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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: 10:38 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, August 14, 2024

State Board of Examiners of
Nursing Home Administrators
August 14, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Judith Pachter Schulder, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Codi M. Tucker, Esquire, Senior Board Prosecutor
Garrett A. Rine, Esquire, Board Prosecutor
Trista M. Boyd, Esquire, Board Prosecutor
Deidre Bowers, Board Administrator

ALSO PRESENT:

Christopher Herbst, Business Development Manager,
Pearson VUE
Dominique McElwee, Program Manager, Pearson VUE,
Paula Sanders, Principal/Chair, Health Care Practice
Group, Post & Schell, P.C.
Heather Markward, Assistant Nursing Home
Administrator, Twin Pines Health Care Center
Rachel Wilbur-Adams, Sargent's Court Reporting
Service, Inc.

1 ***

2 State Board of Examiners of
3 Nursing Home Administrators

4 August 14, 2024

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 Judith Pachter Schulder, Esquire, Board
9 Counsel, 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, August 14, 2024. Ilene Warner-
16 Maron, Ph.D., RN, NHA, Chair, called the meeting to
17 order at 10:38 a.m.

18 ***

19 Roll Call of Board Members/Introduction of Attendees
20 [Deidre Bowers, Board Administrator, provided a roll
21 call of Board members and introduction of attendees.
22 A quorum of Board members was present.]

23 ***

24 Approval of minutes of the May 1, 2024 meeting
25 CHAIR WARNER-MARON:

1 We will move on to the approval of
2 minutes from May 1, 2024.

3 Any additions, deletions that
4 anyone has to bring forth? With none
5 said, we'll have approval of the
6 minutes.

7 MR. HOFFMAN:

8 So moved.

9 DEPUTY COMMISSIONER EATON:

10 Second.

11 MS. BOWERS:

12 Warner-Maron, aye; Eaton, abstain; Sara
13 King, aye; Hoffman, aye; Kelly, aye;
14 Francis King, aye; Wernicki, aye;
15 Wilson, aye.

16 [The motion carried. Matthew Eaton abstained from
17 voting on the motion.]

18 ***

19 Report of the Prosecutorial Division

20 [Trista M. Boyd, Esquire, Board Prosecutor, presented
21 the Consent Agreement for Case No. 21-62-009468.

22 Paula Sanders, Principal/Chair, Health Care
23 Practice Group, Post & Schell, P.C., Counsel for the
24 Respondent, was present and participated in the
25 discussion.

1 Board members decided to discuss the matter
2 further during Executive Session.]

3 ***

4 Appointment - Pearson VUE

5 [Christopher Herbst, Business Development Manager,
6 Pearson VUE, informed Board members that he would be
7 presenting information on behalf of Lauren Piotti,
8 who is the senior content developer for the Bureau of
9 Professional and Occupational Affairs (BPOA) program
10 as it pertains to the Nursing Home Administrators
11 (NHA) Exam.

12 Mr. Herbst addressed the current agreement with
13 BPOA, noting Pearson VUE provides test administrative
14 support for different boards by developing and
15 delivering the exams in their test centers and
16 online. He stated their agreement in terms of NHA is
17 to develop the exam and then pass the exam along to
18 another testing provider.

19 Mr. Herbst provided an overview of the various
20 sequencing in terms of Pearson VUE obtaining and
21 receiving item statistics and performance metrics
22 from the National Association of Long-Term
23 Care Administrator Boards (NAB) test delivery
24 partner.

25 Mr. Herbst noted that Ms. Piotti has been working

1 with two subject matter experts (SMEs) building exam
2 forms and then providing the exam forms to NAB's test
3 delivery partner to publish on their test driver and
4 deliver in their test centers.

5 Mr. Herbst noted Ms. Piotti also has been working
6 with the two SMEs on new protocols introduced in
7 2022-2023 to get those incorporated into the exam
8 before PSI published the new forms on July 1, 2023.
9 He mentioned Ms. Piotti's intention is to receive the
10 statistics and begin the test development process.

