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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: 9:04 A.M.

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

Wednesday, December 4, 2019

1 State Board of Examiners of
2 Nursing Home Administrators
3 December 4, 2019
4

5 BOARD MEMBERS:
6

7 Kimberly D. Cobaugh, NHA, Chairperson
8 Sharon K. McDermond, NHA, Vice Chairperson
9 K. Kalonji Johnson, Acting Commissioner of
10 Professional and Occupational Affairs
11 Diane M. Baldi, R.N. - Absent
12 Michael P. Kelly, NHA
13 Sara L. King, NHA
14 Anna E. Stewart, R.N. - Absent
15 Robert L. Wernicki, NHA
16 Mary Patricia Howard, Department of Health Designee
17 Carrie E. Wilson, Office of Attorney General, Bureau
18 of Consumer Protection Designee
19
20

21 BUREAU PERSONNEL:
22

23 Judith Pachter Schulder, Esquire, Board Counsel
24 Jaime Black, Esquire, Board Counsel
25 William Newport, Esquire, Board Prosecution Liaison
26 Carolyn DeLaurentis, Esquire, Deputy Chief Counsel
27 Cynthia Montgomery, Esquire Deputy Chief Counsel
28 Chris Stuckey, Board Administrator
29
30 Julie Snader, Deputy Director, Bureau of Finance and
31 Operations
32 Kim Mattis, Director, Bureau of Finance and Operations
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State Board of Examiners of
Nursing Home Administrators
December 4, 2019

ALSO PRESENT:

- Susan Williamson, Department of Health
- Kate M. Routledge, Senior Director of Compliance Support, The Hospital and Healthsystem Association of Pennsylvania (HAP)
- Kim Deline, Meeting & Marketing Manager, Pennsylvania Coalition of Affiliated Healthcare & Living Communities (PACAH)
- Kelly Andrisano, Executive Director, Pennsylvania Coalition of Affiliated Healthcare & Living Communities (PACAH)
- Mark Farrell, Deputy Policy Director, PA Department of State
- Robert Joseph Martinez
- Annica Arlene Stansberry
- Marina Deschger
- Amy Lynn Kemp
- Brian Bazylak

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1 ***

2 State Board of Examiners of
3 Nursing Home Administrators

4 December 4, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Board of Examiners of Nursing Home Administrators was
8 held on Wednesday, December 4, 2019. Kimberly D.
9 Cobaugh, NHA, Chairperson, called the meeting to order
10 at 9:04 a.m. Roll call was taken.

11 Kalonji Johnson, Acting Commissioner of
12 Professional and Occupational Affairs, was not present
13 at the commencement of the meeting.

14 ***

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

17 ***

18 Introduction of Audience

19 [Chairperson Cobaugh requested the introduction of
20 audience members.]

21 ***

22 Approval of Minutes of the February 27, 2019 meeting

23 CHAIRPERSON COBAUGH:

24 Did everyone get a chance to review the
25 minutes of February 27, 2019?

1 Do I have a motion to accept them?

2 MR. KELLY:

3 I make a motion to accept.

4 MS. MCDERMOND:

5 Second.

6 CHAIRPERSON COBAUGH:

7 All in favor?

8 [The motion carried unanimously.]

9

10 Appointment - 2018-2019 Prosecution Office Report
11 [Carolyn DeLaurentis, Esquire, Deputy Chief Counsel,
12 presented before the Board to provide data with regard
13 to Fiscal Year 2018-2019. Ms. DeLaurentis provided a
14 brief history of her educational and professional
15 background.

16 She noted that as of the conclusion of Fiscal
17 Year 2018-2019, 58 files were opened. The total
18 number of open cases or cases in various stages is 20.
19 With regard to enforcement action, nine warning
20 letters and one reprimand were issued. Ms.
21 DeLaurentis commended the Bureau of Enforcement and
22 Investigations for their assistance.

