

Maryland Department of Health
STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

FEBRUARY 9, 2022
BOARD MEETING MINUTES

The 449th Board Meeting was convened at 9:33 a.m. via video conference on Wednesday, February 9, 2022.

Members Present

1. Felicia Anthony, Chair
2. Debra Buckalew
3. Patricia Cash
4. Stevanne Ellis
5. Kelly Freidman, Vice Chair
6. Joyce Fritsch
7. Andrea Lev
8. Kimberly Malin
9. Heather Reed
10. Michelle Rosenheim
11. Earl Runde
12. Zollie Stevenson, Jr.
13. Nader Tavakoli-Jalili
14. Michael Willis

Representatives of the State

1. Ciara J. Lee
Executive Director
2. David Wagner, Esq., Board Counsel
Assistant Attorney General
3. Lillian Reese
Legislative & Regulations Coordinator

Visitor

1. Carol Fenderson, Deputy Director of
State Programs, OHCQ

ORDER OF BUSINESS

Approval of the Agenda

The agenda was accepted with one change. Being mindful of Ms. Fenderson's time, Board Chair Anthony suggested moving the referenced presentation to agenda item number 5. A motion was made to move the referenced presentation to agenda item number 5. It was seconded and carried.

Approval of Minutes

The minutes of the 447th Board Meeting, held on Wednesday, November 10, 2021; the 448th Board Meeting, held on Wednesday December 15, 2021; and the Emergency Board Meeting, held on February 1, 2022 were approved as submitted.

Chair's Report

Board Chair Anthony stated that the next meeting will be held on Wednesday, March 9, 2022 at 9:30 a.m. in Room 110.

Presentation - Assisted Living Manager Regulations: A motion was made to move the presentation to agenda item #5 for time purposes. It was seconded and carried.

Ms. Carol Fenderson, Deputy Director of State Programs at OHCQ, conducted a brief PowerPoint presentation to discuss current regulations, oversight, training and education, and deficiency trends related to Assisted Living Managers in Maryland.

Office Report

Ms. Lee gave the following report:

For the month of November:

2 Original Licenses were issued
12 licenses were renewed
6 AIT applications were processed
3 Endorsement applications were processed
2 Reinstatement applications were processed
3 Inactive applications were processed

For the month of December:

1 Original License was issued
10 licenses were renewed
3 Endorsement applications were processed
1 Reinstatement applications was processed
1 Inactive application was processed

For the month of January:

4 Original Licenses were issued
36 licenses were renewed
5 AIT applications were processed
2 Endorsement applications were processed
2 Reinstatement applications were processed
2 Inactive applications were processed

As of February 9, 2022, there are currently:

508 active LNHA's
14 inactive LNHA's
389 non-renewed (lapsed) LNHA's
20 candidates are currently in active programs

Credentials Committee Update

During the January 18, 2022 Credentials Committee Meeting, the Committee voted to approve the following:

3 programs with new preceptors
2 new 12-month AIT programs
1 reinstatement application
1 endorsement application

During the February 8, 2022 Credentials Committee Meeting, the Committee voted to approve the following:

1 new 6-month AIT program
2 new 12-month AIT programs
3 endorsement applications

MDH Network Security Incident

MDH’s containment, investigation, and restoration efforts are ongoing as part of the agency’s response to the network security incident that was first detected on December 4, 2021. MDH continues to carefully assess critical systems involved in the security incident and identify and prioritize the processes needed to support network equipment and business process restoration.

Financial Disclosures for Board Members

Financial disclosure filings for calendar year 2021 are due no later than April 30, 2022 to the Maryland State Ethics Commission. Filers must contact the State Ethics Commission directly for assistance with filing including password issues, other concerns or for advice. Failure to file by the deadline may negatively impact their current appointment or any pending reappointments. Ms. Ciara J. Lee, Executive Director, will provide the link and contact phone number to all BENHA Board Members in a follow-up email.

New Mileage Reimbursement Rate – January 1, 2022

Effective January 1, 2022, the new rate is \$0.585 per mile.

Human Resources Personnel Updates

Mr. Troy Pumphrey was offered and accepted the Health Occupations Investigator III (permanent PIN) position (effective transfer date was December 29, 2021).

Interviews for the Deputy Director (Licensing Coordinator) position were conducted on December 27 & 28, 2021 and January 31, 2022. Paperwork to initiate the reposting of the position is in process to be submitted to HR.

Legislative Updates

Ms. Patricia Cash, Legislative Committee Chair, provided an overview of the legislative bills that were introduced during January and February 2022 and the positions that were made by the Legislative Committee.

Date Received	Bill Number	Position
1/5/2022	HB 112	No Position
1/5/2022	SB 77	Letter of Concern (joint)
1/5/2022	SB 111	Letter of Concern (joint)
1/14/2022	HB 235	No Position
1/14/2022	HB 246	No Position
1/21/2022	HB 292	No Position
1/21/2022	SB 269	No Position

1/25/2022	HB/SB 407	No Position
1/28 & 2/4/2022	HB 625/SB 440	No Position
2/2/2022	HB 375	No Position

Ms. Lillian Reese, Legislative & Regulations Coordinator, provided a brief overview of the position options that are available for the Board to take when bills are introduced (i.e. support, support with amendments, oppose, letter of concern, or letter of information).

Proposed Legislation - Health Occupations Boards - Authority Over Staffing and Infrastructure Operations:

Ms. Reese provided a brief update of Senate Bill (SB) 899, which is a bill that is being sponsored by Senator Kagan. The bill text has not been made available, but the hearing had been scheduled for Tuesday, February 22, 2022 at 1:00 P.M. in the Environmental, Health, and Environmental Affairs Committee. The Maryland Board of Pharmacy is drafting a joint letter of opposition. Mr. David Wagner, Board Counsel, and Ms. Reese summarized the purpose of the bill and the three impacts of the bill that would be imposed onto the Boards.

A motion was made to oppose the legislation as written. It was seconded and carried. After more discussion, another motion was made to include a provision regarding ‘conflict of interest’ in the joint letter of opposition. It was seconded and carried.

Proposed Emergency Regulations - Amendments: Proposed emergency regulations, not introduced by the Board, were submitted to the Board’s office for consideration by Mr. Joe DeMattos, President and CEO of HFAM, on January 4, 2022. The proposed regulations are regarding requesting temporary waivers for fees for inactive and expired licensees, continuing education requirements for relicensure licensees, and reciprocity requirements for out-of-state licensee applicants. After review of the constructed amendment language for each of the proposed emergency regulations and thorough conversation regarding the quantitative data for reciprocity and inactive status licenses since fiscal year 2020, a motion was made to take no action. It was seconded and carried.

Meeting Adjournment

A motion was made to adjourn the meeting. It was seconded and carried. The meeting was adjourned at 10:50 a.m.



 Executive Director



 Board Chair