

## **MINUTES**

The Oklahoma State Board of Examiners for Nursing Home Administrators met February 22, 2006 at the Oklahoma Engineering Center, 201 NE 27<sup>th</sup> St., Room 125, Oklahoma City, Oklahoma with President Mary Ann Karns presiding.

### **MEMBERS PRESENT**

Ms. Mary Ann Karns, President, Edmond  
Ms. Eleanor Kurtz, Vice-President, Oklahoma City  
Ms. Jeannie Gault, Sec-Treasurer, Lawton  
Ms. Nancy Atkinson, Oklahoma City  
Mr. Bill Weaver, Oklahoma City  
Ms. Rita Schluneger, Tulsa  
Dr. Maurice Payne, Checotah  
Mr. James (Jim) Jakubovitz, Tulsa  
Ms. Nancy Pfeifer, Tulsa  
Mr. Terry Williams, Oklahoma City  
Ms. Peggy Wiebener, Thomas  
Ms. Emma Jordan, Alva  
Dr. J. T. (Tom) O'Connor, Jr., Marietta  
Ms. Terry Clark, Tulsa  
Dr. Marie Bernard, Oklahoma City

### **OTHERS PRESENT**

Mr. Dan Fitzgerald, Interim Executive Director  
Ms. Pam Duren  
Ms. Brinda White  
Ms. Tricia Everest  
Ms. Carrie Burnsed  
Mr. Steve Merrill  
Mr. Gary Hightower  
Mr. Greg Guymon  
Ms. Betty Palesano  
Mr. Alan Palesano  
Ms. Janice Himer  
Dr. Terry Cline  
Ms. Marilyn Yeakley  
Ms. Julie Kuiper  
Ms. Dawn Ann Mendenhall  
Mr. Scott Brasier  
Ms. Janine McCullough  
Ms. Yvonne Nachimson  
Mr. Mark Gruthers

The meeting was called to order at 9:05 by Vice-President Eleanor Kurtz.

Mr. Dan Fitzgerald reported that the meeting notice was posted in accordance with the Open Meeting Act & Authority.

Ms. Kurtz asked the Board members to review the minutes of the January 25, 2006 meeting and asked if there were any corrections or additions. There were no additions or corrections to the minutes.

Motion was made by Dr. Tom O'Connor, seconded by Ms. Terry Clark, that the January 25, 2006 minutes be approved as submitted. Motion carried with voting as follows: Affirmative – Ms. Eleanor Kurtz, Ms. Jeannie Gault, Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Rita Schluneger, Dr. Maurice Payne, Mr. Jim Jakubovitz, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O'Connor and Ms. Emma Jordan. Negative – None. Abstaining – None.

Ms. Kurtz asked if there was any public comment. There was no public comment. Ms. Kurtz introduced Mr. Dan Fitzgerald, Interim Executive Director, to the Board.

Ms. Mary Ann Karns arrived at 9:15 a.m.

Mr. Dan Fitzgerald informed the Board that he has had meetings and discussions with Jeannie Clark and Pam Duren regarding office procedures and housekeeping issues. He has had meetings with our Assistant Attorneys General, Ms. Brinda White and Ms. Tricia Everest regarding complaints/referrals issues and processes. He has also met with the investigators, Mr. Bill Fogleman and Ms. Linda Tidwell regarding reporting issues and investigative procedures. We also have new cell phones for the investigators. He reported that our new furniture would arrive on February 27, 2006 and that he has contacted "The Meadows", the organization on State Contract to pick up material needing secure destruction. Mr. Fitzgerald informed the Board that we would save a lot of time and effort by using this inexpensive service instead of shredding all of our outdated documents. The old computers have also been picked up. He informed the Board that he had contacted the Secretary of State to set up our Board meeting dates on their website, which eliminates the need to mail notices to their office each month. He met with the Executive Committee regarding programmatic and administrative issues. He has also spoken with Ms. Jamie Hoyt, representative of OK.Gov, regarding our contract to post complaints/referrals, licensee lookup as well as other information electronically to our website. He informed the Board that the model design should be completed within two weeks and training for implementations would occur shortly afterward.

