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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: 9:00 A.M.

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

Wednesday, February 26, 2020

State Board of Examiners of
Nursing Home Administrators
February 26, 2020

BOARD MEMBERS:

- Kimberly D. Cobaugh, NHA, Chairperson - Absent
- Theodore Stauffer, Executive Assistant, Pennsylvania Department of State, on behalf of K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Sharon K. McDermond, NHA, Vice Chairperson
- Sara L. King, NHA, Secretary
- Diane M. Baldi, R.N. - Absent
- Anne E. Holladay, CNHA
- Mary Patricia Howard, Department of Health designee
- Michael P. Kelly, NHA
- Anna E. Stewart, R.N.
- Robert L. Wernicki, NHA
- Carrie E. Wilson, Office of Attorney General designee, Bureau of Consumer Protection

BUREAU PERSONNEL:

- Jaime D. Black, Esquire, Board Counsel
- Judith Pachter Schulder, Esquire, Board Counsel
- Chris Stuckey, Board Administrator
- Andrew LaFratte, MPA, Policy Office, Department of State

ALSO PRESENT:

- Kim Deline, Meeting & Marketing Manager, Pennsylvania Coalition of Affiliated Healthcare & Living Communities
- Allison Jade Daugherty, CNA, Assistant Administrator, AristaCare at Woodland Park
- Melanie McAleer, CTRS, LNHA, AristaCare at Huntingdon Park
- Ann Marie Mims, Regional Director of Operations, AristaCare

State Board of Examiners of
Nursing Home Administrators
February 26, 2020

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ALSO PRESENT: (cont.)

Janice Renee Pettit, Admissions/Marketing Director,
and Housekeeping/Laundry Supervisor, McMurray Hills
Manor
Frank Geramita, NHA, McMurray Hills Manor

1 ***

2 State Board of Examiners of
3 Nursing Home Administrators
4 February 26, 2020

5 ***

6 The regularly scheduled meeting of the State
7 Board of Examiners of Nursing Home Administrators was
8 held on Wednesday, February 26, 2020. Sharon K.
9 McDermond, NHA, Vice Chairperson, called the meeting
10 to order at 9:00 a.m. Roll call was taken.

11 ***

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

14 ***

15 Approval of minutes of the December 4, 2019 meeting
16 VICE CHAIRPERSON MCDERMOND:

17 Approval of the minutes for December 4.

18 MR. KELLY:

19 I make a motion to approve.

20 MR. WERNICKI:

21 Second.

22 VICE CHAIRPERSON MCDERMOND:

23 All those in favor? Any abstentions?

24 [The motion carried. Mr. Stauffer abstained from
25 voting on the motion.]

1 ***

2 Report of Prosecutorial Division - No Report

3 ***

4 Introduction of Audience

5 [Vice Chairperson McDermond requested the introduction
6 of audience members.]

7 ***

8 Appointment - Allison Jade Daugherty

9 [Allison Jade Daugherty, CNA/GNA, Assistant
10 Administrator, presented before the Board requesting
11 approval to sit for the Nursing Home Administrator
12 Examinations.

13 Ms. Daugherty stated she started in long-term
14 care as a certified nursing assistant (CNA) in 2013.
15 She advanced to a staffing coordinator position and
16 then became the human resources director for
17 approximately five years, managing the staff
18 coordinator and participating in union contract
19 negotiations as well as enforcing the union contract,
20 hiring, firing, disciplining, and mentoring staff to
21 be successful.

22 Ms. Daugherty became the assistant administrator,
23 where she participates in safety and department of
24 health surveys. She mentioned attending seminars and
25 having a lot of hands-on training. She noted being

1 one of the direct communicators with the Department of
2 Health during a survey last week.

3 Ms. Daugherty discussed her experience in
4 managing and directing nursing, dietary, housekeeping,
5 and laundry in a 125-bed facility.

6 Ms. Daugherty addressed interaction between the
7 nursing department and human resources,
8 differentiating her role in human resources (HR)
9 versus her interaction with nursing in terms of being
10 an assistant administrator.

11 Ms. Daugherty noted her involvement in the
12 Quality Assurance and Performance Improvement (QAPI)
13 process and discussed her understanding of payment and
14 insurance reimbursement.

15 Melanie McAleer, CTRS, LNHA, AristaCare at
16 Huntingdon Park, noted mentoring Ms. Daugherty before
17 her move to the Woodland facility.

18 Ann Marie Mims, Regional Director of Operations,
19 AristaCare, stated the plan was to keep Ms. Daugherty
20 at Woodland and watch her progression before offering
21 an administrative position.