11 Mr. Herbst noted there was a little
12 miscommunication during the transition of Board
13 administrators in terms of when the new exam forms
14 went live or just the steps leading up to that
15 process between Board members and Pearson VUE working
16 through the BPOA. He stated the updated forms for
17 Pennsylvania did go live on July 1, 2023.

18 Ms. Pachter Schulder mentioned that the Board had
19 concerns that the new test forms were not being used,
20 and programs had not been notified that the new forms
21 were being used.

22 Chair Warner-Marion stated the Board has been
23 talking about this for two years, and this is the
24 first she is hearing the test was already
25 implemented.

1 Ms. King also did not recall receiving
2 notification as a Board.

3 Mr. Herbst stated communications and
4 notifications were sent to the board administrators
5 but apologize that this came as a surprise to Board
6 members.

7 Mr. Herbst addressed the Pennsylvania-specific
8 exam and how it is constructed, noting the cut is 26
9 of 35. He stated some of the confusion that may
10 arise with the candidate or with educators is that
11 the exam delivery provider on their landing page has
12 kind of a national handbook that does not speak to
13 the content outlines or the domain areas of the
14 Pennsylvania exam. He noted that NAB and the test
15 delivery provider is responsible for the handbook.

16 Chair Warner-Maroon suggested putting the contents
17 of the slide on their website so people could see
18 that the sources of the test information are
19 Pennsylvania code sections. She noted the importance
20 of people being able to receive that information and
21 incorporate the information to their knowledge and
22 their practice. She mentioned the Board could also
23 have a specific link to Title 49 and Title 28.

24 Deputy Commissioner Eaton asked Pearson VUE to
25 provide a copy of the information to Ms. Bowers. He

1 noted the information would be vetted by counsel,
2 sent for final approval by Acting Commissioner
3 Claggett, and then placed on the Board website.

4 Chair Warner-Marion also suggested having a
5 hyperlink to the Pa. Code.

6 Deputy Commissioner Eaton stated there should not
7 be an issue with providing a link and asked Ms.
8 Bowers to work with Board members to see exactly what
9 they envision for the Board pages. He also noted it
10 would be vetted through counsel and then sent to
11 Acting Commissioner Claggett for final approval.

12 Chair Warner-Marion asked how much of the test is
13 based on the two Pa. Codes rather than the federal
14 regulations.

15 Mr. Herbst offered to ask Ms. Piotti and provide
16 the information at a later date.

17 Chair Warner-Marion commented that she is a little
18 concerned that there are federal questions in the
19 state portion since participants are taking both the
20 federal and state portions.

21 Mr. Herbst agreed with that being a valid concern
22 but deferred the concern to Ms. Piotti.

23 Chair Warner-Marion believed it to be important to
24 focus on the Pennsylvania regulations, particularly
25 changed regulations, rather than any kind of

1 redundancy with the federal code since there are only
2 35 questions.

3 Dominique McElwee, Program Manager, Pearson VUE,
4 stated Pennsylvania content is the higher portion of
5 the exam, so the citation of the federal code does
6 not mean that there is necessarily a large number of
7 questions based on federal content and could be used
8 to be like an amalgam of two subjects that kind of
9 live between federal and the state. She noted the
10 questions are weighted but offered to provide the
11 data.

12 Ms. Pachter Schulder commented that the Board's
13 desire is that it be limited to an amalgam of both
14 rather than questions strictly about the federal
15 regulations. She requested confirmation that the
16 Board wanted the test to not include questions that
17 are just federal questions and have to be that
18 combination or state only. Board members agreed.

19 Deputy Commissioner Eaton asked Pearson VUE to
20 provide the follow-up information to Ms. Bowers.

21 Ms. Pachter Schulder asked whether it is
22 commonplace to implement new portions of an exam
23 without the Board having done at least a site view of
24 the item bank.

25 Ms. McElwee stated other boards can look to see

1 if the items are copacetic but cannot necessarily
2 weigh in.

