

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS**

TIME: 10:41 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Wednesday, February 5, 2025

State Board of Examiners of
Nursing Home Administrators
February 5, 2025

BOARD MEMBERS:

Ilene Warner-Maron, Ph.D., RN, NHA, Chair
Arion R. Claggett, Acting Commissioner, Bureau
of Professional and Occupational Affairs - Absent
Sara L. King, NHA, Vice Chair
David R. Hoffman, JD, Public Member, Secretary
Ann Chronister, Department of Health
Michael P. Kelly, NHA
Francis J. King, NHA
Robert L. Wernicki, NHA
Carrie E. Wilson, Office of Attorney General, Bureau
of Consumer Protection - Absent

BUREAU PERSONNEL:

Judith Pachter Schulder, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Codi M. Tucker, Esquire, Senior Board Prosecutor
Kathryn E. Bellfy, Esquire, Board Prosecution Liaison
Deidre Bowers, Board Administrator
Molly Smith, Administrative Officer
Amanda Richards, Fiscal Supervisor, Bureau of Finance
and Procurement, Department of State
Marcedes Newby, Fiscal Management Specialist 1,
Bureau of Finance and Procurement, Department of
State
Tamie Laudenslager, Fiscal Management Specialist,
Bureau of Finance and Procurement, Department of
State
Taylor Koch, Fiscal Chief, Bureau of Finance and
Procurement, Department of State
Jennifer Jumper, Fiscal Management Specialist 2,
Bureau of Finance and Procurement, Department of
State
Michael P. Merten, Esquire, Assistant Counsel, Bureau
of Professional and Occupational Affairs
Deena Parmelee, Legal Office Administrator 1,
Department of State

State Board of Examiners of
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ALSO PRESENT:

Heather Bleiler, Senior Director of Education &
Professional Development, LeadingAge PA
Rebecca Schell, Coordinator, Education and Webinars,
LeadingAge PA
Jennifer Lynn Graff, Assistant Administrator,
Uniontown Healthcare & Rehabilitation Center
Tiffany DeBlasio-Ferrieri, Administrative Assistant,
Kane Community Living Center
Lauren Gusherowski, Sargent's Court Reporting
Service, Inc.

State Board of Examiners of
Nursing Home Administrators

February 5, 2025

[Pursuant to Section 708(a)(5) of the Sunshine Act,
at 10:00 a.m. the Board entered into Executive
Session with Judith Pachter Schulder, Esquire, Board
Counsel, for the purpose of conducting quasi-judicial
deliberations and to receive legal advice. The Board
returned to open session at 10:30 a.m. The Board
will report out of Executive Session later in the
meeting.]

The regularly scheduled meeting of the State
Board of Examiners of Nursing Home Administrators was
held on Wednesday, February 5, 2025. Ilene Warner-
Maron, Ph.D., RN, NHA, Chair, called the meeting to
order at 10:41 a.m.

Roll Call of Board Members

[Deidre Bowers, Board Administrator, provided a roll
call of Board members. A quorum was present.]

Appointment - Annual Prosecution Report

1 [Codi M. Tucker, Esquire, Senior Board Prosecutor,
2 presented the 2024 Annual Prosecution Report. She
3 reported 1,942 active licensees for the State Board
4 of Examiners of Nursing Home Administrators. She
5 noted 111 cases were opened in 2024, which is an
6 increase from 2023 of 90 cases. She reported 108
7 cases are currently open, and 66 cases were closed.

8 Ms. Tucker mentioned the average length of time
9 to close a case was 240 days, noting prosecution
10 strived to close cases within one year.

11 Ms. Tucker reported 1 voluntary surrender formal
12 discipline. She referred to Z02 prosecution not
13 warranted informal discipline, noting they do not
14 show in the Pennsylvania Licensing System (PALS) and
15 is only something seen in the Prosecution Division.
16 She reported closing 28 cases for prosecution not
17 warranted because there was not enough evidence or
18 not a violation to prosecute.

19 Ms. Tucker reported 32 Z18 warning letters were
20 sent to licenses who violated the act or regulations,
21 noting those are also not public or on the PALS
22 website.

23 Ms. Tucker provided an overview of the warning
24 letter process. She explained that prosecution could
25 draft a compliance letter that may require continuing

1 education (CE) credits, where prosecution will not
2 formally prosecute if they complete the credits. She
3 also noted the individual receives a letter informing
4 the individual that another complaint in the same
5 situation will result in formal action.

6 Ms. Tucker explained that warning letters are
7 also sent in a situation that does not rise to the
8 level of formal action informing the individual of
9 their violation of a section of the act or
10 regulations.

11 Chair Warner-Maroon asked what portion of the 111
12 open cases involved individuals who failed to obtain
13 their required CEUs.

14 Ms. Tucker was unable to give a particular
15 breakdown but offered to provide that information at
16 the next meeting.