22 Ms. McAleer stated Ms. Daugherty's compassion and
23 desire to learn and do right by the residents was her
24 propeller to really be in charge of that system, so
25 she could direct different areas and assure the

1 residents were being cared for properly.

2 Ms. Mims mentioned that people are aging out of
3 the industry, and AristaCare is always looking for
4 dedicated people like Ms. Daugherty who take their
5 experience, put it into practice, and want to care for
6 the residents.

7 Ms. Black commented that the Board will review
8 the application during Executive Session and vote once
9 back in public session.]

10 ***

11 Report of Board Counsel

12 [Jaime D. Black, Esquire, Board Counsel, addressed Act
13 41, which went into effect on August 29, 2019, to
14 provide another option for applicants licensed in
15 other jurisdictions to reduce unnecessary barriers for
16 new residents, including military spouses and other
17 individuals who wish to live and work in Pennsylvania.

18 Ms. Black discussed the prior discussions
19 concerning Act 41. Previously it had been decided
20 that because other states' standards were either above
21 or equal to those required in Pennsylvania, no other
22 state requirements currently exist preventing a
23 licensee from being afforded a license by endorsement
24 under the Board's current regulatory scheme.

25 However, after additional discussion with

1 Regulatory Counsel, regulations are needed as it is
2 statutorily mandated that the Board write regulations
3 for Act 41, and the licensee requirements for
4 territories in foreign countries are less clear.

5 Ms. Black commented that the National Association
6 of Long-Term Care Administrator Boards (NAB) is
7 unaware of any specific licensing requirements for
8 administrators in other countries; however, the Board
9 would be unable to rely on that since it cannot be
10 verified; therefore the Board would need to enact
11 regulations that would cover circumstances in which
12 another country may have standards or where standards
13 in other jurisdiction should change.

14 Ms. Black referred to the draft annex template
15 and the need to determine competency if an applicant
16 should apply under Act 41.

17 Ms. Pachter Schulder mentioned prior discussion
18 regarding the importance of the law in that other
19 jurisdictions may be substantially equivalent to the
20 requirements in the Commonwealth, which would be an
21 easier way to consider the standards in other
22 jurisdictions. She inquired as to the requirements of
23 the Board for an applicant to obtain a license in the
24 state, noting the Board had always required the 120-
25 hour course.

1 Ms. Pachter Schulder questioned whether the
2 120-hour course would be a prerequisite to granting a
3 license or whether an applicant could receive a
4 provisional license, which would be a temporary
5 license with a certain amount of time to complete the
6 120-hour course.

7 Ms. Pachter Schulder inquired as to the
8 requirements of Board if other jurisdictions have
9 licenses. She mentioned experience in 2 of the last 5
10 years or having completed a certain number of hours of
11 continuing education.

12 Mr. Kelly questioned whether the guidelines would
13 still be on a case-by-case basis and how an applicant
14 would be considered.

15 Ms. Pachter Schulder explained that the Board
16 would compare other jurisdictions' laws with the laws
17 of the Commonwealth. She mentioned when considering
18 competency, the Board would determine the general
19 competency requirements and then fit that particular
20 person into those requirements. She stated applicants
21 who have not met the 120-hour course, if that were the
22 requirement of the Board, would have to complete that
23 course.

24 Vice Chairperson McDermond commented that the act
25 refers to a target audience of individuals entering

1 from another country, not an individual going through
2 the normal endorsement.

3 Ms. Pachter Schulder stated this was not the
4 normal endorsement process and would be a separate
5 piece to specify another pathway or alternative.

6 Ms. Pachter Schulder noted that individuals from
7 other states either meet or exceed the Board's
8 requirements but are not required to take the 120-hour
9 course, which could be considered as far as
10 competence.

11 Ms. Pachter Schulder mentioned prior discussion,
12 where the Board noted it would be more burdensome with
13 Act 41 for those coming from another state due to
14 having to demonstrate their competence. She suggested
15 requiring individuals to take the state exam before
16 obtaining a license under Act 41 because the exam is
17 given all of the time. She mentioned the exam would
18 not be a barrier to someone applying.

19 Ms. Pachter Schulder inquired as to the Board's
20 requisites to demonstrate competence, which might be a
21 letter from an employer that outlines the performance
22 of an individual or experience in nursing home
23 administration for 2 of the last 5 years.

24 Ms. Pachter Schulder questioned whether the Board
25 would find it sufficient for an individual to have the

1 same continuing education hours, either 36 by way of
2 the new regulation or 48 if it stays as it is now.

