

STATE OF MAINE
NURSING HOME ADMINISTRATORS LICENSING BOARD

Minutes of January 26, 2005 Board Meeting

Members Present: Barbara Steller, Chair; Mary Jane Richards, Complaint Officer; Stephen Garde, and Mark Lowell

Others Present: Penny Vaillancourt, Administrator; Jack Richards, Assistant Attorney General, and Diane Bradstreet, Board Clerk

Members Absent: Marie Fisher, Catherine Saltz and Margot Russell

CALL TO ORDER

Barbara Steller, Chair, called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES

In a motion by Mary Jane Richards, seconded by Mark Lowell, the Board voted unanimously to approve the December 15, 2004 minutes as written.

APPLICATION REVIEW

Catherine Johnson – Ms. Johnson’s application for a Residential Care Facility Administrator’s license was reviewed and approved unanimously in a motion by Mark Lowell, seconded by Stephen Garde.

Linda Gorman – This application was tabled until the next meeting.

Sherolyn L. Dyer – Ms. Dyer’s application for a Residential Care Facility Administrator’s license was reviewed and approved unanimously in a motion by Mary Jane Richards, seconded by Stephen Garde.

Debra H. Murphy – Ms. Murphy’s application for the Administrator-in-Training Program was reviewed and approved unanimously in a motion by Stephen Garde, seconded by Mary Jane Richards.

Ms. Murphy’s full-time Administrator-in-Training Program will be conducted at Sunrise Care Facility with Ed Fournier, license # MLA 455, as Preceptor. The proposed commencement of this program will be in January 31, 2005.

Lucian Maynard – Mr. Maynard’s application for endorsement, as amended for licensure as a nursing home administrator, was reviewed and approved unanimously in a motion by Stephen Garde, seconded by Mark Lowell.

Kitty E. Maynard – Ms. Maynard’s application for endorsement as amended for licensure as a nursing home administrator was reviewed and approved unanimously in a motion by Stephen Garde, seconded by Mary Jane Richards.

Nursing Home Administrators Licensing Board

Carl L. Chadwick – Mr. Chadwick's application for endorsement, as amended for licensure as a nursing home administrator, was reviewed and approved unanimously in a motion by Stephen Garde, seconded by Mary Jane Richards.

Carl L. Chadwick – Mr. Chadwick's application for temporary licensure was reviewed and approved unanimously in a motion by Mark Lowell, seconded by Mary Jane Richards.

Mr. Chadwick will be temporary administrator at Windward Gardens in Camden with Susanne Heeschen, license #MLA 520, as consultant. The effective date of this license will be January 26, 2005.

Paul J. Marchwat – Mr. Marchwat's application for temporary licensure was reviewed and approved unanimously in a motion by Mary Jane Richards, seconded by Mark Lowell.

Mr. Marchwat will be temporary administrator at Winship Green Nursing Center with Tom Foran, license # MLA 646, as consultant. The effective date of this license will be January 26, 2005.

INFORMAL CONFERENCE ON COMPLAINT # NHA-067

Mary Jane Richards was recused from participation in this informal conference. Barbara Steller was the complaint officer.

In a motion by Mark Lowell, seconded by Stephen Garde, the Board voted unanimously to enter into executive session for legal advice with respect to this complaint.

In a motion by Stephen Garde, seconded by Mark Lowell, the Board voted unanimously to come out of executive session.

This complaint was postponed briefly while the board conducted the informal conference on Complaint on #NHA-073.

INFORMAL CONFERENCE ON COMPLAINT # NHA-073

In a motion by Stephen Garde, seconded by Mark Lowell, the Board voted unanimously to enter into executive session.

In a motion by Stephen Garde, seconded by Mark Lowell, the Board voted unanimously to come out of executive session.

In a motion by Mark Lowell, seconded by Stephen Garde, the Board voted to dismiss this complaint with a letter of concern. The letter of concern will communicate to the licensee that as an administrator of a facility, this licensee should be cognizant of the importance of ensuring that adequate policies and procedures are in place to effectuate resident assessment processes that reflect current practice standards for long term care; specifically, the current nursing standards for

pressure sores, wound care and the use of side rails. This letter of concern will stay in the licensee's file for a period of two years. All in favor with Mary Jane Richards recused.

INFORMAL CONFERENCE – NHA 067

Mary Jane Richards was recused and did not participate in this informal conference. Barbara Steller was the Complaint Officer and Stephen Garde was the Acting Chair.

In a motion by Stephen Garde, seconded by Mark Lowell, the Board voted unanimously to enter into executive session for the purpose of conducting an Informal Conference on Complaint NHA 067.

In a motion by Mark Lowell, seconded by Barbara Steller, the Board voted unanimously to come out of executive session.

In a motion by Mark Lowell, seconded by Stephen Garde, the Board voted to dismiss this complaint as there was no evidence of a violation of law or rules. All in favor with Barbara Steller recused.

ELECTION OF OFFICERS AND COMMITTEE ASSIGNMENTS

The election of officers and committee assignments were both tabled until the February meeting.

REVIEW OF ASSISTED LIVING UNIVERSITY COURSE

In a motion by Mark Lowell, seconded by Stephen Garde, the board voted unanimously to approve this course as meeting the requirements for licensure as a residential care facility administrator.

DISCUSSION REGARDING PROPOSED RULEMAKING

This was tabled until the February meeting.

ACTION ON COMPLAINT #NHA-053

This was tabled until further information was received.

COMMITTEE REPORTS

Complaint Committee – Mary Jane Richards reported that there are currently four open cases.

Examination Committee – The state examination was given on January 13, 2005. Of the four individuals who sat for this examination, two passed and two failed.

ADMINISTRATOR'S REPORT

Penny Vaillancourt provided a financial update and a summary of the number of active licensees.

Distributed were copies of L.D. #405, "Resolve, To Establish a Long-term Care Education Pilot Program for Registered Nurses" as was the list of committee members for the Joint Standing Committee on Business, Research and Economic Development.

Ms. Vaillancourt also discussed with the Board the distinction between the requirements for an administrator's license in a residential care facility administrator versus an assisted living facility. Also, the board requested clarification from the department and/or AAG regarding the HIPPA regulations and the disclosure of patient records in a board proceeding, i.e. informal conference.

ADJOURNMENT

There being no further business, in a motion by Stephen Garde, seconded by Mary Jane Richards, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Diane J. Bradstreet
Board Clerk