed the
14 emergency evacuation procedures for One Penn Center.]

15 ***

16 Approval of Minutes of the May 30, 2018 meeting

17 CHAIRPERSON COBAUGH:

18 Did everyone get a chance to review the
19 May 30, 2018 minutes?

20 Do I have a motion for approval or
21 any additions or corrections?

22 MS. BALDI:

23 I make a motion.

24 MR. KELLY:

25 I'll second that.

1 CHAIRPERSON COBAUGH:

2 All in favor?

3 [The motion carried unanimously.]

4 ***

5 Appointment - 39.5(b)(5) Applicant

6 [Kimberly Sue Simchak requested to take the
7 Administrator examination based on her high school
8 education and experience. Michael P. Kelly exited the
9 meeting at 9:03 a.m. for recusal purposes.]

10 ***

11 [Ms. Simchak provided a summary of her experience and
12 highlighted her supervisory positions at A&P Store,
13 Coca-Cola Company, Pleasant Valley Manor, Saber
14 Healthcare, and Little Sisters of the Poor.

15 Ms. Simchak discussed her administrative protocol
16 with regard to communicating with staff. She
17 discussed the various capacities within multiple
18 departments wherein she acted as a supervisor or in a
19 supervisory capacity.

20 Ms. Pachter Schulder explained that the Board
21 would deliberate on Ms. Simchak's application during
22 Executive Session later in the meeting.]

23 ***

24 [Michael P. Kelly re-entered the meeting at 9:25 a.m.]

25 ***

1 Report of Board Counsel

2 16A-6219-Continuing Education Regulation

3 [Jacob (Jake) Derrick, Governor's Policy Office, and
4 Kalonji Johnson, Department of State Policy Office,
5 presented for discussion regarding the proposed
6 continuing education regulation and the Governor's
7 initiatives regarding a reduction in the amount of
8 continuing education required to renew a nursing home
9 administrator license.

10 Ms. Pachter Schulder noted a copy of the draft
11 regulation that would decrease the continuing
12 education requirement from 48 to 24 hours. She
13 stated, between the 1980s and the 1990s, the Board had
14 a continuing education requirement of 75 hours, which
15 was then reduced to 48, but the statute refers to a
16 minimum of 24 hours.

17 Mr. Derrick discussed his current employment
18 duties with the Governor's Policy Office. He
19 discussed finding a balance in licensure that would
20 protect public safety and permit individuals to enter
21 the workforce without having to "jump through too many
22 hoops" as it relates to nursing home administration.
23 He provided four reasons why the Board should reduce
24 the continuing education amount to 24 per biennium:
25 (1) the statute requires a minimum of 24 hours per

1 biennium, (2) the NHA CE requirement is the highest in
2 the Bureau, (3) the recent North Carolina Dental Case
3 warns against overregulating beyond the statutory
4 requirement, and (4) the nationwide trend against to
5 reduce burdensome regulation.

6 Mr. Johnson discussed his work with Ms. Pachter
7 Schulder as well as the other Board Counsel to
8 implement various policy decisions, similar to being a
9 liaison between the Governor's Office and the
10 Department of State. He provided an explanation of
11 the proposed rulemaking packages and resulting
12 Executive Order Report released this past June.

13 Mr. Wernicki inquired as to Pennsylvania's
14 ranking in total elderly population and number of
15 nursing homes compared to the other states. Ms.
16 Pachter Schulder noted that there are 711 nursing
17 homes in Pennsylvania and, as of June of 2018, and
18 1670 nursing home administrators.

19 Mr. Derrick stated the Department of Health was
20 aware of the recommendations related to decreasing the
21 amount of continuing education for nursing home
22 administrators.

23 Mr. Kelly discussed the cost of continuing
24 education as well as reimbursement of that cost. He
25 stated 24 credits would provide a balance of public

1 safety and regulation.

2 Chairperson Cobaugh informed Mr. Derrick that the
3 Board has sought to have the provision that permits a
4 high school graduate, or its equivalent, to obtain a
5 license removed from the statute. Mr. Derrick
6 inquired as to whether the additional 48 hours of
7 continuing education would improve a professional.

8 Ms. Baldi referred to many topics requiring
9 additional hours. She suggested that the Commonwealth
10 outline this requirement and offer free opportunities
11 for continuing education. There was further
12 discussion regarding the reasonable, minimum
13 requirement. There were comments regarding continuing
14 education requirements in other states.

15 Mr. Derrick stated the data will be reviewed and
16 all arguments considered with regard to the number of
17 continuing education credits.

18 By a show of hands, it was noted that there were
19 not enough votes in favor of the current proposal to
20 reduce the 48 clock hours to 24. Most members were in
21 favor of a 36-hour requirement.

22 Mr. Johnson commented on the effectiveness of a
23 certain number of continuing education hours. He
24 stated this Board is the only Board that
25 administratively regulates above the state statutory

1 requirement.

2 Board members were asked to consider scheduling a
3 September meeting to review comments regarding the 24-
4 hour requirement versus 36 and to hear the position of
5 the administration in terms of moving forward with the
6 regulation package.

7 Mr. Derrick requested that comments and
8 discussions be held generally regarding the 24 hours
9 after feedback would be given to the Board.

