

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 10:32 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Wednesday, May 3, 2023

State Board of Examiners of
Nursing Home Administrators
May 3, 2023

BOARD MEMBERS:

- Sharon K. McDermond, NHA, Chairperson
- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Ilene Warner-Maroon, Ph.D., Vice Chairperson
- Susan Coble, Deputy Secretary of Quality Assurance, Department of Health - Absent
- Michael P. Kelly, NHA - Absent
- Francis J. King, NHA
- Robert L. Wernicki, NHA
- Carrie E. Wilson, Office of Attorney General, Bureau of Consumer Protection

BUREAU PERSONNEL:

- Dean F. Picarella, Esquire, Senior Board Counsel
- Sean C. Barrett, Esquire, Board Counsel
- William A. Newport, Esquire, Board Prosecution Liaison
- Trista Boyd, Esquire, Board Prosecutor
- Kathryn E. Bellfy, Esquire, Board Prosecutor
- Thomas Leech II, Board Administrator
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
- Andrew LaFratte, MPA, Executive Policy Specialist, Department of State

ALSO PRESENT:

- Anna
- Kim Deline, Meeting & Marketing Manager, Pennsylvania Coalition of Affiliated Health care & Living Communities

1 ***

2 State Board of Examiners of
3 Nursing Home Administrators

4 May 3, 2023

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 at 10:00 a.m. the Board entered into Executive
8 Session with Sean C. Barrett, Esquire, Board Counsel,
9 for the purpose of conducting quasi-judicial
10 deliberations and to receive legal advice. The Board
11 returned to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Examiners of Nursing Home Administrators was
15 held on Wednesday, May 3, 2023. Sharon K. McDermond,
16 NHA, Chairperson, called the meeting to order at
17 10:32 a.m.

18 ***

19 Roll Call of Board Members

20 [Sharon K. McDermond, NHA, Chairperson, requested a
21 roll call of Board members]

22 ***

23 Introduction of Attendees

24 [Thomas Leech II, Board Administrator, provided an
25 introduction of attendees.]

1 ***

2 [Sean C. Barrett, Esquire, Board Counsel, informed
3 everyone that the meeting was being recorded, and
4 those who continued to participate were giving their
5 consent to be recorded.

6 Mr. Barrett also noted the Board entered into
7 Executive Session for the purpose of conducting
8 quasi-judicial deliberations on a number of matters
9 that are currently pending before the Board and to
10 receive the advice of counsel.]

11 ***

12 Approval of minutes of the March 1, 2023 meeting

13 MR. BARRETT:

14 Does any Board member have any
15 corrections or issues on the draft
16 minutes?

17 I believe the Board Chair would
18 entertain a motion to approve the
19 minutes from the March 1, 2023 Board
20 meeting.

21 CHAIR MCDERMOND:

22 Who would like to make a motion?

23 DR. WARNER-MARON:

24 So moved.

25 MR. KING:

1 Second.

2 MR. LEECH:

3 McDermond, abstain; Claggett, aye;
4 Warner-Maron, aye; King, aye; Wilson,
5 abstain.

6 [The motion carried. Sharon McDermond and Carrie
7 Wilson abstained from voting on the motion.]

8 ***

9 Report of Prosecutorial Division

10 [Trista Boyd, Esquire, Board Prosecutor, introduced
11 Kathryn Bellfy as the new prosecuting attorney for
12 the Board.]

13 ***

14 Report of Board Counsel

15 [Sean C. Barrett, Esquire, Board Counsel, referred to
16 16A-6220 regarding licensure by endorsement. He
17 noted prior Board discussion regarding whether Board
18 members wanted an applicant for Act 41 to take the
19 state examination as part of the competency
20 requirements.

21 Mr. Barrett explained that Act 41 is a statute
22 passed a couple of years ago to create reciprocity
23 without needing reciprocity with another state, where
24 someone licensed in nursing home administration whose
25 state, jurisdiction, or country has a substantially

1 similar licensure system could submit an application
2 for licensure in Pennsylvania.

3 Mr. Barrett informed Board members that they are
4 permitted to create systems by which they could
5 demonstrate competency by practicing in that field
6 for 2 of the last 5 years. He noted the Board has
7 some authority to also require other things. He
8 asked whether the Board wanted to add the state-based
9 portion of the exam as a requirement for Act 41
10 applicants.

11 Mr. Barrett noted the Board currently has 2 of
12 the last 5 years as a requirement. He noted the
13 Board could choose to show competency by having them
14 complete 48 hours of continuing education that meet
15 the requirements 24 months immediately preceding the
16 date.

17 Mr. Barrett addressed additional requirements,
18 where they have not committed an act that constitutes
19 grounds to refuse or revoke a license, have not been
20 disciplined in their jurisdiction, have paid the fee,
21 and applied as prescribed by the Board, along with
22 completing the child abuse training that would be
23 required shortly.

24 Mr. Barrett asked Board members whether they
25 wanted to add another requirement that they also

1 complete the state part in the regulations.

