

# State of New Hampshire

## OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION DIVISION OF LICENSING AND BOARD ADMINISTRATION

Board of Nursing Home Administrators  
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LINDSEY B. COURTNEY  
Executive Director

JOSEPH G. SHOEMAKER  
Director



### PUBLIC MEETING MINUTES

On March 9, 2022, the Board of Nursing Home Administrators met at the Office of Professional Licensure and Certification, 7 Eagle Square, Concord New Hampshire, 03301.

#### Members Present:

Ted Purdy, Board Chair  
Arthur O'Leary  
Anne Howe  
Mark Bonica  
Dan Estee – Arrived at 10:00AM

#### Members Absent:

Anthony Linardos  
Barry Conway, Public Member

#### Others in Attendance:

Jenna Wilson, Board Administrator  
Jessica Whelehan, Board Administrator

#### CALL TO ORDER

Chairman Purdy, called the meeting to order at 9:33AM and announced that Dan Estee notified him that he would be late to the meeting. Jenna Wilson introduced herself as the new Board Administrator as Victoria Davies has taken a position in OPLC Enforcement

1. **REVIEW MINUTES:** On motion of Mark Bonica and second by Anne Howe, the Board voted unanimously\* to accept the public minutes of December 8, 2021, as presented.
2. **LICENSURE:**
  - a. **April Bartley:** On motion of Mark Bonica and second by Arthur O'Leary, the Board voted to accept April Bartley's application as a candidate for initial licensure, provided that the applicant successfully passes the required examination. Chairman Purdy abstained.
  - b. **Samantha Mague:** On motion of Arthur O'Leary and second by Mark Bonica, the Board voted to accept Samantha Mague's application as a candidate for initial licensure, provided that the applicant successfully passes the required examination.
  - c. **Maryjane Vigneault** - On motion of Mark Bonica and second by Arthur O'Leary, the Board voted to accept Maryjane Vigneault's application as a candidate for initial licensure, provided that the applicant successfully passes the required examination.

\*All Board votes are unanimous unless otherwise indicated.

- d. **Ryan Barry:** On motion of Mark Bonica and second by Arthur O’Leary, the Board voted to accept Ryan Barry’s application for licensure by reciprocity, provided that the applicant successfully passes the required examination.
- e. **William White:** On motion of Mark Bonica and second by Arthur O’Leary, the Board voted to accept William White’s application for licensure by reciprocity, provided that the applicant successfully passes the required examination.
- f. **RATIFICATIONS:** On motion of Mark Bonica and second by Arthur O’Leary, the Board voted to ratify licensure of **Samantha Fearon, Lindsey Ferland, and Melissa Castor.**

NOTE: Board Member Dan Estee arrived at the meeting.

**LICENSING WORKFLOW:** Jenna Wilson informed that Board that OPLC Licensing Staff will not be authorized to continue emailing scanned applications to all Board members because the documents contain protected personal identification information. Individual members have been reviewing applications outside of scheduled meetings so that applicants may take the examination without delay due to having to wait for the Board’s quarterly meeting.

The Board decided that Ms. Wilson may upload application documents to the State’s secure FTP site and then email the members telling them the application needs review. A quorum of the Board is 5 members; Ms. Wilson must receive 5 affirmative email responses to proceed. Reminder emails and phone calls will not be made to Board members. Any application that does not receive the required affirmative emails will be placed on the agenda for the next Board meeting.

The Board also decided that any completed applications received less than 30 days prior to a Board meeting will wait to be reviewed at that next meeting rather than using the procedure outlined above.

### 3. ADMINISTRATIVE RULES:

- a. **CE Audit rule:** The Board discussed the need to draft rules to allow and annual audit of licensee continuing education submissions. PART Nuh 401 provides that licenses attest they have completed the minimum hours of continuing education required. The Board would like an opportunity to review the CE submissions of a percentage of the licensees to ensure compliance. On motion of Anne Howe and second by Dan Estee, the Board voted to begin pre-rulemaking by asking OPLC staff to draft a rule which would authorize the Board to audit CE reporting of 10% of its licensees.
- b. **Nuh 301.01(b)(6) and the Core of Knowledge Checklist form:** The Board discussed their proposed changes to the Core of Knowledge Checklist form and would like to proceed with designing a clean copy of the draft form, ensure the form matches the rules, and then adopt the form through formal rule making with the Office of Legislative Services.
- c. **Waiver of Substantive Rule:** The Board discussed that it does not currently have a rule that allows their discretion to waive a substantive rule. Recognizing that unique situations for applicant and licensees may occur, the Board would like to be able to evaluate individual circumstances about licensing matters and make case by case decisions as it deems appropriate. The Board asked OPLC staff to draft a new rule which would provide applicants and licensees to petition the Board for a waiver.
- d. **Nuh 302.02 Professional Character of Applicant:** Jenna Wilson explained that this administrative rule is not in compliance with RSA 332-G:10 which says a Board cannot disqualify a person from practicing any profession simply because of a prior conviction of a crime. RSA 332-G:10 requires the Board to determine if a conviction is substantial and in direct relationship to the profession. The Board asked OPLC staff to draft an amendment to the rule to parallel with relevant state statutes.

#### **NON-PUBLIC SESSION:**

Upon motion of Dan Estee and Mark Bonica seconded, the Board voted unanimously by rollcall vote to enter non-public session at 10:27AM as authorized by RSA 91-A:3, II (c), do discuss matters which, if discussed in public, would likely affect adversely the reputation of a person unless such person requests an open meeting

#### **RESUME PUBLIC SESSION:**

At 10:33AM, the Board returned to public session. Chairman Purdy moved to seal the non-public minutes, and Dan Estee seconded the motion. The Board voted unanimously by rollcall vote to seal the minutes of the non-public session because the matters discussed are exempt pursuant to RSA 91-A:3, II (c).

#### **4. OPLC UPDATES AND INFORMATIONAL ITEMS:**

- a. **Complaint Process update:** The Board reviewed a memo from Jessica Kallipolites, Enforcement Division Director, dated 2/16/22, regarding the workflow the Board can expect when complaints are received.
- b. **Standing Order on insufficient fund fees:** On motion of Dan Estee second by Chairman Purdy, the Board voted to approve the standing order proposed by OPLC Licensing regarding the process to collect fees for failed or canceled payments.

#### **5. NEW BUSINESS:**

- a. **Resignation:** Chairman Ted Purdy announced that he will be retiring from employment on 6/30/2022 and his resignation from the Board will take effect the same day because he intends to move out of state to be closer to his family.
- b. **Board Membership:** Dan Estee told the Board that he is retiring from employment on 3/18/2022 but will remain on the Board in holdover status. Barry Conway's term has lapsed and he has moved to Florida; Jenna Wilson will contact him to request a letter of resignation if he is no longer a citizen of NH. Arthur O'Leary asked Jenna Wilson to follow up with the Governor's Office regarding if Lynn Carpenter had been appointment to the Board yet or if there was a reason for the delay. The Board discussed the need to recruit new Board members to take over as many of the current members are retiring.

**NOTE:** At 10:46AM, Jes Whelehan recognized that a full quorum of the Board was not present until Dan Estee arrived at the meeting pursuant to SB58 of 2021. Estee indicated that he had reviewed the minutes and licensure documentation before the meeting and concurred with all Board actions before his arrival. On motion of O'Leary and second by Mark Bonica, the Board voted unanimously to reaffirm and ratify all Board actions taken prior to Estee's arrival.

#### **ADJOURNMENT**

Chairman Purdy adjourned the meeting at 10:49AM.

Next meeting: June 8, 2022, at 9:30AM