17 Chair Warner-Maroon believed it is important for
18 the Board to know how many cases would be from CEUs,
19 Department of Health survey findings, and lack of
20 compliance with the Act and the regulations.

21 Ms. Pachter Scholder asked whether prosecution
22 has information regarding the type of complaints the
23 Board receives.

24 Ms. Bellfy referred to the cases reviewed last
25 year, noting maybe one had to do with failure to

1 complete continuing education, and the vast majority
2 of cases were referrals from the Department of Health
3 following surveys. She also reported some private
4 complaints from individuals who were displeased with
5 maybe the treatment of a family member.

6 Mr. Hoffman referred to the vast majority being
7 Department of Health survey findings of immediate
8 jeopardy and requested information from a Prosecution
9 perspective.

10 Ms. Tucker explained that Prosecution reviews the
11 survey from the Department of Health and then sends
12 it out for their own investigation to interview
13 witnesses and gather information. She explained the
14 information comes back to Ms. Bellfy to review the
15 case to determine an appropriate action. She noted
16 standard of care-type case are sent to external
17 experts for review and recommendation because
18 prosecutors are not NHA experts.

19 Mr. Hoffman asked how it is applied to the role
20 of the NHA as opposed to the nursing staff that leads
21 prosecution to conclude not warranted or prosecution
22 warranted.

23 Ms. Tucker explained that most of the cases are
24 opened under against the NHA and the Director of
25 Nursing but can be opened on other individuals as

1 well depending on the allegation. She noted
2 allegations involving a certified nursing assistant
3 (CNA) will be referred to the Department of Health
4 because the Bureau does not regulate CNAs.

5 Ms. Pachter Schulder requested information
6 concerning the percentage of the Board's cases sent
7 to experts to review the complaints.

8 Ms. Tucker was unable to provide the number of
9 cases sent to experts. She noted they also use
10 internal experts and doctors and are hoping to get
11 some other internal experts on board in the near
12 future.

13 Mr. Wernicki asked where the NHA experts are
14 located.

15 Ms. Tucker explained that any expert used for the
16 Department of State has to be licensed in the state
17 of Pennsylvania. She noted Prosecution uses DJS
18 Associates for all of the boards for expert reviews.
19 She noted Prosecution has some experts they
20 individually contract with for petitions for mental
21 and physical examinations.

22 Mr. Hoffman asked who is overseeing the expert
23 process and whether each board is making sure this is
24 working. He provided a hypothetical case, noting the
25 importance of how the information gets put together

1 under an investigation.

2 Ms. Pachter Schulder referred to *Lyness*
3 *v. State Board of Medicine*. She explained that the
4 Board has the authority in their licensing statute to
5 prosecute, adjudicate, and regulate; but the Supreme
6 Court in *Lyness* said one board cannot do all of those
7 functions at the same time.

8 Ms. Pachter Schulder noted Prosecution is the arm
9 that deals with collecting investigative information
10 and making the decision whether to prosecute or not
11 without Board member involvement.

12 Ms. Tucker further explained that any time
13 Prosecution chooses to do formal prosecution that it
14 would come before the Board in either a consent
15 agreement for the Board's review or a hearing, noting
16 the Board decides what is appropriate and what is not
17 appropriate.

18 Ms. Tucker again offered to provide additional
19 information concerning the breakdown of cases for the
20 next meeting.]

21 ***

22 Appointment - Bureau of Finance and Procurement

23 Annual Budget Presentation

24 [Marcedes Newby, Fiscal Management Specialist, Bureau
25 of Finance and Procurement, Department of State,

1 presented the Annual Financial Report. She referred
2 to the licensee population from FY18-19 to FY24-25,
3 noting a current licensee count of 1,664. She
4 addressed licensee class, noting the previous
5 biennial period averaged 1,800 licensees with the
6 current biennial period averaging 1,600 licensees,
7 leading to an 8.6% decrease or 155 licenses between
8 the two periods.

9 Mr. Wernicki noted a discrepancy between their
10 report at 1,664 NHA licenses and Prosecution's report
11 showing 1,942 licenses.

12 Ms. Newby explained that numbers are provided
13 from PALS and are used to determine the 7-year
14 history.

15 Amanda Richards, Fiscal Supervisor, Bureau of
16 Finance and Procurement, Department of State,
17 explained that the difference is when they are
18 pulling the information from PALS because they are
19 only looking at the license class that pertains to
20 their Board report. She was not sure whether legal
21 uses other information, but the number they provide
22 is strictly what they use as a biennial revenue
23 source.

24 Ms. Pachter Schulder noted there is only one
25 licensure class for the Board, so everybody would be

1 pulling the same licensing count numbers from PALS.
2 She mentioned it may be related to the date it was
3 pulled.