2 Dr. Warner-Marion noted prior Board discussion,
3 where the issue was that none of those alternatives
4 provide any basis for understanding Pennsylvania's
5 regulations. She noted the idea was for someone to
6 show competency in Pennsylvania regulations if they
7 were to be licensed in Pennsylvania from another
8 state because individuals in Pennsylvania now have to
9 take both the state and federal portion to ensure
10 they understand Pennsylvania state requirements.

11 Chair McDermond asked whether other states
12 require people to take the state exam, require
13 training, or require an affidavit that they read and
14 understand the regulations.

15 Mr. Barrett explained that Act 41 is specific to
16 Pennsylvania and other states have not enacted it.
17 He noted the intent of Act 41 was to make licenses
18 more portable to get more people in Pennsylvania
19 quicker and easier who need the certification. He
20 stated he does not know whether the test is difficult
21 or would be a substantial burden by adding it but
22 noted Act 41 was created to make it easier for people
23 to come in to Pennsylvania and start practicing as
24 quickly as possible.

25 Acting Commissioner Claggett commented that he

1 did not believe people from another state should have
2 to take the state-based examination because they
3 already have a license in another state and have been
4 practicing.

5 Mr. King mentioned that he looked at reciprocity
6 with a few other states a number of years ago, where
7 there was a requirement of passing their state
8 regulation piece and numerous other things. He noted
9 having an issue with requiring something of a
10 resident of Pennsylvania but not requiring the same
11 of someone coming into Pennsylvania.

12 Mr. King commented that there have been recent
13 regulatory additions from the Department of Health
14 since he took the exam, but the state exam was not
15 outrageously burdensome.

16 Dr. Warner-Marion suggested having a continuing
17 education unit (CEU) requirement, where a certain
18 number of CEUs in the Pennsylvania regulations could
19 be a requirement or an affidavit to know people
20 understand state regulations.

21 Mr. Barrett would check on the available
22 continuing education.

23 Mr. King commented that there is not a normal
24 course of routine continuing education (ConEd) out
25 there unless one of the major associations like

1 LeadingAge are providing updates.

2 Mr. Barrett informed Board members that he was
3 not sure how the implementation of an affidavit would
4 work in terms someone lying and it is the Board's
5 judgment of whether someone who practices nursing
6 home administration can do so competently.

7 Acting Commissioner Claggett asked whether
8 someone taking the state-based exam would ensure
9 anyone who takes it would comply with the laws and
10 regulations and emphasized the point that folks
11 coming from out of state already have a license.

12 Chair McDermond stated it ensures they have some
13 knowledge and they have studied it in order to pass
14 the exam.

15 Mr. Barrett noted that there is a difference when
16 talking about people under Act 41 because they have
17 already been licensed as a nursing home administrator
18 and have been practicing for some period of time.

19 Mr. King asked what would happen with the states
20 that do not have state regulations and expressed
21 concern with making it less stringent to make it
22 easier to receive a Pennsylvania license.

23 Acting Commissioner Claggett believed those
24 applicants would come before Board. He explained
25 that it is not making it easier but allowing more

1 individuals to help with the shortages in the
2 profession and did not believe they should keep
3 someone out of Pennsylvania who is already licensed
4 in another state.

5 Chair McDermond asked whether the steps for
6 reciprocity include an exam piece or whether someone
7 just submits their license from the other state.

8 Mr. Leech explained that it is called
9 endorsement, where education, transcripts, and
10 criminal record checks would be required, along with
11 the national exam score. He noted that they are made
12 eligible to take the Pennsylvania exam once the
13 application is otherwise complete and then a license
14 is issued once they pass the exam.

15 Mr. Barrett further explained that Act 41 expands
16 the pool of people, where reciprocal agreements
17 require an agreement with the other state but Act 41
18 is not about making agreements with other states and
19 allows people to come to Pennsylvania if their
20 license is substantially similar.

21 Mr. King asked whether there was a listing of
22 states with similar licensing requirements.

23 Mr. Barrett explained that the licensing
24 requirements are considered as they come up, where
25 the Board would consider the application and look at

1 educational requirements completed in their state.

2 Chair McDermond asked how difficult it would be
3 to require an affidavit stating the applicant has
4 read, reviewed, and understands Pennsylvania state
5 regulations.

6 Mr. Barrett will add language, and it would
7 require an upload in the Pennsylvania Licensing
8 System (PALS).

9 Chair McDermond noted the importance of the Board
10 making sure they have done everything to ensure
11 people read the regulations if the Board is not going
12 to require the test.

13 Acting Commissioner Claggett suggested adding the
14 question to the Act 41 Application.

15 Mr. Barrett asked who would be in favor of adding
16 language that requires an Act 41 Applicant to take
17 the state portion of the examination prior to being
18 granted a license under Act 41, and all Board members
19 opposed.