3 Ms. Pachter Schulder referred to Chair Warner-
4 Maron's concern, where Board members were not aware
5 because that was not done until it was implemented.
6 She noted Board members would have stated they did
7 not want federal test questions because they are
8 being tested elsewhere.

9 Chair Warner-Maroon asked whether implementing the
10 test without Board approval was part of the contract.

11 Ms. McElwee commented that the Board was involved
12 in the implementation of the new exam, but there
13 seemed to be miscommunication about how the
14 information was then cascaded. She stated each Board
15 administrator that was present during each portion of
16 the test development was aware of the steps.

17 Chair Warner-Maroon commented that the Board did
18 not have any prior information.

19 Ms. Pachter Schulder requested Pearson VUE to
20 also delineate the communications with the Board and
21 where they believe the Board's involvement was when
22 they provided the exam specifications.

23 Chair Warner-Maroon thanked Pearson VUE for
24 participating and sharing their information.]

25

1 Appointment - Heather Markward - 39.5(b)(5) Applicant
2 [Ilene Warner-Maron, Ph.D., RN, NHA, Chair, noted Ms.
3 Markward was asked to return to the Board to answer
4 further questions.

5 Mr. Hoffman asked whether Ms. Markward had a
6 recent Quality Assurance Performance Improvement
7 (QAPI) Meeting and to describe her role in that
8 meeting.

9 Heather Markward, Assistant Nursing Home
10 Administrator, Twin Pines Health Care Center,
11 addressed her role in the QAPI meetings in June and
12 July, including conducting the meetings and
13 discussing the current QAPI plans. She reported
14 having an issue with staffing on their state survey
15 in April and implementing that into the QAPI process.

16 Mr. Hoffman asked how the effectiveness of their
17 QAPI program is evaluated.

18 Ms. Markward explained that their QAPI plans are
19 evaluated by looking for decreases in the
20 percentages.

21 Chair Warner-Maron asked Ms. Markward to talk
22 about what issues would be discussed during a QAPI
23 meeting if there is an increase in the number of
24 residents who developed facility-acquired pressure
25 injuries.

1 Ms. Markward stated preventative measures would
2 be discussed, including what was being used prior to
3 a resident developing pressure areas to better learn
4 what they are not doing on a preventative area, along
5 with diagnosis and staffing to ensure turning and
6 repositioning of their residents.

7 Chair Warner-Marion asked what interventions would
8 be taken to prevent resident-to-resident altercations
9 with a possibly dangerous psychiatric patient and how
10 she would have handled the patient in April with the
11 staffing citation.

12 Ms. Markward explained that the patient would be
13 monitored frequently for any signs of increased
14 agitation or anxiety around other residents, along
15 with review of medications and a psychological visit,
16 and placing them in a private room or closer to the
17 nurses' station. She noted they would have called
18 911 for an evaluation at the hospital if the patient
19 became too physically aggressive with staff or peers.

20 Ms. Markward reported an increase in all of their
21 staff since July at 3.2 and implementing more agency
22 staff to supplement current staff at the facility.

23 Ms. Pachter Schulder commented that they were not
24 using outside staffing last time and requested
25 information concerning the change.

1 Ms. Markward noted using a small amount of agency
2 before with a recent increase mostly on the 3-11
3 shift and weekends with 50 hours of agency between
4 certified nursing assistants (CNAs) and licensed
5 practical nurses (LPNs). She also mentioned it could
6 be as low as zero to about 20 hours during the week.

7 Mr. Wernicki asked how many agency contracts they
8 currently have and who negotiated those contracts.

9 Ms. Markward reported having three contracts,
10 noting Mr. Cooperman negotiated the newest contract
11 and the other two were negotiated by the previous
12 administrator, Rhonda Quinlan.

13 Ms. King mentioned that the nursing staff had
14 been reporting to the administrator during their last
15 conversation and asked whether she has become more
16 involved regarding supervision.

17 Ms. Markward explained that she has been working
18 with the director of nursing, assistant director of
19 nursing, and nursing scheduler reviewing the per
20 patient day (PPD).

