

**NURSING HOME ADMINISTRATOR EXAMINING BOARD  
MINUTES  
FEBRUARY 4, 2010**

- PRESENT:** Mary Ann Clark, Loreli Dickinson, David Egan, Susan Kinast-Porter (connected by phone), Mary Lease (arrived at 9:41 a.m.), Paul Peshek (connected by phone), Earlene Ronk, Heather Sheehan
- EXCUSED:** Kenneth Arneson, Mary Pike
- STAFF PRESENT:** Gail Sumi, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; other Department staff were present for portions of the meeting
- GUESTS:** None.

**CALL TO ORDER**

David Egan, Chair, called the meeting to order at 9:38 a.m. A quorum of seven (7) members was present. Chairman Egan took the opportunity to announce the appointment of a new member, Earlene Ronk. The Board welcomed Ms. Ronk and introductions were exchanged.

*(Mary Lease joined the meeting at 9:41 a.m.)*

**AGENDA**

**Amendments to the Agenda**

- After Item “M” (closed session) Under the item titled “Deliberation on Proposed Administrative Warnings or any Received after Printing of the Agenda” **ADD:** “06 NHA 043”
- Item “C” (open session) Under the item titled “Administrative Report” **ADD:** Appearance and Introduction of newly appointed Division of Board Services Administrator – John Lease

**MOTION:** David Egan moved, seconded by Mary Lease, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (NOVEMBER 5, 2009)**

- Page 1 of the Minutes: At the top of the page under the listing titled “Present Via Telephone”\_correct the spelling of David Egan’s name from Eagan to Egan.
- Page 2 of the Minutes: Under the item titled “Election of Officers” in the box titled “Election results” correct the spelling of David Egan’s name from Eagan to Egan.

- Page 2 of the Minutes: Under the item titled “Election of Officers” in the section showing Board appointments correct the appointment to the screening panel as follows: Mary Ann ~~Lease~~ Clark

**MOTION:** David Egan moved, seconded by Mary Lease, to approve the minutes of November 5, 2009 as amended. Motion carried unanimously.

## **ADMINISTRATIVE REPORT GAIL SUMI, BUREAU DIRECTOR**

### **Approved 2010 Meeting Dates**

The Board noted its approved meeting dates. The Board discussed and identified a preference to have as its one (1) required teleconference meeting on August 5, 2010.

### **Annual Policy Review with Boards**

Gail Sumi conducted an annual review of the following Department policies with the Board.

- Agendas and Addendums
- Quorum Policy and Procedure
- Checked Baggage Policy
- Out-of- State Travel Policy
- State of Wisconsin Pocket Travel Guide
- Hotel Policy and Reservations
  - Review of Fairfield Inn – New Madison Hotel for Board
- Travel Vouchers and Per Diems

### **Staffing Changes at DRL**

Gail Sumi announced that Peggy Wichmann, Legal Counsel – Division of Board Services; Ruby Jefferson-Moore, Legal Counsel – Division of Board Services; and Joel Garb, Paralegal – Division of Board Services have retired from the Department effective as of November 20, 2009. She indicated that the Department is in the process of hiring attorneys to fill these vacancies. The hiring of Charles Facktor in the Division of Enforcement was noted and the Board was advised that Attorney Facktor has been hired as a Health Team Attorney Supervisor. The Board was then informed that the Department has created a separate enforcement team to handle cases for the Medical Examining Board and its affiliated credentialing boards, committees and councils and another team to handle cases for the Board of Nursing and the Nursing Home Administrator Board.

## REPORT OF BOARD LIAISONS

### **Education and Examination Liaison and Alternate**

None.

### **PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA**

None.

## LEGISLATIVE/ADMINISTRATIVE RULES

### **Update on LRB 3464/1, relating to the requirements for examinations for nursing home administrator licenses and for reciprocal nursing home administrator licenses, creating an exemption from such requirements, and granting rule-making authority.**

David Egan updated the Board regarding the status of LRB 3464/1. The Board discussed its plan for pursuit of this legislation and indicated that it may wait until the next session. In the meantime the Board will work to get a draft together for presentation next year. Gail Sumi informed the Board that a draft has not been created as legislative requests take priority. She indicated that she hopes to have a draft included in the agenda for the May meeting. The Board discussed strategy for gaining introduction and support of its legislative initiative.

### **Update on Board Communication and Further Deliberation of AB 526 by Representative Meyer, related to requiring informed consent before administration of psychotropic medication to a nursing home resident who has degenerative brain disorder.**

Gail Sumi provided the Board with an update regarding AB 526. She informed the Board that she attended a hearing regarding AB 526 before the Assembly Aging and Long Term Care Committee. The Board was informed that David Egan was unable to testify at this hearing. Gail Sumi further indicated that the Committee reviewed correspondence from the Board voicing its opposition to this bill. The Board inquired about any testimony provided in favor of AB 526 and was informed by Gail Sumi that a woman from Senator Dan Meyer's district, who seemed to be the main proponent of this bill, testified to the Committee informing them of a scenario involving her father who was adversely affected by a psychotropic medication. Further, Gail Sumi indicated that there were other interested parties present to voice concerns regarding some of the provisions within AB 526. Board discussion of AB 526 ensued.

