

STATE OF MAINE
NURSING HOME ADMINISTRATORS LICENSING BOARD

Minutes of May 23, 2007 Board Meeting

Members Present: Barbara Steller, Chair; Mark Lowell; 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:

CALL TO ORDER

Barbara Steller, Chair, called the meeting to order at 9:05 a.m.

APPROVAL OF MINUTES

In a motion made by Mark Lowell and seconded by Mary Jane Richards, the Board voted unanimously to approve the April 25, 2007 minutes as written.

Vote: 5 in favor (1 abstained – Barbara Steller)

INFORMAL CONFERENCE – 2006-NHA-2905

In a motion made by Mark Lowell and seconded by Tamra Deering, the board voted unanimously to go into Executive Session to hold an Informal Conference regarding complaint #2006-NHA-2905.

In a motion made by Mary Jane Richards and seconded by Margot Russell, the board voted unanimously to come out of Executive Session.

An initial complaint presentation was held on April 25, 2007, based upon a complaint which was filed as a result of a DHHS survey in April of 2006, which cited substandard quality of care.

After a full review and discussion of the issues during the informal conference, a motion was made by Mark Lowell and seconded by Margot Russell to dismiss the complaint with a letter of guidance and concern. The letter of guidance will be placed in the licensee's file for (2) two years and will include guidance and concern to the licensee regarding best practices regarding quality improvement to be placed in his licensing file for (

Vote: 5 in favor – 1 recusal (Mary Jane Richards)

COMPLAINT RE-PRESENTATION - 2001-NHA-047

A complaint was filed as a result of a Class C felony conviction of theft against a licensed Residential Care Administrator, who committed the crime while working at a license facility. After a full review and discussion of the materials, a motion was made by Margaret Copelin and seconded by Tamra Deering to offer the licensee a consent agreement to include the following: admission to violation of the board's rules, a formal reprimand, and to agree not to seek re-licensure.

Vote: 5 in favor – 1 recusal (Mary Jane Richards)

COMPLAINT RE-PRESENTATION - 2005-NHA-086

In a motion made by Barbara Steller and seconded by Margot Russell, the board voted unanimously to go into Executive Session pursuant to Title 1 M.R.S.A. § 405 (6)(A)(1) and 6(E) for the purpose of discussing complaint #2005-NHA-086 with its legal counsel, Jack Richards, Assistant Attorney General.

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

After consulting with its legal counsel, a motion was made by Mark Lowell and seconded by Tamra Deering to accept the proposed consent agreement with the following terms: admission to violations, a formal reprimand, 90 day suspension, 2 year probation, and continuing education in leadership training.

Vote: 5 in favor – 1 recusal (Mary Jane Richards)

COMPLAINT PRESENTATION – 2006-NHA-2590

A complaint was filed as a result of a DHHS survey in February of 2005 resulting in actual harm.

After a full review and discussion of the materials, a motion was made by Tamra Deering and seconded by Margot Russell to invite the licensee to an Informal Conference.

Vote: 5 in favor – 1 recusal (Mary Jane Richards)

COMPLAINT PRESENTATION – 2006-NHA-2835

A complaint was filed against a licensee as a result of a DHHS survey in May of 2006 which resulted in actual. After a full review and discussion of the materials, a motion was made by Mark Lowell and seconded by Margot Russell to dismiss the complaint for lack of a violation.

Vote: 3 in favor – 3 recusals (Mary Jane Richards, Tamra Deering, and Margaret Copelin)

COMPLAINT PRESENTATION – 2006-NHA-3220

A complaint was filed against a licensee as a result of a DHHS survey in August of 2006 which resulted in immediate jeopardy for failure of an annual survey which was conducted. After a full review and discussion of the materials, a motion was made by Mark Lowell and seconded by Margot Russell to dismiss this complaint for lack of a violation.

Vote: 3 in favor – 3 recusals (Mary Jane Richards and Tamra Deering)

COMPLAINT ITEMS – 2005-NHA-084 (Bennett)

After reviewing the compliance documents, a motion was made by Margaret Copelin and seconded by Mark Lowell to accept the compliance documents as submitted with a letter reminding the licensee what areas of the consent agreement must be completed.

Vote: 6 in favor

COMMITTEE REPORTS

Examination Committee – Nothing to report.

Education Committee – The board reviewed current requests.

Complaint Committee – Mary Jane Richards reported there are 5 open complaints.

AIT Committee – Mark Lowell reported there are 8 AITs and two have completed the program and will be sitting for the July exam.

ADMINISTRATOR'S REPORT

The Administrator provided an update to the board regarding the legislative session, a financial update, and a report on the current number of licensees.

AJOURNMENT

There being no further business, in a motion made by Mark Lowell and seconded by Mary Jane Richards, the board voted unanimously to adjourn at 11:27 a.m.

Respectfully submitted,
Jennifer Mooney, Board Clerk