Mr. Fitzgerald has also had contacts with various licensing Boards regarding fines and penalties for infractions. He has had discussions regarding logistics and timing of the Board office being moved and initial orientation required for reports and budgets.

Ms. Mary Ann Karns, President, had the Board members introduce themselves to our new Interim Executive Director, Mr. Dan Fitzgerald.

Ms. Karns informed the Board on a number of things that have happened this month, which include the following:

1. Dan Fitzgerald has been hired on a contractual basis and has begun work as our Interim Executive Director.
2. On January 26, she and Jeannie Gault made a presentation to the Oklahoma House Select Subcommittee on non-appropriated agencies. Bill Weaver attended with them. She thinks their questions were answered. The same day, she and Jeannie met with Kristie Ice, who is assistant Chief of Staff for Governor Henry. They also went by the Office of State Finance and made arrangements for changes in signatures for our accounts.
3. The Governor has included us for \$100,000 for the FY 07 budget.
4. On February 16, she met with Senator Bernest Cain, the sponsor of our legislation (SB 1850); then she and Eleanor attended his committee hearing on our bill. They asked some good questions, asked for additional info, and they got a unanimous “do-pass” out of that committee. They will now be repeating that process in the House.
5. On February 9, she met with Becky Moore, executive director of Oklahoma Association of Health Care Providers, and Jim Fried, who is their lobbyist. They had a good talk for nearly two hours. They are generally supportive of our legislative proposals but did have some concerns. One was about setting a ceiling on the fines; another was about fines becoming revenue for general operations (they suggest earmarking fine revenue for education); another concern is having some clarification language about assessment of costs to make it clear those costs are assessed only if the administrator loses the appeal; and some standard for assessment of cost (such as the appeal being frivolous.) The “cap” on the fine also came up at the Senate.
6. Also on February 9, she met with Mary Brinkley of the Oklahoma Association of Homes and Services for the Aging. She also is supportive of our legislative proposals.
7. On February 15, she made a presentation to the Board of Directors for the Oklahoma Association of Health Care Providers and then answered their questions. It was a session of almost an hour and a half. As they have come to understand what we are doing, as opposed to what they heard we were doing, they were generally supportive. They have some concerns and of course we will not always agree on every issue.
8. On February 9, the Executive Committee met with Dan Fitzgerald at the office to make some plans for the office.
9. February 3-5 she went to the FARB meeting in San Diego. It was one of the most useful meetings she had ever attended for any organization. She has brought back materials to share with some of the subcommittees of the Board. She got to have a fairly lengthy meeting with the Executive Director of NAB. He has expressed a willingness to help us in a variety of ways.

10. She has prepared some information for our website.

Mr. Karns informed the Board members that Ms. Eleanor Kurtz would be writing an article on abuse reporting to be put on our website and she requested that each Board member write a bio on themselves to also be added to the website.

Ms. Mary Ann Karns led the discussion and possible action on setting a process for hiring a new Executive Director. Discussion followed.

It was decided that the Board would advertise for the position of Executive Director in the Daily Oklahoman, the Tulsa World and also on our website. There was a consensus of the Board that the Executive Committee and the Personnel Committee would screen the possible applicants for this position and then bring the ones most suited to the full Board.

Ms. Mary Ann Karns led the discussion and possible action on the language of Senate Bill 1850 regarding the amendment of the OSBENHA statute.

There was discussion by the Board regarding page 8, line 6 of Senate Bill 1850 which states, "Impose administrative fines, in an amount to be determined by the Board, against persons who do not comply with the provisions of this act or the rules adopted by the Board."

