

Maryland Department of Health
STATE BOARD OF LONG-TERM CARE ADMINISTRATORS

NOVEMBER 9, 2022
BOARD MEETING MINUTES

The 455th Board Meeting was convened at 9:45 a.m. at 4201 Patterson Avenue, Baltimore, MD 21215 in Room 110 on Wednesday, November 9, 2022.

Members Present

1. John Beyer
2. Debra Buckalew
3. Patricia Cash
4. Stevanne Ellis
5. Kelly Freidman, Board Chair
6. Kimberly Malin
7. Andre Moshenberg
8. Heather Reed
9. Michelle Rosenheim
10. Earl Runde
11. Nader Tavakoli-Jalili
12. Michael Willis, Vice Chair

Representatives of the State

1. Ciara J. Lee
Executive Director
2. Kellie C. Smith
Deputy Director/Licensing Coordinator
3. David Wagner, Esq., Board Counsel
Assistant Attorney General
4. Troy Pumphrey, Lead Health
Occupations Investigator
5. Clarine Henderson, Health Occupations
Investigator

Visitors

1. Andrea Dwyer, LNHA

ORDER OF BUSINESS

Approval of the Agenda

The agenda was accepted as submitted.

Recognition of Visitors

Board Chair Friedman welcomed visitors to the Board Meeting and allowed them to introduce themselves. Ms. Andrea Dwyer attended as a visitor.

Approval of Minutes

The minutes of the 454th Board Meeting, held on Wednesday September 14, 2022 were approved as submitted.

Chair's Report

Board Chair Friedman stated that the next meeting will be held on Wednesday, December 14, 2022 at 9:30 a.m. in Room 110.

Office Report

Ms. Lee gave the following report:

For the month of October:

- 4 Original licenses were issued
- 21 licenses were renewed
- 2 AIT applications were processed
- 1 Inactive Status application was processed
- 1 Reactivation application was processed
- 3 Endorsement applications were processed

As of November 9, 2022, there are currently:

- 499 active LNHA's
- 21 inactive LNHA's
- 407 non-renewed (lapsed) LNHA's
- 30 candidates are currently in active AIT programs

Credentials Committee Update

During the October 6, 2022 Credentials Committee Meeting, the Committee voted to approve the following:

- 2 new 12-month AIT programs
- 1 new 9-month AIT program
- 1 endorsement applications

During the October 25, 2022 Credentials Committee Meeting, the Committee voted to approve the following:

- 3 new 12-month AIT programs
- 1 resumption of a 12-month AIT programs at a new facility with a new preceptor
- 1 endorsement application
- 1 reinstatement application

HR Updates - Status on BLTCA Staff Positions

Ms. Lee provided a brief update regarding the Board's recruitment process for new staff. The Board has hired Ms. Clarine Henderson as the new Health Occupations Investigator that will be assisting our Lead Health Occupations Investigator with investigation cases. Ms. Lee introduced Ms. Henderson to the Board and provided the opportunity for her to provide a brief synopsis of her background to the Board Members. The recruitment process for the part-time Contractual Office Secretary II position is ongoing.

NAB Mid-Year Meeting - November 2-4, 2022 Palm Springs, CA

Ms. Lee attended the NAB Mid-Year Meeting, held in Palm Springs, CA from November 2 - 4, 2022. The meeting was very insightful and consisted of fruitful discussions regarding the current challenges the long-term care administrator industry and state licensing boards are facing (regulatory oversight, surveying, staffing shortages, etc.); in addition to the possibility of rebranding the AIT credential. Ms. Lee also discussed the new initiatives that NAB is launching, which are as follows:

- NAB Study Guide Redevelopment for National Exam - set to launch 11/21/2022
- NAB Webinar Series - set to launch in 2023

- New AIT Handbook - reduced 5 domains to 4; more interactive and customizable for any State AIT program
- New NAB Websites Redesign - launching either January or early 2023
- New NAB Exam Application System Launch - transferring from NAB Clarus system to Heuristics; NAB Clarus will be shut down from 11/7/2022 to 11/14/2022; allows State Boards to utilize a single login to view and approve exam applications and scores.

Office of Legislative Audits & MDH IAC/S - Regulatory Services Audit Update

Ms. Lee reminded the Board that the Health Occupations Boards and Commissions were audited in January 2021 by the Office of Legislative Audits (OLA). There were numerous repeat findings identified from the audit. The Boards and Commissions have been directed to submit quarterly responses to determine the corrective actions for those findings, with the guidance of the MDH Office of Internal Controls Audit Compliance (IAC). BLTCA submitted updated responses to the IAC auditors for the Quarterly Status Report on October 12, 2022. Ms. Lee has been corresponding with the auditors throughout October and November to answer any additional questions and provide additional supporting documentation of Board operating procedures upon the auditors' requests. The next Quarterly Status Report from the Health Occupations Boards and Commissions is due to IAC on January 19, 2022.

Network Reconnection Update

Ms. Lee explained that the Boards, collectively, are still not connected to the IT network at this time; however, the Statement of Work (SOW) has been signed to move forward with the process to get reconnected with the Maryland Department of Information Technology (DoIT). Board Members will be notified of any updates regarding the network reconnection moving forward.

