

INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

MINUTES

September 24, 2013

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mrs. Shelley Rauch called the meeting to order at 10:05 a.m. in Room W064 in the Indiana Government Center South, 402 W. Washington Street, Indianapolis, IN 46204. A quorum was established.

Board Members Present:

Shelley Rauch, HFA, Chair
Christine Shuey, HFA, Member
Christi Davidson, Member
Mark Wolfschlag, Member
Deb Mill, HFA, Member
Jennifer Gappa, HFA, Member (arrived at 10:07 a.m.)
Karen Smith Filler, Member
Arlene Franklin, Member
Kathy Frank, Member (arrived at 10:07 a.m.)

Board Members Absent:

Nan Girton, Consumer Member
Kelly Borrer, HFA, Vice Chair

State Officials Present:

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

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the Agenda, as amended.

Franklin/Wolfschlag
7/0/0 Motion carried

III. ADOPTION OF THE ALJ RECOMMENDATIONS FROM THE JULY 23, 2013 MEETING OF THE BOARD

A motion was made and seconded to adopt the ALJ Recommendations from the July 23, 2013 meeting of the Board, as amended.

Shuey/Mills
7/0/0 Motion carried

IV. PERSONAL APPEARANCE

A. Lezeric Fallen

Re: Dismissal from AIT

Mr. Fallen is returning per the request of the ALJ present at the 7/23/13 meeting. He was asked to bring along any other witnesses, a copy of his application from the facility that he currently works at

where he reported the previous termination, and a copy of the company policy regarding sexual harassment. After reviewing the documents presented and hearing testimony a motion was made and seconded to discontinue the current AIT with Ms. Davis and allow Mr. Fallen to complete his remaining five (5) weeks of AIT with another preceptor.

Gappa/Shuey
9/0/0 Motion carried

C. Carolyn Davis

Re: Lezeric Fallen Dismissal from AIT

Ms. Davis was the preceptor for Lezeric Fallen and was asked to appear to discuss the dismissal of Mr. Fallen from the AIT program. Ms. Davis answered questions regarding the discontinuance of Mr. Fallen's AIT and her belief that as an administrator she had the facilities best interest in mind.

E. Jarrod Smith

Re: Discontinuance of AIT

Mr. Smith had a positive response application that was approved at the 9/25/2012 board meeting per an account of the minutes below:

Mr. Smith did personally appear before the Board to answer questions regarding his positive response renewal. After reviewing the information submitted from his employer, probation officer, and the drug and alcohol assessment a motion was made and seconded to approve the application.

Borrer/Shuey
8/0/0 Motion carried

Mr. Smith was scheduled to appear before the board again because his AIT was discontinued due to the fact that he received another DUI. Mr. Smith submitted a statement that he was not attending the meeting due to a personal decision to no longer pursue his administrator's license. Based on his failure to appear and answer to the reason for the discontinuance of the AIT and second DUI a motion was made and seconded to deny his application.

Mills/Wolfschlag
9/0/0 Motion carried

F. Carrie VanVelse

Re: Change in Preceptor

Ms. VanVelse had a change in preceptor to be effective 5/27/13 to Linda Whyde. However, Ms. VanVelse did not submit the appropriate new preceptor application or start form to change preceptors. She again changed preceptors on 7/15/13 and it was discovered at that time that she had been working under a new preceptor without the proper approval. After hearing testimony and reviewing the documents reviewed a motion was made and seconded to accept the hours that were completed without approval and to complete the appropriate application within 10 days.

Wolfschlag/Mills
8/1/0 Motion carried (Gappa opposed)

V. ADMINISTRATIVE HEARINGS

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

Cause No.: 2013 HFA 0006

Re: Complaint/Settlement Agreement

Resolution: A motion was made and seconded to adopt the proposed settlement agreement as written, which shall include a letter of reprimand.

Gappa/Frank
9/0/0 Motion carried

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

Parties and Counsel Present:
Amanda Elizondo, DAG
Janet McSharar, Attorney for Respondent
Vincent Edward Grogg, HFA

Witnesses:
Vincent Edward Grogg, HFA

Participating Board Members:
Shelley Rauch, HFA
Christine Shuey, HFA
Christi Davidson
Deb Mill, HFA
Jennifer Gappa, HFA
Karen Smith Filler
Arlene Franklin
Kathy Frank

Court Reporter:
Susan Hessman

Case Summary: On April 30, 2013 the Board filed an administrative complaint against the respondent which alleged that he 1) failed to provide clear policies as evidenced by his failure to distinguish between the responsibilities of the executive director and the health facility administrator, and by his failure to ensure that facility staff were aware that all allegations of abuse be reported to the respondent as the HFA, 2) failed to ensure residents were free from abuse by failing to provide clear policies which clearly defined neglect and verbal abuse in the abuse policy and/or the abuse investigation police, and 3) failed to correct deficiencies found in the facility resulting from a survey by ISDH prior to the completion of the survey.

Resolution: As to count 1, a motion was made and seconded to find that the state met the obligation of proving count 1.

Franklin/Shuey
7/1/0 Motion carried (Smith Filler opposed)

As to count 2, a motion was made and seconded to find that the state met the obligation of proving count 2.