Mr. Dan Fitzgerald informed the Board of the information he had received concerning the range of fines/penalties of various Boards for infractions. Discussion followed.

Motion was made by Mr. Bill Weaver, seconded by Mr. Terry Williams, that the administrative fines cap be \$5,000. Motion failed with voting as follows: Affirmative – Mr. Bill Weaver, Ms. Rita Schluneger, Mr. Jim Jakubovitz, Mr. Terry Williams and Ms. Emma Jordan. Negative – Ms. Nancy Atkinson, Dr. Maurice Payne, Ms. Nancy Pfeifer, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O'Connor, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Abstaining – None.

Motion was made by Ms. Jeannie Gault, seconded by Ms. Nancy Pfeifer, that the administrative fines cap be \$1,000 per violation. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Rita Schluneger, Dr. Maurice Payne, Mr. Jim Jakubovitz, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – Mr. Bill Weaver. Abstaining – None.

Motion was made by Mr. Jim Jakubovitz, seconded by Dr. Maurice Payne, to earmark the revenues from administrative fines for educational purposes. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Rita Schluneger, Dr. Maurice Payne, Mr. Jim Jakubovitz, Ms. Nancy Pfeifer, Mr. Terry

Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz, Ms. Jeannie Gault and Mr. Bill Weaver. Negative – None. Abstaining – None.

There was also discussion concerning the administrators that had been licensed without a four year degree. Ms. Karns informed the Board members that this should be put in a separate bill and not included in Senate Bill 1850, that whatever the legislature decided regarding this issue, the Board would implement.

Mr. Jim Jakubovitz led the discussion and possible action regarding the Education Committee's report.

Motion was made by Dr. Tom O'Connor, seconded by Ms. Peggy Wiebener, to approve the following program for continuing education hours for Oklahoma nursing home administrators:

OK Dept. of Human Services, Developmental Disabilities Services Division  
2006 Governor's Conference on Developmental Disabilities  
The Reed Conference Center, Midwest City, OK  
March 13-14, 2006  
Approved for 10 hours of continuing education

Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Rita Schluneger, Dr. Maurice Payne, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – Mr. Bill Weaver and Mr. Jim Jakubovitz. Abstaining – None.

Motion was made by Mr. Jim Jakubovitz, seconded by Ms. Rita Schluneger, to approve the following program for continuing education hours for Oklahoma nursing home administrators:

Oklahoma Community-based Providers  
How to Develop & Administer A Budget  
Metro Tech, Oklahoma City, OK  
April 19, 2006  
Approved for 6 hours of continuing education

Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Rita Schluneger, Dr. Maurice Payne, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz, Ms. Jeannie Gault, Mr. Bill Weaver and Mr. Jim Jakubovitz. Negative – None. Abstaining – None

Ms. Mary Ann Karns led the discussion regarding Preceptor Certification for Ms. Lisa Roll. Discussion followed.

Dr. Marie Bernard arrived at 10:20 a.m.

Motion was made by Mr. Bill Weaver, seconded by Mr. Jim Jakubovitz, to approve Ms. Lisa Roll as a Certified Preceptor. Motion carried with voting as follows: Affirmative – Mr. Bill Weaver, Ms. Rita Schluneger, Dr. Maurice Payne, Mr. Jim Jakubovitz, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns and Ms. Jeannie Gault. Negative – Ms. Eleanor Kurtz. Abstaining – Ms. Nancy Atkinson and Dr. Marie Bernard.

Ms. Mary Ann Karns led the discussion regarding Preceptor Certification for Ms. Karen Stanhope. Discussion followed.

Motion was made by Mr. Jim Jakubovitz, seconded by Mr. Bill Weaver, to approve Ms. Karen Stanhope as a Certified Preceptor. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Rita Schluneger, Dr. Maurice Payne, Mr. Jim Jakubovitz, Mr. Terry Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O’Connor, Dr. Marie Bernard, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – Ms. Nancy Pfeifer.

