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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, February 27, 2019

1 State Board of Examiners of
2 Nursing Home Administrators
3 February 27, 2019
4

5 BOARD MEMBERS:
6

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

22 BUREAU PERSONNEL:
23

24 Judith Pachter Schulder, Esquire, Board Counsel
25 J. Karl Geschwindt, Esquire, Board Prosecution Liaison
26 Chris Stuckey, Board Administrator
27
28 Kimberly Adams, Chief of Fiscal Management, Bureau of
29 Finance and Operations
30 Shannon Boop, Fiscal Management Specialist, Bureau of
31 Finance and Operations
32
33

34 ALSO PRESENT:
35

36 Jacob Derrick, Policy Analyst, Governor's
37 Policy & Planning Office
38 Kalonji Johnson, Policy Director, Department of State
39 Kim Deline, Meeting & Marketing Manager, Pennsylvania
40 Coalition of Affiliated Healthcare & Living
41 Communities
42 Beth Greenberg, Senior Director of Regulatory Affairs,
43 LeadingAge PA
44 Kelly Andrisano, Executive Director, Pennsylvania
45 Coalition of Affiliated Healthcare & Living
46 Communities
47 Kate M. Routledge, Senior Director of Compliance
48 Support, The Hospital and Healthsystem Association
49 of Pennsylvania
50 Janet Nerbecki, NHA

1 ***

2 State Board of Examiners of
3 Nursing Home Administrators
4 February 27, 2019

5 ***

6 The regularly scheduled meeting of the State
7 Board of Examiners of Nursing Home Administrators was
8 held on Wednesday, February 27, 2019. Kimberly D.
9 Cobaugh, NHA, Chairperson, called the meeting to order
10 at 8:59 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.]

18 ***

19 Approval of Minutes of the November 14, 2018 meeting

20 CHAIRPERSON COBAUGH:

21 Did everyone get a chance to review the
22 minutes of November 14, 2018?

23 Do I have a motion to approve?

24 MS. MCDERMOND:

25 I make a motion to approve.

1 MS. HOLLADAY:

2 Second.

3 CHAIRPERSON COBAUGH:

4 All in favor?

5 [The motion carried unanimously.]

6 ***

7 Report of Prosecutorial Division

8 [J. Karl Geschwindt, Esquire, Board Prosecution

9 Liaison, presented the Consent Agreement for File No.

10 17-62-11220.]

11 ***

12 Appointment - Bureau of Finance and Operations Annual

13 Budget Review Presentation

14 [Kimberly Adams, Chief of Fiscal Management, Bureau of

15 Finance and Operations, introduced herself and Shannon

16 Boop, Fiscal Management Specialist.

17 Ms. Adams addressed licensee population from a
18 revenue standpoint. She reviewed the licensee count
19 for FY 2018-2019 at 17,053 with the recent addition of
20 6 licensees. She noted licensee counts were up 35
21 since FY 2016-2017 but down 42 from FY 2014-2015.

22 Ms. Adams provided a breakdown of revenue
23 sources. She reviewed the biennial total with 99% of
24 revenue from renewals and applications. She noted the
25 last fee increase in 2006.

1 Ms. Adams addressed the expense portion of the
2 budget. She reviewed FY 2016-2017, FY 2017-2018, and
3 the current FY 2018-2019 budget with the expenses.
4 She commented that expenses are based on direct costs
5 derived from timesheets and licensee-based fees.

6 Ms. Adams discussed revenues and expenses from FY
7 2016-2017, FY 2017-2018, and FY 2018-2019, and noted
8 the current balance. She noted fund growth covering
9 expenses.

10 Ms. Adams provided a breakdown of Board member
11 expenses for FY 2016-2017 and FY 2017-2018, noting the
12 budgeted amount for FY 2018-2019. She noted the
13 expenses as of February 6, 2019. She stated, because
14 the Board did not use more than half of its budgeted
15 amount in FY 2018-2019, FY 2019-2020 was lowered in
16 half, dropping the budgeted amount from \$24,000 to
17 \$12,000. She commented that any excess balance in the
18 Board's account would go back into the restricted
19 count and could only be used by the Board.

