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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: 9:09 A.M.

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

Wednesday, November 14, 2018

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State Board of Examiners of
Nursing Home Administrators
November 14, 2018

BOARD MEMBERS:

- Kimberly Cobaugh, NHA, Chairperson
- Sharon K. McDermond, NHA, Vice Chairperson
- Anne E. Holladay, CNHA, NHA, Secretary
- Ian J. Harlow, Commissioner of Professional and Occupational Affairs
- Diane M. Baldi, R.N.
- Michael P. Kelly, NHA
- Sara L. King, NHA
- Anna E. Stewart, R.N. - Absent
- Robert L. Wernicki, NHA
- Susan Williamson, Designee, Department of Health
- Carrie E. Wilson, Designee, Office of Attorney General, Consumer Protection

BUREAU/DEPARTMENT OF STATE PERSONNEL:

- Judith Pachter Schulder, Esquire, Board Counsel
- J. Karl Geschwindt, Esquire, Board Prosecution Liaison
- Cynthia K. Montgomery, Esquire, Deputy Chief Counsel
- Chris Stuckey, Board Administrator

ALSO PRESENT:

- Jacob (Jake) Derrick, Policy Analyst, Governor's Office of Policy & Planning
- Kalonji Johnson, Policy Director, Department of State
- Beth Greenberg, Senior Director of Regulatory Affairs, LeadingAge PA
- Kate M. Routledge, Senior Director of Compliance Support, The Hospital and Healthsystem Association of Pennsylvania
- Thomas N. Micozzie, NHA, Risk Management/Labor Relations Director for Delaware County
- Kim Deline, Meeting & Marketing Manager, Pennsylvania Coalition of Affiliated Healthcare & Living Communities
- Kelly Andrisano, Executive Director, Pennsylvania Coalition of Affiliated Healthcare & Living Communities

State Board of Examiners of
Nursing Home Administrators
November 14, 2018

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ALSO PRESENT: (Continued)

- William D'Amico, NHA, President, Pennsylvania Coalition of Affiliated Healthcare & Living Communities
- Mary Marshall, Director, Workforce & Professional Services, The Hospital and Healthsystem Association of Pennsylvania
- Melissa Henry Bowersox, Experience Officer/Assistant Nursing Home Administrator, RiverWoods Senior Living Community
- Lennea Brown, Executive Director, RiverWoods Senior Living Community
- Dejrae Kellee Vickers, Kadima Rehabilitation & Nursing at Pottstown
- Sean Michael Davis, Jewish Home of Eastern Pennsylvania
- Ilan Richland, Priority Healthcare Group

1 ***

2 State Board of Examiners of
3 Nursing Home Administrators

4 November 14, 2018

5 ***

6 The regularly scheduled meeting of the State
7 Board of Examiners of Nursing Home Administrators was
8 held on Wednesday, November 14, 2018. Kimberly
9 Cobaugh, Chairperson, called the meeting to order at
10 9:09 a.m. Roll call was taken.

11 ***

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

14 ***

15 Introduction of Audience

16 [Chairperson Cobaugh requested the introduction of
17 audience members in attendance.]

18 ***

19 Approval of Minutes of the October 3, 2018 meeting

20 CHAIRPERSON COBAUGH:

21 Has everybody had a chance to review the
22 minutes of the last meeting?

23 Do I have a motion to accept them?

24 MS. HOLLADAY:

25 So moved.

1 CHAIRPERSON COBAUGH:

2 Second?

3 MR. KELLY:

4 Second.

5 CHAIRPERSON COBAUGH:

6 All in favor?

7 [The motion carried. Ian J. Harlow and Diane M. Baldi
8 abstained from voting on the motion.]

9 ***

10 Report of Board Counsel

11 Status of Regulations/Guidelines/Statements of Policy

12 [Judith Pachter Schulder, Esquire, Board Counsel,

13 noted the Continuing Education requirement proposal

14 (16A-6219) and its relationship to Executive Order

15 2017-03.

16 Jacob Derrick, Policy Analyst, Governor's Office

17 of Policy & Planning, continued his discussion with

18 the Board from the last meeting. Mr. Derrick stated

19 that he believes that the Board did not have the legal

20 authority to go above the statutory minimum of 24

21 hours. He cited related professions in the health

22 field being 30 hours or less.