Ms. Jeannie Gault led the discussion on the Finance Committee Report.

Ms. Gault informed the Board of the various expenditures throughout the month and around July 1, 2006 we would be receiving our supplemental appropriation of \$75,000. She stated also that licensure renewal has passed and we are now in the months that we do not have a lot of income.

Ms. Nancy Pfeifer requested that her name be removed from the Finance Committee.

Motion was made by Dr. Maurice Payne, seconded by Ms. Rita Schluneger, to approve the Finance Committee Report. Motion carried with voting as follows: Affirmative - Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Rita Schluneger, Dr. Maurice Payne, Mr. Jim Jakubovitz, Mr. Terry Williams, Ms. Peggy Wiebener, Ms. Terry Clark, Dr. Tom O’Connor, Dr. Marie Bernard, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz, Ms. Nancy Pfeifer and Ms. Jeannie Gault. Negative – None. Abstaining – None.

There was a twenty minute break from 10:30 – 10:50.

Motion was made by Dr. Marie Bernard, seconded by Dr. Tom O’Connor, to convene Executive Session pursuant to 25 O.S. Section 307(B)(8) to review complaints/referrals involving nursing home administrators. Motion carried with voting as follows: Affirmative - Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Rita Schluneger, Dr. Maurice Payne, Mr. Jim Jakubovitz, Mr. Terry Williams, Ms. Peggy

Wiebener, Ms. Terry Clark, Dr. Tom O'Connor, Dr. Marie Bernard, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz, Ms. Nancy Pfeifer and Ms. Jeannie Gault. Negative – None. Abstaining – None.

Mr. Jim Jakubovitz and Ms. Terry Clark left at 2:10 p.m.

Dr. Maurice Payne left at 2:25 p.m.

Dr. Marie Bernard left at 2:35 p.m.

Ms. Rita Schluneger left at 2:50 p.m.

Motion was made by Ms. Eleanor Kurtz, seconded by Ms. Jeannie Gault, to reconvene into Open session. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

Mr. Robert Cree, Case No. 04-58 will be continued.

Following the agenda, the Board members reviewed Case No. 05-16 and Case No. 05-35, complaints/referrals against Mr. Dennis Widowski. The Board determined that Mr. Widowski verbally abused a resident and failed to report the abuse.

Motion was made by Ms. Nancy Pfeifer, seconded by Ms. Emma Jordan, in Case No. 05-16 and Case No. 05-35, complaints/referrals against Mr. Dennis Widowski, that he be given a reprimand: “You verbally abused a resident,” and be required to prove completion of six (6) hours of continuing education on “How to handle difficult patients,” preapproved by the Education Committee and completed within 60 days from Order, because of the aforementioned violations. This training is in addition to the annual continuing education requirement. Motion carried with voting as follows: Affirmative – Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, and Ms. Jeannie Gault. Negative – Mr. Bill Weaver, he did not believe verbal abuse occurred, Ms. Mary Ann Karns, did not believe the punishment was sever enough in light of the verbal abuse. Abstaining – None. Recuse – Ms. Nancy Atkinson and Ms. Eleanor Kurtz.

The Board members reviewed Case No. 05-28, a complaint/referral against Mr. Dennis Widowski. The Board determined that this case be dismissed because the allegations were not proven.

Motion was made by Mr. Bill Weaver, seconded by Ms. Peggy Wiebener, in Case No. 05-28, a complaint/referral against Mr. Dennis Widowski, be dismissed because the allegations were not proven. Motion carried with voting as follows: Affirmative – Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns and Ms. Jeannie Gault. Negative – None. Abstaining – None. Recuse – Ms. Nancy Atkinson and Ms. Eleanor Kurtz.

The Board members reviewed Case No. 05-30, a complaint/referral against Mr. Dennis Widowski. The Board determined that Mr. Widowski failed to report the alleged abuse.