3 Ms. Pachter Schulder referred to licensure by
4 endorsement under Act 41(a)(2), which demonstrates
5 competency by one of the following and where the Board
6 would be stating, have been actively engaged in the
7 practice of nursing home administration for 2 of the
8 last 5 years.

9 Ms. Pachter Schulder referred to (a)(2)(ii)
10 regarding the hours of continuing education, noting
11 the Board had not necessarily wanted to go that route.

12 Ms. Pachter Schulder noted (iii) could be the
13 120-hour course and (iv) would apply. She noted it
14 could read, to be issued a license, an individual
15 would need a current license in the other state, pass
16 the Pennsylvania portion of the licensure examination,
17 and then demonstrate competency by one of the
18 following.

19 Ms. Pachter Schulder referred to (a)(3), has not
20 committed any act prohibited by the section of the
21 act, noting it to be an act that the Board uses to
22 disqualify individuals. She noted applicants who had
23 been disciplined or committed crimes could still
24 obtain licensure if the crime was not related to the
25 profession or the crime or discipline was old.

1 Ms. Pachter Schulder noted (a) (5), proof of
2 compliance with the administrative requirements.

3 Ms. Pachter Schulder mentioned (b), noting an
4 applicant may be required to appear before the Board
5 for a personal interview.

6 Ms. Black encouraged the Board to make a decision
7 by the next Board meeting, so Board Counsel could
8 draft the regulation for their review and start the
9 process.

10 Ms. Pachter Schulder explained that competence
11 could be demonstrated by presenting experience, where
12 an individual had not practiced in the last 5 years.
13 She believed the Board wanted, for those people who
14 have not practiced in 2 of the last 5 years, to
15 demonstrate competence by taking the 120-hour course.
16 She stated, in terms of the steps for the process, it
17 would be the passing of the test and completion of the
18 120-hour course, it would be demonstrating competency.
19 The 120-hour course proves the competence and will
20 prepare the applicant for the Pennsylvania portion of
21 the test.

22 Ms. Pachter Schulder noted that an application of
23 this regulation would be extremely limited because
24 somebody coming from another jurisdiction would fall
25 under licensure by endorsement.

1 Vice Chairperson McDermond questioned whether it
2 would be too restrictive to require a letter of
3 experience over the last 2 of the past 5 years, and if
4 the individual did not have that, require completion
5 of the 120-hour course and passing the state exam.

6 Ms. Pachter Schulder commented that it would be
7 another country and having practiced 2 of the last 5
8 years, noting she would discuss the matter with
9 Regulatory Counsel.

10 Ms. Pachter Schulder noted the Board's decision
11 to not want individuals to practice in Pennsylvania
12 until they pass the Pennsylvania portion of the exam,
13 which was easy to take and ensures their understanding
14 of the law.

15 Ms. Black questioned whether the temporary
16 mechanism could be used with Act 41 or does Act 41
17 need its own provisional license.

18 Ms. Pachter Schulder explained that the
19 provisional license was similar to the temporary
20 permit, and the Board would need to develop the
21 criteria for a person to obtain a provisional license.
22 She suggested the Board consider individuals who have
23 not worked 2 of the last 5 years for criteria.

24 Ms. Pachter Schulder stated the Board can decide
25 whether there is any circumstance while the individual

1 is undertaking the 120-hour course where they can
2 start to practice. She mentioned that once the Board
3 adopts a draft of this regulation for next meeting, it
4 would then be sent out to stakeholders for comment
5 just like the continuing education regulation.

6 Ms. Black stated neither counsel nor the
7 Independent Regulatory Review Commission (IRRC) had
8 received any comments regarding the continuing
9 education regulation. She noted the public comment
10 period was open until March 2, 2020.

11 Ms. Pachter Schulder stated it was published in
12 the *Pennsylvania Bulletin* on February 1. She
13 mentioned that all comments received by the House
14 Professional Licensure Committee and the Independent
15 Regulatory Review Commission would come back to the
16 Board for review to determine whether any changes
17 needed to be made. She stated the only question so
18 far was from the Independent Regulatory Review
19 Commission.

20 Ms. Black explained that IRRC wanted
21 clarification regarding why the word "approved" was
22 changed to "accepted" with respect to the review of
23 renewal applications. She noted drafting a response
24 explaining that there is case law that supports the
25 statement, where review of renewals are not really

1 approved. She noted they are just accepted because it
2 is a ministerial process.

3 Ms. Pachter Schulder also explained that an
4 individual who notes a criminal conviction or
5 discipline in another state on their application goes
6 to prosecution who makes a determination whether to
7 file an Order to Show Cause or not. She stated just
8 because an individual notes a conviction and is
9 renewing that license does not mean the individual is
10 fine.