23 Ms. DeLaurentis noted that there were currently
24 11,359 open cases in various stages and 13,270 files
25 were closed.

1 Ms. DeLaurentis reviewed a mediation program
2 offered by the Governor's Office of General Counsel
3 and the alerts through the Justice Network Database
4 System (JNET). She commented that complaints
5 submitted through the PALS system also contribute to
6 the caseload.]

7 ***

8 Appointment - The Regulatory Process
9 [Cynthia Montgomery, Esquire, Deputy Chief Counsel,
10 presented before the Board for discussion of the
11 regulatory process. She provided a summary of her job
12 description and educated the Board on the entire
13 regulatory process.

14 Ms. Montgomery summarized eight basic steps with
15 regard to the regulatory process, starting with the
16 draft, and then followed by prepublication review,
17 publication/public comment, legislative committees and
18 Independent Regulatory Review Commission (IRRC)
19 review, revisions of the final rulemaking by the
20 Board, post publication review, legislative committee
21 and Independent Regulatory Review Commission reviews,
22 and publication of the final regulation.]

23 ***

24 [K. Kalonji Johnson, Acting Commissioner of
25 Professional and Occupational Affairs, entered the

1 meeting at 9:30 a.m.]

2

3 Appointment - the Regulatory Process (Continued)

4 [Ms. Montgomery continued with her summary of the
5 regulatory process.]

6

7 Introductions

8 [Ms. Pachter Schulder introduced Jaime Black, Esquire,
9 as the Board's new Counsel starting at the next
10 meeting. Ms. Black provided a history of her
11 professional background.

12 Pat Howard introduced herself as the Executive
13 Assistant to the Deputy Secretary of Quality
14 Assurance. She provided a history of her professional
15 background.

16 Ms. Pachter Schulder noted the presence of K.
17 Kalonji Johnson, Acting Commissioner of Professional
18 and Occupational Affairs, and Mark Farrell, Deputy
19 Policy Director.]

20

21 Report of Acting Commissioner

22 [K. Kalonji Johnson, Acting Commissioner of
23 Professional and Occupational Affairs, discussed
24 recent upgrades to customer service, including the
25 addition of voicemail cues to all phone services and

1 the launching of navigators with regard to explanation
2 of the licensing process. He further noted that after
3 4:00 p.m. the front doors would be locked and a police
4 officer would be present in the vestibule.]

5 ***

6 Appointment - Bureau of Finance and Operations

7 Annual Budget Presentation

8 [Julie Snader, Deputy Director of the Bureau of
9 Finance and Operations and Kim Mattis, Director,
10 Bureau of Finance and Operations, presented before the
11 Board for discussion of the Annual Budget, including
12 licensee counts, total revenue from Fiscal Year 2017-
13 2018 and 2018-2019, expenses for Fiscal Year 2017-
14 2018, 2018-2019, 2019-2020 budget expenses and
15 expenses as of 11/21/2019. Board members had
16 questions. There was discussion with regard to the
17 Board's actual expenses for those Fiscal Years.]

18 ***

19 Report of Board Counsel

20 Status of Regulations/Guidelines/Statements of Policy

21 16A-6219: Continuing Education

22 [Ms. Pachter Schulder stated a tolling memo as noted
23 from the Attorney General's Office was brought back to
24 the Board. This was not a matter that rose to that
25 level, so she proceeded.]

1 Ms. Pachter Schulder discussed ways of showing
2 continued competency, including repassing the
3 licensing exam, completing the 120-hour program again,
4 providing documentation of practice in another
5 jurisdiction for at least two years, and providing
6 documentation of employment in a nursing home in a
7 supervisory or consulting capacity or providing
8 documentation of teaching. She indicated this
9 regulation would also include the reduction in the
10 continuing education.

