

KENTUCKY BOARD OF LICENSURE FOR LONG-TERM CARE ADMINISTRATORS
MEETING MINUTES
November 4, 2021

A meeting of the Kentucky Board of Licensure for Long-Term Care Administrators held via Zoom/ In-Person meeting hosted by the Department of Professional Licensing located at 500 Mero Street Frankfort, KY 40601.

MEMBERS PRESENT

Jason Shelton
Thomas Davis
David McKenzie, Vice Chair
Charlotte Whittaker
Eric Hagan
Mother Christina Murray
Dr. Keith Knapp
Kenneth Urlage, Chair
Dr. Tuyen Tran

DEPARTMENT OF PROFESSIONAL LICENSING

Kevin Winstead, Commissioner
Chessica Nation, Administrative Section Supervisor
Tiler Hahn, Temporary Board Administrator

OTHER

August Pozgay, Board Counsel, PPC Office of Legal Services
Leah Boggs, General Counsel, Department of Professional Licensing

MEMBERS NOT PRESENT

Melanie Eaton

CALL TO ORDER

Kenneth Urlage called the meeting to order at 10:12am.

MINUTES

A motion was made by David McKenzie to approve the meeting minutes of September 2, 2021. Mother Christine Murray seconded the motion, and the motion carried.

MONTHLY FINANCIAL REPORT

The board reviewed the August 2021, September 2021, and October 2021 reports.

DPL UPDATE

Commissioner Kevin Winstead informed the board that state of emergency has been pushed out to January 15th currently. If attending meetings in Person you will still need to wear masks. If this changes, we will inform the board of this. Commissioner Winstead also updated that they are working on getting new staff & will have a new Board Administrator for the Board. Kenneth Urlage expressed concern with the turnover and how it affects information getting to the licensees.

LEGAL COUNSEL

August Pozgay introduced himself as the Board Counsel.

OLD BUSINESS

Mr. Pozgay reviewed regulations and materials incorporated by reference with the Board. The following regulations and forms were reviewed by the Board:

201 KAR 6:040. New proposed amendment to be filed. A motion was made by Tuyen Tran to approve the proposed regulation amendments in 201 KAR 6:040 for filing. David McKenzie seconded the motion, and the motion carried.

201.KAR.6.020. The Board reviewed LRC staff proposed AARC subcommittee substitutes. Tuyen Tran brought to the board it should review the term, “quality improvement” as set forth in this regulation, as being too broad. A motion was made by Keith Knapp to approved to accept the subcommittee substitutes, with the following agency amendment: 201 KAR 6:020 Section 2(c): “regulatory compliance and quality improvement in the context of a long-term care facility.” Tuyen Tran seconded the motion, and the motion carried. A motion was made by David McKenzie to authorize board counsel submit subcommittee substitutes, with the agency amendment as voted today, to LRC staff, and, if the proposed agency amendment is declined by LRC staff, to file without the agency amendment. Mother Christina Murray seconded the motion, and the motion carried.

Commissioner Winstead informed the Board that 201 KAR 6:020 would be reviewed at the November 9, 2021 AARS committee meeting, and that it would be best to have a Board member attend this meeting with the Commissioner to answer any questions the committee may have. A motion was made by David McKenzie to authorize Keith Knapp & Kenneth Urlage to be authorized Board representatives and attend the November 9, 2021 AARS committee meeting. Mother Christina Murray seconded the motion, and the motion carried.

Keith Knapp departed the board meeting at 10:56am. Quorum was maintained.

2021.11.04 FORM 1 LTCA Application markup, corrected agency amendment

A motion was made by Mother Christina Murray to approve the amendment of the application form to be filed. Tuyen Tran seconded the motion, and the motion carried.

Leah Boggs indicated that a previously-submitted technical amendment should have changed the mailing address on the board’s Renewal Form, and would double-check this.

NEW BUSINESS

A motion made by David McKenzie to approve the following 2022 meeting dates:

- 1/13/2022;
- 3/10/2022;
- 5/12/2022;
- 7/14/2022;
- 9/08/2022; and
- 11/10/2022.

Jason Shelton seconded the motion, and the motion carried.

Election of 2022 Officers

Board Chair Kenneth Urlage recused and left the room during deliberations for appointment to the Chair position for 2022. The remaining board members discussed the position. A motion was made by Tuyen Tran for Kenneth Urlage to be reappointed as Board Chair for 2022. David McKenzie seconded the motion, and the motion carried. Kenneth Urlage took no part in the vote.