20 Ms. Adams reviewed the expenditure sheet
21 providing a pictorial view of the fluctuation in
22 expenses since the Board's last fee increase in 2006.]

23 ***

24 [Michael P. Kelly, NHA, exited the meeting at
25 9:15 a.m. for recusal purposes.]

1 ***

2 Appointment - Julia Lynn Gregory

3 [Julia Lynn Gregory, addressed the Board regarding a
4 request to retake her examination. Ms. Gregory
5 informed the Board about recently taken courses that
6 she took including CPR, PharMerica, Pennsylvania
7 Health Care Association courses, Marywood University
8 refresher courses, Centers for Medicare and Medicaid
9 Services Emergency Preparedness Rule, Madonna
10 University courses, and PharmScript.

11 Ms. Gregory answered questions from the Board
12 related to her ability to test.

13 Janet Nerbecki, NHA, stated Ms. Gregory was
14 studying constantly and will be reviewing the National
15 Association of Long-Term Care Administrator Boards
16 (NAB) information online. She also noted that Ms.
17 Gregory will be more involved with the budget. She
18 stated a three- to four-month time frame was realistic
19 for Ms. Gregory to have more exposure to the budget
20 process and review questions.]

21 ***

22 [Michael P. Kelly, NHA, reentered the meeting at
23 9:34 a.m.]

24 ***

25 Report of Board Counsel

1 [Judith Pachter Schulder, Esquire, Board Counsel,
2 updated the Board regarding 16A-6219 relating to
3 continuing education.]

4 ***

5 Report of Board Chairperson

6 [Kimberly Cobaugh, NHA, Chairperson, addressed the
7 flat budget for long-term care from the Governor this
8 year. She suggested some type of advocacy and
9 drafting a letter noting concerns for long-term care
10 facilities to the office that deals with the budget.

11 Chairperson Cobaugh stated no increase in the
12 government budget was a crisis in facilities and in
13 the realm of reimbursement from the state for the
14 Medicaid and Community HealthChoices (CHC) population.

15 Ms. McDermond questioned whether the Board had
16 done any kind of advocacy concerning running a
17 facility or challenges faced as a profession. She
18 noted challenges every year with budget cuts,
19 especially when trying to care for Medicaid residents.
20 She commented that the Medicaid population was
21 growing, where there was no Medicare or the private
22 payment. Medicaid is a state-run funded program.

23 Ms. McDermond addressed federal involvement,
24 where the federal government provides states buckets
25 of Medicaid Medical Assistance monies with the issue

1 being that it needs to be used for the right groups of
2 people. She noted that from a state perspective, it
3 was advocating for increases in funding for long-term
4 care.

5 Ms. Pachter Schulder noted that facility
6 reimbursement would not be an issue within the
7 Board's bailiwick.

8 Ms. King addressed federal reporting, where
9 everything is reported to the federal government that
10 implements the five-star rating for facilities.

11 Ms. King explained that it is both a national and
12 state issue, especially when there is no funding for
13 that particular population because the workforce is
14 part of the money received for Medicaid.

15 Jacob (Jake) Derrick, Policy Analyst, Office of
16 PA Governor Tom Wolf offered to connect the Board with
17 the person in the Policy Office who deals with all
18 Medicaid health issues to discuss the Board's
19 concerns.]

20

21 Appointment - Governor's Policy Office Presentation
22 [Mr. Derrick noted his appreciation for the Board's
23 decision to decrease the amount of continuing
24 education necessary to biannually renew a license from
25 48 hours to 36 hours. Mr. Derrick stated a

1 preliminary draft of the regulation had been sent to
2 the Governor's Office, where Policy had signed off.
3 He stated the Office of General Counsel (OGC) would
4 review for legality.

5 [Ms. Pachter Schulder reviewed the regulatory review
6 process including interdepartmental review, review by
7 the Office of General Counsel the Office of General
8 Counsel, Budget and Policy followed by review by the
9 Office of Attorney General for about 30 days for their
10 review. She projected that it is possible that the
11 proposed regulation could be published in late or
12 early summer.

