

Alabama Board of Examiners of Assisted Living Administrators
Called Board Meeting

Date: Thursday, December 5, 2013
Time: 10:00 a.m.

Place: 5921 Carmichael Road
Montgomery, AL

Members Present: Mr. Renee Barnard
Ms. Vivian Readus
Ms. Dale Law
Ms. Bettye Bambarger
Ms. Ginger Fletcher
Ms. Martha Stokes
Ms. Sherry Stone
Ms. Cindy Lewis

Members Absent:

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 10:03 a.m. by Chair, Ginger Fletcher.

Agenda: Amy Findley asked that the audio minutes portion be moved before the approval of the October minutes.

Sherry Stone motioned to approve the agenda with the above changes, Dale Law seconded the motion. There was no discussion and the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Audio Minutes: The current policy on audio minutes voted on by the board at the April 11, 2013 states the audio minutes are permanent records.

Cindy Lewis motioned to enter into Executive Session for approximately 15 minutes at 10:06am, Ginger Fletcher seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Ginger Fletcher motioned to exit Executive Session 10:21am, Sherry Stone seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Renee Barnard motioned to record meetings for clarification. Following approval of written minutes, the audio minutes will be destroyed. All past audio minutes need to be destroyed. Ginger Fletcher seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Minutes- The October 10, 2013 minutes were presented to the Board for review.

Vivian Readus motioned to approve the October 10, 2013 board minutes as distributed, Bettye Bambarger seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Private Investigator RFP- Amy Findley presented the board with a sample RFP for a private investigator. This person would serve subpoenas for legal counsel.

Discussion was held regarding correct address and serving subpoenas.

Sherry Stone motioned to allow Amy Findley to pay the fee for legal counsel to obtain correct addresses and the fee to serve subpoenas and paperwork by legal counsel. This approval is until an RFP has been approved. Cindy Lewis seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

The last date to accept RFP's will be 4:00pm January 31, 2014. The board meeting date has been deleted, the words "It's next board meeting" will be added.

Renee Barnard motioned to approve the RFP with the above changes, Vivian Readus seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

October 29 Hearing: Ginger Fletcher motioned to enter into Executive Session for approximately 15 minutes at 10:45am, Cindy Lewis seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Ginger Fletcher motioned to exit Executive Session 11:00am, Bettye Bambarger seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Vivian Readus motioned to approve the Hearing Officers order for LH with probation starting December 5, 2013, Ginger Fletcher seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Negotiations B/W Licensees and Counsel : Bettie Carmack reported to the board regarding the settlement with SW. The hearing officer suggested the board work out a settlement during the 10/29/13 hearing.

Discussion was held.

Renee Barnard motioned to allow legal counsel and the Executive Director to negotiate between licensees instead of having to bring it back to the board, Vivian Readus seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

SW Settlement: The board was presented with a settlement for SW. The settlement is a \$1,000 fine with no probation.

Cindy Lewis motioned to approve the settlement for SW, Sherry Stone seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

New Business:

AG Contract – The Attorney General’s office mailed the BOEALA a contract for legal services at the rate of \$100 per hour for legal counsel and \$50 per hour for paralegal services.

Discussion was held.

Change the effective date to January 1, 2014, Change item #6 to 30 days notice, Add a #11 to state approval of waiver of fees will be retroactive back to waiver request date.

Martha Stokes motioned to accept the AG Legal Services Contract with the above changes, Cindy Lewis seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Old Business:

New Administrator Oath – This was discussed at the October board meeting. The board was presented with a draft Administrator Oath. This oath is to show the new licensees how serious their responsibility is, acknowledge the responsibility of being a licensed administrator and that the board is holding them accountable.

Discussion was held.

Renee Barnard motioned that the BOEALA needs an Administrator Oath, Ginger Fletcher seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Changes that need to be made to the oath – take out “Before God and” in the first paragraph. In the 3rd paragraph take out the word “this” and add “the Alabama”. In the last paragraph take out the last sentence “So help me God”.

Renee Barnard motioned to accept the Administrator Oath with the above changes, Ginger Fletcher seconded the motion, Discussion was held; the motion was approved by Cindy Lewis, Dale Law, Ginger Fletcher, Vivian Readus and Renee Barnard. Martha Stokes abstained, Bettye Bambarger and Sherry Stone voted no.

The oath will be held within 14 days of the Section B Exam, the board will have their board meetings to coincide with the Administrator Oath Ceremony.

The following rules need to be amended to include/add the Administrator Oath:

135-X-5-.07 Deadline to Pay License Fee.

(1) An Applicant who has successfully passed the Section B exam and taken the Administrator Oath has 30 days from the date of passing the exam to pay the initial licensing fee or until the provisional license expires. Failure to do so will forfeit all previously paid fees and

the applicant will be required to submit a new application and will be responsible for all applicable fees.

(2) The Administrator oath shall be administered within 14 days of passing the Section B Exam.

Renee Barnard motioned to amend rule 135-X-5-.07 (1), Vivian Readus seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Ginger Fletcher motioned to add rules 135-X-5-.07 (2), Sherry Stone seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Statement on Renewal Form – Amy Findley presented the board with the current ALA renewal form as well as an amended ALA renewal form showing the disciplinary action portion that has to be notarized. Discussion was held.

Cindy Lewis motioned to amend the renewal form with the new proposal and to keep the notary portion, Ginger Fletcher seconded the motion, There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Statute Changes – Amy Findley presented the board with the current statute changes.

Cindy Lewis motioned to change the minimum fine not to exceed \$1,000 to \$5,000, Ginger Fletcher seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Amy Findley proposed the board set up a Rules Committee to look at possible rules changes.

Sherry Stone motioned for the board to set up a Rules Committee, Ginger Fletcher seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Ginger Fletcher and Sherry Stone volunteered to be on the Rules Committee.

MW – MW came before the board in October, the board denied his application. A hearing has been requested.

Sherry Stone motioned to enter into Executive Session for approximately 15 minutes beginning at 1:00pm, Ginger Fletcher seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Ginger Fletcher motioned to exit Executive Session at 1:25pm, Bettye Bambarger seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Renee Barnard motioned to give MW one more chance to avoid a hearing. MW needs to provide affidavits from SB, GW and the co-owner of his company attesting to MW having 3 months of full time experience as required by the BOEALA rules and regulations. The affidavits must be in by

January 31, 2014. If MW cannot provide the three affidavits, a hearing will be set at the February board meeting. Bettye Bambarger seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Sherry Stone motioned to adjourn the meeting at 1:30pm, Bettye Bambarger seconded the motion. There was no discussion; the motion was unanimously approved by, Sherry Stone, Renee Barnard, Vivian Readus, Dale Law, Bettye Bambarger, Ginger Fletcher, Cindy Lewis and Martha Stokes.

Approved by: _____
Ginger Fletcher, Chair

Prepared by: _____
Amy Findley, Executive Director