11 Ms. Pachter Schulder indicated the regulation was
12 either with the Office of Attorney General or en route
13 back to them. She noted that once approval was
14 received, the regulation would be published in the
15 Pennsylvania Bulletin for public comment before coming
16 back to the Board.]

17 ***

18 Act 41 of 2019

19 [Ms. Pachter Schulder explained that Act 41 of 2019 is
20 a law that was passed that is an alternate pathway for
21 licensure. She suggested that this Board does not
22 need to write regulations regarding this matter as it
23 would not have a beneficial impact on it. She
24 discussed the five general conditions that an
25 applicant must satisfy under the act.

1 Ms. Pachter Schulder noted there is a bill moving
2 through legislation known as Senate Bill 637 which
3 indicates that a crime committed would need to be
4 related to one's profession. She had further
5 discussion regarding that matter.

6 She noted the Department is conducting a survey
7 with regard to veterans.

8 There was discussion with regard to updated
9 regulation concerning Act 48 Civil Penalties.]

10 ***

11 Report of Board Chairperson

12 MS. PACHTER SCHULDER:

13 I believe the Board would entertain a
14 motion to ratify the temporary permit
15 applications of Tynisha Herder-Duncan,
16 William Andrew Watson, Amy Elizabeth
17 Haviland, Gregory Keith Stephens and
18 Danielle Lyn Kovalski-Belles.

19 MS. MCDERMOND:

20 I make a motion.

21 CHAIRPERSON COBAUGH:

22 Do I have a second?

23 MR. WERNICKI:

24 Second.

25 CHAIRPERSON COBAUGH:

1 All in favor?

2 [The motion carried unanimously.]

3 ***

4 MS. PACHTER SCHULDER:

5 A motion to ratify the action taken to
6 permit re-examination for William Eric
7 Boide?

8 MS. KING:

9 I make a motion.

10 CHAIRPERSON COBAUGH:

11 Do I have a second?

12 MR. KELLY:

13 Second.

14 CHAIRPERSON COBAUGH:

15 All in favor?

16 [The motion carried unanimously.]

17 ***

18 [Ms. Pachter Schulder requested that the Board decide
19 whether to allow applicants to participate by
20 telephone or continue by way of the usual process with
21 regard to temporary permit applications. The Board
22 preferred the usual process, to consider the matter
23 outside of the Board meeting.]

24 ***

25 Appointment - Robert Joseph Martinez, Application for

1 Nursing Home Administrator Licensure by Endorsement
2 [Robert Joseph Martinez presented before the Board for
3 discussion of his application for nursing home
4 administrator licensure by endorsement. He started
5 working in 1989 for six years as a social worker in
6 various nursing homes in El Paso. He then practiced
7 as an administrator of a surgery center from 1996 to
8 1999 and from there worked as a missionary in Alaska.
9 He was currently a pastor but desired to return to
10 long-term care.

11 Mr. Martinez will be retaking the NAB examination
12 on February 27, 2020, and was informed he would have a
13 very good chance of obtaining a license in West
14 Virginia. Mr. Martinez took assisted living courses
15 at a community college in Maryland and took an 80-hour
16 test regarding that matter. He was going to do the
17 AIT program in Maryland but would not be paid for an
18 entire which would be a hardship for his family.
19 Board members had questions.

20 Mr. Martinez contacted a school to take the 120-
21 hour class. He was interested in becoming a more
22 hands-on administrator at a nursing home.

23 Ms. Pachter Schulder explained the challenges for
24 the Board do not have to do with his social service
25 abilities, but more to do with the regulation

1 compliance area. Mr. Martinez was willing to learn
2 and improve.

3 Ms. Pachter Schulder stated the Board would
4 deliberate this matter further during Executive
5 Session.]

6

7 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
8 10:49 a.m. the Board entered into Executive Session
9 with Judith Pachter Schulder, Esquire, Board Counsel,
10 and Jaime Black, Esquire, Board Counsel, for the
11 purpose of conducting quasi-judicial deliberations and
12 to receive legal advice. The Board returned to open
13 session at 10:57 a.m.]