13 With regard to a statutory change deleting high
14 school eligibility for licensure, Mr. Derrick noted
15 the draft of the statutory language increasing
16 education from a high school diploma up to a two-year
17 degree, was submitted to the stakeholders, including
18 PACAH, LeadingAge, and The Hospital and Healthsystem
19 Association of Pennsylvania. Their feedback was
20 considered and incorporated.

21 Mr. Derrick explained that there would need a
22 sponsor, the legislation introduced, and then go
23 through the legislative process.

24 Ms. Pachter Schulder referred the Board to draft
25 language Section 6(e) and (f) of the Speech-Language

1 Pathologists and Audiologists Licensure Act which
2 relates to having a high school diploma or equivalent,
3 so the requirements would be at least two years of
4 college-level study after secondary school study in an
5 accredited institution. She stated those who do not
6 hold a bachelor's degree in a nursing home
7 administration field would have to take the 120-hour
8 course.

9 Ms. Pachter Schulder directed the Board's
10 attention to the letter from Beth Greenberg, Sr.
11 Director, Regulatory Affairs, LeadingAge PA requesting
12 an exemption for a registered nurses (RN) who hold a
13 certificate and those NHA students currently in the
14 process of becoming an NHA from the two year of
15 college study requirement.

16 Ms. Pachter Schulder addressed the letter from
17 HAP, who recommended a change from "at least two years
18 of college level study after secondary school" to "has
19 successfully complete an associate's degree (AD) in a
20 related field." She explained that the AD only
21 language would make diploma RNs ineligible. She noted
22 that if the Board has the requirement for an AD and
23 then adds a carve out for RNs, diploma RNs would be
24 eligible for licensure.

25 The Board discussed that if the statute required

1 an AD rather than at least two years, somebody who
2 goes to school for three years and does not get a
3 degree would not meet that requirement unless the
4 person was.

5 Ms. McDermond questioned whether the related
6 field is clearly identified, noting that HAP's comment
7 states "has successfully completed an associate's
8 degree in a related field from an accredited
9 institution of higher learning."

10 Ms. Stuckey explained the current regulations are
11 written as two years of college level and does state
12 it needs to be in a specific area. She noted that the
13 master's degree has to be a master's degree in nursing
14 home administration or healthcare administration. She
15 stated that a bachelor's degree can be any bachelor's
16 or if you have a bachelor's in nursing home
17 administration or healthcare administration, then the
18 applicant is not required to take the 120-hour program
19 because the belief is that the training in a 120-hour
20 program would be addressed in the bachelor's program
21 and the two years of college-level has never needed to
22 be in a certain area.

23 Following discussion, the Board endorsed an RN
24 carve out.

25 Ms. Pachter Schulder suggested the Board decide

1 whether a degree will need to be attained or just a
2 minimum of two years of education before deciding
3 whether a related field is needed or not.

4 Ms. King commented that the bar needs to be
5 elevated to a minimum of an associate's degree.

6 Ms. Williamson noted her concern regarding
7 workforce development and decreasing the pool. She
8 suggested considering the administrator-in-training
9 program and teach those interested in this field.

10 Ms. King discussed RN tuition reimbursement
11 programs and agreed the bar should be raised.

12 Ms. McDermond suggested advocating for the
13 profession as a Board and working with PACAH and
14 LeadingAge PA and promoting AIT programs and grants
15 that companies and facilities can get to cover costs
16 to have AITs in place. She mentioned a program
17 through NAB and an immerging leaders event coming up
18 in July, which would be a great opportunity for AITs.

19 Mr. Derrick questioned whether someone without an
20 associate's degree but two years of schooling could
21 petition the Board for a heightened level of scrutiny.

22 Ms. Stuckey explained that it would be similar to
23 those with high school diplomas. She commented that
24 the Board would have people coming in with two years
25 of college but no degree.

1 Following discussion, the Board recommended that
2 Section 6(c) regarding qualifications for admission to
3 examination, would be changed from "at least two years
4 of college study" to "an associate's degree; Section
5 6(d) would state associate's degree; Section 6(d)
6 would be unchanged; and Section 6(e) would raise the
7 amount of practical experience from one year to two
8 years for candidates who applies in lieu of having an
9 associate's degree but someone who has two years of
10 college.

