**MINUTES**

**NOVERMBER 9, 2022 QUARTERLY BOARD MEETEING**

The Louisiana Board of Examiners of Nursing Facility Administrators (LABENFA) conducted its regularly scheduled meeting on November 9, 2022, in accordance with applicable law and gubernatorial proclamation(s).

**Board Members Present:**

Mr. Jamie Shelton, Chair Mr. Cullen Brewer Mr. Teddy R. Price

Mr. Jack Sanders, (Vice Chair) Mr. Scott Crabtree Mr. Kemp Wright

Mr. Eddie Borland Dr. Charlotte S. Hurst

Mr. Alvin A. Breaux, Jr. Dr. Susan Nelson

**Board Members Absent:**

Mr. Delbert Wilbanks

**Others Present:**

Mr. Joseph E. Townsend Ms. Kristie Mascarella

Interim Executive Director Assistant Executive Director

1. **CALL TO ORDER**

This meeting was called to order at 1 p.m. by Chair Shelton, who also conducted a roll call. See attendance detailed above.

1. **MINUTES**

Chair Shelton presented the agenda in addition to the minutes for the meeting conducted on August 10, 2022 (FY21-22 Q3 Regular Meeting) for review and approval. Dr. Nelson made a motion to adopt the agenda for the August meeting, with motion seconded by Mr. Wright and unanimously approved. Mr. Crabtree made a motion to adopt the August meeting minutes, with motion seconded by Mr. Sanders and unanimously approved.

1. **APPEAL OF SUSPENDED PROVISIONAL LICENSE**

Appellant 2022-1 appealed the suspension of his provisional license and was present to detail his reasons for the appeal to the Board. Prior to his presentation, the Board reviewed the criminal background check, which was the reason for the suspension of the appellant’s provisional license. Appellant was invited in to speak, which he did. Upon completion of his presentation appellant was asked to leave the meeting for a board discussion. In his absence, questions were discussed on various options the board had regarding stipulations available regarding reversal of the suspicion. Board retired to executive session upon a motion by Mr. Sanders, with motion seconded by Mr. Wright. The board reconvened the regular session upon the closure of the executive session. Discussion on the re-issuance of license resumed. Motion made by Mr. Sanders to re-issue the license with the provision that appellant and his supervisor agree to meet with the Executive Director twice annually to discuss appellant’s professional performance. Motion was seconded by Mr. Wright. Motion passed by the members with one exception, as Dr. Hurst abstained from the vote.

1. **EXECUTIVE DIRECTOR REPORT**

Mr. Townsend, Interim Executive Director, presented a brief Executive Director Report. Topics discussed were updates on the September 2022 State audit, an update on the LABENFA website development project, organization of the board office including the implementation of GAAP, terminology of licenses, and an update on the national NAB conference. The Board is still awaiting a final report on the investigation stemming from the 2021 audit. The 2022 audit was relatively clean and a plan of action to correct the few items noted in that audit has been implemented. The issue with the website and Trisine is still problematic. A detailed discussion regarding Trisine and the website was conducted in the *unfinished business* portion of the meeting.

1. **EDUCATION COMMITTEE REPORT**

Ms. Mascarella presented the Education Committee Report. In the Third Quarter of FY 2022, seven (7) professionals were licensed as administrators. Ten (10) persons requested application packages and all 10 returned them. One (1) provisional license was issued through reciprocity. Ten NAB test were taken (five Core and five LOS). Two passed both exams; one failed the Core but passed the LOS; one passed the Core but failed the LOS; and one failed both exams. Ms. Mascarella requested clarification on the classification of licenses. Mr. Townsend was advised to revert to using the license classifications for which the Board has legislative authority. Those classifications are: active, inactive, suspended, and lapsed. There was also discussion regarding the proper orientation to the Board for new board members.

The Board discussed the pass/fail rate on the two Federal Exams. Mr. Borland noted that the LSU-A students are having difficulties with the type of testing method and only have a three (3) hour orientation to the nursing home operations itself. Mr. Townsend explained the make-up of the two exams. They are multiple choice, best answer exam. The CORE is a 100-question test and the LOS is a 60 question test.

1. **FINANCE COMMITTEE**

Mr. Townsend announced that a new Finance Committee had been formed. Members include Mr. Wright, Chair, Mr. Crabtree, Mr. Price, and Mr. Sanders. Mr. Townsend presented budgets for FY 2022 and FY 2023. There was a brief discussion on the FY 2022 budget. Mr. Crabtree made a motion to accept the FY2022 budget; Mr. Wright seconded the motion. Motion passed unanimously. Following a brief discussion on the FY2023 budget, Mr. Wright made a motion to approve the budget; Mr. Sanders seconded the motion. Motion carried unanimously.

Mr. Townsend reviewed the financial status of the Board. At the end of the 1st quarter of FY2022, the Board’s total net position was $68,323.62.

1. **MR. MARTIN’S WAIVER**

Mr. Shelton, Chair, opened a discussion specific to Mr. Link Martin. Mr. Martin’s administrator’s license had lapsed and he had applied for reinstatement. Mr. Hebert, who at the time was the Executive Director of the LABENFA, allowed Mr. Martin to retake the federal and state exams, which he did and passed all three. After he passed the exams it was discovered that Mr. Martin did not at have a bachelor’s degree, which is a current requirement for licensure. He was licensed initially prior to the rule change that mandated the college degree. Due to the lack of a degree, Mr. Martin was not issued a license. He has requested a waiver to the rule because of his experience as an administrator. Mr. Martin had worked for more than 10 years as an administrator prior to allowing his license to lapse. Mr. Shelton proposed to board that we submit to the state legislature a change in the rule to allow persons who had worked at least ten (10) years, in good standing, to be able to waive the educational requirements currently in the rules. After a discussion, Mr. Wright made a motion for the Board to approve the wording change and have the Board attorney submit to the State legislature for approval. Mr. Price seconded the motion. The motion carried with a vote of seven (7) ayes, two (2) nays, and one (1) abstention. Votes for: Mr. Shelton, Mr. Price, Mr. Wright, Mr. Breaux, Mr. Borland, and Mr. Brewer. Votes against: Mr. Crabtree and Dr. Nelson. Dr. Hurst abstained.