14

15 MS. PACHTER SCHULDER:

16 During Executive Session, the Board
17 engaged in quasi-judicial deliberations
18 for the application of Robert Joseph
19 Martinez for an Application for Nursing
20 Home Administrator Licensure by
21 Endorsement under Section 708(a)(5) of
22 the Sunshine Act.

23

24

25

Is there a motion to grant Mr.
Martinez a license by endorsement
subject to his document and completion

1 of the 120-hour course and passage of
2 the national and state portions of the
3 licensure examination?

4 MS. MCDERMOND:

5 I'll make a motion.

6 MR. KELLY:

7 I'll second that motion.

8 CHAIRPERSON COBAUGH:

9 All in favor?

10 [The motion carried unanimously.]

11 ***

12 Report of Committees

13 AIT Review Committee

14 [Sharon K. McDermond, NHA, accepted the position on
15 the AIT Review Committee.]

16 ***

17 Application for Approval of Administrator-In-Training
18 Program - Eliezer Klein

19 [Ms. Pachter Schulder stated this matter would be
20 discussed during Executive Session.]

21 ***

22 [K. Kalonji Johnson, Acting Commissioner of
23 Professional and Occupational Affairs, exited the
24 meeting at 11:00 a.m.]

25 ***

1 [The Board recessed from 11:01 a.m. until 11:07 a.m.]

2

3 Appointment - Annica Arlene Stansberry - Temporary
4 Permit Applicant.

5 [Annica Arlene Stansberry presented before the Board
6 for discussion of a temporary permit application. It
7 was noted that Ms. Stansberry was licensed in six
8 states, that she has an administrator until a
9 temporary permit is granted, and that there was no
10 vacancy yet but that Ms. Stansberry was requesting a
11 permit from November of 2019 until February of 2020.

12 Ms. Stansberry introduced herself for the record.
13 She was currently employed at Sava Senior Care
14 facility as Director of Regulatory Compliance. The
15 District Director for Sava Senior Care was present on
16 Ms. Stansberry's behalf. Board members had questions
17 and comments.]

18

19 MS. MCDERMOND:

20

Motion to grant a temporary permit to
21 Annika Arlene Stansberry subject to
22 receipt of her West Virginia criminal
23 background check indicating that she
24 doesn't have any criminal
25 convictions. And that the temporary

1 permit would be for six months.

2 MR. WERNICKI:

3 Second.

4 CHAIRPERSON COBAUGH:

5 All in favor?

6 [The motion carried unanimously.]

7 ***

8 Appointment - Amy Lynn Kemp - Temporary Permit
9 Applicant

10 [Amy Lynn Kemp, R.N., presented before the Board for
11 discussion of a temporary permit application. It was
12 noted that Ms. Kemp is a registered nurse, and that
13 there would be a sudden resignation effective December
14 6, 2019. Brian Bazylak, Nursing Home Administrator,
15 Waynesburg Healthcare and Rehab, was present on behalf
16 of Guardian Elder Care. Ms. Kemp explained that Mr.
17 Bazylak had resigned to locate at another facility.

18 Ms. Kemp explained that once she received her RN
19 license, she became Director of Nursing, Waynesburg
20 Healthcare and Rehab in August of 2016.

21 She noted that recruitment for a replacement had
22 been unsuccessful and was seeking a temporary practice
23 permit.

24 Mr. Bazylak had confidence that Ms. Kemp would do
25 well as the nursing home administrator.

1 Ms. Kemp would submit for the test within the
2 next 60 days. Ms. Pachter Schulder explained that if
3 Ms. Kemp were to fail the test, the temporary permit
4 would be void.]

5 MS. KING:

6 I make a motion to grant a temporary
7 permit to Amy Lynn Kemp for a period of
8 six months.

9 MR. KELLY:

10 I second that motion.

11 CHAIRPERSON COBAUGH:

12 All in favor?

13 [The motion carried unanimously.]