11 Ms. Black provided information regarding recusal
12 guidelines, noting she is available before or after
13 meetings or during Executive Session for those with
14 questions.

15 Ms. Black explained mandatory recusal as members
16 who had a prosecutorial role in the matter or direct
17 personal financial interest in the outcome of that
18 matter.

19 Ms. Black stated it was strongly suggested to
20 recuse if a Board member has a personal affection for
21 someone directly involved in the subject at issue but
22 merely knowing a person or knowing of a person
23 involved in a pending matter did not necessarily
24 warrant a recusal. She noted a Board member would be
25 strongly suggested to recuse if he or she had

1 knowledge from outside of the case that they cannot
2 set aside in order to make a fair unbiased
3 determination based solely on the record made at the
4 hearing or presented by a consent agreement.

5 Ms. Black stated recusal was discretionary if he
6 or she cannot hear and dispose of the case or
7 participate in a decision in a fair and unprejudicial
8 way.

9 Ms. Pachter Schulder added that members who even
10 have a hint of thinking should recuse themselves, so
11 it would not impact the decision in the case.]

12 ***

13 Appointment - Janice Renee Pettit

14 Janice Renee Pettit, CNA, Admissions/Marketing
15 Director, and Housekeeping/Laundry Supervisor,
16 McMurray Hills Manor, presented before the Board
17 requesting approval to sit for the Nursing Home
18 Administration Examinations. She graduated high
19 school in 1986 and started working at McMurray Home
20 Manor as a nursing assistant until 1998. She noted
21 returning to McMurray Home Manor as a rehabilitation
22 aide and then later worked in medical records, central
23 supply, business office, and admissions.

24 Ms. Pettit became the director of admissions and
25 is also the laundry and housekeeping department

1 supervisor. She mentioned assisting in the Life
2 Safety Code and Plan of Correction this past survey
3 with paperwork and compliance. She explained her
4 supervisory role aside from admissions and noted
5 assisting with the hiring and terminations of the
6 housekeeping and laundry departments.

7 Ms. Pettit explained her involvement with
8 nursing, including rounds and issues with family
9 members. She discussed her exposure to the regulatory
10 process and role in compliance and quality assurance.
11 She and Mr. Geramita review Certification and Survey
12 Provider Enhanced Reporting (CASPER).

13 Ms. Pettit discussed her involvement with
14 reimbursement rate, contracted rate, and all of the
15 changes in insurance coverage in the area. She also
16 discussed her involvement with the Centers for
17 Medicare & Medicaid Services (CMS) provided by the
18 corporate office.

19 Frank Geramita, NHA, McMurray Hills Manor,
20 mentioned Ms. Daugherty's 35 years of experience and
21 the respect employees, family members, and residents
22 have for her. He also noted her ability to take
23 charge of other departments when someone leaves.

24 Ms. Black stated the Board will discuss the
25 application in Executive Session and would vote on the

1 matter in public session.]

2 ***

3 [Michael P. Kelly, NHA, exited the meeting at
4 10:16 a.m. and reentered the meeting at 10:17 a.m.]

5 ***

6 [Theodore Stauffer, Executive Assistant, Bureau of
7 Professional and Occupational Affairs, exited the
8 meeting at 10:17 a.m.]

9 ***

10 [The Board recessed from 10:17 a.m. until 10:22 a.m.]

11 ***

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 10:22 a.m. the Board entered into Executive Session
14 with Judith Pachter Schulder, Esquire, Board Counsel,
15 and Jaime D. Black, Esquire, Board Counsel, for the
16 purpose of conducting quasi-judicial deliberations
17 regarding the matters before the Board as listed on
18 today's agenda. The Board entered into public session
19 at 10:35 a.m.]

20 ***

21 MOTIONS

22 MS. BLACK:

23 Will the Board entertain a motion to
24 approve or deny the Application of
25 Allison Jade Daugherty?

1 MR. KELLY:

2 I make a motion to approve.

3 VICE CHAIRPERSON MCDERMOND:

4 Second?

5 MS. HOWARD:

6 Second.

7 VICE CHAIRPERSON MCDERMOND:

8 All in favor?

9 [The motion carried unanimously.]

10 ***

11 MS. PACHTER SCHULDER:

12 As to the second Application for Janice
13 Renee Pettit, the Board is going to note
14 that Mr. Wernicki is recused from the
15 matter.

16 ***

17 [The Board asked Ms. Pettit additional questions
18 regarding leadership capacity and roles taken at the
19 nursing home as admissions/marketing director, and
20 housekeeping/laundry supervisor.]