Board Vice Chair David McKenzie recused and left the room during deliberations regarding the appointment of Vice Chair for 2022. The remaining board members discussed the position. A motion was made by Kenneth Urlage for David McKenzie to be reappointed as the Vice Board Chair for 2022. Jason Shelton seconded the motion, and the motion carried. David McKenzie took no part in the vote.

The Vice Chair David McKenzie brought to the Board an update regarding his attendance at the NAB Convention. He spoke on new items to perhaps develop with the associations to help alleviate certain things that are hindering the profession. He highly suggested the board send a few members every year.

COMPLAINTS/STANDARDS OF PRACTICE COMMITTEE

The following recommendations of the Complaints/Standards of Practice Committee were presented for board vote:

2020LTCA00008: Board to counteroffer an agreed order of voluntary surrender with factually explicit terms.

Ombudsman/Pennington complaint: Board to send to licensee for response, and send to CHFS OIG to investigate.

2021LTCA00001: Board to offer an agreed order with the following terms: ten (10) hours of continuing education regarding abuse/neglect training; a fine of \$750; probated for two years on condition of no other offenses.

2021LTCA00002: Board to dismiss.

2021LTCA00003: Board to dismiss.

2021LTCA00007: Board to dismiss.

2021LTCA00008: Board to dismiss.

2020LTCA00017: Board to offer an agreed order including standard terms and the following terms: suspension, probated on condition of completing within one year the following CEUs: six (6) hours in infection control, six (6) hours in leadership training, and six (6) hours in systems design and implementation, and further, the licensee must provide CEU completion certificates and curriculum for each course attended.

2021LTCA00004: Board to dismiss.

2021LTCA00009: Board to dismiss.

2021LTCA00010: Board to send additional letter and email request for response from the licensee

2021LTCA00011: Board to defer consideration until next meeting.

2021LTCA00008: Board to defer consideration until next meeting.

2021LTCA00012: Board to defer consideration until next meeting.

2021LTCA00013: Board to defer consideration until next meeting.

2021LTCA00014: Board to defer consideration until next meeting.

2021LTCA00015: Board to dismiss.

David McKenzie moved to accept the above-listed recommendations of the Complaints/Standards of Practice Committee as presented. Tuyen Tran seconded the motion, and the motion carried.

Thomas Davis recused himself for the following discussion and vote. Mr. Davis also took no part in the Complaints/Standards of Practice Committee discussion of the following complaint. The Complaints Committee members, excluding Thomas Davis, made the following recommendation:

2021LTCA00006: Board to dismiss.

David McKenzie moved to accept the recommendation of the Complaints/Standards of Practice Committee to dismiss complaint 2021LTCA00006. Mother Christina Murray seconded the motion, and the motion carried.

APPLICATIONS/ CONTINUING EDUCATION COMMITTEE

The Applications Committee moved to approve the following recommendations of the Applications Committee:

- Eight (8) Emergency Temporary Permit application, ratification of prior approvals
- Two (2) Initial Licensure applications, approve
- Two (2) Initial Licensure applications, defer
- One (1) Initial Licensure application, deny
- Two (2) Licensure by Endorsement application, approve
- One (1) Continuing Education Application, approve

David McKenzie seconded the motion, and the motion carried.

Temporary Licenses

Board Chair asked for counsel's opinion, whether you have a temporary license that is about to expire, does the state of emergency allow that to continue, and for how long? Board Counsel advised that a temporary permit cannot be renewed under KRS 216A.070(4); further, the statute is not an administrative obligation under SB150.

Vice Chair David McKenzie presented applicant Carla Sieckert to the Board indicating her temporary license will be expiring. This applicant had applied but her application was not received by the Board until the morning of the Board meeting and was not reviewed by the Applications Committee.

Thomas Davis moved to delegate application approval authority, to Board Chair Kenneth Urlage, for the application for Carla Sieckert. Tuyen Tran seconded the motion, and the motion carried.

PER DIEM AND TRAVEL

Tuyen Tran requested to be removed from Per Diem & Travel.

Charlotte Whittaker moved to approve Per Diem excluding Tuyen Tran. Mother Christina Murray seconded the motion, and the motion carried.

ADJOURN

A motion was made by Tuyen Tran to adjourn the meeting at 12:15 p.m. David McKenzie seconded the motion, and the motion carried.



Kenneth Urlage, Chair