



VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Tom Ryan (608) 266-2112
November 11, 2021

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of May 6, 2021 (4-11)**
- C. Introductions, Announcements and Recognition**
 - 1) Introduction of Echo E. Bristol, Nursing Home Administrator Member (Succeeds: Hawkins) – 7/1/2025
 - 2) Recognition of Susan K. Kinast-Porter, Physician Member (Resigns: 12/31/2021)
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Delegation of Authorities
 - 3) Board Member – Term Expiration Dates
 - a. Kaiser, Elizabeth A. – 7/1/2023
 - b. Kinast-Porter, Susan K. – 7/1/2009
 - c. Larson, David L. – 7/1/2023
 - d. Lynch-deCombhs, Diane C. – 7/1/2024
 - e. Radtke, Jessica – DHS Representative
 - f. Shaughnessy, Patrick M. – 7/1/2023
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (12)**
 - 1) Pending or Possible Rulemaking Projects
- H. COVID-19 – Discussion and Consideration**
- I. National Association of Long-Term Care Administrator Boards (NAB) Matters – Discussion and Consideration**

- J. Deliberation on Items Added After Preparation of Agenda
- 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections, and Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Practice Matters
 - 10) Legislative and Policy Matters
 - 11) Administrative Rule Matters
 - 12) Liaison Reports
 - 13) Board Liaison Training and Appointment of Mentors
 - 14) Informational Items
 - 15) Division of Legal Services and Compliance (DLSC) Matters
 - 16) Presentations of Petitions for Summary Suspension
 - 17) Petitions for Designation of Hearing Examiner
 - 18) Presentation of Stipulations, Final Decisions and Orders
 - 19) Presentation of Proposed Final Decisions and Orders
 - 20) Presentation of Interim Orders
 - 21) Petitions for Re-Hearing
 - 22) Petitions for Assessments
 - 23) Petitions to Vacate Orders
 - 24) Requests for Disciplinary Proceeding Presentations
 - 25) Motions
 - 26) Petitions
 - 27) Appearances from Requests Received or Renewed
 - 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports
- K. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, 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.).

L. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 19 NHA 043 – D.J.V. **(13-14)**
 - b. 20 NHA 017 – S.K.S. **(15-16)**
- 2) **Case Closings**
 - a. 19 NHA 015 – S.G. **(17-23)**
 - b. 20 NHA 016 – R.L.M. **(24-52)**
- 3) **Proposed Stipulations, Final Decisions, and Orders**
 - a. 18 NHA 022 – Paul W. Fiscus, N.H.A. **(53-59)**
 - b. 18 NHA 032 – Timothy C. Dietzen, N.H.A. **(60-65)**

- M. Deliberation of Items Added After Preparation of the Agenda
- 1) Education and Examination Matters

- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: MARCH 17, 2022

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
MEETING MINUTES
MAY 6, 2021**

PRESENT: Elizabeth Kaiser, Susan Kinast-Porter, David Larson, Diane Lynch-deCombhs, Jessica Radtke, Patrick Shaughnessy

STAFF: Valerie Payne, Executive Director; Jon Derenne, Legal Counsel; Kevyn Radcliffe, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Susan Kinast-Porter, Chairperson, called the meeting to order at 9:35 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Patrick Shaughnessy moved, seconded by Susan Kinast-Porter, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 11, 2020

MOTION: David Larson moved, seconded by Susan Kinast-Porter, to approve the Minutes of November 11, 2020 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition of Marissa Janke, Nursing Home Administrator Member

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to recognize and thank Marissa Janke for her service to the Nursing Home Administrator Examining Board and the State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Susan Kinast-Porter nominated herself for the Office of Chairperson and accepted the nomination.

NOMINATION: Susan Kinast-Porter nominated Patrick Shaughnessy for the Office of Chairperson. Patrick Shaughnessy declined the nomination.

Valerie Payne, Executive Director, called for nominations three (3) times.

Susan Kinast-Porter was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: David Larson nominated himself for the Office of Vice Chairperson and accepted the nomination.

Valerie Payne, Executive Director, called for nominations three (3) times.

David Larson was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Diane Lynch-deCombhs nominated herself for the Office of Secretary and accepted the nomination.

Valerie Payne, Executive Director, called for nominations three (3) times.