21 ***

22 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
23 10:52 a.m. the Board entered into Executive Session
24 with Judith Pachter Schulder, Esquire, Board Counsel,
25 and Jaime D. Black, Esquire, Board Counsel, for the

1 purpose of conducting quasi-judicial deliberations
2 regarding the matters before the Board as listed on
3 today's agenda. The Board entered into public session
4 at 11:08 a.m.]

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6 MS. BLACK:

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MR. KELLY:

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MS. HOWARD:

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VICE CHAIRPERSON MCDERMOND:

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Correspondence

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[Sharon K. McDermond, NHA, Vice Chairperson, noted
correspondence from Mr. Robert Joseph Martinez
requesting approval to complete a 100-hour course

1 versus the traditional Pennsylvania 120-hour course.

2 Ms. Pachter Schulder mentioned a previous motion
3 to grant licensure by endorsement subject to him
4 receiving the 120-hour course, noting the need to
5 modify the motion from the December meeting.]

6

7 MS. BLACK:

8 Is there a motion for the Board to
9 consider Mr. Martinez's request to take
10 the 100-hour course offered by St.
11 Joseph's College of Maine in lieu of the
12 120-hour Board approved program once the
13 Board receives a curriculum plan for the
14 100-hour course, as well as an analysis
15 to show that each of the subject areas
16 identified in the 120-hour program are
17 covered by the 100-hour course?

18 VICE CHAIRPERSON MCDERMOND:

19 I move.

20 MR. KELLY:

21 Second.

22 MS. PACHTER SCHULDER:

23 This is a motion to modify the previous
24 motion that was originally made that he
25 had to take the 120-hour course. This

1 would allow him to take the 100-hour
2 course provided that it is comparable to
3 Pennsylvania requirements, and Mr. Kelly
4 would be doing that review.

5 VICE CHAIRPERSON MCDERMOND:

6 All those in favor? Anybody opposed?
7 Any abstentions?

8 [The motion carried unanimously.]

9 ***

10 Report of Board Chairperson

11 VICE CHAIRPERSON MCDERMOND:

12 We have three temporary permit
13 applications that we need to make a
14 motion on for Misty Lauren Spiroff,
15 Frank Joseph Hyland, and Susan Bernard.

16 Is there a motion?

17 MS. PACHTER SCHULDER:

18 The motion would be to ratify the
19 granting of the temporary permit
20 applications.

21 MR. KELLY:

22 I make a motion to ratify granting of
23 the temporary permits.

24 MS. HOWARD:

25 Second.

1 VICE CHAIRPERSON MCDERMOND:

2 All in those favor? Any abstentions?

3 Any opposed?

4 [The motion carried unanimously.]

5 ***

6 Report of Board Administrator - No Report

7 ***

8 Report of Board Members - No Report

9 ***

10 Report of Committees

11 [Sharon K. McDermond, NHA, Vice Chairperson, referred
12 to the Examination Committee Report for the Board's
13 review.]

14 ***

15 Miscellaneous

16 [Sharon K. McDermond, NHA, Vice Chairperson, noted
17 tentative 2021 Board meeting dates.]

18 ***

19 MR. KELLY:

20 I make a motion to accept the dates
21 proposed.

22 MS. HOWARD:

23 Second.

24 VICE CHAIRPERSON MCDERMOND:

25 All those in favor? Any opposed?

1 [The motion carried unanimously.]

2 ***

3 Adjournment

4 VICE CHAIRPERSON MCDERMOND:

5 I would like to make a motion to adjourn
6 the meeting.

7 MS. HOLLADAY:

8 So moved.

9 MR. KELLY:

10 Second.

11 VICE CHAIRPERSON MCDERMOND:

12 All those in favor?

13 [The motion carried unanimously.]

14 ***

15 [There being no further business, the State Board of
16 Examiners of Nursing Home Administrators Meeting
17 adjourned at 11:13 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.



Sarah LaMaster,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS
REFERENCE INDEX

February 26, 2020

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10	9:00	Official Call to Order
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12	9:01	Roll Call
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14	9:02	Approval of Minutes
15		
16	9:04	Appointment - Allison Jade Daugherty
17		
18	9:25	Report of Board Counsel
19		
20	9:55	Appointment - Janice Renee Pettit
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22	10:17	Recess
23	10:22	Return to Open Session
24		
25	10:22	Executive Session
26	10:35	Return to Open Session
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28	10:35	Motions
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30	10:52	Executive Session
31	11:08	Return to Open Session
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33	11:08	Motions
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35	11:11	Correspondence
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37	11:12	Report of Board Chairperson
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39	11:13	Miscellaneous
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41	11:13	Adjournment
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