

INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

MINUTES

JULY 23, 2013

I. CALL TO ORDER AND ESTABLISHMENT OF QUOROM

Mrs. Jennifer Gappa, called the meeting to order at 10:18 a.m. in Room W064 in the Indiana Government Center South, 402 W. Washington Street, Indianapolis, IN 46204. A quorum was not established.

Board Members Present:

Christine Shuey, HFA, Member
Christi Davidson, Member
Mark Wolfschlag, Member
Kathy Frank, Member
Deb Mill, Member
Jennifer Gappa, HFA, Member

Board Members Absent:

Nan Girton, Consumer Member
Shelley Rauch, HFA, Chair
Kelly Borrer, HFA, Vice Chair
Arlene Franklin, Member
Karen Smith Filler, Member

State Officials Present:

Tasha Coleman, Board Director, Indiana Professional Licensing Agency
Crystal Smith, Assistant Board Director, Indiana Professional Licensing Agency
Donna Sembrowski, Board Advisory Council, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A recommendation was made and seconded to adopt the agenda, as amended.

Frank/Wolfschlag
6/0/0 Recommendation carried

III. ADOPTION OF THE MINUTES FROM THE MAY 21, 2013 MEETING OF THE BOARD

A recommendation was made and seconded to adopt the Minutes from the May 21, 2013 meeting of the Board, as amended.

Shuey/Frank
6/0/0 Recommendation carried

IV. PERSONAL APPEARANCE

A. Lezeric Fallen

Re: Discontinuance of AIT Program

Mr. Fallen did personally appear before the Board to answer questions regarding the notice that was received from his AIT preceptor that reported the AIT was terminated due to a sexual harassment charge. When he applied to enter the AIT he reported that he had been wrongfully accused of sexual

harassment and terminated in 2007 while licensed as an OTA. Recommendation was made to table the discussion and request that he reappear in September, to notice the preceptor to appear, along any other witnesses he should bring with him a copy of his application to the facility that he currently works at where he reported the previous termination, and a copy of the company policy regarding sexual harassment.

Mills/Wolfschlag
6/0/0 Recommendation carried

B. Max Shankerman
Re: Waiver of AIT/Internship

Mr. Shankerman did personally appear before the Board to answer questions regarding his internship. Mr. Shankerman completed an internship through Indiana University for his BS in Public Health. The internship was only three months and it does not appear that his experience in the internship is equivalent to the AIT required for licensure. After hearing testimony and reviewing the information in the file a recommendation was made and seconded to deny the full waiver request and to waive 30% and allow him to enter the AIT program upon receipt of verification of internship from Indiana University.

Wolfschlag/Shuey
6/0/0 Motion carried

C. Justin Rife
Re: Positive Response Application (follow-up from 10/2012)

Mr. Rife appeared before the Board in November 2012 and was approved to enter the AIT program with the following stipulations: reports back from the preceptor every three months until completion of the AIT, in addition to random urine drug screens at the facilities choice in each of the three month periods, at AIT's cost, and to meet with the Board upon completion of the AIT program. Based on his successful completion of the AIT and meeting all of the Board's requirements a recommendation was made and seconded to approve Mr. Rife to sit for the licensure exams.

Shuey/Frank
6/0/0 Motion carried

V. ADMINISTRATIVE HEARINGS

A. In the matter of the license of James Perry Daugherty, HFA, License Number: 14004587A
Cause No.: 2013 HFA 0005
Re: Complaint/Settlement Agreement

Parties and Counsel Present:
Darren R. Covington, DAG
David E. Jose, Attorney for Respondent
James Perry Daugherty, HFA

Case Summary: The Board filed an administrative complaint on April 25, 2013 which indicated that the Respondent had practiced on a license which had been expired from September 1, 2010 – August 2012. The Respondent did not know that his license was expired and upon being informed of that fact he notified his facility and the Board.

Resolution: A recommendation was made and seconded to adopt the settlement agreement as written; which includes a letter of reprimand and fine in the amount of \$500.00 payable within 30 days from the date of the final order.

Mills/Wolfschlag
6/0/0 Recommendation carried

B. In the matter of the license of Lisa Marian Nelson, HFA, License Number: 14003728A

Cause No.: 2013 HFA 0006

Re: *Continued until September 2013*

C. In the matter of Gretchen Brown

Cause No.: 2013 HFA 0007

Re: Order to Show Cause/Motion to Cease and Desist

Parties and Counsel Present:

Darren R. Covington, DAG

David Jose

Gretchen Brown

Witnesses:

Gretchen Brown

Participating Board Members:

Christine Shuey, HFA

Christi Davidson

Mark Wolfschlag, HFA

Kathy Frank

Deb Mill, HFA

Jennifer Gappa, HFA

Court Reporter:

Susan Hessman

Case Summary: In December 2012 the Board denied the provisional license application of the Respondent based on her failure to demonstrate that the vacancy at her facility was unexpected. In May 2013 the Board issued an Order to Show Cause regarding the respondent's alleged practice as a health facility administrator without a license.