21 Ms. King asked Ms. Markward to explained what she
22 has implemented for employee engagement to help
23 mitigate the need for so much agency and to onboard
24 and recruit. She also asked whether they were able
25 to come back into compliance from the April survey

1 and asked how successful she was as far as coming
2 back into compliance on revisitation.

3 Ms. Markward has been working with Human
4 Resources regarding ads as far as what is not working
5 and what is working, reviewing the most recent hires,
6 and making sure they are receiving training and feel
7 comfortable and confident staying in their facility.

8 She noted implementing bonuses for picking up shifts
9 to the current staff and presently discussing a shift
10 differential for 3-11.

11 Ms. Markward stated they were able to come back
12 into compliance and addressed working on a plan of
13 action with the administrator.

14 Ms. Pachter Schulder informed Ms. Markward that
15 the Board will deliberate on her application during
16 Executive Session. She welcomed Ms. Markward to
17 continue to participate virtually but notified her
18 that she could call later for the results.]

19

20 Report of Board Counsel - 16A-6221 - Proposed Annex
21 Continuing Education

22 [Judith Pachter Schulder, Esquire, Board Counsel,
23 addressed the proposed annex for 16A-6221 regarding
24 continuing education. She noted prior Board
25 discussion concerning a mandatory course, where the

1 Board may, for any biennial license period with
2 adequate notice to licensees, require that all or
3 part of the 36 hours not assigned in subsection (a)
4 be completed in the required topics.

5 Ms. Pachter Schulder referred to the preamble,
6 where the Board amended its regulations on May 20 to
7 require 12 of the 48 hours in emergency preparedness
8 and infection control and mentioned the Board
9 believes there are other courses that are important
10 for nursing home licensees.

11 Ms. Pachter Schulder suggested the Board send the
12 draft of the annex out for pre-draft input to
13 stakeholders for their comments. She reminded
14 everyone that Acting Commissioner Claggett mentioned
15 at the last meeting that there should not be a
16 problem trying to implement the proposal because the
17 Real Estate Commission has done it successfully for
18 years.

19 Ms. Pachter Schulder explained that this would
20 not go into effect until the regulations are final
21 and would be for the renewal period in 2028. She
22 also explained that the Board would not have to write
23 a separate regulation each time like the last one.

24 Mr. Wernicki cautioned against cutting out
25 specific continuing education units (CEUs) on

1 specific topics before they have providers to offer
2 specific CEUs.

3 Chair Maron-Warner stated stakeholders were not
4 in agreement when they first proposed to change those
5 12 hours of content, but they all developed that
6 content. She believed the providers will implement
7 their own education to meet their needs when they
8 make that change.

9 Mr. Wernicki asked how they would get the list of
10 those providers to attendees.

11 Ms. Pachter Schulder explained that their
12 regulations list the preapproved providers but do not
13 post a list of who fits into those categories. She
14 further explained that the Board leaves that to
15 individual licensees to determine if they can have
16 continuing education from that provider. She also
17 mentioned that there is a mechanism to allow for
18 individuals to ask for approval of continuing
19 education that does not fall within those preapproved
20 providers.

21 Ms. Pachter Schulder noted the Board could
22 provide a posting on the Board's website of
23 preapproved providers for all CEU providers.

24 Mr. King referred to the 12 CEUs related to
25 infection control and emergency preparedness and

1 mentioned that not being a member of either
2 LeadingAge or the Pennsylvania Health Care
3 Association (PHCA) makes it more challenging.

4 Ms. Pachter Schulder noted it makes sense to list
5 the Board-approved courses on their website. She
6 mentioned that they would not be able to list the
7 NAB-approved courses but could do a link to NAB. She
8 also mentioned that it would be difficult to list
9 college and university courses. She suggested
10 putting together a broader list for people to find
11 courses for the next meeting.

12 Chair Warner-Marion noted being on the Continuing
13 Education Committee with Mr. King and would address
14 the issue to make sure providers are easy to find to
15 maintain their license.]