23 Mr. Derrick mentioned portability as a reason for

24 lowering the minimum threshold, which provides for

25 more opportunities for out-of-state professionals to

1 enter Pennsylvania. He noted no strong indicator of
2 public safety concerns with nursing home
3 administrators and no necessity for such a high
4 continuing education requirement.

5 Chairperson Cobaugh noted multiple letters of
6 support from nursing home administrators from various
7 associations to continue the 48 hours due to the many
8 changes with the Centers for Medicare and Medicaid
9 Services (CMS) guidelines and regulatory environment.

10 Mr. Derrick stated regardless of a 48 or 24 hour
11 requirement or the number of changes with the CMS
12 guidelines or the regulatory world, the current
13 regulations do not require licensees to focus on those
14 changes and can focus on the requirements as approved
15 by the Board. He commented that individuals can go
16 above the 24 hours to improve and engage in areas if
17 desired.

18 Mr. Derrick noted the importance to the licensing of
19 the professional, not to the regulation of the
20 facilities themselves.

21 Mr. Wernicki noted concerns for individuals not
22 taking more than 24 hours. He commented that the 48-
23 hour requirement has improved the quality of care in
24 nursing homes within the state of Pennsylvania,
25 particularly within five-star facilities. He

1 discussed repayment models and changes in the Minimum
2 Data Set (MDS) for repayment.

3 Mr. Derrick noted that the study by the National
4 Council of State Boards of Nursing (NCSBN) found
5 nurses with CE mandates attended more hours of
6 continuing education that were unrelated to their work
7 interest and profession. He also noted that nurses
8 without a mandate also tended to accumulate CEs at the
9 same level or even higher as nurses with the mandate.

10 Mr. Derrick stated that a high school GED to get
11 into the profession may be inappropriate and should be
12 reviewed, noting that other states with this license
13 are at either an associate's degree or bachelor's
14 degree.

15 Mr. Derrick commented that voting to move on the
16 proposed regulation would be still require about a
17 two-year regulatory process with multiple periods of
18 public comment and opportunity for review by the
19 Independent Regulatory Review Commission (IRRC) before
20 the regulation becomes effective. He noted a study by
21 June Smith at the behest of the National Council of
22 State Boards of Nursing supported this contention.

23 Thomas Micozzie, NHA, Risk Management/Labor
24 Relations Director for Delaware County, commented that
25 with the requirement of a GED or high school

1 education, individuals would need some type of
2 continuing education when caring for residents.

3 Mr. Micozzie discussed the opportunities to
4 receive credits in the practice with the Pennsylvania
5 Coalition of Affiliated Healthcare & Living
6 Communities (PACAH), Pennsylvania Association for
7 Nonprofit Homes for the Aging (PANPHA), and National
8 Association of Boards that are most often reimbursed
9 by the facilities.

10 Mr. Micozzie stated the NHA license was a valued
11 demonstration of keen knowledge in nursing home
12 administration in an industry that has the lowest
13 regulations and oversight with the exception of
14 nuclear power plants.

15 Ms. Pachter Schulder explained the distinction
16 between the initial requirements for licensure and the
17 continuing education requirement.

18 Mary Marshall, Director, Workforce & Professional
19 Services, The Hospital and Healthsystem Association of
20 Pennsylvania, noted that its members were not in favor
21 of a reduction of CEs. She stated the initial
22 education of only a high school diploma coupled with
23 reducing CE requirements sends the wrong message to
24 the community. Ms. Marshall noted that Council
25 Members would support a legislative action to increase

1 the initial education requirement to a bachelor's
2 degree, and once that is established, the members
3 would be in favor of considering a reduction of CE
4 credits.

5 Beth Greenberg, Senior Director of Regulatory
6 Affairs, LeadingAge PA, noted discussions indicating
7 the desire to increase the minimum requirements. She
8 noted the importance of current administrators being
9 grandfathered as well as people in administrator-in-
10 training (AIT) programs.]

11

12 [Kimberly Cobaugh, NHA, Chairperson, exited the
13 meeting at 10:10 a.m. and reentered at 10:12 a.m.]

