

INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

September 25, 2012

MINUTES

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mrs. Shelley Rauch, Chair, called the meeting to order at 10:07 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, President
Kathy Frank, Member
Kelly Borrer, HFA, Vice Chair
Christine Shuey, HFA, Member
Karen Smith Filler, Member
Gina Berkshire, Member
Dr. William Province, II, Member
Jennifer Gappa, HFA, Member
Arlene Franklin, Member

Board Members Absent:

Nan Girton, Consumer Member

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.

Shuey/Province
8/0/0 Motion carried

III. ADOPTION OF THE MINUTES FROM THE JULY 31, 2012 MEETING OF THE BOARD

A motion was made and seconded to adopt the Minutes from the July 31, 2012 meeting of the Board, as amended.

Frank/Gappa
8/0/0 Motion carried

IV. PERSONAL APPEARANCE

A. Jarrod Smith

Re: Positive response application

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

B. Jennifer Flowers

Re: AIT Program for Brieanne Knowling

Ms. Flowers did personally appear before the Board to discuss the AIT of Brieanne Knowling. The Board stressed the importance of making sure that the AIT is met within the designated timeframe.

C. Jason Wardwell

Re: Expired License Renewal

Mr. Wardwell did personally appear before the Board to request reinstatement of his license which has been expired since August 2008. After reviewing his proof of having completed the required 40 hours of continuing education in the last 24 months a motion was made and seconded to approve the reinstatement application.

Borrer/Gappa
8/0/0 Motion carried

D. Lea Loy

Re: Positive Response Renewal

Ms. Loy did personally appear before the Board to answer questions regarding her positive response renewal. Ms. Loy was terminated for taking a resident out to celebrate the resident's birthday, she allowed the resident to consume multiple alcoholic beverages. Ms. Loy did not review the physician's order regarding alcohol consumption. After reviewing the information and speaking with Ms. Loy a motion was made and seconded to renew the license on probation, and to require performance reports from her employer which addresses professional competence, sense of responsibility, work habits, mental attitude, ability to work with others, and her ability to exercise good judgment. Said reports are to be submitted to the Board every six (6) months, in addition to a copy of her annual performance evaluations. Licensee shall submit the order to her employer to be signed and returned within 10 days of the date of the order. Should the licensee change employers she shall require any new

employers to sign and return a copy of the order within 10 days. Licensee may not petition to withdraw probation for a minimum of two (2) years

Gappa/Province

7/0/1 (Franklin abstained) Motion carried

E. James Daugherty
Re: Renewal

Mr. Daugherty did personally appear before the Board to answer questions regarding his renewal. Mr. Daugherty failed to renew his license in 2010 and had continued to practice. Mr. Daugherty submitted proof of having completed 80 hours of CEU obtained between September 1, 2008 – August 31, 2012. A motion was made and seconded to renew the license and file a consumer compliant with the OAG for practicing on an expired license.

Gappa/Province

8/0/0 Motion carried

F. Crystal Tummey
Re: RCA AIT Timeline

Ms. Tummey did not appear before the Board to answer questions regarding the completion of her RCA AIT program in less than six months. Ms. Tummey indicated to Board staff that by working 40 hours a week as per the rules she would complete her AIT in five months. The Board discussed Ms. Tummey's request and indicated that they designed the RCA AIT to be completed in six months.

G. Michelle King
Re: AIT

Ms. King did personally appear before the Board to request approval of her license by endorsement. Ms. King did not complete the required 1040 hours of AIT in Minnesota. Due to the fact that Ms. King has not been a licensed administrator for one year and she has only completed 400 hours of AIT her request to waive her AIT in its entirety has been denied. The Board tabled the applicant pending completion of an AIT.

V. ADMINISTRATIVE HEARINGS

A. In the matter of the license of Jason Eastlund, HFA, License Number 14005007A
Cause No.: 2012 HFA 0012
Re: Continued

B. In the matter of the license of Jackie J. Adams, HFA, License Number: 14004635A
Cause No.: 2012 HFA 0013
Re: Settlement Agreement

Resolution: A motion was made and seconded to adopt the settlement agreement, as written.

Borrer/Shuey
7/0/0 Motion carried

- C. In the matter of the license of Charles A. Brazzell, HFA, License Number: 14004910A**
Cause No.: 2012 HFA 0014
Re: Complaint

Parties and Counsel Present:

Michael Minglin, OAG
Amanda Elizondo, OAG
Charles Brazzell, HFA

Witnesses:

Charles Brazzell, HFA

Participating Board Members:

Shelley Rauch, HFA, President
Kathy Frank, Member
Kelly Borrer, HFA, Vice Chair
Christine Shuey, HFA, Member
Karen Smith Filler, Member
Gina Berkshire, Member
Dr. William Province, II, Member
Jennifer Gappa, HFA, Member
Arlene Franklin, Member

Court Reporter:

Susan Hessman

Case Summary: On July 25, 2012 the Board filed a complaint from the Office of the Indiana Attorney General which implied that the Respondent had failed to report to the Indiana State Board of Health that a resident had been the victim of abuse at the facility where he was the administrator of record.

Resolution: After hearing testimony and reviewing the file a motion was made and seconded to dismiss the complaint as the Board has determined that the State has not proved their case in that no abuse was determined.

Franklin/Filler
9/0/0 Motion carried

- D. In the matter of the license of Elizabeth B. Holstein, HFA, License Number: 14003902A**
Cause No.: 2012 HFA 0006
Re: Settlement Agreement

Resolution: A motion was made and seconded to adopt the settlement agreement, as written.