16 MS. PACHTER SCHULDER:

17 Is anybody willing to make a motion to
18 send 16A-6221 regarding additional
19 required continuing educations hours
20 out to stakeholders for pre-draft
21 input?

22 MR. HOFFMAN:

23 So moved.

24 DEPUTY COMMISSIONER EATON:

25 Second.

1 MS. BOWERS:

2 Warner-Maroon, aye; Eaton, aye; Sara
3 King, aye; Hoffman, aye; Kelly, aye;
4 Francis King, aye; Wernicki, aye;
5 Wilson, aye.

6 [The motion carried unanimously.]

7 ***

8 Report of Board Counsel - Regulatory Report

9 [Judith Pachter Schulder, Esquire, Board Counsel,
10 informed Board members that the person who was
11 working on the Board's child abuse regulations took a
12 promotion, and regulatory counsel will be working to
13 prepare the remainder of that child abuse
14 regulation.]

15 ***

16 Report of Board Chairperson

17 [Ilene Warner-Maroon, Ph.D., RN, NHA, Chair, noted
18 they had the ratification of two temporary permit
19 applications, Emily Engberson and Amanda Hanrahan.]

20 MS. PACHTER-SCHULDER:

21 Motion to Ratify that Temporary Permit
22 Application and the Fifth Exam Attempt
23 for Amanda Hanrahan?

24 MR. HOFFMAN:

25 So moved.

1 DEPUTY COMMISSIONER EATON:

2 Second.

3 MS. BOWERS:

4 Warner-Maron, aye; Eaton, aye; Sara
5 King, aye; Hoffman, aye; Kelly,
6 abstain; Francis King, aye; Wernicki,
7 aye; Wilson, aye.

8 [The motion carried. Michael Kelly abstained from
9 voting on the motion.]

10 ***

11 Report of Acting Commissioner

12 [Matthew Eaton, Deputy Commissioner, Bureau of
13 Professional and Occupational Affairs, on behalf of
14 Arion Claggett, Acting Commissioner, noted the State
15 Board of Nursing Home Examiners website has been
16 updated and advised Board members to take a look at
17 the website and provide any input to their Board
18 administrator.

19 Deputy Commissioner Eaton stated the goal of the
20 governor's office was to provide board websites and
21 all Bureau of Professional and Occupational Affairs
22 websites to be more user-friendly websites for the
23 public.

24 Deputy Commissioner Eaton noted the request for
25 proposal (RFP) process to replace the Pennsylvania

1 Licensing System (PALS) has concluded and a vendor
2 has been chosen. He mentioned that he cannot reveal
3 the vendor at this time because the contract is not
4 fully executed and signed. He is hoping the contract
5 will be fully signed in September and will have more
6 information at the November Board meeting.]

7 ***

8 Report of Board Administrator

9 [Ilene Warner-Maron, Ph.D., RN, NHA, Chair, asked
10 whether Ms. Bowers is keeping track of the number of
11 people applying for CE permission from the Board.
12 She also asked whether the same number of 120-hour
13 providers in 2024 is the same as 2023.

14 Ms. Bowers explained that they are tracked when
15 they are approved and added to the list but did not
16 have any approvals from May until the current time.
17 She also noted the number of providers is the same.

18 Chair Warner-Maron also asked for a time frame
19 from when they receive the application until
20 approval.

21 Ms. Bowers reported a time frame of one to three
22 weeks for approval. She also reported two CE program
23 approvals in May but no providers.

24 Chair Warner-Maron mentioned that it would be
25 helpful to keep track of how many applications are

1 approved, not approved, and the time frame for
2 transparency.]

3

4 Report of Committees - Report of Examination
5 Committee

6 [Deidre Bowers, Board Administrator, noted Board
7 member Michael Kelly approved the following people to
8 take the exam: Kerry Huzzard, Yehoshua Pirutinsky,
9 Denise Jones, Jessica Sharer, Joanne McMinn, Ifeoluwa
10 Olanrewaju, Pritesh Nayee, Kellie Maus.