Diane Lynch-deCombhs was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Susan Kinast-Porter
Vice Chairperson	David Larson
Secretary	Diane Lynch-deCombhs

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Patrick Shaughnessy Alternate: David Larson
Education and Examinations Liaison	Diane Lynch-deCombhs
Monitoring Liaison	Patrick Shaughnessy
Professional Assistance Procedure (PAP) Liaison	David Larson
Legislative Liaison	Jessica Radtke Alternate: Elizabeth Kaiser
Travel Liaison	Susan Kinast-Porter Alternate: Elizabeth Kaiser
Website Liaison	Elizabeth Kaiser Alternate: Jessica Radtke

Screening Panel	Patrick Shaughnessy, Susan Kinast-Porter Alternate: David Larson
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Delegation of Authorities

Document Signature Delegations

MOTION: Susan Kinast-Porter moved, seconded by David Larson, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Susan Kinast-Porter moved, seconded by David Larson, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Patrick Shaughnessy moved, seconded by David Larson, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Lack/Loss of Quorum

MOTION: Susan Kinast-Porter moved, seconded by Patrick Shaughnessy, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

MOTION: Patrick Shaughnessy moved, seconded by Susan Kinast-Porter, to direct DSPS staff to provide a list to the Board of disciplinary cases delegated for review by Chief Legal Counsel due to lack of/loss of quorum, including outcome at the Board's first meeting following the action taken. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the May 6, 2021 agenda materials on pages 19-20. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Susan Kinast-Porter moved, seconded by Patrick Shaughnessy, to delegate to Board Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Generic)

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Patrick Shaughnessy moved, seconded by Susan Kinast-Porter, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Susan Kinast-Porter moved, seconded by Patrick Shaughnessy, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Susan Kinast-Porter moved, seconded by Patrick Shaughnessy, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of nursing home administration. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Susan Kinast-Porter moved, seconded by David Larson, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Susan Kinast-Porter moved, seconded by Patrick Shaughnessy, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Delegation

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to delegate authority to the Office of Education and Examinations to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Patrick Shaughnessy moved, seconded by Susan Kinast-Porter to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board -related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Liaison(s) Delegation

MOTION: David Larson moved, seconded by Patrick Shaughnessy, to delegate authority to the Travel Liaison(s) to identify delegates and approve the delegates' and any board member travel on any board-related business. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order – NHA 1 To 4 – Comprehensive Update

MOTION: Susan Kinast-Porter moved, seconded by David Larson, to approve the Adoption Order for Clearinghouse Rule 18-054: NHA 1 to 4, relating to requirements for licensure, examinations, and approval of educational programs. Motion carried unanimously.

COVID-19

MOTION: Susan Kinast-Porter moved, seconded by David Larson, to express the support and encouragement of the Board for its licensees to receive a COVID-19 vaccine as soon as they are eligible to do so, and the vaccine is available to them. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS

Consider Attendance NAB 2021 Virtual Annual Meeting on June 9-11, 2021

MOTION: Susan Kinast-Porter moved, seconded by David Larson, to designate David Larson, as the Board's delegate, and Diane Lynch-deCombhs as the Board's alternate delegate, to attend the NAB 2021 Virtual Annual Meeting on June 9-11, 2021. Motion carried unanimously.

Consider Attendance NAB 2021 Mid-Year Meeting in Monterey, CA on October 20-22, 2021

MOTION: Susan Kinast-Porter moved, seconded by Patrick Shaughnessy, to designate David Larson, as the Board's delegate, to attend the NAB 2021 Mid-Year Meeting in Monterey, CA on October 20-22, 2021 and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: David Larson moved, seconded by Diane Lynch-deCombhs, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, 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.). Susan Kinast-Porter, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Elizabeth Kaiser-yes; Susan Kinast-Porter-yes; David Larson-yes; Diane Lynch-deCombhs-yes; and Patrick Shaughnessy-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:18 a.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND
COMPLIANCE (DLSC) MATTERS**

Case Closings

20 NHA 033 – A.H.

MOTION: Susan Kinast-Porter moved, seconded by David Larson, to close DLSC Case Number 20 NHA 033, against A.H., for No Violation. Motion carried unanimously.

Proposed Stipulations, Final Decisions, and Orders

18 NHA 046 – Erica M. Dalziel, N.H.A.

MOTION: Susan Kinast-Porter moved, seconded by Diane Lynch-deCombhs, to adopt the Findings of Fact, Conclusions of Law, and Order in the matter of disciplinary proceedings against Erica M. Dalziel, N.H.A., DLSC Case Number 18 NHA 046. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:51 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: David Larson moved, seconded by Patrick Shaughnessy, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

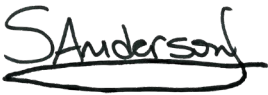
ADJOURNMENT

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:53 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: October 29, 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrator Examining Board			
4) Meeting Date: November 11, 2021	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration <ul style="list-style-type: none"> • Pending and Possible Rulemaking Projects 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: N/A			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: right;"> 10/29/21 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> Supervisor (if required) </div> <div style="width: 35%;"> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 70%;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 25%;"> Date </div> </div>			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			