Province/Borror
9/0/0 Motion carried

- E. In the matter of the license of Mark Alan Thompson, HFA, License Number: 14003991A**
Cause No.: 2012 HFA 0010
Re: Settlement Agreement

Resolution: A motion was made and seconded to adopt the settlement agreement, as written.

Borror/Gappa
9/0/0 Motion carried

- F. In the matter of the license of Janet L. Saaf, HFA, License Number: 14004556A**
Cause No.: 2011 HFA 0001
Re: Notice of Proposed Default

Parties and Counsel Present:
Michael Minglin, OAG

Witnesses:
None

Participating Board Members:
Shelley Rauch, HFA, President
Kathy Frank, Member
Kelly Borror, HFA, Vice Chair
Christine Shuey, HFA, Member
Karen Smith Filler, Member
Gina Berkshire, Member
Dr. William Province, II, Member
Jennifer Gappa, HFA, Member
Arlene Franklin, Member

Court Reporter:
Susan Hessman

Case Summary: In February 2011 the Board filed a complaint received by the Office of the Indiana Attorney General which charged that the Respondent had, in her role as administrator of a long term care facility she obtained \$43,162.71 from the checking account of a dementia resident as well as an additional \$9,301.00 on a joint credit card. In June 2011 the Board filed an order to continue the hearing until after the respondent's court date in addition to ordering that her license be suspended indefinitely.

Resolution: A motion was made and seconded to find Ms. Saaf in default.

Borrer/Franklin
8/0/1 Motion carried

After reviewing the file and all supporting documents and finding that Ms. Saaf pled guilty, is ordered restitution in the amount of \$51,000.00, and current incarceration, a motion was made and seconded to suspend the license of Ms. Saaf for a period of not less than 99 years.

Franklin/Province
8/0/1 Motion carried

- G. In the matter of the license of David Michael Powell, HFA, License Number: 14004396A**
Cause No.: 2012 HFA 0015
Re: Settlement Agreement

Resolution: A motion was made and seconded to adopt the settlement agreement, as written.

Borrer/Shuey
9/0/0 Motion carried

- H. In the matter of the license of Laurena M. Moore, HFA, License Number: 14004857A**
Cause No.: 2012 HFA 0008
Re: Settlement Agreement

Resolution: A motion was made and seconded to adopt the settlement agreement, as written.

Borrer/Shuey
9/0/0 Motion carried

VI. PERSONAL APPEARANCES CONTINUED

- A. Holly Jeanne Albright**
Re: Positive Response Renewal

Ms. Albright did personally appear before the Board to answer questions regarding her positive response renewal application. Ms. Albright was terminated for failure to ensure that fire drills were being completed on each shift. After speaking with the licensee and reviewing the file a motion was made and seconded to renew without restrictions.

Borrer/Frank
9/0/0 Motion carried

- B. Christopher Myers**
Re: Waiver of AIT

The board tabled the application and request additional information on the internship (where completed, how many hours, and course curriculum).

C. Lori Ann Bernat

Re: Positive Response Renewal

Board tabled the renewal since there was no indication that Ms. Bernat received the personal appearance request and are requesting that Board staff resend the notice of personal appearance via email and US mail.

D. Janie Swedenburg

Re: Positive Response Renewal

Board tabled the renewal since there was no indication that Ms. Swedenburg received the personal appearance request and are requesting that Board staff resend the notice of personal appearance via email and US mail.

E. Matt Elwell

Re: Positive Response Renewal

Mr. Elwell did personally appear before the Board to answer questions regarding his positive response renewal. Mr. Elwell was charged with public intoxication and is awaiting trial. A motion was made and seconded to table the application until November.

Borrer/Province
9/0/0 Motion carried

Kelly Borrer left the meeting at 2:30 p.m.

Kathy Frank left the meeting at 2:35 p.m.

VII. APPLICATION REVIEW

A. Sandra Cazallis

Re: Provisional Application

After reviewing the information and speaking with Ms. Cazallis a motion was made and seconded to deny the provisional application since the facility was unsuccessful in demonstrating that there was an immediate vacancy in the facility.

Filler/Province
7/0/0 Motion carried

VIII. DISCUSSION

A. Criminal Background Checks

After discussion and review of the association's preferences, a motion was made and seconded to require the CBC to be completed prior to admittance to the AIT.

Province/Gappa
7/0/0 Motion carried

B. NAB Mid Year Meeting

Due to scheduling conflicts the Board is unable to send a member representative to the 2012 NAB mid-year meeting. Tasha Coleman will ask if one of the association members would be eligible to attend the meeting and represent Indiana.

C. Open Door Laws.

The Board discussed the Open Door Law/Electronic Meeting law that goes into effect on January 1, 2013. Tasha Coleman will send Gordon White a copy of the policy written by the Dental Board for review. Gordon will bring a proposed policy to the Board for review at the November meeting.

D. Rule Docket on Web

Tasha Coleman informed the Board that all proposed rules along with information pertaining to rules and their process can be found on the website at www.in.gov/rules

E. Military/Spouse Licenses

Tasha Coleman informed the Board that effective July 1, 2012 military personnel and their spouses are eligible for licensure in the State of Indiana based on experience and training in the profession in the military.

F. 2013 Meeting Dates

Tasha Coleman informed the Board of the 2013 meeting dates which are as follows:

- Jan. 22
- March ~~25~~ 26 (P→)
- May 21
- July 23
- Sept. 24
- Nov. 19

G. Elections

The 2013 nominations/elections were tabled until November 2012.

H. John Sharp
Re: Probation Status

Tasha Coleman brought the probation status to the attention of the Board. The Board along with Gordon White informed Tasha that there are no probationary requirements until Mr. Sharp has taken a position as an administrator.

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 3:36 p.m.

Shelley Rauch, Chair