



VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Tom Ryan (608) 266-2112
August 18, 2022

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 26, 2022 (4-10)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Member – Term Expiration Dates
 - a. Bristol, Echo E. – 7/1/2025
 - b. Kaiser, Elizabeth A. – 7/1/2023
 - 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
 - g. Williams, Jason L. – 7/1/2026
- F. Board Chair Meetings and Options to Address Department Resources – Discussion and Consideration**
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration**
 - 1) Pending or Possible Rulemaking Projects
- I. Speaking Engagements, Travel, or Public Relation Requests, and Reports (11)**
 - 1) Consideration of Attendance: National Association of Long-Term Care Administrator Boards (NAB) 2022 Mid-Year Meeting – November 2-4, 2022 – Palm Springs, CA
(12-13)

- 2) Travel Report: National Association of Long-Term Care Administrator Boards (NAB) 2022 Annual Meeting – June 8-10, 2022 – Chicago, IL – David Larson

J. COVID-19 – Discussion and Consideration

K. National Association of Long-Term Care Administrator Boards (NAB) Matters – Discussion and Consideration

L. 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

M. 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.).

N. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 21 NHA 004 – P.M.R. **(14-16)**

O. 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

P. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: NOVEMBER 10, 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
MEETING MINUTES
MAY 26, 2021**

PRESENT: Echo Bristol, Elizabeth Kaiser (*arrived at 9:32 a.m.*), David Larson, Diane Lynch-deCombhs, Jessica Radtke, Patrick Shaughnessy, Jason Williams

STAFF: Tom Ryan, Executive Director; Jon Derenne, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

CALL TO ORDER

David Larson, Chairperson, called the meeting to order at 9:30 a.m. A quorum was confirmed with six (6) members present.

(*Elizabeth Kaiser arrived at 9:32 a.m.*)

ADOPTION OF AGENDA

Amendments to the Agenda:

- **CLOSED SESSION:** Remove item N. Review of Administrative Warning 1) 10:15 A.M. APPEARANCE – Colleen Meloy, DSLC Attorney, and N. G., Respondent: 17 NHA 020 – N.G.

MOTION: Echo Bristol moved, seconded by Patrick Shaughnessy, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 17, 2022

MOTION: Jason Williams moved, seconded by Echo Bristol, to approve the Minutes of March 17, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Delegation of Authorities

Document Signature Delegations

MOTION: Patrick Shaughnessy moved, seconded by Jason Williams, 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: Patrick Shaughnessy moved, seconded by Echo Bristol, 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: Jason Williams moved, seconded by Patrick Shaughnessy, 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 Loss of Quorum

MOTION: Echo Bristol 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 one meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Jason Williams moved, seconded by David Larson, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 17, 2022 agenda materials on pages 18-19. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Diane Lynch-deCombhs moved, seconded by Echo Bristol, to delegate to 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

MOTION: David Larson moved, seconded by Echo Bristol, 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: Echo Bristol moved, seconded by Patrick Shaughnessy, 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: David Larson moved, seconded by Diane Lynch-deCombhs, 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: Echo Bristol moved, seconded by Jason Williams, 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: Patrick Shaughnessy 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 Echo Bristol, 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:** Echo Bristol 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:** David Larson moved, seconded by Patrick Shaughnessy, 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 Liaison(s) Delegation

- MOTION:** Jason Williams moved, seconded by David Larson, to delegate authority to the Education and Examination Liaison(s) 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:** Echo Bristol 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:** Diane Lynch-deCombhs moved, seconded by Patrick Shaughnessy, 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 Delegation

- MOTION:** Echo Bristol moved, seconded by Patrick Shaughnessy, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: David Larson moved, seconded by Echo Bristol, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

BOARD CHAIR MEETING AND OPTIONS TO ADDRESS DEPARTMENT RESOURCES

MOTION: Patrick Shaughnessy moved, seconded by Echo Bristol, to communicate to the state Legislature that the Nursing Home Administrator Examining Board opposes the Legislature's continuing restrictions on the Department of Safety and Professional Services' (DPS) ability to spend the fee revenue paid by Nursing Home Administrator licensees so that Nursing Home Administrator credential applications can be processed in a timely manner. Spending authority and position limitations have created backlogs in licensing and unnecessary delays in Nursing Home Administrators being licensed in a reasonable amount of time. This has created barriers to professionals entering the workforce, has created a negative impact on the nursing home industry and it has resulted in an increased number of complaints to DPS and others about the slow pace of application processing. The Board asks the legislature to increase the staffing and spending authority of DPS as soon as possible. Motion carried unanimously.

