

STATE OF MAINE
NURSING HOME ADMINISTRATORS LICENSING BOARD

Minutes of October 25, 2006 Board Meeting

Members Present: Barbara Steller, Chair; Mary Jane Richards, Complaint Officer; Margot Russell, Tamra Deering, and Margaret Copelin

Others Present: Jack Richards, AAG; Penny Vaillancourt, Board Administrator and Jennifer Mooney, Board Clerk

Members Absent: Mark Lowell

CALL TO ORDER

Barbarba Steller called the meeting to order at 9:02 a.m.

APPROVAL OF MINUTES

In a motion made by Margot Russell, and seconded by Margaret Copelin, the Board voted unanimously to approve the September 27, 2006 minutes as written.

APPLICATION REVIEW

Kristy Thibodeau –Ms. Thibodeau’s request for the Administrator-In-Training (MLA) was reviewed and approved unanimously in a motion made by Mary-Jane Richards, and seconded by Margot Russell. Ms. Thibodeau will begin her AIT program effective November 1, 2006 with an anticipated end date of May 2007.

Steven Robitaille - Mr. Robitaille’s request for the Administrator-in-Training (MLA) was reviewed and approved in a motion made by Margot Russell, and seconded by Margaret Copelin. Mr. Robitaille will begin his AIT program effective immediately.

Vote: 4 in favor – 1 recusal (Mary-Jane Richards)

Eric Britt – Mr. Britt’s application for licensure as a Temporary Nursing Home Administrator was reviewed and approved unanimously in a motion made by Mary-Jane Richards, and seconded by Tamra Deering.

Eric Britt – Mr. Britt’s application for licensure as a Multi-Level Long Term Care Administrator was reviewed and approved unanimously pending successful passage of the state examination in a motion made by Mary-Jane Richards, and seconded by Margot Russell.

Lucille Higgins – Ms. Higgins' application for licensure as a Temporary Nursing Home Administrator was reviewed and approved unanimously in a motion made by Margot Russell, and seconded by Margaret Copelin.

Michael Pescatello – Mr. Pescatello's request for renewal of his temporary license was reviewed and approved unanimously in a motion made by Mary-Jane Richards and seconded by Margot Russell.

COMPLAINT PRESENTATION – 2006-NHA-2410

A complaint was filed by a family member of a former resident against an administrator alleging unprofessional behavior. After a review and discussion of the materials presented, Tamra Deering made a motion to dismiss the complaint as there was no evidence of a violation. The motion was seconded by Margot Russell.

Vote: 4 in favor – 1 recusal (Mary Jane Richards)

COMPLAINT PRESENTATION – 2006-NHA-2486

A complaint was filed as a result of an annual survey which was reported to the board. After a review and discussion of the materials presented, Margaret Copelin made a motion to set the matter for an informal conference and to request additional survey information. The motion was seconded by Margot Russell.

Vote: 4 in favor – 1 recusal (Mary Jane Richards)

COMPLAINT PRESENTATION – 2006-NHA-2487

A complaint was filed as a result of an annual survey which was reported to the board. After a review and discussion of the materials presented, Margot Russell made a motion to table the complaint for additional investigation and to represent the case to the board when ready. The motion was seconded by Tamra Deering.

4 in favor – 1 recusal (Mary Jane Richards)

COMPLAINT PRESENTATION – 2006-NHA-2491

A complaint was filed by a family member of a resident against an administrator alleging unprofessional conduct. After a review and discussion of the materials presented, Tamra Deering made a motion to dismiss the complaint. The motion was seconded by Margaret Copelin.

4 in favor – 1 recusal (Mary Jane Richards)

CORRESPONDENCE

Vicki White/Darby Northway – Ms. White's request to have Darby Northway serve as Preceptor for Lynne Tyler was reviewed by the board. After review and discussion of the issue, Margaret Copelin made a motion to deny the request as Ms. Northway does not qualify as a Preceptor under the board's current rules. Specifically, the board's rules require that the preceptor be licensed in good standing for at least three years immediately preceding the commencement of the AIT program. The board interprets this rule to mean three consecutive years of licensure, not three years of total licensure. The motion was seconded by Margot Russell.

Vote: unanimous

Lynette Young – Ms. Young's request for examination accommodation was reviewed and approved unanimously in a motion made by Tamra Deering and seconded by Mary Jane Richards.

MISCELLANEOUS

CEU Audit – Ron Langworthy – In a motion made by Margot Russell, and seconded by Mary Jane Richards the board voted unanimously to reconsider its earlier action and not pursue disciplinary action against this licensee for failing to submit a ceu activity within 30 days after the date of the program. The board determined that this licensee completed the ceu activities in meeting the renewal requirements. However, the board will send a letter reminding the licensee of the 30 day requirement.

Complaint Update:

2006-NHA-086 – In a motion made by Margot Russell and seconded by Tamra Deering, the board voted unanimously to go into executive session for the purpose of voting to set this complaint matter for an adjudicatory hearing.

In a motion made by Margot Russell and seconded by Margaret Copelin, the board voted unanimously to come out of executive session.

The board voted to set the matter for an adjudicatory hearing and to grant Jack Richards, AAG the authority to discuss terms of a consent agreement with parties as needed.

Vote: 4 in favor – 1 recusal (Mary Jane Richards)

Discussion

Jack Richards, AAG discussed with the board the potential limitation in issuing letters of guidance for a period of one year, especially in cases where subsequent complaints are filed with the board. A designated period of one year may not be enough time to consider any subsequent surveys or any other issues that at times are delayed being reported to board. The board will continue to consider the appropriate number of years for a letter of guidance to be placed in a file on a case-by-case basis knowing the potential limitation.

COMMITTEE REPORTS

Examination Committee – Seven candidates took the state examination on October 12, 2006 – 6 passed and 1 failed.

Complaint Committee – Mary Jane Richards reported there are currently 20 open complaints.

Education Committee – The board reviewed current requests.

AIT Committee – No report presented.

ADMINISTRATOR'S REPORT

The Administrator provided an update to the board regarding efforts to refine the licensing process, entering AITs on the licensing system, as well as a financial update. There was discussion with the board regarding the sharing of complaint cases among the full board, as opposed to designating one board member to serve as complaint officer on every case.

AJOURNMENT

There being no further business, in a motion by Margot Russell, seconded by Tamra Deering, the board voted unanimously to adjourn at 11:08 a.m.

Respectfully submitted,

Jennifer Mooney
Board Clerk