

Alabama Board of Examiners of Assisted Living Administrators
Regular Board Meeting

Date: Wednesday, January 28, 2009
Time: 10:00 a.m.

Place: 5921 Carmichael Road
Montgomery, AL

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

Members Absent: N/A

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 10:01 a.m. by Vice-Chair, Tommy McKinnon.

Welcome New Board Members: The new Board members appointed by the Governor introduced themselves. All new board members read were sworn in and administered the oath.

Agenda: Amy Findley added two items to the agenda under "New Business"; Fran Smith's monthly internship reports and Janet Pittman's 240 hour internship. Rita VanDyke motioned to approve the agenda with the additions, George Smith seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Cindy Lewis, Dale Law and Sherry Stone.

Board Elections: Since our Chairman's term had expired on the board, the Board had to elect a new Chair. George Smith motioned to elect Tommy McKinnon to serve as Chair, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Cindy Lewis, Dale Law and Sherry Stone.

Tommy McKinnon motioned to elect Rita VanDyke to serve as Vice Chair, Dale Law seconded the motion. There was no discussion and the motion was unanimously approved by George Smith, Vivian Readus, Cindy Lewis, Dale Law and Sherry Stone.

Vivian Readus volunteered to serve as the CEU representative for the BOEALA.

Minutes from October 9, 2008: Rita VanDyke motioned to approve the minutes as distributed, George Smith seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Cindy Lewis, Dale Law and Sherry Stone.

BOE Budget Report: Amy Findley presented the Board with a 1st quarter budget report showing revenue and expenses. A mandatory 10% budget reduction was submitted to the Finance Department by January 31.

Board Meeting Dates: The Board scheduled board meeting dates for the remainder of 2009. The meetings will be held on April 16, July 30 and October 8.

The Board also looked at the "Meetings of the Board" section 135-X-3-.01 of the BOEALA Rules and Regulations. The rule reads:

"The Board shall hold not less than four meetings each year. The Board shall meet in the conference room of the Board of Examiners' office building quarterly each year unless such date is a federal or state holiday, as posted on the Board of Examiners' website or as notified in the Alabama Administrative Monthly."

Rita VanDyke motioned to change the rules as follows "The Board shall hold not less than four meetings each year. The Board shall meet quarterly each year as posted on the Board of Examiners' website or as notified in the Alabama Administrative monthly." Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, George Smith, Dale Law and Sherry Stone.

New Business:

- A. Applications over 6 months old: Discussion was held regarding applications over 6 months old. Another background check has to be done after 90 days.

Sherry Stone motioned to put an expiration date on each applicant's approval letter that would expire after 90 days. After the 90 day period, the applicant would have to reapply. Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, George Smith, Rita VanDyke and Dale Law.

There will be a new rule added to the BOEALA Rules and Regulations to cover the above motion; in section 135-X-5-.03 (5) "All applications for examination expire 90 days from the date approved. After the expiration date, the applicant will have to resubmit a new application as well as applicable fees."

- B. Nursing Home Administrator Renewals: Amy Findley reported to the Board that NHA renewals that are late are not paying a late fee but reapplying a few months later.

Dale Law motioned to charge NHA renewals a reapplication fee if they reapply but have had a license in the past, Vivian Readus seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Sherry Stone, George Smith, Rita VanDyke and Cindy Lewis.

Rita VanDyke motioned to make the reapplication fee \$150.00, Vivian Readus seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Sherry Stone, George Smith, Dale Law and Cindy Lewis.

Dale Law motioned to add the following language to the BOEALA Rules and Regulations,

135-X-7-.01 (6) – In addition, any applicant whose license has previously expired is subject to the payment of a reapplication fee.

Vivian Readus seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Sherry Stone, George Smith, Rita VanDyke and Cindy Lewis.

- C. Fee for Replacement License: The Board discussed charging a fee for mailing a replacement license.

Vivian Readus motioned to charge a \$25.00 fee to send a replacement license, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Sherry Stone, George Smith, Dale Law and Cindy Lewis.

- D. Dementia Training: The Board discussed using Ruth Padgett for the required 8 hour dementia training. She is charging a \$10 fee per applicant to cover the cost of the book they will receive.

Discussion was held. The Board will allow Ruth to teach the required 8 hour dementia training.

George Smith motioned to charge an application fee of \$100.00 for Category II applications and the Category I applications would remain the same at \$75.00, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Cindy Lewis, Dale Law and Sherry Stone.

A line item will be added to our fee schedule showing the fee difference for a Category I and Category II application.

- E. Krystal Enchiff: Krystal Enchiff submitted a letter to the Board requesting a refund for her license renewal since she did not have enough CEUs and her license expired.