4 Chair Warner-Maroon commented that it is an
5 important discrepancy and would like to be able to
6 figure out why that exists between the two reports.

7 Ms. Newby discussed licensure class and renewal
8 fees. She noted the renewal is in June of even years
9 and currently \$297. She reported the last fee
10 increase was in 2006.

11 Ms. Newby addressed revenue on a biennial basis,
12 noting 99.2% of revenue is from renewals and
13 applications. She reported on the total revenue for
14 FY22-23 and FY23-24, noting the total biennial
15 revenue.

16 Ms. Newby provided an overview of expenses,
17 noting expenses occur through direct charges,
18 timesheet-based charges, and licensee population.
19 She reported on the previous biennial period
20 expenses, noting the current biennial period.

21 Ms. Newby explained that the increase in expenses
22 was due to the Pennsylvania Licensing System (PALS)
23 modification and maintenance. She also noted the
24 cost is based on the number of licensees for each
25 board.

1 Mr. Hoffman commented that the cost of
2 investigations for their Board is expected to go up a
3 pretty significant percentage and asked what is
4 behind that number from actual expenses of under
5 \$100,000 to a budget of \$140,000.

6 Ms. Pachter Schulder asked whether \$50,000 was
7 the amount generally budgeted but has not reached
8 that amount for prosecution before but listed the
9 \$50,000 and \$26,000 budgeted amount for counsel and
10 prosecution in prior periods.

11 Taylor Koch, Fiscal Chief, Bureau of Finance and
12 Procurement, Department of State, explained the
13 report in FY22-23 showed 76 investigations with a
14 total of 770 hours and FY23-24 showed 77
15 investigations but 974 hours, which is why they are
16 there is a quick jump. He noted FY24-25 already has
17 69 investigations with 577 hours billed. He noted
18 the projections are based off of historical data to
19 create a buffer so what may be charged in that area
20 is not underestimated.

21 Mr. Koch had no additional information concerning
22 the discrepancy in the licensee count but mentioned
23 someone brought up the timing of when the reports
24 were pulled. He mentioned Prosecution may have been
25 including other things in their report.

1 Chair Warner-Maroon asked whether it could have
2 been because one report was before June 30 of last
3 year and the other one was after July 1, where people
4 did not renew July 1 and is reflected in the January
5 report.

6 Mr. Koch noted it is possible, and their numbers
7 were pulled as of January 23, 2025.

8 Ms. Newby addressed revenue and expenses. She
9 reported a starting balance for FY22-23 and FY23-24
10 of \$2.3 million. She noted expenses did not exceed
11 revenue for this period but expenses are exceeding
12 revenue on a consistent basis in the upcoming fiscal
13 years, which is eating into their restricted funds.

14 Ms. Newby recommended a fee increase and offered
15 to return in the spring to present and discuss a fee
16 increase package to increase the Board's revenue.

17 Chair Warner-Maroon asked whether how much other
18 states charge for their license will be taken into
19 consideration in making a fee increase determination.

20 Ms. Pachter Schulder stated the law requires
21 expenditures meet their income but neighboring state
22 fees would be included in the fee increase package.]

23 ***

24 Approval of minutes of the November 6, 2024 meeting
25 CHAIR WARNER-MARON:

1 We'll move to approval of the minutes.

2 [The Board discussed corrections to the minutes.]

3 CHAIR WARNER-MARON:

4 Were there any other issues,
5 corrections, or any alterations
6 necessary for the minutes of the
7 November meeting? If not, may I have a
8 motion to approve those minutes as
9 amended?

10 May I have a motion, please?

11 MS. KING:

12 I'll go ahead and make a motion to
13 approve the November meeting minutes.

14 MR. KELLY:

15 I'll second that.

16 CHAIR WARNER-MARON:

17 Roll call.

18
19 Warner-Maron, approve; Sara King,
20 approve; Hoffman, approve; Chronister,
21 approve; Kelly, approve; Francis King,
22 approve; Wernicki, approve.

23 [The motion carried unanimously.]

24 ***

25 Appointment - Jennifer Lynn Graff - 39.5(b)(5)

1 (iii) (A) Applicant
2 [Ilene Warner-Maron, Ph.D., RN, NHA, Chair, asked Ms.
3 Graff what she has done to address the questions
4 concerning her position and other issues since the
5 November meeting.

6 Jennifer Lynn Graff, Assistant Administrator,
7 Uniontown Healthcare & Rehabilitation Center,
8 addressed facility concerns and their process
9 beginning with the referral to make sure they are
10 able to take care of the patient prior to accepting
11 an admission.

12 Ms. Graff discussed wound care, fall
13 interventions, and the importance of keeping a close
14 watch on new admissions.