14

15 [Commissioner Harlow noted the Board and audience
16 members' comments to change the initial requirements
17 of a GED or high school education to a bachelor's
18 degree and lowering the CE.

19 Mr. Johnson suggested the Board host their own
20 community forums rather than waiting for legislators.
21 He stated the Commonwealth was unique in its authority
22 because most states do not have a hybrid authority
23 where the Board has the ability to change and lower CE
24 requirements.

25 Mr. Derrick discussed states and professions with

1 30 hours of continuing education biennially, noting
2 that this baseline would be acceptable. He addressed
3 portability issues, noting that high transient
4 populations, like military families, have a difficult
5 time with professional licensure. He did not support
6 anything above 30, noting that states at 30 hours of
7 CE do not have any higher rates of problems with
8 nursing home administrators.

9 William D'Amico, NHA, President, Pennsylvania
10 Coalition of Affiliated Healthcare & Living
11 Communities, argued against the credit reduction and
12 that those looking for higher education who would be
13 willing to consider the reduction better make sure
14 legislation is a guarantee first.

15 Kelly Andrisano, Executive Director, Pennsylvania
16 Coalition of Affiliated Healthcare & Living
17 Communities, stated the 24-hour minimum would work as
18 a cap and put the profession in the bottom five states
19 in the country.

20 Ms. Pachter Schulder reviewed options to vote or
21 delay the vote until perhaps the February meeting in
22 order to obtain additional information by holding
23 forums as suggested by Mr. Johnson.

24 Commissioner Harlow proposed an audit would be
25 interesting way to verify whether people take CEs in

1 important areas, or would point to more anecdotal
2 evidence where people take CEs just to get the credit.

3 Mr. Derrick discussed the time frame, noting the
4 two separate issues, one regulatory and one
5 legislative. He stated an affirmative vote would
6 begin the two-year period for the legislative process.
7 He noted that the desired course would be to have the
8 Board vote to begin the regulatory process, which has
9 all of the public comment period and can get the
10 communities engaged.]

11 ***

12 [Diane M. Baldi, RN, exited the meeting at 10:21 a.m.
13 and reentered at 10:24 a.m.]

14 ***

15 [Ms. Pachter Schulder explained the regulatory
16 process, noting that legislation introduced in this
17 session must be reintroduced next session.

18

19 Commissioner Harlow stated the discussion
20 regarding public comment, stakeholder input, and
21 legislative input was all built into the regulatory
22 process. He would like to authorize the type of CE to
23 be taken and compliance for informational purposes.

24 Mr. Derrick addressed Executive Order 2017-03,
25 which was designed to find areas of overregulation

1 because of an explosion in occupational licensure. He
2 stated nursing home administrators were found to be
3 over the statutory minimum of 24 and needed to be
4 decreased, emphasizing this as a full package, both
5 regulatory and legislative.

6 Mr. Micozzie stated the report was driven for an
7 outcome, and other Boards would just not accept the
8 recommendation.

9 Mr. Derrick noted that other Boards also accepted
10 the recommendation. He explained that the barrier was
11 not someone seeking initial licensure, but that
12 someone who was practicing in Louisiana at 30 CEs,
13 relocates with their military family into
14 Pennsylvania, but now their license does not
15 transition as easily.

16 Ms. Pachter Schulder explained that in order to
17 renew a Pennsylvania license, the licensee would need
18 to meet the 48 hours of CE requirement.

19 Mr. Derrick suggested focusing on the initial
20 education and getting the continuing education at a
21 more reasonable level with other professions in the
22 state.

23 Commissioner Harlow, as the Chair of the
24 Executive Order Advisory Group, stated that the report
25 was designed to capture information. He noted

1 representation from all four caucuses in the Senate
2 and House. He also noted a cross section of parties,
3 politics, professional members, and nonprofessional
4 members. He mentioned a grant from the Department of
5 Labor to continue the work in this area of nearly
6 \$500,000.

7 Commissioner Harlow questioned the median CE for
8 nursing home professionals.

9 Mr. Derrick commented that the biennial median CE
10 is 39.

11 The Board supported the Commissioner's
12 authorization of an audit of the past biennial renewal
13 period to understand the type of CE courses taken.
14 Ms. Pachter Schulder requested that all associations
15 present let the licensees know that an audit would be
16 conducted.