Frank/Franklin
8/0/0 Motion carried

As to count 3, a motion was made and seconded to find that the state did not meet the obligation of proving count 3.

Gappa/Mills
8/0/0 Motion carried

Based on discussion and review of the file in this matter a motion was made and seconded to censure Mr. Grogg on counts 1 & 2.

Smith Filler/Gappa
8/0/0 Motion carried

After further discussion of the previous motion, a motion was made and seconded to reopen the discussion.

Mills/Shuey
8/0/0 Motion carried

After further discussion a motion was made and seconded to find that while the state was able to prove counts 1 & 2, however no further penalty is required other than the five dollar OAG fine.

Gappa/Mills
6/1/1 Motion carried (Davidson opposed/Rauch abstained)

C. In the matter of the unlicensed practice of Gretchen Brown

Cause No.: 2013 HFA 0007
Re: Order to Show Cause

Parties and Counsel Present:

Darren R. Covington, DAG
David Jose, Attorney for Respondent
Gretchen Brown

Witnesses:

Gretchen Brown

Participating Board Members:

Shelley Rauch, HFA
Christine Shuey, HFA
Christi Davidson
Mark Wolfschlag, HFA
Deb Mill, HFA
Jennifer Gappa, HFA
Karen Smith Filler
Arlene Franklin
Kathy Frank

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. After hearing testimony and reviewing the documents presented during the case on July 23, 2013, 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.

Resolution: After hearing testimony and reviewing the record in this case a motion was made and seconded to issue the cease and desist order, specifically that she shall not practice as a health facility administrator in the state of Indiana without a license.

Wolfschlag/Gappa
9/0/0 Motion carried

- D. In the matter of the license of Jonathan Douglas Latta, License Number: 14004995A**
Cause No.: 2013 HFA 0013
Re: Complaint

Parties and Counsel Present:

Darren R. Covington, DAG
Jonathan Douglas Latta, HFA

Witnesses:

Jonathan Douglas Latta, HFA

Participating Board Members:

Shelley Rauch, HFA
Christine Shuey, HFA
Christi Davidson
Mark Wolfschlag, HFA
Deb Mill, HFA
Jennifer Gappa, HFA
Karen Smith Filler
Arlene Franklin
Kathy Frank

Court Reporter:

Susan Hessman

Case Summary: On August 6, 2013 the Board filed an administrative complaint against the Respondent which alleged that he engaged in fraud or material deception in order to obtain a license in that he did not report pending criminal charges at the time of his 2010 license renewal. Additionally, the complaint alleged that the Respondent had been convicted of a crime that is harmful to the public, which is evidenced by his two convictions for operating a vehicle while intoxicated.

Resolution: After reviewing the file and hearing testimony a motion was made and seconded to find that the state met its obligation in proving count 1.

Franklin/Frank
9/0/0 Motion carried

As to count 2, a motion was made and seconded to find that the stat met its obligation in proving count 2.

Gappa/Shuey
9/0/0 Motion carried

After discussion and review of the file a motion was made and seconded to impose a fine in the amount of \$250 regarding count 1, payable within 30 days of the date of the final order and a letter of reprimand regarding count 2.

Franklin/Mills
9/0/0 Motion carried

VI. DISCUSSION

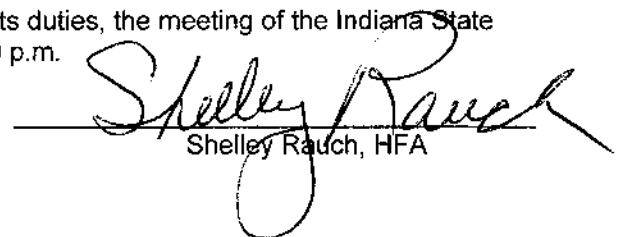
- A. **Attendance:** The Board stressed the importance of having a quorum at all meetings, being on time, and full participation.
- B. **CE Audits: Ronald Crowder:** A motion was made and seconded to issue an order to suspend the license of Mr. Crowder based on his failure to pay civil penalty in regards to the 2012 CE audit.

Shuey/Wolfschlag
9/0/0 Motion carried

- C. **Discontinuance of AIT/Suspension of AIT:** The Board stressed the importance of making updates to the AIT discontinuance form to include the suspension of the AIT to ensure that the form is easy to read and interpret.
- D. **Preceptor experience:** The Board reviewed a request for approval to act as an administrator based on previous experience in another state. The Board determined that a preceptor applicant must be licensed in Indiana for 2 of the previous 3 years to be eligible to serve as a preceptor.
- E. **Law Exam:** Tasha Coleman asked the Board to allow the IPLA staff to send the state law exam to applicants via email instead of requiring every applicant to travel to Indianapolis for the exam. The Board will ask the trade associations to make a recommendation for how we do the exam.
- F. **Provisional License Statute:** Tasha Coleman asked the Board to open up their statute regarding provisional licenses to eliminate the word "unexpected" as that is the drawback in approving the provisional licenses.

VII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Health Facility Administrators adjourned at 5:00 p.m.


Shelley Rauch, HFA