15 Ms. Pachter Schulder asked Ms. Graff to describe
16 her specific involvement in all of those areas.

17 Ms. Graff reported overseeing the admission and
18 the follow through with the Director of Nursing (DON)
19 and nursing staff to make sure they have the correct
20 supplies. She also reported running the morning
21 meeting, which then goes into clinical and skilled.

22 Chair Warner-Maron asked Ms. Graff how she would
23 determine the difference between an avoidable
24 pressure injury and an unavoidable pressure injury
25 in the role of a nursing home administrator.

1 Ms. Graff noted the importance of patients
2 getting up, and turning and positioning is done per
3 their orders. She reported pressure ulcers are very
4 low in their facility, and most of their injuries are
5 community-acquired injuries and not nosocomial.

6 Ms. Graff addressed unavoidable pressure ulcers,
7 noting they take hospice patients. She mentioned the
8 importance of giving patients the best of care. She
9 noted having a wound care nurse daily, another wound
10 care nurse on her days off, and a wound team weekly.

11 Ms. Graff discussed communication between the
12 wound team and their clinical team, including updates
13 and nutrition.

14 Mr. Wernicki requested information regarding the
15 morning meetings and the goal of those meetings from
16 her perspective.

17 Ms. Graff explained that morning meetings usually
18 last approximately 45 minutes and provided a list of
19 those in attendance to discuss new hires and any
20 admissions. She noted her goal is to make sure they
21 are not missing anything from anybody's perspective
22 and to provide communication to confirm that patient
23 needs are being met.

24 Chair Warner-Maroon asked Ms. Graff to define
25 safety for a nursing home resident and how to ensure

1 safety is being provided. She also requested
2 information concerning sending staff home at their
3 facility or giving them a holiday off when resident
4 census decreases.

5 Ms. Graff addressed everyday measures taken to
6 ensure safety, including fall risks, wheelchairs
7 being in their proper area, room temperature checks.
8 She reported sending staff home depends on the type
9 of patients they have at the time. She mentioned
10 their unit was shut down for a while because they did
11 not have the patients but utilized staff elsewhere
12 until their census increased.

13 Ms. Graff noted their dietitian recently
14 identifying 41 people in December with weight loss
15 and working with dietary and the nursing staff to
16 develop a Performance Improvement Plan (PIP). She
17 stated Affinity Health Services is in their building
18 due to a change in ownership to make sure the
19 transition goes smoothly.

20 Ms. Graff stated Affinity Health Services was
21 doing the Minimum Data Set (MDS), and they noticed
22 they were not using all the same scales and corrected
23 that issue. She mentioned that people who had weight
24 loss also had norovirus and/or COVID and discussed
25 their findings.

1 Ms. King asked whether supplements were ordered
2 prior to the weight loss and reviewed with dietary.
3 She also asked whether they looked at the menu being
4 a factor.

5 Ms. Graff addressed the administering of
6 supplements and recommendations from the dietitian
7 before and after the weight loss that is placed on
8 the Kardex. She noted that is done in their Quality
9 Assurance Performance Improvement (QAPI) every month
10 but that they also have a risk meeting every
11 Wednesday to discuss issues.

12 Ms. Graff stated the menu and tray line were
13 looked at to make sure they are getting the correct
14 portions.

15 Chair Warner-Maroon asked whether norovirus and
16 COVID caused them to change policies for infection
17 prevention.

18 Ms. Graff stated policies for infection
19 prevention have not changed but additional education
20 from the infection control nurse is provided.

21 Chair Warner-Maroon informed Ms. Graff that the
22 Board will be deliberating to discuss the additional
23 information and will get back to her after Executive
24 Session. She thanked Ms. Graff for rejoining the
25 meeting.]

[Robert L. Wernicki, NHA, exited the meeting at 11:45 a.m. for recusal purposes.]

Appointment - Tiffany DeBlasio-Ferrieri - 39.5(b)(5)
(iii)(A) Applicant

[Ilene Warner-Maron, Ph.D., RN, NHA, Chair, referred to the November meeting and asked Ms. DeBlasio-Ferrieri to delineate her role as an assistant administrator from her previous role as an administrative assistant.]

Tiffany DeBlasio-Ferrieri, Administrative Assistant, Kane Community Living Center, stated she would have many more responsibilities, including a plan of correction and provided a scenario of a CNA utilizing a Hoyer lift incorrectly that caused resident harm. She addressed the whole house audit that took place following the Hoyer lift accident. She noted Invacare provided in-house education on proper use of the Hoyer lift.

Chair Warner-Maron asked why the CNA took it upon herself to do a single-person transfer and whether Ms. DeBlasio-Ferrieri interviewed her.

Ms. DeBlasio-Ferrieri did not speak with the CNA but believed they were in a hurry or felt that all of

1 the other CNAs on that unit were too busy.

2 Mr. Hoffman asked how Ms. DeBlasio-Ferrieri would
3 approach doing a root cause analysis as to why this
4 happened in this matter.

