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Board Meeting Board Office—Suite 404 January 27, 2016

Members Present: James Birchem, LNHA, Chair Nancy Tuders, RN Secretary
Katie Davis, LNHA Jennifer Pfeffer, LNHA
Nathan Johnson, LNHA Michael Tripple
Jane Pederson, MD Marilyn Reiersen, Public Member
Robert Held, LNHA-DHS ex-officio

Members Absent: Ann Tagtmeyer, Public Member
Josh Berg, Ex-Officio

Staff: Randy Snyder, Executive Director Jessica Schultz, Office Manager
Jennifer Middleton, AAGO

Guests: Tiernee Murphy, Johnathan Lips, Sean McCarthy

1. Call to Order was made by Chair Birchem at 9:10AM.
2. Additions to and Approval of Agenda
No additions to the agenda were noted. *A motion to approve the agenda as presented was made by Pfeffer and seconded by Tripple. The question was called and the motion was approved unanimously.*

Approval of Minutes from October 28, 2015 meeting.

No additions to the minutes were noted. *A motion to approve the minutes as presented was made by Tripple and seconded by Johnson. The question was called and the motion was approved unanimously.*

3. The committee reviewed seven **new** complaints **and eleven open cases** at the meeting for the period of August 1, 2015 to October 15, 2015, with no appearances.

Upon review, the committee directed:

- Dismissed with review of LNHA actions and currently MDH compliant: **8**
- Review/Accept work on Agreement of Corrective Action; **2**
- Hold for MDH compliance date: **1**
- Letter of Inquiry: **3**
- Recommend AAG Investigations: **1**
- Scheduled Conferences **1**
- HPSP **0**
- Dismissed following Conference; **0**
- **Recommend Stipulation and Order following Conference: 1**

"Your role is to protect the public, not the profession", Senator Kathy Sheran, February, 2015

The next committee meeting will take place on January 27, 2016, with one appearance.

At 9:15AM a motion to close the meeting and enter executive session to discuss a pending stipulation and order was made by Tripple and seconded by Pfeffer. The question was called and the vote carried unanimously. Guests exited the conference room, and executive session commenced.

At 9:32AM a motion to reopen the meeting was made by Reierson and seconded by Johnson. The question was called and the vote carried unanimously.

The meeting was reopened and guests returned to the meeting. Stipulation and Consent Order for James Blum was presented as adopted as a result of the closed session. Signed orders were directed to be made public on the Board's website.

4. The Licensure/Education Committee report was delivered by Snyder in the absence of Tagtmeyer, Committee Chair.

Licensure Report October 16, 2015 to January 15, 2016

The presented report displayed a total of 871 active licensees as of January 15, 2016, thirteen acting permits, 124 applicants, and sixteen educational reviews.

Waiver of Course Requirement/Courses Denied Reports 10/16/2015 to January 15, 2016

No courses were presented.

New Licensees Report October 16, 2015 to January 15, 2016

Seven new licenses were reported for the period of October 16, 2015 to January 15, 2016.

Acting Permits Issued Report October 16, 2015 to January 15, 2016

Six Acting Permits were issued for the period of October 16, 2015 to January 15, 2016.

A letter was presented, dated November 19, 2015, requesting a waiver of provisions to allow for the issuance of a second six-month acting permit for Interfaith Care Center of Carlton, MN. As presented by Snyder, executive session was called in November and the decision to allow a second permit was made. Ratification of the executive decision was requested. *A motion to ratify the decision of the Executive committee to grant a second six-month acting permit to Inter-Faith Care Center was made by Tuders and seconded by Pfeffer. A vote was called and the motion passed.*

5. Rulemaking: Update Report Led by **Tiernee Murphy (10:30AM)**

Public comments pertaining to the proposed changes to the Minnesota Rules was presented as received and recorded in the meeting record. Four comments pertaining to the changes were received prior to the end of the official comment period. Murphy and Snyder directed that all responses submitted with relation to the proposed rule changes be retained in accordance with the rulemaking process.

Discussion regarding the implementation of the new proposed rules and a mutually agreeable effective date of educational requirements took place. It was noted that a soft implementation date of September 1, 2017 was proposed to the educational institutions in June of 2015. Three options for execution of the proposed rule changes were given by Murphy for the Board to consider. After Board discussion and deliberation, and suggestions provided by Murphy, a determination that an addition of a dual rule that would become

effective on September 1, 2017 would be added to the current Minnesota Rules, with an appeal of the current Rules effective August 31, 2017.

A motion to move forward with a dual rule process, effective September 1, 2017, for the proposed changes to Minnesota Rules 6400 was made by Pfeffer and seconded by Tuders. A vote was called and the motion passed unanimously.

Murphy reviewed the next steps in finalizing the proposed rule changes, including review by Minnesota Management and Budget for fiscal impact, review by the Governor's office and the administrative law judge, followed by a potential public hearing, then publication of the rules.

A discussion regarding the transition of academic programs into a new process of five-year review took place. Concerns centered on review of programs due for review under the current rules, how each program will convert program requirements, and the process of review after the inception of the new rules were mentioned. A suggestion to review each program for continuity at a committee level as a primer for the in the summer of 2016, with exemption made for the NAB approved programs, was made. A summit of all academic programs in the transitional period, planned for early 2017, was proposed.

A motion to meet individually with each BENHA approved Minnesota academic program, at the committee level, after the approval of the proposed changes to the Minnesota Rules to review the new program requirements was made by Tuders and seconded by Reiersen.