11 Ms. Bowers also noted Board member Sara King
12 approved the following people to take the exam:
13 Abraham Knobel, Basil Watson, Ahmad Morris-Walker,
14 Tiffany Phy, Johanna Keeton, Simone Bruce, Julianne
15 Sexton, Michael Smith.

16 Ms. Bowers noted Emily Engberson, Amy Hartline-
17 Palmer, and Sabrina Thomas-Brown were approved by
18 endorsement.

19 Ms. Bowers noted Alexandra Schneider, Kathryn
20 Borer, Jacqueline Bogatek, Adrienne Rohrman, Suzanne
21 Whyte-Nagel, Ilena Faiola, Jennifer Harvey, and Katie
22 Kimmet were approved by completion of the AIT
23 Program.]

24

25 Report of Committees - AIT Review Committee

1 [Robert L. Wernicki, NHA, reported the AIT Review
2 Committee approved 13 applications. He noted
3 reviewing the application of Katielynn Milbrandt
4 because it required Board approval and found it to be
5 acceptable. He reported the issue with the
6 application was Ms. Milbrandt completed the program
7 without committee approval.]

8 MS. PACHTER-SCHULDER:

9 Motion to ratify the action taken to
10 approve the AIT program for Katielynn
11 Milbrandt.

12 MR. HOFFMAN:

13 So moved.

14 DEPUTY COMMISSIONER EATON:

15 Second.

16 MS. BOWERS:

17 Warner-Maron, aye; Eaton, aye; Sara
18 King, aye; Hoffman, aye; Kelly, aye;
19 Francis King, aye; Wernicki, aye;
20 Wilson, aye.

21 [The motion carried unanimously.]

22 ***

23 Report of Committees - AIT Review Committee

24 [Deidre Bowers noted Celisa Filice, Elijah Fay,
25 Cominick Alberico, Courtney Hamilton, Thomas Reckner,

1 Abigail Lynott, Grace Rishel, Edward Felix, Katielynn
2 Milbrandt, Onika Goodwin, Nickolas Kreshon, Max
3 Marcus, and Brian Zemke have been approved for AIT.]

4 ***

5 Discussion Items - Committee Assignment Procedures
6 [Ilene Warner-Maron, Ph.D., RN, NHA, Chair, stated
7 the Board has committee assignments but does not have
8 procedures.

9 Mr. Wernicki noted being on the committee with
10 the assistance of Ms. Bowers and Ms. Pachter
11 Schulder.

12 Chair Warner-Maron commented that it is more of
13 an informal committee that discussed the applications
14 as needed. She noted the need for her and Mr. King
15 to discuss the process with Ms. Bowers to ensure the
16 CEU application process time frames make sense and
17 any other procedures.]

18 ***

19 Discussion Items - HSE Qualification Standard
20 [Judith Pachter Schulder, Esquire, Board Counsel,
21 addressed the Health Services Executive (HSE)
22 qualification standard. She reminded Board members
23 that Mr. Lindner asked whether the Board would
24 consider the HSE qualification standard to be
25 equivalent to the Board's requirements.

1 Ms. Pachter Schulder explained that one of the
2 requirements of the Board is 1000 hours of AIT in
3 long-term care, but the HSE qualification is 75% and
4 maybe 25% in other categories. She mentioned the
5 Board was going to consider it to be leadership or
6 other areas.

7 Ms. Pachter Schulder provided pathways and
8 requirements information for the HSE standard for
9 Board discussion at the next meeting. She noted
10 there is a question as to whether the Board would
11 have to draft a regulation in order to accept this or
12 not because the Board may be asked to accept
13 something else for another person who is doing an AIT
14 program if they say HSE is equivalent and accept
15 their version of an AIT program.

16 Ms. Pachter Schulder suggested everyone review
17 the qualifications to determine whether it is
18 equivalent to Pennsylvania requirements, because it
19 would require a regulation if it is not equivalent.
20 She noted HSE covers assisted living, personal care,
21 and nursing home administration but the Board is
22 limited to nursing home administration.

