

**Kansas Department of Health and Environment
Board of Adult Care Home Administrators
Meeting of September 12, 2008**

The Board of Adult Care Home Administrators met Friday, September 12, 2008 at 1:00 p.m. in Classroom C of the Kansas National Education Association Building, 715 SW 10th, Topeka, Kansas.

Members Present

Amy Hoch Altwegg
Dawn Veh
Kevin Bryant
Wanda Bonnel
William Boldridge
Jinna Jeffery

Staff Present

Camille Nohe
Steve Irwin
Brenda Kroll
Mary Flin

Others Present

Cindy Wheeler, Maple Heights
Phyllis Kelly, KACE
Sara Sourk, KACE, Crestview Manor
Penny Atchsion, Aldersgate Village
Joseph Kroll, KDHE
Gary Fowler, Village Villa, Inc.
Gilbert Cruz, State Long-Term Care
Ombudsman

1. Call Meeting to Order

Chair Veh called the meeting of the Board of Adult Care Home Administrators to order at 1:06p.m.

2. Minutes

Minutes of Meeting 06/20/2008 - Chair Veh called for comments/corrections to the minutes of the June 20, 2008 meeting.

ACTION: Amy Hoch-Altwegg moved the minutes of the June 20, 2008 meeting of the Board of Adult Care Home Administrators be approved as submitted. The motion was seconded by Wanda Bonnel and carried.

3. Report from the CIC

The CIC did not meet so no report was available.

4. Reports

A. NAB Test Results

Brenda Kroll provided copies and an overview of the NAB test results report for the second quarter of 2008. The pass rate was 51.17% which was a drop from the first quarter.

B. Temporary License Report

Ms. Kroll provided a copy and overview of the report for temporary licenses issued from July 1, 2007 through August 31, 2008. There are currently nine active temporary licensees. Of those, five are completing their AIT experiences, one is accumulating CE hours necessary for reinstatement of their previous Kansas license, one is serving an interim position and two are awaiting the new reciprocity regulations allowing licensure to those with five years experience in the preceding five years.

2. Update

A. Status of Proposed Regulations

Steve Irwin reported that the proposed regulations are available on the BACHA website. The Joint Committee on Rules and Regulations will review the proposed regulations at 2:00 pm September 22, 2008. The Public Hearing is scheduled for October 16, 2008 at 10am in the Flint Hills Room of the Curtis State Office Building.

Board discussion followed. It was decided the Board could meet by telephone conference call if they would like to approve the proposed regulations prior to the next regularly scheduled Board meeting in December.

B. License Renewal Final 2008 Report

Ms. Kroll provided copies and an overview of the 2008 renewal details report. The report had been requested by Chair Veh and covered the last five years. A total of 308 licenses were due to renew June 30, 2008. A total of 255 licenses were renewed leaving 53 not renewing. 83% of those due to renew had done so with 17% not renewing this cycle.

Ms. Kroll noted that 2008 was the first year Kansas Adult Care Home Administrators had the additional online option for renewing their license. The online renewal system was utilized by 148 of the 255 licensees who renewed their license for a 58% participation rate.

Chair Veh reported she noticed a trend in 2004, 2006 and 2008 where numbers of renewals were decreasing. It was decided a committee would be convened to review and focus on why licensees are not renewing. The committee will include representatives from KACE, KAHSA, KHCA and BACHA. Ms. Hoch-Altwegg, Mr. Boldridge and Chair Veh volunteered to serve on the committee.

C. BACHA Web Site Redesign

Ms. Kroll provided a demonstration of the Power Point presentation that will be available on the BACHA website which covers the background of licensure as well as the steps to licensure. The other new components to the BACHA website are in process.

D. BACHA Nominations

Ms. Kroll reported she has been working with the Governor's Appointments Office staff to obtain nominations for the four positions with terms expiring June 30, 2008. Letters were sent to the four members to determine their interest/availability for consideration by the Governor for possible reappointment. Once the responses were received letters were sent to the interested parties on June 10, 2008 advising which positions were available and which members were available/interested. The letter provided a deadline of June 27, 2008 for nominations to be received in the Governor's Appointments Office.

The positions involved are: One Health Professional (Wanda Bonnel); one Consumer (Marian Heusted) and two Adult Care Home Administrators (Amy Hoch-Altwegg and William Boldridge.) All except Marian Heusted are available for consideration by the Governor for reappointment.

Staff will advise the Board as soon as appointments have been made.

6. **License Candidate**

Candidate for Reciprocal Licensure with previous disciplinary action

Ms. Kroll summarized the details of an applicant for reciprocal licensure who had previous disciplinary action. The applicant self-reported a previous disciplinary action in another state and included a letter of explanation as well as the Order for Unconditional License from that State licensing board.