Resolution: After hearing testimony and reviewing the documents presented during the case, the board decided to reconvene the hearing in September due to some questions that they did not believe were answered by the Respondent or the State.

D. In the matter of the license of Christy Rausch Clark, HFA, License Number 14002882A

Cause No.: 2013 HFA 0008

Re: Complaint

Parties and Counsel Present:

Amanda R. Elizondo, DAG

Janet McSharer, Attorney for Respondent

Christy Rausch Clark, HFA

Witnesses:

Christy Rausch Clark, HFA

Dawn McVay

Joan Baker

Robert DeCola

Participating Board Members:

Christine Shuey, HFA
Christi Davidson
Mark Wolfschlag, HFA
Deb Mill, HFA
Jennifer Gappa, HFA

Court Reporter:

Susan Hessman

Case Summary: On April 30, 2013 the Board filed a Complaint against the Respondent which alleged that she had knowingly violated the statute that requires the administrator to report unusual occurrences that directly threatens the welfare, safety, or health of a resident to ISDH within 24 hours of the occurrence.

Resolution: After hearing from the Respondent's counsel a recommendation was made and seconded to dismiss counts 1 & 2 because the administrative code cited in the complaint does not apply to the type of facility that the respondent administers.

Shuey/Wolfschlag
6/0/0 Recommendation carried

Kathy Frank left the meeting at 2:50 p.m. during the Clark hearing

After taking note of evidence admitted and hearing testimony a recommendation was made and seconded to find that there was no violation.

Wolfschlag/Mills
5/0/0 Recommendation carried

- E. In the matter of the license of Vincent Edward Grogg, HFA, License Number: 14002533A**
Cause No.: 2013 HFA 0009
Re: Complaint Continued until September 2013

- F. In the matter of the license of Denna K. Masters, HFA, license Number: 14004347A**
Cause No.: 2013 HFA 0010
Re: Complaint/Settlement Agreement

Parties and Counsel Present:

Amanda R. Elizondo, DAG
Brent C. Embrey, Attorney for Respondent
Denna K. Masters, HFA

Participating Board Members:

Christine Shuey, HFA
Christi Davidson
Mark Wolfschlag, HFA
Deb Mill, HFA
Jennifer Gappa, HFA
Kathy Frank

Case Summary: The Board filed an administrative complaint against the Respondent on April 30, 2013 which indicated that the Respondent had failed to have a transportation policy and procedure in effect, resulting in a resident being left on a facility bus for over five hours before being taken back into the facility.

Resolution: A recommendation was made and seconded to adopt the settlement agreement as written; which includes completion of ten additional continuing education hours.

Mills/Shuey
6/0/0 Recommendation carried

G. In the matter of the license of Horace Brown, HFA, License Number: 14002588A

Cause No.: 2013 HFA 0001
Re: Notice of Proposed Default

Parties and Counsel Present:

Amanda R. Elizondo, DAG
Charles White, Attorney for Respondent
Horace Brown, HFA

Participating Board Members:

Christine Shuey, HFA
Christi Davidson
Mark Wolfschlag, HFA
Deb Mill, HFA
Jennifer Gappa, HFA

Case Summary: An administrative complaint was filed against the Respondent on January 29, 2013. The Complaint alleges that the Respondent had become unfit to practice due to an unsatisfactory ISDH survey which resulted in two (2) immediate jeopardy designations for "F" tags.

Resolution: A recommendation was made and seconded to accept the Respondent's opposition to the default order and not find him in default.

Shuey/Wolfschlag
5/0/0 Recommendation carried

After reviewing the settlement agreement a recommendation was made and seconded to accept the settlement agreement as corrected; to include a letter of reprimand and a \$1,000.00 fine payable within one hundred eighty days.

Shuey/Wolfschlag
5/0/0 Motion carried

VI. APPLICATION REVIEW

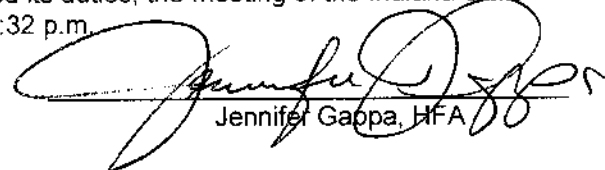
A. Shalom Lichtman

Re: HFA Application/Specialized Course Review

Mr. Lichtman is currently licensed in Illinois; however the specialized course that he completed was an online home study course. The recommendation was made to have the Board staff inform him that he would be eligible to waive the AIT and Education after 2 years of active work experience as a license administrator in another state.

VIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Health Facility Administrators adjourned at 4:32 p.m.


Jennifer Gappa, HFA