23 Chair Warner-Marion commented that people have
24 applied for to take the test for the NHA based on
25 their experience only in personal care, and the Board

1 as not allowed that to happen because those two
2 entities are so different.]

3

4 [Pursuant to Section 708(a)(5) of the Sunshine Act,
5 at 11:58 a.m. the Board entered into Executive
6 Session with Judith Pachter Schulder, Esquire, Board
7 Counsel, for the purpose of reviewing the Consent
8 Agreement. The Board returned to open session at
9 12:09 p.m.]

10

11 MOTIONS

12 MS. PACHTER-SCHULDER:

13 During Executive Session, the Board
14 engaged in quasi-judicial deliberations
15 on the matters of the Application for
16 Heather Markward as well as the Consent
17 Agreement.

18 Board members who recuse themselves
19 from the deliberation will be noted
20 during the motion.

21 Is there a motion to reject as too
22 lenient the Consent Agreement at 21-62-
23 009468, for which members Kelly and
24 Wilson are recused?

25 MR. HOFFMAN:

1 So moved.

2 DEPUTY COMMISSIONER EATON:

3 Second.

4 MS. BOWERS:

5 Warner-Maroon, aye; Eaton, aye; Sara
6 King, aye; Hoffman, aye; Francis King,
7 aye; Wernicki, aye; Kelly, recuse;
8 Wilson, recuse.

9 [The motion carried. Michael Kelly and Carrie Wilson
10 recused themselves from deliberations and voting on
11 the motion.]

12 ***

13 MS. PACHTER-SCHULDER:

14 Is there a motion to approve the
15 Application for Licensure of Heather
16 Markward under Section 39.5(b)(5)?

17 MR. HOFFMAN:

18 So moved.

19 DEPUTY COMMISSIONER EATON:

20 Second.

21 MS. BOWERS:

22 Warner-Maroon, aye; Eaton, aye; Sara
23 King, aye; Hoffman, aye; Kelly, aye;
24 Francis King, aye; Wernicki, aye;
25 Wilson, aye.

1 [The motion carried unanimously]

2 ***

3 Report of Committees - Continuing Education
4 Committee

5 [Judith Pachter Schulder, Esquire, Board Counsel,
6 referred to the Education Committee, noting Mr. King
7 raised an issue about courses that would be
8 transferring from an in-person platform to an online
9 platform.

10 Mr. King noted receiving a request for an
11 existing provider that wants to move from a live Zoom
12 setting to 5 hours of the material being presented by
13 a recording and a 2.5-hour live session. He
14 mentioned that the question came up from Harrisburg
15 Community College at the last meeting, but the Board
16 did not have a conclusion. He asked whether there
17 was a resolution as to whether the Board would allow
18 recorded sessions standing in for some type of live
19 session.

20 Chair Warner-Maron stated the Philadelphia
21 College of Osteopathic Medicine (PCOM) allows the
22 student to either watch it recorded or live and has
23 verifications for both ways. She stated provider
24 needs to be able to verify the participant is engaged
25 in the educational program for the entire session on

1 the application.

2 Mr. King commented that he did not recall seeing
3 anything in the application that provided assurance
4 that it is equal to a live session.

5 Chair Warner-Marion mentioned that the Board may
6 need to alter that application to specify how the
7 provider organization is verifying the participant
8 has completed the entire educational portion if it is
9 an on-line program. She asked Ms. Bowers to take a
10 look at that application to see how we need to tweak
11 the application.

12 Mr. King reported that four of those are awaiting
13 review right now, noting they looked fine with the
14 exception of the verification.

15 Chair Warner-Marion stated the Board could ask
16 them how they are verifying the participants
17 completion of that online or on-demand proportion,
18 and the Board could fix the application going forward
19 to specifically state the Board's requirements. She
20 commented that many of the 120 hours are moving to a
21 Zoom, on-demand course, or some hybrid combination
22 just because of the difficulty getting people in the
23 seats.