Motion was made by Mr. Bill Weaver, seconded by Ms. Jeannie Gault, in Case No. 05-30, a complaint/referral against Mr. Dennis Widowski, that a letter of concern be sent because of the aforementioned violation. Motion carried with voting as follows: Affirmative – Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns and Ms. Jeannie Gault. Negative – None. Abstaining – None. Recuse – Ms. Nancy Atkinson and Ms. Eleanor Kurtz.

The Board members reviewed Case No. 05-46, a complaint/referral against Mr. Dennis Widowski. The Board determined that this case be dismissed because the allegations were not proven.

Motion was made by Mr. Bill Weaver, seconded by Ms. Nancy Pfeifer, in Case No. 05-46, a complaint/referral against Mr. Dennis Widowski, be dismissed because the allegations were not proven. Motion carried with voting as follows: Affirmative – Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns and Ms. Jeannie Gault. Negative – None. Abstaining – None. Recuse – Ms. Nancy Atkinson and Ms. Eleanor Kurtz.

The Board members reviewed Case No. 05-05, a complaint/referral against Ms. Samantha Blue. The Board determined that Ms. Blue failed to properly report injury of a resident to all required agencies and that the report she did make was not complete.

Motion was made by Ms. Nancy Pfeifer, seconded by Mr. Terry Williams, in Case No. 05-05, a complaint/referral against Ms. Samantha Blue, that she be given a reprimand: “You did not properly report the injury of resident to all required agencies and the report you did make was not complete,” because of the aforementioned violations. Motion carried with voting as follows: Affirmative – Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None. Recuse – Ms. Nancy Atkinson.

Ms. Samantha Blue, Case No. 05-53 will be continued.

The Board members reviewed Case No. 05-09, a complaint/referral against Ms. Dawn Ann Mendenhall. The Board determined to continue this case.

Motion was made by Ms. Jeannie Gault, seconded by Ms. Nancy Atkinson, to continue Case No. 05-09, a complaint/referral against Ms. Dawn Ann Mendenhall, for further investigation. Motion carried with voting as follows: Affirmative – Ms.

Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 04-44, a complaint/referral against Ms. Gay Vaughn. The Board determined that Ms. Vaughn failed to report allegations of abuse.

Motion was made by Ms. Nancy Pfeifer, seconded by Mr. Terry Williams, in Case No. 04-44, a complaint/referral against Ms. Gay Vaughn, that Ms. Vaughn be given a reprimand: “You failed to report allegations of abuse,” because of the aforementioned violation. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 05-15, a complaint/referral against Ms. Alisa Dawn Ryan. The Board determined that this case be dismissed because the allegations were not proven.

Motion was made by Ms. Nancy Pfeifer, seconded by Mr. Bill Weaver, in Case No. 05-15, a complaint/referral against Ms. Alisa Dawn Ryan, be dismissed because the allegations were not proven. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 04-71, a complaint/referral against Mr. Richard Pruitt. The Board determined that this case be dismissed because the allegations that Mr. Pruitt was responsible were not proven.

Motion was made by Ms. Nancy Pfeifer, seconded by Ms. Emma Jordan, in Case No. 04-71, a complaint/referral against Mr. Richard Pruitt, be dismissed because the allegations that Mr. Pruitt was responsible were not proven. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 05-31, a complaint/referral against Ms. Mary Ann Sartin. The Board determined that Ms. Sartin failed to provide activities for the residents.

Motion was made by Ms. Nancy Pfeifer, seconded by Mr. Bill Weaver, in Case No. 05-31, a complaint/referral against Ms. Mary Ann Sartin, that Ms. Sartin receive a letter of concern because of the aforementioned violation. Motion carried with

voting as follows: Affirmative – Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None. Recuse – Ms. Nancy Atkinson.