20 Mr. Barrett asked whether the Board wanted to
21 discuss adding language that would require an
22 affidavit or whether adding a question on the
23 application is enough to satisfy that, noting the
24 prosecutorial function would be the same if it was
25 determined they lied. He mentioned that adding the

1 language to the regulations to have a notarized
2 affidavit would have to go in the regulations and
3 asked whether they wanted to operationally add that
4 as a question to the application.

5 Acting Commissioner Claggett recommended adding
6 it down the line to future state applications for Act
7 41 when it is finalized.

8 Mr. Barrett noted the language could always be
9 added for an affidavit but believed the language they
10 have is sufficient if they are not going to have a
11 state test.]

12 MR. BARRETT:

13 Based on discussions here today, I
14 believe the Chair would entertain a
15 motion to release an exposure draft of
16 the proposed annex 16A-6220 to
17 interested parties and stakeholders for
18 comment.

19 CHAIR MCDERMOND:

20 Who would like to make a motion?

21 DR. WARNER-MARON:

22 So moved.

23 MR. KING:

24 Second.

25 MR. LEECH:

1 Who would like to make a motion?

2 DR. WARNER-MARON:

3 So moved.

4 MR. KING:

5 Second.

6 MR. LEECH:

7 McDermond, aye; Claggett, aye; Warner-
8 Maron, aye; King, aye; Wilson, aye.

9 [The motion carried unanimously.]

10 ***

11 Report of Acting Commissioner - No Report

12 ***

13 Report of Board Administrator - No Report

14 ***

15 Report of Board Members - No Report

16 ***

17 Report of Committees - Examination Committee

18 [Thomas Leech II, Board Administrator, noted
19 applicants from the last meeting on the Report of
20 Examination Committee for the Board's review.]

21 ***

22 Report of Committees - Administrator-in-Training
23 (AIT)

24 Review Committee

25 [Thomas Leech II, Board Administrator, noted

1 applicants for the AIT Review Committee on the
2 OneDrive for the Board's review.]

3 ***

4 Discussion Items - 2024 Meeting Dates

5 [Thomas Leech II, Board Administrator, noted 2024
6 meeting dates are February 7, May 1, August 14, and
7 November 6.]

8 MR. BARRETT:

9 I believe the Board Chair would
10 entertain a motion to approve the 2024
11 Board meeting dates.

12 CHAIR MCDERMOND:

13 Who would like to make a motion?

14 DR. WARNER-MARON:

15 So moved.

16 MR. KING:

17 Second.

18 MR. LEECH:

19 McDermond, aye; Claggett, abstain;
20 Warner-Maron, aye; King, aye; Wilson,
21 aye.

22 [The motion carried. Arion Claggett abstained from
23 voting on the motion.]

24 ***

25 Discussion Items - AIT Program

1 [Sean C. Barrett, Esquire, Board Counsel, addressed
2 questions regarding qualifications and baseline
3 educational requirements for the AIT Program.

4 Chair McDermond requested validation that the
5 regulation requires an AIT to have a bachelor's
6 degree.

7 Mr. Barrett referred to the AIT regulation, where
8 an applicant seeking to become an AIT shall file an
9 application for approval and have obtained the
10 general education requirements in § 39.5(b)(3)(i),
11 § 39.5(b)(4)(i), or be enrolled in the final year of a
12 bachelor's or master's degree program at an
13 accredited college or university.

14 Mr. Barrett explained that someone could become
15 an ATI if they are enrolled in the final year of a
16 bachelor's or master's degree program at an
17 accredited college or university, been awarded a
18 bachelor degree from an accredited college or
19 university under
20 § 39.5(b)(3)(i), or been awarded a master's degree in
21 nursing home administration from an accredited
22 college or university under § 39.5(b)(4)(i).]

23 ***

24 Upcoming Meeting Dates

25 [Sean C. Barrett, Esquire, Board Counsel, noted the

1 next scheduled 2023 meeting dates are August 30 and
2 November 1.]

3 ***

4 Adjournment

5 CHAIR MCDERMOND:

6 Who would like to make a motion to
7 close the meeting?

8 DR. WARNER-MARON:

9 So moved.

10 MR. KING:

11 Second.

12 ***

13 [There being no further business, the State Board of
14 Examiners of Nursing Home Administrators Meeting
15 adjourned at 11:15 a.m.]

16 ***

17

18

19

20

21

22

23

24

25

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE

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

Ian Weeber

Ian Weeber,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS
REFERENCE INDEX

May 3, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9		
10	10:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:32	Official Call to Order
14		
15	10:32	Roll Call
16		
17	10:33	Introduction of Attendees
18		
19	10:34	Approval of Minutes
20		
21	10:35	Report of Prosecutorial Division
22		
23	10:36	Report of Board Counsel
24		
25	11:06	Report of Board Chairperson
26		
27	11:07	Report of Committees
28		
29	11:08	Discussion Items
30		
31	11:15	Upcoming Meeting Dates
32		
33	11:15	Adjournment
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		