24 Mr. King stated the final rule was final on
25 August 8, 2024, and addresses really important

1 components as it pertains to staffing and other
2 matters, but another large component is facility
3 assessments. He noted the role of the nursing home
4 administrator in conducting facility assessments is
5 really critically important in terms of making sure
6 that the governing body is involved and all the
7 relevant entities are involved. He mentioned there
8 is more detail now through federal regulation as to
9 what the facility assessment should look like.

10 Mr. King mentioned that Pennsylvania, in its
11 revision of the regulations last year, moved from
12 annual facility assessments to quarterly and is
13 incumbent on the administrator as part of their role
14 and similarly with ownership and governing body to
15 make sure it is done in a timely fashion and in a
16 compliant way. He suggested making NHA's aware of
17 this, so the Board could look to other means as to
18 how people are doing it and whether the Department of
19 Health is putting anything out.

20 Ms. Pachter Schulder stated the Board could post
21 a notification on the website of new federal
22 regulations and maybe state regulations with a link
23 to those regulations. She also stated an email blast
24 from the Commissioner's Office could go to all
25 licensees giving them that same information.

1 Ms. Pachter Schulder asked whether doing that
2 would put the Board in a position where every time
3 there would be some ancillary regulation by the feds
4 or by the Department of Health (DOH) that people
5 would be looking to the Board to notify them of
6 federal regulation changes.

7 Ms. King commented that she would not necessarily
8 go to the Board's website and would go to the
9 Department of Health's Facility Message Board for any
10 regulatory changes or guidance.

11 Ms. Pachter Schulder suggested providing the link
12 for the federal regulations and remind licensees to
13 go to the DOH Message Board for facility guidance,
14 where they are teaming it up and would not have to
15 advice that every time.

16 Deputy Commissioner Eaton advised the Board to
17 draft the language with any additional links and send
18 that to counsel and the Board administrator. He
19 noted that it could be put on the Board's website,
20 along with an email blast, after final approval from
21 him or Acting Commissioner Claggett.

22 Ms. Pachter Schulder suggested having an alert to
23 be advised of new federal regulations that went into
24 effect on August 8, along with state regulations, and
25 to look at the DOH website. She offered to write the

1 language, and Board members agreed.]

2 ***

3 [Chair Warner-Marón wished Ms. Markward good luck on
4 the examination and becoming licensed.]

5 ***

6 Upcoming Meeting Dates

7 [Ilene Warner-Marón, Ph.D., RN, NHA, Chair, noted the
8 next scheduled Board meeting date is November 6,
9 2024.]

10 Ms. Pachter Schulder reported Chair Warner-Marón
11 will still be within her until successor qualifies
12 (USQ) on November 6 and informed her that the
13 documentation she recently sent for reappointment was
14 received.]

15 ***

16 Adjournment

17 DEPUTY COMMISSIONER EATON:

18 Motion to adjourn.

19 MR. HOFFMAN:

20 So moved.

21 CHAIR WARNER-MARON:

22 Thanks everyone.

23 ***

24 [There being no further business, the State Board of
25 Examiners of Nursing Home Administrators Meeting

1 adjourned at 12:27 p.m.]

2

3

4

CERTIFICATE

5

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

12

13

14



15

Rachel Wilbur-Adams,

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Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS
REFERENCE INDEX

August 14, 2024

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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:38	Official Call to Order
10:38	Roll Call
10:38	Introduction of Attendees
10:38	Approval of Minutes
10:39	Report of Prosecutorial Division
10:52	Appointment - Pearson VUE
11:12	Appointment - Heather Markward - 39.5(b)(5) Applicant
11:28	Report of Board Counsel
11:40	Report of Board Chair
11:41	Report of Acting Commissioner
11:43	Report of Board Administrator
11:50	Report of Committees
11:52	Discussion Items
11:58	Executive Session
12:09	Return to Open Session
12:10	Motions
12:12	Report of Committees (cont.)
12:26	Upcoming Meeting Dates
12:27	Adjournment