5 Ms. DeBlasio-Ferrieri noted she would identify
6 the problem and develop a plan to fix it.

7 Mr. Hoffman explained that it is following up the
8 idea of really understanding why the CNA acted in
9 this fashion to ensure it does not happen again. He
10 asked who would be involved in putting together a
11 root cause analysis.

12 Ms. DeBlasio-Ferrieri explained that she would be
13 involved in asking the CNA why and how this happened
14 and how to fix this from happening to make sure there
15 is a two assist instead of one.

16 Ms. King asked whether she looked at the
17 orientation of the person from a human resources
18 perspective and to explain her role in the
19 disciplinary action of the CNA if they were aware of
20 the policy and did not follow it.

21 Ms. DeBlasio-Ferrieri noted being part of the
22 disciplinary action with human resources, and the CNA
23 lost his/her job over the incident. She explained
24 that they reviewed the education of new hires and
25 look at competency.

1 Ms. DeBlasio-Ferrieri addressed her specific
2 autonomy and leadership role, including setting
3 priorities, ensuring compliance, monitoring team
4 performance, addressing issues, communicating with
5 the interdisciplinary team, and implementing new
6 procedures or policies.

7 Ms. Pachter Schulder informed Ms. DeBlasio-
8 Ferrieri that the overall questioning from the Board
9 in its tabling was to have her provide the Board with
10 more information about her personal role in serving
11 as the administrator. She asked whether there was
12 anything further she could provide to the Board as
13 informational or as support for her application. She
14 also asked what she could provide as proof that she
15 is qualified to be an administrator.

16 Ms. DeBlasio-Ferrieri explained that she would
17 implement knowledgeable skills.

18 Ms. Pachter Schulder asked Ms. DeBlasio-Ferrieri
19 how she would assess a new facility and put in place
20 based on everything she learned if she was licensed
21 and began working in a new facility.

22 Ms. DeBlasio-Ferrieri stated she would implement
23 the skills and knowledge learned from the old
24 facility into all of the different departments,
25 including safety, rules and regulations, and how

1 patient needs are met.

2 Mr. Hoffman referred to the Hoyer lift incident
3 and asked her to take them through the process from
4 the beginning and steps in developing a plan of
5 correction in response to this event.

6 Ms. DeBlasio-Ferrieri explained that she would
7 gather everybody involved and provide education on
8 the Hoyer lift.

9 Chair Warner-Maron stated employees already know
10 how to use a Hoyer lift and then there is an incident
11 report. She asked what action she would take based
12 on the information from the incident report, looking
13 at the circumstances and staffing, not just the
14 education and auditing.

15 Ms. DeBlasio-Ferrieri explained that she would
16 get to the root of the problem as to why it happened
17 and whether they did not want to bother anybody else
18 or whether there was not enough staff in the
19 building. She further explained that she would make
20 sure there was enough staff and supervisors watching
21 over the CNAs. She addressed per patient day (PPD)
22 staffing.

23 Mr. Kelly asked what the elements for a plan of
24 correction would entail if this resulted in a
25 deficiency or any other deficiency.

1 Ms. DeBlasio-Ferrieri noted the importance of
2 educating staff and bringing in an outside provider
3 to also educate the staff, auditing assignment
4 sheets, making sure the order is placed into the
5 matrix, having therapy evaluate the residents, and
6 following through.

7 Mr. Hoffman stated this is a real teaching moment
8 and getting to why. He noted an aide acted in a
9 noncompliant fashion who knew the rules and asked
10 what environmental factors or staffing factors would
11 motivate things.

12 Mr. Hoffman also noted the importance of
13 interviewing the individual before determining
14 whether there was a bigger problem to prevent it from
15 reoccurring, along with the NHA understanding why
16 someone would act in this fashion and asking the
17 correct questions.

18 Chair Warner-Maron commented that the question to
19 the aide would be what compelled him/her to not ask
20 for help, did he/she feel nobody was available, did
21 everyone take their breaks at the same time, or did
22 he/she think about asking a licensed practical nurse
23 (LPN) or registered nurse (RN) for assistance.

24 Chair Warner-Maron mentioned there are so many
25 questions that need answered, along with doing a root

1 cause analysis with various aides, nurses, and
2 therapists in a room to provide feedback beyond the
3 typical thing done for auditing and education.

4 Chair Warner-Maroon stated everyone already knows
5 this would be a two-person transfer, noting the
6 importance of determining the reason why they did it
7 and what can be done to make sure no one else will
8 do the same thing.

9 Ms. DeBlasio-Ferrieri stated she would keep up to
10 date with the regulations and become familiar with
11 the new online regulations from the Department of
12 Health.

13 Ms. Pachter Schulder referred to the new
14 regulations from the Department of Health and asked
15 where they are in terms of the status of those
16 regulations.