11 Kalonji Johnson, Policy Director, PA Department
12 of State, indicated that he was willing to conduct a
13 listening tour in various parts of the state to obtain
14 licensees' thoughts on the continuing education
15 reduction, the courses that licensees take and what
16 courses licensees believe should be required.

17 Ms. McDermond was on former Governor Corbett's
18 Long-Term Care Commission and envisioned being at
19 different places based on the previous listening tour.

20 Chairperson Cobaugh noted some negative articles
21 regarding the change.

22 Mr. Johnson envisioned the tour as an opportunity
23 for outreach and to provide public education in an
24 off-site discussion, where the Board would decide
25 whether to participate.

1 Ms. McDermond noted trepidation about having a
2 public forum and suggested the Board offer a
3 presentation or a Q&A session.

4 Mr. Johnson suggested a listening tour in the
5 eastern and western half of the state.

6 Ms. Pachter Schulder noted that the agenda for
7 the listening tour would be regarding decreasing the
8 continuing education requirement.

9 Mr. Johnson noted the listening tour to be a
10 community discussion and would not hold the Board to
11 any standards of participation. He noted publishing
12 an open request for the public to have a robust
13 discussion regarding continuing education.

14 Beth Greenberg, Senior Director of Regulatory
15 Affairs, LeadingAge PA, noted a conference in June and
16 suggested a webinar with Q&A ability.

17 Kelly Andrisano, Executive Director, Pennsylvania
18 Coalition of Affiliated Healthcare & Living
19 Communities, supported the listening session to be
20 sure fellow administrators agree with the position to
21 avoid unknown backlash.

22 Ms. King agreed with the idea of a webinar that
23 could be broadcasted through the different entities to
24 nursing home administrators throughout the state.

25 Kate M. Routledge, Senior Director of Compliance

1 Support, the Hospital and Healthsystem Association of
2 Pennsylvania, provided information to Mr. Johnson
3 regarding an area in Pittsburgh for the listening
4 tour.

5 Ms. Routledge stated HAP was holding a
6 videoconference on April 26, 2019, and would be
7 another avenue to cover from the east and west.

8 Mr. Johnson noted the Board's participation in
9 the webinar and will obtain the dates for the
10 conferences in April and June.

11 Ms. Pachter Schulder addressed the request for
12 advocacy on behalf of nursing home administrator
13 profession, and noted that the Board could request
14 that the director of communications consider promoting
15 the nursing home administrator profession.

16 Mr. Johnson will contact the director of
17 communications to find out what is available for the
18 Board.

19 Ms. Holladay questioned whether PACAH, HAP, or
20 LeadingAge had a repository for administrators or
21 facilities that are promoting even an unpaid
22 internship. Ms. Andrisano commented that PACAH does
23 not but could if there was an interest. She agreed to
24 talk with her Board about putting one on their website
25 and including it in publications.

1 Ms. Pachter Schulder noted providing information
2 on the Board's website for individuals looking for an
3 AIT to contact individual nursing homes or
4 associations representing nursing homes.

5 Ms. Greenberg noted a job board at LeadingAge PA,
6 but she did not know if AIT positions are posted. She
7 noted frustration of not knowing where to send
8 individuals interested in an AIT program. She also
9 noted a scholarship program established for AITs.

10 Ms. Holladay suggested obtaining information from
11 attendees to generate a list of administrators and
12 facilities at upcoming conferences to see if they
13 would be willing to host an AIT.]

14 *****

15 MS. PACHTER SCHULDER:

16 In the interim, when the Board did not
17 meet, you did have requests for
18 temporary permit applications for three
19 individuals: Michael A. Montes, Rebecca
20 Heimbach, and Tynisha Herder-Duncan.

21 Is there a motion to ratify the
22 approval of the temporary permit
23 application for each of those
24 individuals?

25 MS. MCDERMOND:

1 I make a motion.

2 MR. WERNICKI:

3 I'll second.

4 CHAIRPERSON COBAUGH:

5 All in favor?

6 [The motion carried unanimously.]

