

Alabama Board of Examiners of Assisted Living Administrators
Called Board Meeting

Date: Thursday, June 25, 2009
Time: 10:00 a.m.

Place: 5921 Carmichael Road
Montgomery, AL

Members Present: Mr. Tommy McKinnon
Ms. Rita VanDyke
Ms. Cindy Lewis
Ms. Vivian Readus
Ms. Dale Law
Ms. Sherry Stone

Members Absent: Mr. Andy Clements
Mr. George Smith
Dr. Regina Harrell

Others Present: Ms. Bettie Carmack, Attorney General Representative
Ms. Amy Findley, Executive Director

Call to Order: The called meeting of the Board was called to order at 10:10 a.m. by Chair, Tommy McKinnon.

Agenda: Amy Findley requested the Board add two items to the agenda: a Complaint issue and Board elections.

Rita VanDyke motioned to approve the agenda with the above changes, Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

Minutes from April 16, 2009: Tommy McKinnon asked that his name be removed from calling the meeting to order on 4/16/09, since he was not present.

Cindy Lewis motioned to approve the minutes with the above change, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

BOE Budget: BOE budget numbers were discussed with the Board.

Audit/Sunset Hearing: The findings of the recent audit were presented to the Board. John Norris requested that we send him our responses by June 26, 2009.

The Board reviewed and discussed all the findings.

Finding 2009-01- Consumer Board Members Voting

Response – The Board apologizes for this error in allowing consumer board members to vote, we have made the necessary correction as of our June 25 Board meeting.

The Board would like to formally request that consumer board members be allowed to vote on licensure and disciplinary actions due to consumer members offering a further unbiased opinion on issues and that their presence can be necessary to make a quorum due to the size of the Board.

Finding 2009-02- Fees

Rita VanDyke motioned that Amy Findley and Bettie Carmack review the fee finding and come up with a response, Sherry Stone seconded the motion. There was no discussion and the motion was unanimously approved by Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

Finding 2007-04- Open Meetings Act

Response: The Board apologizes for this error of not noting an approximate time when the board will reconvene after entering executive session. After the Board was made aware of this finding, it has taken the appropriate steps to correct the problem going forward.

Board Elections: Due to consumer members not being allowed to vote on licensure and disciplinary actions, the board discussed Tommy McKinnon (consumer member) being the Chairperson.

After much discussion, the Board decided to keep everything as it is and we will hold Board Elections in October as required.

NHA AG Opinion: Amy Findley presented the Board an AG opinion stating that the AG sees nothing wrong with the Nursing Home Administrator's Board renting office space from the Nursing Home Association.

New Business:

A: MH Complaint - MH's response to the complaint filed against her was presented to the Board for review.

Discussion was held.

Cindy Lewis motioned not to proceed with any disciplinary action against MH due to no probable cause being found, Vivian Readus seconded the motion. There was no further discussion and the motion was unanimously approved by Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis and Dale Law. Tommy McKinnon, the consumer member, did not vote.

B: Application Fee – Amy Findley reported that while the auditor was here, he mentioned that the Category I application fee was voted to be \$90 and we are only charging \$75. He stated that we either needed to change the rule to say \$75 or charge \$90.

Discussion was held.

Vivian Readus motioned to charge \$90 for the Category I application to match our rules and regulations, Dale Law seconded the motion. There was no further discussion and the motion was unanimously approved by Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

C: Rule Amendments – The rules changes effective May 22, 2009 were presented to the Board.

D: CEUs - The Assisted Living Association asked that the Board look at giving CEUs for a Vendor Fair at their Fall Conference.

Discussion was held.

Rita VanDyke motioned not to approve the CEUs for the Vendor Fair due to it not meeting the current CEU guidelines, Cindy Lewis seconded the motion. There was no further discussion and the motion was unanimously approved by Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

CareToLearn.com will be added to our website for licensees to get online CEUs.

ADPH Outreach Coordinator, Stacy Roberts, asked that the BOEALA approve their videos/dvds for CEUs. They have someone teach a presentation that is filmed and they go out and use it to give CEUs. They have a course outline and bio on the presenters as well as being a monitored setting. The board is okay with giving CEUs for this as long as they do everything that our guidelines require.

E: Executive Director Sick/Vacation Leave - Amy Findley asked the Board to consider giving her vacation and sick leave. Amy called the comptrollers office and they stated the Board would be required to keep up with the hours earned and used. It would be accrued at a rate of 2.10 hours for sick and vacation per pay period.

Vivian Readus motioned to give Amy Findley sick and vacation leave based on the accrual rate stated by the comptroller's office, Dale Law seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

F: Application to Review – Amy Findley presented the Board with an application for AC.

Rita VanDyke motioned to enter into executive session at 12:03pm and will stay in session for approximately 20 minutes, Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

Cindy Lewis motioned to exit executive session at 12:10pm, Sherry Stone seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

Cindy Lewis motioned not to accept the Endorsement from Employer and AC must show pay check stubs as proof of his 3 months full time experience from beginning of employment until the end, Sherry Stone seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis and Dale Law. Tommy McKinnon (consumer member) did not vote.

G: PB – A brief description was given regarding the licensure issue with PB and her facility. A complaint was received and reviewed by the Investigative Committee. A letter was written stating that PB needed to respond by the board meeting today or the Board could use the

Emergency APA provision and revoke or suspend her license. Paula's lawyer sent a letter to Bettie asking for the case to be dismissed.

Rita VanDyke motioned to enter into executive session at 12:15pm for approximately 15 minutes, Vivian Readus seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

Dale Law motioned to exit executive session at 12:34pm, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

PBs license is set to expire August 31, 2009.

Cindy Lewis motioned to suspend P.B.'s license on an emergency basis due to not being licensed by the Alabama Department of Public Health, not to exceed 120 days. If PB does not request a hearing within 30 days, her license will be revoked permanently. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis and Dale Law. Tommy McKinnon (consumer member) did not vote.

Old Business: None

Dale Law motioned to adjourn the meeting at 12:40 pm., Vivian Readus seconded the motion. There was no discussion and the motion was unanimously approved by, Vivian Readus, Rita VanDyke, Sherry Stone, Cindy Lewis, Tommy McKinnon and Dale Law.

Approved by: _____
Tommy McKinnon, Chair

Prepared by: _____
Amy Findley, Executive Director