Upcoming Changes for CONNECT.MD.GOV Portal (Email Login)

The Department of Information Technology (DoIT) is launching a new login experience for the Maryland workforce. This new system will eventually replace the tools used today to authenticate users as they access applications and information systems using their Maryland.gov credentials and it will provide a better experience, improved security, and form the foundation for significant Statewide use. Ms. Lee provided all Board Members with instructions on how to create a new login profile. There is no set date in which the new login will be launched. Ms. Lee highly recommended Board Members to create their new login profile as soon as possible.

HFAM & LeadingAge Maryland Workforce Symposium - November 1, 2022

On November 1, 2022, HFAM and LeadingAge Maryland held a Workforce Symposium at The Village of Augsburg. Ms. Kellie Smith, Deputy Director, attended the symposium to represent the Board and to obtain insight on the topics discussed. Ms. Smith shared that the topics discussed focused on the workforce shortage throughout long-term care staffing; in addition to companies overcoming COVID-19 and strategies that administrators and companies are utilizing for staff retention. There wasn't much discussion about licensing regulations at the symposium, but many administrators mentioned unlimited paid time off options and increasing staff morale to enhance staff retention. Other topics that were discussed at the symposium included immigrants being hired to fill-in as staff at long-term care facilities, and possibly implementing the "secret shopper" concept in nursing homes to assist with maintaining compliance standards in facilities.

New Board Member Orientation - November 4, 2022

MDH's New Board Member Orientation occurred virtually on November 4, 2022. Ms. Lee invited Board Members Andre Moshenberg and John Beyer and Board Staff Member Ms. Kellie Smith to the orientation to provide further insight on the process and expectation of being a Board Member. The orientation was recorded.

Ms. Lee will provide the recording of the New Member Orientation via email to all Board Members as a refresher.

LeadingAge Maryland Announces Additional Funding for SNFs

Ms. Lee announced that the State of Maryland has approved the allocation of an additional \$25 million in Federal American Rescue Plan Act funds to support Maryland's Skilled Nursing Facilities (SNFs) and to also help expand the availability of COVID-19 testing, treatments, and vaccines. Ms. Lee received the announcement from LeadingAge Maryland's e-blast, and shared a print-out of the announcement with all Board Members.

Commission to Study the Health Care Workforce Crisis Update

Ms. Lee reminded the Board that SB 440 was passed during Legislative Session 2022, which established the Commission to Study the Health Care Workforce Crisis in Maryland. Ms. Sharon Oliver, the Executive Director of the Board of Massage Therapy Examiners and Board of Chiropractic Examiners, is the Commission Representative for the smaller Health Occupations Boards. The Commission is composed of three advisory councils to address workforce data, education, and State efficiencies and cooperation. Ms. Lee has been corresponding with Ms. Oliver to obtain direction on what data is needed from the Board for the preliminary report due to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee by December 31, 2022. Ms. Lee will be reaching out to other State Board and NAB personnel to collect nationwide workforce data related to LNHAs and keep the Board updated accordingly. Additionally, the State Efficiencies Advisory Council is requesting that all the Boards provide responses to two survey questions related to the Secretary of Health's authority over the Boards. Ms. Lee will be answering the survey questions as soon as possible and forwarding her responses to Board Chair Friedman.

Legislative Committee Update

Ms. Patricia Cash, Legislative Committee Chair, provided a brief overview of the meetings that have been held to discuss the licensure onboarding of Assisted Living Managers (ALMs) in Maryland. A strategic planning group has been developed to discuss this initiative. In early October, Ms. Lillian Reese, Legislative and Regulation Coordinator, created a rough draft of the Board's revised regulations, including the regulations for Assisted Living Managers. Ms. Reese's draft emphasizes the reorganization of the regulations into separate chapters to provide clarity and structure. On October 26, 2022, the strategic planning group met with Dr. Tricia Nay, Carol Fenderson, and Alexandria Baldi from The Office of Health Care Quality to review the status of the current Assisted Living regulations (COMAR 10.07.14) and to obtain further insight on how OHCQ currently monitors ALM contact information and approved training.

Meeting Adjournment

A motion to adjourn was made and seconded. The meeting was adjourned at 10:11 a.m. Upon the request of Ms. Dwyer to ask questions to the Board, a motion to reopen the meeting was made and seconded. The meeting was reopened at 10:14 a.m.

Visitor Inquiries

Ms. Dwyer asked the Board the following inquiries:

1. What is the policy of the BENHA Board for distribution and notifications of a request and/or release of any aspect of a licensee's file? Is the licensee informed?
2. What is the policy of BENHA Board when privately held committee member minutes (ie Disciplinary Committee Minutes) are erroneously posted on the public BENHA website? Are the licensee's informed?

3. What policy and procedures (to include the broadest use of the term guidelines, practices, by-laws, etc.) does the BENHA have in place, beyond COMAR which is relatively silent on the matter, to address the investigatory process, timelines, etc.?

Per the recommendation of Mr. David Wagner, Board Counsel, Board Chair Friedman requested Ms. Dwyer to submit her inquiries to the Board in writing so that the Board can have the opportunity to conduct research and respond to her inquiries accordingly.

Meeting Adjournment

A motion to adjourn was made and seconded. The meeting was adjourned at 10:20 a.m.



Executive Director



Board Chair