## EXAMINATION, EDUCATION AND EXPERIENCE ISSUES

None.

## MISCELLANEOUS CORRESPONDENCE/INFORMATION

None.

## TRAVEL

### Designate a Board Member to attend the 2010 NAB Annual Meeting, June 9-11, 2010, The Nines, Portland, OR

The Board considered its attendance at the 2010 National Association of Long Term Care Administrators Boards and took the following action.

**MOTION:** David Egan moved, seconded by Mary Ann Clark, to designate David Egan as the delegated voting member to attend the National Association of Boards (NAB) 2010 annual meeting and designate Mary Ann Clark as the alternate voting member. Motion carried unanimously.

## NEW BUSINESS

None.

## PUBLIC COMMENTS

None.

## CLOSED SESSION

**MOTION:** Heather Sheehan moved, seconded by Mary Lease, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.: Mary An Clark-yes; Loreli Dickinson-yes; David Egan-yes; Susan Kinast-Porter-yes; Mary Lease-yes; Earlene Ronk-yes; Heather Sheehan-yes. Motion carried unanimously.

Open Session recessed at 10:01 a.m.

*(Paul Peshek's phone connection was lost just prior to role call and subsequently was restored at 10:15 a.m.)*

**RECONVENE TO OPEN SESSION**

**MOTION:** Loreli Dickinson moved, seconded by Mary Ann Clark, to reconvene to open session. Motion carried unanimously.

Open Session reconvened at 10:52 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

None.

**MONITORING REPORT OR ANY SUBMITTED AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF CASE CLOSINGS**

**06 NHA 019**

**MOTION:** David Egan moved, seconded by Heather Sheehan, to close case 06 NHA 019 for no violation (N2). Motion carried unanimously.

**07 NHA 032**

**MOTION:** Mary Ann Clark moved, seconded by David Egan, to close case 07 NHA 032 for prosecutorial discretion (P3). Motion carried unanimously.

**08 NHA 053**

**MOTION:** David Egan moved, seconded by Mary Lease, to close case 08 NHA 053 for no violation. Motion carried unanimously.

**09 NHA 022**

**MOTION:** Mary Lease moved, seconded by Loreli Dickinson, to close case 09 NHA 022 for lack of jurisdiction (L3). Motion carried unanimously.

**09 NHA 023**

**MOTION:** Heather Sheehan moved, seconded by Mary Ann Clark, to close case 09 NHA 023 for no violation. Motion carried unanimously.

**09 NHA 001**

**MOTION:** David Egan moved, seconded by Mary Lease, to close case 09 NHA 001 for no violation. Motion carried unanimously.

**09 NHA 007**

**MOTION:** Mary Ann Clark moved, seconded by Mary Lease, to close case 09 NHA 007 for prosecutorial discretion (P2). Motion carried unanimously.

**09 NHA 039**

**MOTION:** Heather Sheehan moved, seconded by Loreli Dickinson, to close case 09 NHA 039 for prosecutorial discretion (P2). Motion carried unanimously.

**CASE CLOSINGS AND CASE STATUS REPORT  
OR ANY SUBMITTED AFTER MAILING OF AGENDA**

None.

**DELIBERATION ON PROPOSED STIPULATIONS  
OR ANY SIGNED AFTER MAILING OF AGENDA**

None.

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS  
OR ANY RECEIVED AFTER PRINTING OF AGENDA**

**06 NHA 043**

**MOTION:** Heather Sheehan moved, seconded by David Egan, to defer deliberation on 06 NHA 043. Motion carried unanimously.

**PROPOSED DECISIONS  
OR ANY SIGNED AFTER PRINTING OF AGENDA**

None.

**PETITIONS FOR REHEARINGS  
RECEIVED AFTER THE MAILING OF AGENDA**

None.

**REQUEST FOR CLASS 1 HEARINGS  
OR ANY REQUESTED AFTER PRINTING OF AGENDA**

None.

**APPLICATION REVIEW  
OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**RENEWAL OF LICENSE  
OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**REINSTATEMENT REQUESTS  
OR ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**EXAMINATION ISSUES**

None.

**CONSULTING WITH LEGAL COUNSEL**

None.

**DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings**

Signatures were collected for all required items.

**ADJOURNMENT**

**MOTION:** Mary Lease moved, seconded by Earlene Ronk, to adjourn the meeting at 10:57 a.m. Motion carried unanimously.