14 ***

15 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
16 11:22 a.m. the Board entered into Executive Session
17 with Judith Pachter Schulder, Esquire, Board Counsel,
18 and Jaime Black, Esquire, Board Counsel, for the
19 purpose of conducting quasi-judicial deliberations and
20 to receive legal advice. The Board returned to open
21 session at 11:25 a.m.]

22 ***

23 MS. PACHTER SCHULDER:

24 During Executive Session, the Board
25 engaged in quasi-judicial deliberations

1 on the application for approval of an
2 Administrator-In-Training program for
3 Eliezer Klein.

4 Is there a motion to deny the
5 request for approval of an AIT program
6 on the grounds that the planned program
7 is in New Jersey and that the Board may
8 not approve administrator in training
9 programs for facilities that are outside
10 of the Commonwealth. But to advise Mr.
11 Klein that if he were to apply for
12 licensure, he could use any experience
13 he might have obtained as an assistant
14 administrator?

15 MR. WERNICKI:

16 Motion.

17 MS. MCDERMOND:

18 Second.

19 CHAIRPERSON COBAUGH:

20 All in favor?

21 [The motion carried unanimously.]

22 ***

23 Miscellaneous

24 Discussion

25 Election of Officers

1 MS. PACHTER SCHULDER:

2 Is there a motion to name a Chair and a
3 Vice Chair?

4 MR. KELLY:

5 I make a recommendation to nominate
6 Kimberly Cobaugh as the Chair.

7 MR. WERNICKI:

8 Second.

9 MS. PACHTER SCHULDER:

10 All those in favor?

11 [The motion carried unanimously.]

12 ***

13 MS. PACHTER SCHULDER:

14 Is there a motion with regard to a Vice
15 Chair?

16 MR. KELLY:

17 I make a motion to nominate Sharon K.
18 McDermond as Vice Chair.

19 MS. COBAUGH:

20 Second.

21 MS. PACHTER SCHULDER:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 MR. KELLY:

1 I make a motion to nominate Sara L. King
2 as Secretary.

3 MS. MCDERMOND:

4 Second.

5 [The motion carried unanimously.]

6 ***

7 Adjournment

8 CHAIRPERSON COBUGH:

9 Do we have a motion to adjourn?

10 MS. MCDERMOND:

11 Motion.

12 CHAIRPERSON COBAUGH:

13 Second?

14 MS. HOWARD:

15 Second.

16 [The motion carried unanimously.]

17 ***

18 [There being no further business, the State Board of
19 Examiners of Nursing Home Administrators Meeting
20 adjourned at 11:30 a.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.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS
REFERENCE INDEX

December 4, 2019

	TIME	AGENDA
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4		
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7		
8		
9		
10	9:04	Official Call to Order
11		
12	9:04	Roll Call
13		
14	9:05	Approval of Minutes
15		
16	9:06	Appointment - 2018-2019 Prosecution
17		Office Report
18		
19	9:16	Appointment - The Regulatory Process
20		
21	9:50	Report of Acting Commissioner
22		
23	9:59	Appointment - Bureau of Finance and
24		Operations
25		
26	10:12	Report of Board Counsel
27		
28	10:27	Report of Board Chairperson
29		
30	10:32	Appointment - Robert Joseph Martinez
31		
32		
33	10:49	Executive Session
34	10:57	Return to Open Session
35		
36	10:57	Report of Committees
37		
38	11:01	Recess
39	11:05	Return to Open Session
40		
41	11:07	Appointment - Annica Arlene Stansberry
42		
43	11:15	Appointment - Amy Lynn Kemp
44		
45	11:22	Executive Session
46	11:25	Return to Open Session
47		
48	11:25	Miscellaneous - Election of Officers
49		
50	11:30	Adjournment