6. Exam Committee Report; Pfeffer

Pfeffer delivered a report concerning the progress of rewriting the state exam. The exam question bank has been bolstered and additional questions have been added to maintain validity of the questions, accuracy of the law, clarity of each question, applicability to the practice, and appropriateness of the questions as they relate to an entry-level administrator. Three new versions of the test (A16, B16, and C16) have been developed with committee recommended sunset of exams A12, B12 and C12 planned after the April Board meeting. The new series was reported to continue to maintain 24 core competency questions and 10 beta questions. Future consideration was suggested to include exam questions for 6400.5000.

A motion to approve the new versions of the Minnesota BENHA state exam (A16, B16, and C16) was made by Pfeffer and seconded by Tripple. A vote was called and the motion passed.

7. Action Items (All action items should have board discussion, conclusion and direction:

Posting of permanent and interim openings project update

A suggestions from the public was made and presented at the October 2015 Board meeting. A directive was given to staff to develop an interactive document to gather information to post employment positions requiring LNHA credentials and report the procedure at the January 27, 2016 meeting. A form has been developed using Google Docs to aid in retrieving information from businesses in order to post job openings on the Board's website. An additional document to gather data on LNHA's who are looking for interim and permanent positions was also developed using the same system. Suggestions from the board were made to include licensure verification links for licensees who are searching for employment, to add the information for both postings in the annual newsletter, and to run the job posting as a beta program for a year's time.

Statistician Review of Examination Scores and Academic Support Update

A meeting was held to discuss the BENHA new proposed rules requiring a minimum passing score for those schools with few applicants and applying the minimum passing scores as statistically valid.

As directed by the Board, Mr. Craig Solid, statistician, reviewed our current examination results and suggested we were using the statistics accurately with the following recommendations. He will meet with the full board if so requested.

- For schools with a smaller “N” or NAB examination test takers; a rolling five year period would be the best approach to meet the minimum success pass rate.
- He recommended separating the test takers into groups of 1st time success rate; individuals that took the test a second time success rate, etc.
- He created charts from our statistics and offered to return to the April board meeting for a short summary.

HPSP Governance Model – Proposed Modifications

During the Health Professional Services Program’s (HPSP) strategic planning sessions, participants examined the Program’s governance structure. Due in part to limited utilization of HPSP services, some boards devote less time, have less knowledge and less investment in HPSP operations, leading to Program Committee meetings without quorums and frustration in effectuating program goals.

As a result, stakeholders representing large, medium and small boards were identified to participate on the governance planning team. The team met five times between December 2014 and October 2015 to examine issues, explore potential governance structures, and develop recommendations.

The Governance Planning Team recommends revision to Minn. Stat. 214.32 to (1) establish that the Program Committee consist of five executive directors and two public members of participating boards and (2) remove the requirement that two public members be appointed to the Advisory Committee. The proposal also recommends changes to the Advisory Committee composition to include representation from any health-related professional association whose membership is eligible for program services and who choose to participate. This would remove names of specific associations from statute, as some that are named do not choose to attend and other who are not named attend Advisory Committee meetings.

A motion to endorse the recommendation of the Governance Planning Team was made by Davis and seconded by Johnson. A vote was called and the motion passed.

Even though the Program Committee would be comprised of five executive directors, other interested executive directors and board members could attend the meetings.

Statutory Revision Process

The Statutory revision process will commence shortly for potential introductions in the 2018 legislative session. Objectives to strike out outdated information, review content for continuity, provide additions to current provisions and update language to align with the National standard were noted.

It was directed by Board Chair Birchem to block out one hour at the April 27, 2016 board meeting to discuss the statutory revision process.

“Your role is to protect the public, not the profession”, Senator Kathy Sheran, February, 2015

8. Executive Director's Report

Snyder noted that 2016 Open Appointments end the terms of Birchem and Tagtmeyer. Tagtmeyer indicated that she would not be seeking reappointment, and Birchem indicated that he has already reapplied.

Retirement acknowledgement was mentioned by Snyder for Phil Lord of Belgrade. Mr. Lord began at Belgrade Nursing home on July 1, 1973 and transitioned out of the administrator position on December 31, 2015. After discussion surrounding Mr. Lord's exemplary record and over 40 years of dedication to a single skilled nursing facility with no substandard surveys, the Board resolved to acknowledge Mr. Lord in the minutes and the annual newsletter.

Tridion and ALIMS was not discussed this meeting.

9. Consent Items:

Financial documents for the previous quarter of FY 15 were made public and available to the Board members. No comment was recorded.

10. Criminal Background Check Update; **Sean McCarthy Program Manager for HLB CBC Unit 11:30 AM**

A presentation outlining the requirements set in MS 214.075 enacting collection of fingerprints for all licensure applicants was made by McCarthy. It was reported that a plan for fingerprint retrieval is due for the HLBs before 1/1/17 and retrieval of fingerprints for all licensees is due by 1/1/18.

Fees for fingerprint retrieval and processing were outlined. It was noted that the cost to the applicant would be \$34.75 plus the cost of the Rapback fee and fee for fingerprinting.

11. Other Business and Adjournment

12. BENHA approved meeting 2016 dates, April 27, July 27, October 26

A motion to adjourn the meeting was made at 12:38 PM by Tripple and seconded by Pfeffer. A vote was called and the motion passed unanimously.

The next Board meeting will be held at the Board office on April 27, 2016.

Recorder:  _____, Date: 04/27/2016
Jessica Schultz
Office Manager

Attest:  _____, Date: 04/27/2016
James Birchem
Board Chair (in the absence of Board Secretary, Nancy Tuders)