7 ***

8 Report of Board Administrator - No Report

9 ***

10 Report of Board Members

11 ***

12 Report of Committees - No Report

13 ***

14 New Business - Election of Officers

15 MS. PACHTER SCHULDER:

16 Is there a motion to name a Chair for
17 the Board? You can make a motion that
18 the officers remain the same.

19 MR. KELLY:

20 I make that motion.

21 MS. PACHTER SCHULDER:

22 We have a motion for the officers to
23 remain the same as they are this year.

24 Is there a second?

25 MS. KING:

1 I second.

2 CHAIRPERSON COBAUGH:

3 Are the officers currently willing to
4 continue on? I am hearing yeses. All
5 in favor? Opposed? Abstentions?

6 [The motion carried unanimously.]

7 ***

8 Miscellaneous - Board Meeting Dates

9 [Judith Pachter Schulder, Esquire, Board Counsel,
10 noted the tentative 2020 Board meeting dates.]

11 ***

12 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
13 10:43 a.m. the Board entered into Executive Session
14 with Judith Pachter Schulder, Esquire, Board Counsel,
15 for the purpose of conducting quasi-judicial
16 deliberations and to receive legal advice. The Board
17 returned to open session at 11 a.m.]

18 ***

19 MOTIONS

20 MS. PACHTER SCHULDER:

21 In executive session, the Board engaged
22 in quasi-judicial deliberations on the
23 consent agreement that is on the Board's
24 agenda today.

25 Is there a motion to adopt the

1 Consent Agreement in File No. 17-62-
2 11220?

3 MS. HOLLADAY:

4 So moved.

5 MR. WERNICKI:

6 Second.

7 CHAIRPERSON COBAUGH:

8 All in favor?

9 [The motion carried unanimously. The Respondent's
10 name is Lisa Cherry, NHA.]

11 ***

12 MS. PACHTER SCHULDER:

13 Is there a motion to approve the Request
14 to Retake the Examination of Julia Lynn
15 Gregory upon receipt from her, no
16 earlier than 30 days from the date of
17 this meeting, a letter certifying that
18 she has received and reviewed
19 information and education on the NAB
20 study material for the current
21 examination as well as financing, for
22 which member Kelly has recused?

23 MS. MCDERMOND:

24 I make a motion.

25 MS. KING:

1 Second.

2 CHAIRPERSON COBAUGH:

3 All in favor?

4 [The motion carried. Mr. Kelly recused himself from
5 deliberations and voting on the motion.]

6 ***

7 [Judith Pachter Schulder, Esquire, Board Counsel,
8 noted the Board's interest in making a motion for two
9 members to go to the National Association of Long-Term
10 Care Administrator Boards (NAB). Ms. Stuckey will
11 place the matter on the May agenda for further
12 discussion.]

13 ***

14 Security Training Presentation

15 [The Board reviewed the security training
16 presentation.]

17 ***

18 Adjournment

19 CHAIRPERSON COBUGH:

20 Do we have a motion to adjourn?

21 MS. HOLLADAY:

22 Motion.

23 CHAIRPERSON COBUGH:

24 Second?

25 MS. KING:

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Second.

CHAIRPERSON COBAUGH:

We are done.

[The motion carried unanimously.]

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

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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS
REFERENCE INDEX

February 27, 2019

| | TIME | AGENDA |
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| 10 | 8:59 | Official Call to Order |
| 11 | | |
| 12 | 9:00 | Roll Call |
| 13 | | |
| 14 | 9:01 | Approval of Minutes |
| 15 | | |
| 16 | 9:01 | Report of Prosecutorial Division |
| 17 | | |
| 18 | 9:04 | Appointment - Bureau of Finance and Operations Annual Budget Review Presentation |
| 19 | | |
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| 21 | | |
| 22 | 9:15 | Appointment - Julia Lynn Gregory |
| 23 | | |
| 24 | 9:32 | Report of Board Chairperson |
| 25 | | |
| 26 | 9:43 | Appointment - Governor's Policy Office Presentation |
| 27 | | |
| 28 | | |
| 29 | 10:40 | New Business |
| 30 | | |
| 31 | 10:42 | Miscellaneous |
| 32 | | |
| 33 | 10:43 | Executive Session |
| 34 | 11:00 | Return to Open Session |
| 35 | | |
| 36 | 11:00 | Motions |
| 37 | | |
| 38 | 11:11 | Adjournment |
| 39 | | |
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