17 Ms. DeBlasio-Ferrieri would ensure compliance
18 throughout the facility by performing rounds with the
19 DON and maintenance department, collaborate with the
20 interdisciplinary team, and be familiar with the
21 number of beds and census in their facility.

22 Chair Warner-Maroon informed Ms. DeBlasio-Ferrieri
23 that the Board would be discussing her request in
24 Executive Session and return afterwards.]

25 ***

1 [Robert L. Wernicki, NHA, reentered the meeting at
2 12:06 p.m.]

3 ***

4 [Judith Pachter Schulder, Esquire, Board Counsel,
5 noted the Board met in Executive Session and engaged
6 in quasi-judicial deliberations beginning with
7 initial discussion on the applicants on the agenda,
8 the Motion to Deem Facts Admitted, and the request
9 for retroactive approval for the HCANJ Conference.

10 Ms. Pachter Schulder also noted the meeting was
11 being recorded and those who continue to participate
12 is giving consent to be recorded.]

13 ***

14 Report of Board Counsel - Sunshine Act and Recusal
15 Presentation

16 [Judith Pachter Schulder, Esquire, Board Counsel,
17 stated the Sunshine Act is the law concerning how
18 boards make decisions, whether there has to be
19 "sunshine" and members of the public who have an
20 opportunity to provide input. She noted the purpose
21 of the Sunshine Act is to make sure the public is
22 present for the decision-making process.

23 Ms. Pachter Schulder provided a definition of
24 agency, deliberations, and official action. She
25 addressed public notice and mentioned the agenda is

1 also published for the public to know what is
2 occurring at board meetings. She discussed changes
3 to the law in 2021 concerning the agenda. She also
4 discussed the recording of votes and minutes.

5 Ms. Pachter Schulder addressed the exceptions to
6 open meeting requirements are for deliberations or
7 conferences. She noted executive session may be held
8 to discuss personnel issues, attorney-client advice,
9 disclosures about quasi-judicial deliberations.

10 Ms. Pachter Schulder discussed legal challenges,
11 where a board may be sued if they do not act within
12 accordance of the Sunshine Act. She also discussed
13 penalties for violating the Sunshine Act.

14 Ms. Pachter Schulder stated all business, has to
15 be conducted in open session, and board members
16 cannot discuss what happened in executive session
17 outside of executive session and cannot discuss
18 matters with members of the public if they were not
19 part of that executive session.

20 Ms. Pachter Schulder stated committees can
21 perform certain functions for the board but action
22 has to be taken by the board in open session if it
23 requires board deliberations.

24 Ms. Pachter Schulder addressed mandatory
25 recusals, where a board member may have a direct

1 personal or financial interest in the outcome of the
2 matter or has taken a prosecutorial role by way of
3 serving on the Probable Cause Screening Committee for
4 a particular matter.

5 Ms. Pachter Schulder addressed strongly suggested
6 recusals, where a board member has a personal
7 affection for someone or outside knowledge and cannot
8 make a fair and unbiased determination.

9 Ms. Pachter Schulder noted discretionary recusals
10 are when a board member may not be able to be
11 impartial and provided a scenario. She encouraged
12 board members who are uncertain whether to recuse
13 themselves to discuss the matter with counsel.

14 Ms. Pachter Schulder addressed abstention, noting
15 abstention means someone is withholding their vote
16 but are still part of the quorum requirements. She
17 noted a board member is no longer part of the quorum
18 when they recuse.

19 Ms. Pachter Schulder discussed conflicts of
20 interests, where professional board members may not
21 be a statewide association or organization officer
22 while a member of a board.

23 Ms. Pachter Schulder further explained that
24 public members cannot have a family member who is a
25 licensee on the board they are representing. She

1 also noted public members cannot be affiliated in any
2 way with the profession or hold any appointed or
3 elected public office while a member of a board.

4 Mr. Hoffman commented that the Board is really
5 good at having their schedule on the Board website
6 but noticed the last meeting minutes were May 1,
7 2024. Ms. Bowers informed Board members that there
8 were some updates being made to the website but would
9 check on the postings to make sure they were up-to-
10 date.]

11 ***

12 Report of Board Counsel - Motion to Deem Facts

13 Admitted

14 MS. PACHTER SCHULDER:

15 On the Motion to Deem Facts Admitted
16 for Angel F. Martin, Case No. 23-62-
17 010274, which the Board discussed in
18 Executive Session, is there a Motion to
19 deem the facts admitted, to grant the
20 motion and to authorize Counsel to
21 prepare an Adjudication and Order?

22 MR. KELLY:

23 I make that motion.

24 MR. WERNICKI:

25 Second.

1 MS. BOWERS:

2 Warner-Maroon, yes; Sara King, aye;
3 Hoffman, aye; Chronister, aye; Kelly,
4 aye; Francis King, aye; Wernicki, aye.

5 [The motion carried unanimously.]