Ms. Kroll noted the only outstanding items were: 1) second letter of reference and 2) passing the state open-book examination. Camille Nohe advised that the licensure statute does not provide authority for Kansas to require the state open-book exam.

Following discussion Ms. Nohe recommended an addition to K.S.A. 65-3505(e) to include a fourth condition. K.S.A. 65-3505(e) currently reads *“The board may grant a license to any person who, at the time of application, is licensed as an adult care home administrator in another jurisdiction if the board determines:”* the addition would be “and (4) pass a state law examination for adult care home administrators approved by the Board of Adult Care Home Administrators.”

ACTION: Jinna Jeffery moved the license be approved once the second letter of reference is received. The motion was seconded by Amy Hoch-Altwegg and carried.

7. **Reciprocal Licensure Process Change(s) once proposed regulations are in effect**

Ms. Kroll provided information about applicants interested in applying for Kansas licensure once the proposed regulation revisions regarding reciprocity are in effect. Ms. Kroll asked for Board direction in how to document the work experience requirement - found in K.A.R. 28-38-22 Licensure by reciprocity - “. . . The applicant annually attained at least 2,080 hours of experience as an administrator of record of a licensed adult care home or licensed long-term care unit of a hospital.” Staff could accept a letter from previous employer(s) as verification/documentation of experience or could develop a form if the Board prefers. After Board discussion it was suggested that the Board not prescribe a format but, rather, have applicants provide what evidence they have.

Ms. Kroll asked for clarification of the language in K.A.R. 28-38-22(c)(1)(A) *“The criteria of the license-issuing jurisdiction **are** substantially equivalent to the **current** Kansas examination, education, training, and experience criteria as specified in K.A.R. 28-38-18 and K.A.R. 28-38-19; or”* The question was to clarify if the regulations mean that the current criteria in the license-issuing jurisdiction are substantially equivalent to the current Kansas requirements rather than the requirements met by an applicant when they got their license in the other jurisdiction.

It was clarified that the regulations do, indeed, mean that the current requirements be equivalent regardless of what the other jurisdiction’s requirements were at the time the

applicant gained licensure.

Ms. Kroll also sought clarification of the language in K.A.R. 28-38-22(c)(1)(B) in regard to the hours of experience as the type of experience accepted. “. . . *The applicant annually attained at least 2,080 hours of experience as an **administrator of record** of a licensed adult care home or . . .*” It was clarified that the 2,080 hours would include vacation and sick time and that only experience as administrator of record and not experience as a CEO or regional manager will be accepted.

Ms. Kroll asked for clarification in how to interpret the regulations for those applicants who are licensed in another jurisdiction(s) but the license requirements of that jurisdiction(s) are not “. . . substantially equivalent . . .” as required by K.A.R. 28-38-22(c)(1)(A) and the person does not have continuous years of licensure where they “. . . attained at least 2,080 hours of experience . . .” as required by K.A.R. 28-38-22(c)(1)(B). It was clarified that applicants in this situation would not be applying for Kansas licensure based on reciprocity.

The final clarification was for K.A.R. 28-38-22(c)(2) “*The applicant has not had any disciplinary action of a serious nature brought by a licensing board or agency against the candidate. For purposes of this regulation, “disciplinary action of a serious nature” shall mean the **revocation or suspension** of a license issued by the licensure board or the **voluntary surrender of a license in lieu of the completion of an investigation or final disciplinary action.***” One question was whether or not staff should only bring applications for board consideration who have disciplinary action “of a serious nature.” It was clarified that because K.S.A. 65-3503(a)(1) outlines the duties of the board to include “*Develop, impose and enforce standards which shall be met by individuals. . . standards shall be designed to ensure that adult care home administrators will be individuals who are of good character and are otherwise suitable . . .*” staff shall bring all applications for board consideration in which an applicant has had disciplinary action even if not “of a serious nature.”

8. Letters of Exemplary Performance and Zero Deficiency Letters

Steve Irwin read excerpts from two zero deficiency letters to Frances Paxton, Salina Presbyterian Manor, Salina, Kansas and Monte Coffman, Assisted Living at Windsor Place LLC, Coffeyville, Kansas as well as two letters of exemplary performance to Jon Covault, Golden Heights Living Center, Garnett, Kansas and Frances Paxton, Salina Presbyterian manor, Salina, Kansas.

9. Other Business

There was no other business.

10. Public Comment

The meeting adjourned at 1:40 p.m.

11. Next Meeting (Dec 12, 2008)

The next meeting of the Board of Adult Care Home Administrators is tentatively scheduled for December 12, 2008.

Adjourn

The meeting adjourned at 2:35 p.m.