17 Ms. King stated that whether or not the Board
18 agreed with increasing or decreasing, this was just
19 being prolonged, torn apart, and being made more
20 complicated than just moving forward with a vote.

21 Chairperson Cobaugh noted 40 hours of CE as the
22 average and suggested a compromise, rather than going
23 through all this extra work and money.]

24 MR. KELLY:

25 I make a motion to reduce the minimum

1 amount of continuing education to 24.

2 CHAIRPERSON COBAUGH:

3 Okay. Is there a second?

4 MR. HARLOW:

5 I would second.

6 MS. PACHTER SCHULDER:

7 We have a motion and a second. Let's do
8 it by count so that we are going to be
9 able to know the count.

10 CHAIRPERSON COBAUGH:

11 How many people are in favor of 24?

12 MS. PACHTER SCHULDER:

13 We have 3 in favor. How many are
14 opposed? We have 7 opposed. The vote
15 failed. Is there another number that
16 anybody is interested in making a motion
17 about?

18 [The motion failed. Susan Williamson, Robert L.

19 Wernicki, Diane M. Baldi, Sara L. King, Anne E.

20 Holladay, Kimberly Cobough, and Sharon K. McDermond

21 opposed the motion.]

22 ***

23 MS. BALDI:

24 I'd like to make a motion to reduce the
25 minimum amount of continuing education

1 to 40.

2 CHAIRPERSON COBAUGH:

3 Is there a second?

4 MS. WILSON:

5 Second.

6 CHAIRPERSON COBAUGH:

7 All those in favor of 40?

8 MS. PACHTER SCHULDER:

9 There are 5 in favor of 40. How many
10 are opposed? There are 5 opposed.

11 Is there another motion someone
12 might be able to make?

13 [The motion failed. Susan Williamson, Robert L.
14 Wernicki, Anne E. Holladay, Kimberly Cobaugh, and
15 Sharon K. McDermond opposed the motion.]

16 ***

17 MR. WERNICKI:

18 I make a motion to keep it at 48.

19 MS. PACHTER SCHULDER:

20 Okay. Is there a second?

21 MS. HOLLADAY:

22 Second.

23 CHAIRPERSON COBAUGH:

24 Okay. All in favor of 48?

25 MS. PACHTER SCHULDER:

1 MS. PACHTER SCHULDER:

2 We have 3 opposed and 7 in favor. The
3 Board has adopted the regulation in
4 proposed form and also will have the
5 regional discussion.

6 [The motion carried. Kimberly Cobaugh, Anne E.
7 Holladay, and Robert L. Wernicki opposed the motion.]

8 ***

9 [Ian J. Harlow, Commissioner of Professional and
10 Occupational Affairs, exited the meeting at
11 10:46 a.m.]

12 ***

13 Appointment - Melissa Henry Bowersox

14 [Melissa Henry Bowersox, Experience Officer/Assistant
15 Nursing Home Administrator, addressed the Board
16 requesting permission to sit for the Nursing Home
17 Administrator Examination.

18 Ms. Bowersox provided information regarding her
19 educational and professional background. She noted
20 experience as a practical nurse, social services
21 director, nurse manager, personal care home
22 administrator, and assistant nursing home
23 administrator.

24 Ms. Bowersox discussed her responsibilities as
25 the assistant nursing home administrator and working

1 administrative intern and director of activities.

2 Mr. Davis provided a summary of his educational
3 background and noted his supervisory experience and
4 duties while working in various departments within the
5 facility.

6]

7 ***

8 Report of Board Chairperson

9 [Kimberly Cobaugh, NHA, Chairperson, discussed the
10 staffing crisis and need to get more people engaged in
11 the profession and long-term care field.

12 Ms. McDermond noted that the National Association
13 of Long-Term Care Administrator Boards (NAB) does have
14 grants to help support individuals interested in
15 administrator-in-training (AIT) programs.

16 Chairperson Cobaugh noted that a lot of careers
17 were being determined in the junior high level and
18 hoped that the organization would be able to go to the
19 schools and talk with the guidance counselors.

20 Mr. Kelly noted the need to entice the students
21 into the field and to have a relationship with the
22 local school district.