6 ***

7 Report of Board Counsel - Legislation - House Bill 65
8 [Judith Pachter Schulder, Esquire, Board Counsel,
9 informed Board members that House Bill 65 was
10 reintroduced this session, which would end familial
11 responsibility for medical bills from nursing homes
12 unless there was some collusion with the family
13 members about not paying those bills. She reported
14 House Bill 65 passed the House in October but was
15 reintroduced again because it was a sine die year.

16 Mr. Hoffman mentioned that he teaches an Aging in
17 the Law class about filial responsibility that leads
18 to some very interesting discussions when students
19 learn about that kind of potential liability. He
20 noted students get upset when they hear that
21 Pennsylvania and South Dakota are the only states
22 where children could be responsible for the debts of
23 an indigent parent and provided a scenario.]

24 ***

25 Report of Board Chairperson - No Report

Report of Acting Commissioner - No Report

Report of Board Administrator - No Report

Report of Board Members - No Report

Report of Committees - AIT Review Committee

[Robert L. Wernicki, NHA, reported the AIT Review Committee approved 10 applications.]

Report of Committees - Examination Committee

Michael P. Kelly, NHA, reported reviewing five Nursing Home Administrators (NHA) Examination applications that were approved since the last meeting.

Ms. King reported reviewing four that were approved as well as one this morning that will be brought up at a future meeting.

Ms. Bowers further noted four of them were approved by endorsement and seven approved by completing the AIT program.]

Report of Committees - Continuing Education Committee

[Ilene Warner-Marion, Ph.D., RN, NHA, Chair, provided

1 a list of approved programs. She asked Mr. King
2 whether there were any other issues besides the
3 retrospective application, and he had no other issues
4 to report.]

5 ***

6 Discussion Items - HCANJ's Approval Request
7 [Judith Pachter Schulder, Esquire, Board Counsel,
8 noted the Health Care Association of New Jersey
9 (HCANJ) is requesting approval for their spring
10 conference that occurred this past spring. She
11 explained that the program sought an application for
12 approval for that conference and then a discrepancy
13 letter was sent. She further explained that there
14 was no response to the discrepancy letter, so the
15 course was not approved. She mentioned that
16 licensees may have taken that class, and HCANJ is
17 asking the Board to have retroactive approval for
18 that course.]

19 MS. PACHTER SCHULDER:

20 During Executive Session, the Board
21 requested that the following motion be
22 made:

23 Is there a motion to deny the
24 Request for Retroactive Approval for
25 HCANJ's 52nd Annual Spring Conference

1 and direct the provider to advise
2 participants that they need to apply
3 for retroactive approval since that
4 course was not approved and to remind
5 the provider of § 39.53 of the Board's
6 regulations?

7 CHAIR WARNER-MARON:

8 Do we have a motion?

9 MR. HOFFMAN:

10 I'll make the motion.

11 Ms. KING:

12 Second? I'll second.

13 MS. PACHTER SCHULDER:

14 Do we have any discussion that anybody
15 wants to have about this further?

16 CHAIR WARNER-MARON:

17 With no further discussion, we'll do
18 the roll call.

19
20 Warner-Maron, aye; Sara King, aye;
21 Hoffman, aye; Chronister, aye; Kelly,
22 aye; Francis King, aye; Wernicki, aye.

23 [The motion carried unanimously.]

24 ***

25 Discussion Items - HSE Qualification Standard

1 [Judith Pachter Schulder, Esquire, Board Counsel,
2 informed Board members that they can continue the
3 prior deferral and review with even more detail at
4 the next meeting whether it is comparable.]

5 ***

6 Discussion Items - Election of Officers

7 MS. PACHTER SCHULDER:

8 Is there a Board member who wants to
9 make a motion with regard to Chair and
10 Vice Chair?

11 MR. KELLY:

12 I'll make a motion that the current
13 office holders remain in place for
14 calendar year 2025.

15 CHAIR WARNER-MARON:

16 Is there a second to that motion?

17 MR. KING:

18 Second.

19 MS. BOWERS:

20 Warner-Maron, aye; Sara King, aye;
21 Hoffman, aye; Chronister, aye; Kelly,
22 aye; Francis King, aye; Wernicki, aye.

23 [The motion carried unanimously.]

24 ***

25 Discussion Items - 2026 Board Meeting Dates

1 [Deidre Bowers, Board Administrator, requested
2 approval for 2026 Board meeting dates to include
3 February 4, May 6, August 5, and November 4.]