1. **APPLICATIONS**

Ms. Mascarella presented the following licensure applications:

* Clayton David—Lakeshore Manor, Slidell; Torrell Bridges
* William Dornan—Springhill Post-Acute; Pam Kennedy
* Jacob Luke Jones—Magnolia Manor; Don Flint
* Daniel Stanley—Cypress Manor, Lake Providence; Ken Fuller
* Josh Sanders—Consolata, New Iberia; Al Breaux
* Amanda Isaac—Guard and Guardian, Lake Charles, Boyd Sockrider
* Meaghan Ponder—Sabine Retirement; Jack Sanders
* Katlin Guin—LaSalle Nursing Home, Jena; Phyllis Bryan

Prior to approval of the applications, board members discussed the application process, for the purpose of ensuring applicants met the licensing criteria. Ms. Mascarella stated that all applicants must bring with them as a part of their orientation, their college transcripts and two letters of recommendation. They are also required to submit to a criminal background check at the Louisiana State Police.

Two persons requested waivers to their Administrator-in-Training program.

1. Mr. Breaux conducted an interview with Craig Romero. Due to Mr. Romero’s performance on his oral examination combined with his multiple years of experience as a Director of Nursing in nursing homes, Mr. Breaux recommended waiving the following training modules: nursing, medical records, resident activities, and social services.
2. Mr. Sanders interviewed Delisa Davis. Due to her performance on the oral examination combined with her multiple years of experience in nursing, medical records, resident activities, and social services, Mr. Sanders recommended waiving the following training modules: nursing, medical records, and social services. Mr. Price made a motion to approve the applications and waivers. Mr. Crabtree seconded, and the motion passed unanimously.

Five administrators requested reciprocity from Louisiana to other states while one administrator applied for licensure in Louisiana through the reciprocity process from North Carolina. The North Carolina Board confirmed that Angela Carney was licensed and was in good standing. Mr. Wright made a motion to approve Ms. Carney’s application for reciprocity; Mr. Crabtree seconded the motion. Motion carried unanimously.

1. **UNFINISHED BUSINESS**

Mr. Townsend reminded board members that they had until the end of the year to complete the state-required training on ethics and on sexual harassment.

Mr. Townsend opened the discussion regarding Trisine and the concerns regarding the LABENFA website. Mr. Townsend advised the Board that even though LABENFA owns the LABENFA domain, Trisine has administrative control over it. The website, which was constructed by IlluminAge, is currently hosted on Go Daddy, but Trisine has the ability to take it off at any time as long as it has administrative control. Mr. Townsend met with Phil Catalono with Trisine in an effort to resolve the situation. Trisine claims that LABENFA owes them over $7,000.00. Mr. Townsend presented Trisine’s invoices for board review. The Board asked Mr. Townsend to secure more detailed accounting from them to help determine what has been paid and what may actually still be owed to them. Multiple questions remain regarding what is owed to Trisine and what services they actually performed. In an effort to gain administrative control over the LABENFA website, the Board directed Mr. Townsend to apply for a new domain name, specifically LABENFA.gov.

1. **NEW BUSINESS**

Mr. Townsend briefly addressed the September 2022 State audit as noted in the *Executive Director's Report.*

Mr. Townsend advised the members that the Louisiana Department of Health (LDH) had emailed a referral about Complainant 2022-1. The concern regarded a resident elopement from a licensed nursing home. That resident, to date, has not been located. Board member Brewer recused himself from the conversation as he represents LDH on the Board. He did state that anytime a facility was issued an Immediate Jeopardy tag (IJ) it means there is a possibility of multiple system failures and LDH would file a concern with LABENFA. Mr. Shelton summarized the concern and stated that at this point the Board had complied with LDH requirements. One of those requirements mandates the Board notify the administrator and request a summary of the event and any corrective actions taken. Complainant 2022-1 responded via certified mail, however the attempt to deliver the mail occurred after hours. Mr. Crabtree suggested that the Board review Complainant 2022-1’s response and deferred any further discussion until the next board meeting.

Discussion regarding the hiring of a new attorney was led by Mr. Shelton. He stated that the personnel committee, comprised of Mr. Wright, Mr. Price, Mr. Sanders, and himself would meet after the board meeting to review potential candidates.

There are two open board seats. The Louisiana Board of Nursing and the Louisiana Department of Health each have an appointee to submit. Mr. Townsend has spoken with both agencies, and they are working to fill those seats.

1. **EXECUTIVE SESSION**

Upon the completion of *New Business* the Chair requested the board retire to a second executive session. Mr. Sanders made a motion to do so and it was seconded by Mr. Price.

Board reconvened after the second *executive session* adjourned. Mr. Shelton announced that in the executive session discussion on allowing Mr. Townsend to work Mondays and Fridays from his home. Mr. Wright motioned to approve the proposal and Mr. Crabtree seconded it.

1. **Adjournment**

Mr. Borland made a motion to adjourn the meeting and it was seconded by Mr. Wright. Meeting adjourned at 3:25 p.m.