10 Chairperson Cobaugh commented, out of the nursing
11 home administrative boards in the United States, this
12 Board is one of two that allows people to enter
13 through a high school education and completion of the
14 Board approved 120 hour program. She suggested that
15 lowering the educational standards and requiring a
16 minimum of a two-year degree would achieve a positive
17 result.

18 Ms. Pachter Schulder discussed the Board's
19 desire for a legislative initiative to remove the
20 provision and the unanswered request thus far.

21 Ms. Pachter Schulder discussed options for
22 continued competence, including retaking the exams,
23 recompleting a 120-hour course, providing written
24 documentation that a licensee has practiced in another
25 jurisdiction for at least two years within the last

1 five years, providing written documentation that a
2 licensee has completed 24 clock hours of continuing
3 education for each biennial period in which the
4 license has been expired or inactive, and providing
5 written documentation that a licensee has been
6 employed in a nursing home in a supervisory or
7 consultant capacity for at least three of the last
8 five years.

9 With regard to continued competence, option one,
10 to retake the exams; option two, to complete the 120-
11 hour course; option three, providing written
12 documentation that a licensee has practiced in another
13 jurisdiction for at least two years within the last
14 five years; and option five, providing written
15 documentation that a licensee has been employed in a
16 nursing home in a supervisory or consultant capacity
17 for at least three of the last five years were agreed
18 upon by the Board. Option four, providing written
19 documentation that a licensee has completed 24 clock
20 hours of continuing education for each biennial period
21 in which the license has been expired or inactive was
22 deleted.

23 There was further discussion regarding clock-hour
24 requirements for continuing education and the Board's
25 desire to remove proration for the first biennial

1 renewal in favor of an exemption.]

2 MS. PACHTER SCHULDER:

3 Is there a motion to authorize the
4 dissemination of this regulation package
5 to stakeholders for predraft input with
6 the minimum of 24-clock hours of
7 continuing education, removal of
8 subsection (4) of the continuing
9 competency section and removal of
10 proration for renewal and give exemption
11 for the first renewal?

12 MR. KELLY:

13 I'll make that motion.

14 MS. BALDI:

15 I'll second.

16 CHAIRPERSON COBAUGH:

17 All in favor? Opposed? Any abstained?

18 [The motion carried unanimously.]

19 ***

20 [It was noted that discussion regarding whether a
21 September meeting would be scheduled would be had
22 after Executive Session.]

23 ***

24 [The Board recessed from 10:43 a.m. until 10:48 a.m.]

25 ***

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
2 10:48 a.m. the Board entered into Executive Session
3 with Judith Pachter Schulder, Esquire, Board Counsel,
4 for the purpose of conducting quasi-judicial
5 deliberations and to receive advice of Counsel. The
6 Board returned to open session at 10:56 a.m.]

7 ***

8 [Diane Baldi exited the meeting at 10:56 a.m.]

9 ***

10 MOTIONS

11 MS. PACHTER SCHULDER:

12 During Executive Session, the Board
13 engaged in quasi-judicial deliberations
14 on the Application of Kimberly Sue
15 Simchak to take the examination and to
16 be licensed under Section 39.5 (b)(5) of
17 the Board's regulations.

18 For that discussion, Mr. Kelly was
19 recused. Ms. Baldi was present during
20 the conversation; however, she exited
21 the meeting at 10:56 a.m.

22 Is there a motion to approve the
23 application of Ms. Simchak?

24 MS. HOLLADAY:

25 So moved.

1 MS. WILSON:

2 Second.

3 CHAIRPERSON COBAUGH:

4 All in favor? Opposed?

5 [The motion carried. Michael Kelly recused from
6 deliberations and voting on the motion. Diane Baldi
7 had exited the meeting prior to the motion.]

8 ***

9 Miscellaneous

10 FYI Items

11 Next Meeting Dates

12 [The Board discussed an October 3, 2018 meeting date
13 with the possible elimination of the November 14, 2018
14 meeting date.]

15 ***

16 [It was noted that a new Board member would be sworn
17 in at the October 3, 2018 meeting.]

18 ***

19 Adjournment

20 CHAIRPERSON COBAUGH:

21 Motion to adjourn?

22 MS. HOLLADAY:

23 So moved.

24 MS. WILSON:

25 I'll second.

1 [The motion carried unanimously.]

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3 [There being no further business, the State Board of
4 Examiners of Nursing Home Administrators Meeting
5 adjourned at 11:00 a.m.]

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CERTIFICATE

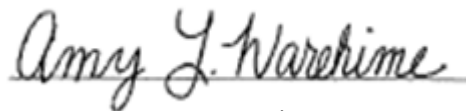
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11 I hereby certify that the foregoing summary
12 minutes of the State Board of Examiners of Nursing
13 Home Administrators, was reduced to writing by me or
14 under my supervision, and that the minutes accurately
15 summarize the substance of the State Board of
16 Examiners of Nursing Home Administrators meeting.

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Amy L. Warehime,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

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STATE BOARD OF EXAMINERS OF NURSING HOME
ADMINISTRATORS
REFERENCE INDEX
August 1, 2018

TIME	AGENDA
8:59	Official Call to Order/Roll Call
9:00	Approval of Minutes
9:01	Appointment - Kimberly Sue Simchak
9:26	Report of Board Counsel
10:43	Recess
10:48	Executive Session
10:56	Return to Open Session
10:56	Motions
10:57	Miscellaneous
11:00	Adjournment