4 MS. PACHTER SCHULDER:

5 Is someone willing to make a motion to
6 approve those dates?

7 MR. KELLY:

8 I'll make a motion to approve those
9 dates for 2026.

10 MR. HOFFMAN:

11 Second.

12 MS. BOWERS:

13 Warner-Maron, aye; Sara King, aye;
14 Hoffman, aye; Chronister, aye; Kelly,
15 aye; Francis King, aye; Wernicki, aye.

16 [The motion carried unanimously.]

17 ***

18 [Pursuant to Section 708(a)(5) of the Sunshine Act,
19 at 12:36 p.m. the Board entered into Executive
20 Session with Judith Pachter Schulder, Esquire, Board
21 Counsel, for the purpose of conducting quasi-judicial
22 deliberations on the two appointments on the agenda.

23 The Board returned to open session at 12:56 p.m.]

24 ***

25 MOTIONS

1 MS. PACHTER SCHULDER:

2 During Executive Session, the Board
3 engaged in quasi-judicial deliberations
4 on the matters on the agenda,
5 specifically the Applications of
6 Jennifer Lynn Graff and Tiffany
7 DiBlasio-Ferrieri, for which member
8 Wernicki is recused.

9 Is there a motion in the matter of
10 Jennifer Lynn Graff to table her
11 Application on the grounds that she
12 still has not demonstrated that she is
13 capable of serving as a nursing home
14 administrator and recommend that she
15 take the time to gain both the
16 knowledge and experience, including the
17 event report process, plan of
18 correction process, and any other
19 administrative functions?

20 Is there a motion?

21 CHAIR WARNER-MARON:

22 Can we have a motion on the issue of
23 Jennifer Lynn Graff?

24 MR. KING:

25 I make a motion.

1 MR. HOFFMAN:

2 Second.

3 MS. BOWERS:

4 Warner-Maroon, aye; Hoffman, aye;
5 Chronister, aye; Kelly, aye; Francis
6 King, aye; Wernicki, aye; Sara King, I
7 agree.

8 [The motion carried.]

9 ***

10 MS. PACHTER SCHULDER:

11 Is there a motion in the matter of the
12 Application of Tiffany DiBlasio-
13 Ferrieri, for which member Wernicki is
14 recused, to table the Application on
15 the grounds that she has not
16 demonstrated that she is capable to
17 serve as a nursing home administrator
18 and recommend that she take the time to
19 gain the knowledge and experience as a
20 nursing home administrator, including
21 the event report process, plan of
22 correction, and any other
23 administrative functions?

24 Is there someone making that
25 motion?

1 MR. KING:

2 I make the motion.

3 MS. PACHTER SCHULDER:

4 Second?

5 MR. HOFFMAN:

6 Second.

7 MS. BOWERS:

8 Warner-Maron, aye; Sara King, aye;

9 Hoffman, aye; Chronister, aye; Kelly,

10 aye; Francis King, aye; Wernicki,

11 recuse.

12 [The motion carried. Robert Wernicki recused himself
13 from deliberations and voting on the motion.]

14 ***

15 Upcoming Meeting Dates

16 [Ilene Warner-Maron, Ph.D., RN, NHA, Chair, noted the
17 next scheduled Board meeting date is May 7, 2025.]

18 ***

19 Adjournment

20 CHAIR WARNER-MARON:

21 Can we have a motion to adjourn our
22 meeting today?

23 MR. HOFFMAN:

24 So moved.

25 CHAIR WARNER-MARON:

1 Can we have a second?

2 MR. KING:

3 Second.

4 CHAIR WARNER-MARON:

5 Thank you very much.

6 ***

7 [There being no further business, the State Board of
8 Examiners of Nursing Home Administrators Meeting
9 adjourned at 1:03 p.m.]

10 ***

11

12 CERTIFICATE

13

14 I hereby certify that the foregoing summary
15 minutes of the State Board of Examiners of Nursing
16 Home Administrators, was reduced to writing by me or
17 under my supervision, and that the minutes accurately
18 summarize the substance of the State Board of
19 Examiners of Nursing Home Administrators meeting.

20

21



22

Lauren Gusherowski,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

26

STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS
REFERENCE INDEX

February 5, 2025

TIME

AGENDA

10:00	Executive Session
10:30	Return to Open Session
10:41	Official Call to Order
10:42	Roll Call
10:42	Introduction of Attendees
10:42	Appointment - Annual Prosecution Report
11:01	Appointment - Bureau of Finance and Procurement - Annual Budget Presentation
11:20	Approval of Minutes
11:25	Appointment - Jennifer Lynn Graff - 39.5(b)(5)(iii)(A) Applicant
11:45	Appointment - Tiffany DeBlasio-Ferrieri - 39.5(b)(5)(iii)(A) Applicant
12:07	Report of Board Counsel
12:24	Report of Committees
12:25	Discussion Items
12:36	Executive Session
12:56	Return to Open Session
12:56	Motions
1:02	Upcoming Meeting Dates
1:03	Adjournment