The Board discussed the letter and decided to stick to the policy created on May 29, 2008 and denied Enchiff's request for a refund.

- F. The Snowden Law Offices: Amy Findley presented the Board with a letter from the Snowden Law Offices stating they are willing to serve as the Board's Administrative Law Judge/Hearing Officer.

- G. Citizenship: Amy Findley presented the Board with a letter from Steven Globetti from Community Senior Life requesting the Citizenship question be removed from our application.

Betty Carmack stated she remembered the BOEALA statute being changed by the Legislators covering this issue. The statute reads "if not a citizen of the US, a person who is legally present in the US with appropriate documentation from the federal government".

Dale Law motioned to change the BOEALA rules and regulations to match the statute, Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Rita VanDyke, George Smith and Sherry Stone.

- H. Jimmy Law Resignation: Amy Findley presented the Board with the resignation from Jimmy Law.

Amy spoke with Sue in the Governor's office regarding the resignation. Sue said she hoped to have a replacement for Jimmy soon.

- I. Application for Review: Amy Findley presented the Board with an application to review for JS.

Tommy McKinnon motioned the Board to enter into Executive Session beginning at 11:30am to discuss JS, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Dale Law, Vivian Readus, Cindy Lewis, George Smith and Sherry Stone.

Discussion was held.

Tommy McKinnon motioned the Board to exit Executive Session at 11:55am, Cindy Lewis seconded the motion. There was no discussion and the motion was unanimously approved by Dale Law, Vivian Readus, Rita VanDyke, George Smith and Sherry Stone.

Bettie Carmack will write a letter to JS requesting a business license and/or tax records.

Rita VanDyke motioned to add the following language to the BOEALA Rules and Regulations,

135-X-.02 (1) (a) (5) (i) and 135-X-.02 (1) (a) (6) (i) – All applicants must submit a business license for any facility in which he/she is employed.

135-X-7-.01 (4) (a) – All applicants seeking a renewal license must submit the business license of the facility in which he/she is employed.

Dale Law seconded the above rules changes. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Cindy Lewis, George Smith and Sherry Stone.

Cindy Lewis motioned to amend the following language to the BOEALA Rules and Regulations,

135-X-7-.01 (1) - A provisional Category I Assisted Living Administrator license shall be issued to Board approved applicants who pass Section A of the Category I examination. This provisional license qualifies the licensee to temporarily administer an assisted living facility, as defined in Rule No. 135-X-2-.01 (e) of these Rules and Regulations, until the provisional license expires and becomes void nine (9) months from the date issued by the Board, or the provisional license becomes void upon the denial of an initial application. A provisional Category I licensee who completes the required classroom training as set forth in Rule No. 135-X-5-.01 (2)(a) of these Rules and Regulations and passes Section B of the Category I examination, shall be issued a Category I Assisted Living Administrator license. This license shall qualify the licensee to administer an assisted living facility and must be renewed annually.

135-X-7-.01 (2) - A provisional Category II Assisted Living Administrator license shall be issued to Board approved applicants who pass Section A of the Category I examination. This provisional license qualifies the licensee to temporarily administer an assisted living facility, as defined in Rule No. 135-X-2-.01 (e) of these Rules and Regulations, until the provisional license expires and becomes void nine (9) months from the date issued by the Board, or the provisional license becomes void upon the denial of an initial application. A provisional Category I licensee who completes the required classroom training as set forth in Rule No. 135-X-5-.01 (2)(a) of these Rules and Regulations and passes Section B of the Category I examination, shall be issued a Category I Assisted Living Administrator license. This license shall qualify the licensee to administer an assisted living facility and must be renewed annually.

Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Dale Law, George Smith and Sherry Stone.

J. Fran Smith's Internship Reports: The Board was presented with Fran Smith's internship reports.

George Smith motioned to accept the internship completed by Fran Smith. Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Dale Law, Cindy Lewis and Sherry Stone.

K. Janet Rich Pittman Internship: Janet Rich Pittman submitted a 240 hour internship.

The Board reviewed the internship, discussion was held.

Cindy Lewis motioned to use the internship approved for Fran Smith as the BOEALA's approved internship for future use. Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Dale Law, Cindy Lewis and Sherry Stone.

Old Business: None

George Smith motioned to adjourn the meeting at 1:08 pm., Dale Law seconded the motion. There was no discussion and the motion was unanimously approved by Tommy McKinnon, Vivian Readus, Rita VanDyke, Cindy Lewis and Sherry Stone.

Approved by: _____
Tommy McKinnon, Chair

Prepared by: _____
Amy Findley, Executive Director