The Board members reviewed Case No. 05-65, a complaint/referral against Ms. Anna Osborne. The Board determined that Ms. Osborne failed to report a severe incident of neglect, failed to report incident of actual physical harm, failed to secure emergency service as needed, failed to prevent development of and to promote healing of bedsores, failed to ensure that residents received assistance as needed with the activities of daily living, and failed to meet licensure standards.

Motion was made by Ms. Nancy Pfeifer, seconded by Ms. Emma Jordan, in Case No. 05-65, a complaint/referral against Ms. Anna Osborne, that Ms. Osborne’s Nursing Home Administrator’s license be suspended for three months and that her Preceptor Certification be revoked. Ms. Osborne will also be required to provide proof of completion of 3 hours of continuing education on investigations and reporting and 3 hours of continuing education on patient services oversight to be completed during suspension, if not, suspension will continue until training is complete, because of the aforementioned violations. This training is in addition to the annual continuing education requirement. There will also be further investigations on other issues. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 04-68, a complaint/referral against Mr. Vincent Dike. The Board determined that Mr. Dike failed to ensure that staff was adequately trained in the care of the mentally ill residents, failed to maintain facility to prevent health hazards, failed to administer facility to prevent harm to residents, the facility policies for resident to resident abuse and for missing residents were not followed, failed to ensure physician ordered restorative services were provided for 7 out of 7 residents, resident care services were not provided as ordered by the physician, failed to track change of condition of residents when such changes are obvious, and Certified Nursing Assistants were not properly trained in incontinent care of 2 out of 2 residents.

Motion was made by Ms. Emma Jordan, seconded by Ms. Nancy Pfeifer, in Case No. 04-68, a complaint/referral against Mr. Vincent Dike, that Mr. Dike’s Nursing Home Administrator’s license be revoked, because of the aforementioned violations. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Nancy Pfeifer, Ms. Peggy Weibener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – Mr. Terry Williams. Abstaining – Mr. Bill Weaver.

The Board members reviewed Case No. 05-18, a complaint/referral against Ms. Betty Palesano. The Board determined that this case be dismissed because the allegations were not proven.

Motion was made by Ms. Nancy Pfeifer, seconded by Ms. Peggy Wiebener, in Case No. 5-18, a complaint/referral against Ms. Betty Palesano, be dismissed because the allegations were not proven but that she receive a letter of concern. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 05-02, a complaint/referral against Ms. Betty Palesano and determined that Ms. Palesano failed to investigate and report resident to resident abuse, failed to develop resident abuse policy, failed to monitor resident care services, failed to take protective and corrective measures to prevent harm of 5 of 5 residents, and failed to provide a clean and safe environment.

Motion was made by Ms. Nancy Pfeifer, seconded by Mr. Terry Williams, in Case No. 05-02, a complaint/referral against Ms. Betty Palesano, that Ms. Palesano receive a 60 day suspension of her license and be required to provide proof of completion of 3 hours of continuing education on investigations and reporting and 3 hours of continuing education on patient services oversight, to be completed during the 60 day suspension, if not, suspension will not be removed until completion of continuing education hours, because of the aforementioned violations. This training is in addition to the annual continuing education requirement Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – Mr. Bill Weaver. Abstaining – None.

The Board members reviewed Case No. 05-38, a complaint/referral against Ms. Georgia Deer and determined that Ms. Deer failed to maintain an effective maintenance system, failed to investigate and report incidents with injury, failed to ensure that each resident received adequate assistance and supervision to prevent accidents, failed to provide intervention to prevent resident harm, failed to ensure supervision of resident care services, failed to document TB screening on admission and had questionable integrity of the infection control program.

Motion was made by Ms. Emma Jordan, seconded by Dr. Tom O’Connor, in Case No. 05-38, a complaint/referral against Ms. Georgia Deer, that Ms. Deer receive a 60 day suspension of her license and provide proof of completion of 3 hours of continuing education on investigations and reporting and 3 hours of continuing education on patient services oversight, to be completed during the 60 day suspension, if not, suspension will not be removed until completion of continuing education hours, because of the aforementioned violations. This training is in addition

to the annual continuing education requirement. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – Mr. Bill Weaver. Abstaining – None.