23 Ms. Holladay commented that there were no
24 opportunities available from a Board level if someone
25 wanted to do an unpaid internship for an AIT. She

1 suggested looking at the membership of nursing home
2 administrators willing to accept an AIT and other
3 places to fund that, noting that LeadingAge.

4 Ms. Stuckey mentioned the large number of phone
5 calls received regarding an AIT program. She
6 suggested that this type of information should come
7 from an association as opposed to the Board, noting
8 possible liability issues.

9 Ms. Pachter Schulder suggested directing
10 individuals to the Board website where information can
11 be placed about administrator-in-training programs and
12 contact information for professional associations.

13 Ms. McDermond suggested that Board members make
14 presentations regarding the profession at high schools
15 and other areas as representatives of the Board.

16 Ms. Pachter Schulder noted the need for approval
17 from Commissioner Harlow.

18 Ms. King noted a summer camp for children at a
19 facility where residents and children bonded with
20 intergenerational activities, noting that many of
21 those children were going into nursing.]

22 ***

23 Report of Board Administrator - No Report

24 ***

25 Report of Committees - No Report

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 11:35 a.m. the Board entered into Executive Session
4 with Judith Pachter Schulder, Esquire, Board Counsel,
5 for the purpose of conducting quasi-judicial
6 deliberations.

7 In addition, the Board also entered into
8 Executive Session with Cynthia K. Montgomery, Esquire,
9 Deputy Chief Counsel for the Bureau of Professional
10 and Occupational Affairs, to discuss a personnel
11 matter. During that time, neither Ms. Stuckey nor Ms.
12 Pachter Schulder, were present. The Board returned to
13 open session at 11:58 a.m.]

14 ***

15 MOTIONS

16 MS. PACHTER SCHULDER:

17 In Executive Session, the Board engaged
18 in a personnel matter with Cynthia
19 Montgomery, during which Ms. Stuckey and
20 myself were not present. It also
21 deliberated on the applications of
22 Melissa Henry Bowersox, Dejrae Kellee
23 Vickers, and Sean Michael Davis.

24 Is there a motion to approve the
25 Application to Sit for the Examination

1 under Section 39.5(b)(5) of the Board's
2 regulations for Melissa Henry Bowersox?

3 MR. KELLY:

4 I make a motion to accept.

5 MS. HOLLADAY:

6 Second.

7 CHAIRPERSON COBAUGH:

8 All in favor? Any opposed?

9 [The motion carried unanimously.]

10 ***

11 MS. PACHTER SCHULDER:

12 Is there a motion to grant the
13 application of Dejrae Kellee Vickers a
14 six-month temporary permit at Kadima
15 Rehabilitation & Nursing at Pottstown,
16 formerly The Gardens of Pottstown?

17 MS. MCDERMOND:

18 I'll make a motion to approve.

19 MR. KELLY:

20 I'll second that motion.

21 CHAIRPERSON COBAUGH:

22 All in favor? Any opposed?

23 [The motion carried unanimously.]

24 ***

25 MS. PACHTER SCHULDER:

1 Is there a motion to deny the
2 application of Sean Michael Davis
3 permission to take the examination on
4 the grounds of a lack of documented six
5 months of supervisory experience?

6 MS. MCDERMOND:

7 I'll make a motion.

8 CHAIRPERSON COBAUGH:

9 Second?

10 MS. KING:

11 Second.

12 CHAIRPERSON COBAUGH:

13 All in favor? Opposed?

14 [The motion carried unanimously.]

15 ***

16 Adjournment

17 MR. KELLY:

18 I make a motion to adjourn.

19 MS. BALDI:

20 Second.

21 ***

22 [There being no further business, the State Board of
23 Examiners of Nursing Home Administrators Meeting
24 adjourned at 12:01 p.m.]

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CERTIFICATE

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



Amy L. Warehime,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS
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TIME	AGENDA
9:09	Official Call to Order/Roll Call
9:09	Approval of Minutes
9:11	Report of Board Counsel
10:46	Appointment - Melissa Henry Bowersox
11:01	
11:02	Appointment - Dejrae Kellee Vickers
11:08	
11:09	Appointment - Sean Michael Davis
11:23	
11:35	Executive Session
11:58	Return to Open Session
11:58	Motions
12:01	Adjournment