



VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Tom Ryan (608) 266-2112
May 23, 2024

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 March 21, 2024 (4-8)**
- 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) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities
 - 3) Board Member – Term Expiration Dates
 - a. Adams, Charlean M. – 7/1/2027
 - b. Bristol, Echo E. – 7/1/2025
 - c. Gersich, A. James – 7/1/2027
 - d. Herman, Mark A. – 7/1/2027
 - e. Kaiser, Elizabeth – 7/1/2027
 - f. Larson, David L. – 7/1/2027
 - g. Radtke, Jessica – DHS Representative
 - h. Williams, Jason L. – 7/1/2026
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (9-10)**
 - 1) Pending and Possible Rulemaking Projects (10)
- H. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration**
 - 1) Consideration of Attendance: NAB Mid-year Meeting, Savannah, GA – November 13-15, 2024

- 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) Public Health Emergencies
 - 13) Liaison Reports
 - 14) Board Liaison Training and Appointment of Mentors
 - 15) Informational Items
 - 16) Division of Legal Services and Compliance (DLSC) Matters
 - 17) Presentations of Petitions for Summary Suspension
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Presentation of Stipulations, Final Decisions and Orders
 - 20) Presentation of Proposed Final Decisions and Orders
 - 21) Presentation of Interim Orders
 - 22) Petitions for Re-Hearing
 - 23) Petitions for Assessments
 - 24) Petitions to Vacate Orders
 - 25) Requests for Disciplinary Proceeding Presentations
 - 26) Motions
 - 27) Petitions
 - 28) Appearances from Requests Received or Renewed
 - 29) 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) **Case Closings**
 - a. 23 NHA 057 – D.K. (11-14)

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: AUGUST 15, 2024

 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, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
MEETING MINUTES
MARCH 21, 2024**

PRESENT: Charlean Adams, Echo Bristol, A. James Gersich, Mark Herman, Elizabeth Kaiser, David Larson, Jason Williams

EXCUSED: Jessica Radtke

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; 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 seven (7) members present.

ADOPTION OF AGENDA

MOTION: Echo Bristol moved, seconded by A. James Gersich, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 30, 2023

MOTION: Mark Herman moved, seconded by A. James Gersich, to approve the Minutes of November 30, 2023, as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: David Larson nominated himself for the Office of Chairperson.

Tom Ryan, Executive Director, called for nominations three (3) times.

David Larson was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: A. James Gersich nominated himself for the Office of Vice Chairperson

Tom Ryan, Executive Director, called for nominations three (3) times.

A. James Gersich was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Echo Bristol nominated herself for the Office of Secretary.

Tom Ryan, Executive Director, called for nominations three (3) times.

Echo Bristol was elected as Secretary by unanimous voice vote.

Election of Officers

ELECTION RESULTS	
Chairperson	David Larson
Vice Chairperson	A. James Gersich
Secretary	Echo Bristol

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Echo Bristol <i>Alternate: David Larson</i>
Education and Examinations Liaison(s)	Echo Bristol <i>Alternate: Charlean Adams</i>
Monitoring Liaison(s)	Charlean Adams, Mark Herman <i>Alternate: Echo Bristol</i>
Professional Assistance Procedure (PAP) Liaison(s)	David Larson <i>Alternate: Echo Bristol</i>
Legislative Liaison(s)	Mark Herman <i>Alternate: Echo Bristol</i>
Travel Authorization Liaison(s)	David Larson <i>Alternate: Charlean Adams</i>
Website Liaison(s)	Elizabeth Kaiser <i>Alternate: Jason Williams</i>
Screening Panel	David Larson, Charlean Adams, Jason Williams, Mark Herman <i>Alternate: Echo Bristol, A. James Gersich</i>

Delegation of Authorities

Review and Approval of 2023 Delegations

MOTION: A. James Gersich moved, seconded by Echo Bristol, to reaffirm all delegation motions from 2023 as reflected in the agenda materials. Motion carried unanimously.

Document Signature Delegations

MOTION: A. James Gersich moved, seconded by Charlean Adams, 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, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Monitoring Delegations

Delegation to Monitoring Liaison

MOTION: A. James Gersich moved, seconded by Jason Williams, to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: A. James Gersich moved, seconded by Echo Bristol, to delegate authority to the Department Monitor as outlined below:

1. To grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. To suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. To suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. To grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. To grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. To grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. To grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam. Motion carried unanimously.

Credentialing Authority Delegations

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: A. James Gersich moved, seconded by Echo Bristol, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order CR 23-033 NHA 3, relating to board approval of education programs.

MOTION: Charlean Adams moved, seconded by David Larson, to approve the Adoption Order for Clearinghouse Rule 23-033 (NHA 3), relating to board approval of education programs. Motion carried unanimously.

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

Consideration of Attendance: NAB Annual Meeting, Oklahoma City, OK – June 5-7, 2024.

MOTION: A. James Gersich moved, seconded by Echo Bristol, to designate David Larson, as the Board's delegate, to attend the NAB Annual Meeting in Oklahoma City, OK on June 5-7, 2024. Motion carried unanimously.

CLOSED SESSION

MOTION: A. James Gersich moved, seconded by Charlean Adams, 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: Charlean Adams-yes; Echo Bristol-yes; A. James Gersich-yes; Mark Herman-yes; Elizabeth Kaiser-yes; David Larson-yes; and Jason Williams-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:01 a.m.

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

Proposed Stipulations and Final Decision and Orders

23 NHA 028 – Pamela M. Ducommun

MOTION: A. James Gersich moved, seconded by Echo Bristol, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Pamela M. Ducommun, N.H.A., DLSC Case Number 23 NHA 028. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: A. James Gersich moved, seconded by Echo Bristol, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:04 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: A. James Gersich moved, seconded by Echo Bristol, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

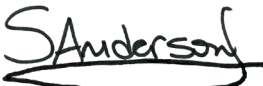
ADJOURNMENT

MOTION: A. James Gersich moved, seconded by Charlean Adams, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:05 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: May 13, 2024	
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: May 23, 2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and consideration 1. 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: Attachments: 1. NHA rules projects chart			
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;"> 05/13/2024 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 80%;"> <hr/> Supervisor (if required) </div> <div style="width: 15%;"> <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 80%;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 15%;"> <hr/> 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.			

**Nursing Home Administrators Examining Board
Rule Projects (updated 05/13/2024)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
23-033	069-22	02/22/2025	NHA 3	Board approval of education programs	The Board will review chapter NHA 3 in order to revise the criteria for board approval of education programs.	Adoption Order published on April 29 th , 2024.	Rule effective on June 1 st , 2024.