The Board members reviewed Case No. 05-50, a complaint/referral against Ms. Georgia Deer and determined that Ms. Deer had actual knowledge of the rape in the facility and failed to document and to notify the Department of Human Services, the police and the physician. The resident was also not given timely treatment. Ms. Deer was also unable to produce the nurse’s notes previously reviewed by the physician and the investigative file.

Motion was made by Ms. Jeannie Gault, seconded by Ms. Nancy Atkinson, in Case No. 05-50, a complaint/referral against Ms. Georgia Deer, that Ms. Deer’s Nursing Home Administrator’s license be revoked, because of the aforementioned violations. Motion carried with voting as follows: Affirmative – Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

Case No. 06-01 against Ms. Deere will be continued.

The Board members reviewed Case No. 05-64, a complaint/referral against Ms. Rosann Yeakley and determined that Ms. Yeakley failed to report an incident.

Motion was made by Ms. Jeannie Gault, seconded by Ms. Nancy Pfeifer, in Case No. 05-64, a complaint/referral against Ms. Rosann Yeakley, that Ms. Yeakley receive a letter of concern because of the aforementioned violation. Motion carried with voting as follows: Affirmative - Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 03-51, a complaint/referral against Ms. Jean Ann Cates and determined that this case be dismissed.

Motion was made by Ms. Bill Weaver, seconded by Ms. Nancy Pfeifer, in Case No. 03-51, a complaint/referral against Ms. Jean Ann Cates, that this case was before the Board on a limited issue of destruction of records and that destruction of some records occurred, but insufficient evidence existed to determine if records were material to any investigation, so this case should be dismissed as to this issue. Motion carried with voting as follows: Affirmative - Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O’Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None. Recuse – Ms. Nancy Atkinson.

The Board members reviewed Case No. 04-76A, a complaint/referral against Ms. Yvonne Nachimson and determined that this case be dismissed.

Motion was made by Mr. Bill Weaver, seconded by Dr. Tom O'Connor, in Case No. 04-76A, a complaint/referral against Ms. Yvonne Nachimson be dismissed because allegations were not proven. Motion carried with voting as follows: Affirmative - Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

The Board members reviewed Case No. 04-76B, a complaint/referral against Ms. Yvonne Nachimson and determined that Ms. Nachimson failed to protect other residents from inappropriate behavior of resident and failed to make adjustments in resident's treatment.

Motion was made by Ms. Emma Jordan, seconded by Dr. Tom O'Connor, in Case No. 04-76B, a complaint/referral against Ms. Yvonne Nachimson, that Ms. Nachimson receive a reprimand: "You failed to adjust treatment plan and address inappropriate behavior of resident resulting in other residents being upset and fearful," and that she prove completion of 3 hours of continuing education on "Dealing with inappropriate resident behavior and interventions for residents with difficult behavior" within 60 days from date of order because of the aforementioned violation. This training is in addition to the annual continuing education requirement Motion carried with voting as follows: Affirmative - Ms. Nancy Atkinson, Mr. Bill Weaver, Ms. Nancy Pfeifer, Mr. Terry Williams, Ms. Peggy Wiebener, Dr. Tom O'Connor, Ms. Emma Jordan, Ms. Mary Ann Karns, Ms. Eleanor Kurtz and Ms. Jeannie Gault. Negative – None. Abstaining – None.

Ms. Mary Ann Karns informed the Board members that Mr. H. E. "Ed" Hendrix, our past Executive Director, had graciously declined the offer of a reception. Ms. Karns informed Mr. Hendrix that if he decided he would like the Board to give him a reception in a few months, to let them know, and they would be happy to do this for him.

The meeting adjourned at 4:10 p.m.

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JEANNIE GAULT, SEC-TREASURER