



VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Tom Ryan (608) 266-2112
May 26, 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 (1-4)**
- B. Approval of Minutes of March 17, 2022 (5-8)**
- 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) Delegation of Authorities
 - 3) 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. – 7/1/2022
- F. Board Membership and Possible Initiative to Fill Vacant Seats – Discussion and Consideration**
- G. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- H. Legislative and Policy Matters – Discussion and Consideration
- I. Administrative Rule Matters – Discussion and Consideration**
 - 1) Scope Statement: NHA 3, Relating to Board Approval of Education Programs **(9-11)**
 - 2) Pending or Possible Rulemaking Projects

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. Review of Administrative Warnings

- 1) **10:15 A.M. APPEARANCE** – Colleen Meloy, DLSC Attorney, and N.G.,
Respondent: 17 NHA 020 – N.G. **(12-39)**
- 2) **10:30 A.M. APPEARANCE** – Carley Peich Kiesling, DLSC Attorney, and C.S.,
Respondent: 21 NHA 062 – C.S. **(40-69)**

O. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 21 NHA 065 – E.P.J. **(70-71)**
- 2) **Case Closings**
 - a. 20 NHA 052 – P.N.E. **(72-78)**
 - b. 21 NHA 017 – C.L.N. **(79-84)**
- 3) **Proposed Stipulations, Final Decisions, and Orders**
 - a. 21 NHA 049 – Pauline H. Darling, NHA **(85-90)**

P. 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

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 18, 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 at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
MEETING MINUTES
MARCH 17, 2021**

PRESENT: Echo Bristol, Elizabeth Kaiser, David Larson, Diane Lynch-deCombhs, Jessica Radtke, Jason Williams

EXCUSED: Patrick Shaughnessy

STAFF: Tom Ryan, Executive Director; Jon Derenne, Legal Counsel; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

David Larson, Vice Chairperson, called the meeting to order at 9:16 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Open Session: Defer "Delegation of Authorities", removing this from E. 3)*
- *Open Session: Defer items F – K*

MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 11, 2021

MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to approve the Minutes of November 11, 2021 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: Diane Lynch-deCombhs nominated herself for the Office of Vice Chairperson.

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

Diane Lynch-deCombhs 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 RESULTS	
Chairperson	David Larson
Vice Chairperson	Diane Lynch-deCombhs
Secretary	Echo Bristol

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Patrick Shaughnessy <i>Alternate: David Larson</i>
Education and Examinations Liaison	Diane Lynch-deCombhs
Monitoring Liaison	Patrick Shaughnessy
Professional Assistance Procedure (PAP) Liaison	David Larson
Legislative Liaison	Jessica Radtke <i>Alternate: Elizabeth Kaiser</i>
Travel Authorization Liaison	David Larson <i>Alternate: Elizabeth Kaiser</i>
Website Liaison	Elizabeth Kaiser <i>Alternate: Jessica Radtke</i>
Screening Panel	Patrick Shaughnessy, David Larson <i>Alternate: Echo Bristol</i>

CLOSED SESSION

MOTION: Echo Bristol 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.). 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; and Jason Williams-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:31 a.m.

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

Administrative Warnings

MOTION: David Larson moved, seconded by Echo Bristol, to issue an Administrative Warning the following DLSC Cases:

1. 19 NHA 042 – A.C.Z.
2. 21 NHA 062 – C.S.

Motion carried unanimously.

Case Closings

MOTION: David Larson moved, seconded by Diane Lynch-deCombhs, to close the following DLSC Cases for the reasons outlined below:

1. 19 NHA 052 – A.C.Z. – No Violation
2. 20 NHA 034 – L.A.M. – Insufficient Evidence

Motion carried unanimously.

Proposed Stipulations, Final Decisions, and Orders

MOTION: David Larson moved, seconded by Echo Bristol, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 19 NHA 059 – Emily A. Rademacher, NHA
2. 20 NHA 003 – Robert D. Walters, NHA

Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened to Open Session at 9:53 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

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

ADJOURNMENT

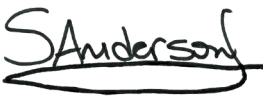
MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:54 a.m.

DRAFT

**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, 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: May 26, 2022	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. Scope Statement: NHA 3 relating to Board approval of education programs. 2. 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. Scope Statement: NHA 3 relating to Board approval of education programs									
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  </div> <div style="text-align: right;"> 5/13/2022 </div> </div> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;">Signature of person making this request</td> <td style="width: 30%; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date	
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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.									

STATEMENT OF SCOPE

Nursing Home Administrator Examining Board

Rule No.: NHA 3

Relating to: Board approval of education programs

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Nursing Home Administrator Examining Board will conduct a review of chapter NHA 3 in order to revise the criteria for board approval of education programs.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter NHA 3 currently contains the requirements for the Nursing Home Administrator Board to approve educational programs leading to licensing. The Board has identified the need to clarify this criterion to ensure that they are consistent with current professional and academic standards, and to prevent confusion within academic institutions and with potential licensees.

The alternative to promulgating rules would be to not update the rules. This would result in stakeholders continuing to lack clarity as to the requirements to what constitutes acceptable educational programs.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 456.03 (4), Stats., provides that an applicant for a license as a nursing home administrator shall complete “a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours.

6. List with description of all entities that may be affected by the proposed rule:

Candidates for Wisconsin licensure as a Nursing Home Administrator and schools offering educational programs.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Sofia Anderson, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4463.

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Approved

Date Approved