MOTION: David Larson moved, seconded by Echo Bristol, to authorize Elizabeth Kaiser to discuss with LeadingAge Wisconsin and Wisconsin Healthcare Association, or other appropriate entities, cooperative initiatives involving the state legislature, its Joint Finance Committee and the state budget aimed at increasing the number of DPS staff positions and the spending authority of DPS. Reports will be provided at future meetings. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope Statement: NHA 3, Relating to Board Approval of Education Programs

MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to approve the Scope Statement revising NHA 3, relating to Board approval of education programs, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

DELIBERATION ON ITEMS ADDED AFTER PREPARATION OF THE AGENDA

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Legislative Liaison	Elizabeth Kaiser <i>Alternate:</i> Echo Bristol
Website Liaison	Elizabeth Kaiser <i>Alternate:</i> Jason Williams

CLOSED SESSION

MOTION: Patrick Shaughnessy moved, seconded by Jason Williams, 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.). David Larson, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Echo Bristol-yes; Elizabeth Kaiser-yes; David Larson-yes; Diane Lynch-deCombhs-yes; Jessica Radtke-yes; Patrick Shaughnessy-yes; and Jason Williams-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:08 a.m.

REVIEW OF ADMINISTRATIVE WARNINGS

MOTION: Jason Williams moved, seconded by Diane Lynch-deCombhs, to affirm the issuance of the administrative warning in the matter of C.S., DLSC Case Number 21 NHA 062. Motion carried unanimously.

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

Administrative Warnings

21 NHA 065 – E.P.J.

MOTION: David Larson moved, seconded by Diane Lynch-deCombhs, to issue an Administrative Warning in the matter of E.P.J., DLSC Case Number 21 NHA 065. Motion carried unanimously.

Case Closings

MOTION: Echo Bristol moved, seconded by David Larson, to close the following DLSC Cases for the reasons outlined below:

1. 20 NHA 052 – P.N.E. – Insufficient Evidence
2. 21 NHA 017 – C.L.N. – No Violation

Motion carried unanimously.

Proposed Stipulations, Final Decisions, and Orders

21 NHA 049 – Pauline H. Darling, NHA

MOTION: David Larson moved, seconded by Diane Lynch-deCombhs, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Pauline H. Darling, NHA, DLSC Case Number 21 NHA 049. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened to Open Session at 11:44 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

ADJOURNMENT

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

The meeting adjourned at 11:46 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 8/5/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrators Examining Board			
4) Meeting Date: 8/18/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relation Requests, and Reports 1) Consideration of Attendance: National Association of Long-Term Care Administrator Boards (NAB) 2022 Mid-Year Meeting – November 2-4, 2022 – Palm Springs, CA 2) Travel Report: National Association of Long-Term Care Administrator Boards (NAB) 2022 Annual Meeting – June 8-10, 2022 – Chicago, IL – David Larson	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: 			
11) Authorization			
Katlin Schwartz		8/5/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			



NAB
Mid-Year Meeting
Palm Springs, CA
November 2 - 4, 2022

2022 Mid-Year Meeting - Palm Springs, CA

Share/Print Page:

NAB's 2022 Mid-Year Meeting
November 2 - 4, 2022
Palm Springs, CA

Make plans to join us for NAB's 2022 Mid-Year Meeting to be held **November 2 - 4, 2022** at the [Miramonte Resort & Spa](#) in Indian Wells, CA.

Our Annual Meeting brochure will be posted soon.

Registration will open in August. There will be a virtual option available for attendees for a fee. Details will be included when registration is open.

As a reminder, **all attendees must be vaccinated and boosted one time against COVID-19**, to attend the meeting in person. Please see [NAB's Public Protection Statement](#).

Tentative Schedule of Events - all times are in PST

Wednesday, November 2, 2022

- 1:00 - 2:00 PM NAB Foundation Meeting
- 2:00 - 6:00 PM Registration
- 3:00 - 4:00 PM Orientation to NAB
- 4:00 - 6:00 PM All Forums
Academic Forum

NCERS Forum
State Board Members Forum
State Executive Forum
6:30 - 8:00 PM Chairman's Reception

Thursday, November 3, 2022

7:30 - 8:30 am Breakfast & Opening Remarks
8:45 - 10:30 am Continuing Education Meeting
Member Relations & Outreach Meeting
10:45 - 12:30 pm Education Meeting
State Governance & Regulatory Issues Meeting
1:45 - 3:15 pm NAB Products and Services Showcase
3:30 - 4:30 pm Bylaws Meeting
5:30 - 10:00 pm Thursday Night Social Event

Friday, November 4, 2022

8:00 - 9:00 am Breakfast
9:00 am - Noon Board of Governors Meeting

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