

Maryland Board of Examiners of Nursing Home Administrators



**Fiscal Year
2009**

July 1, 2008 – June 30, 2009

Annual Report



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Message from the Chairman and Executive Director of the Maryland Board of Examiners of Nursing Home Administrators

Greetings: It is our pleasure to furnish you with the Maryland Board of Examiners of Nursing Home Administrators (the "Board") third annual report.

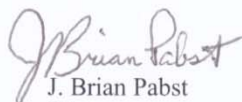
It has been an exciting year for the Board - we testified before the House and Senate regarding Senate Bill 471, completed an extensive review of the Board's regulations, recommended numerous amendments to the Code of Maryland Regulations 10.33.01, and the Vice Chairman and Executive Director attended the National Association of Long Term Care Administrator Boards annual meeting in Alexandria, Virginia.

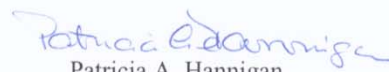
The Board is currently undergoing a preliminary sunset review by the Department of Legislative Services as directed by statute (§ 8-400 *et seq.* of the State Government Article). As part of the evaluation process, Board minutes are being reviewed as well as the Board's expenditures and revenues, and the processes for licensure, complaints and investigations. The results of this preliminary review will be reported to the Legislative Policy Committee this fall. By December 15, 2009, the Legislative Policy Committee will decide whether to waive the Board from full evaluation. If waived, legislation to extend the Board must be enacted.

As we look ahead to the forthcoming months, we hope to be offering on-line renewals to nursing home administrators, creating new forms for the Administrator-In-Training program, and welcoming new members to the Board in October, 2009 now that our composition has been altered as a result of Senate Bill 471.

Please feel free to share this report with any individuals or organizations you think may be interested. Any questions or feedback should be directed to Pat Hannigan, Executive Director.

Sincerely


J. Brian Pabst
Chairman
Board of Examiners of Nursing
Home Administrators


Patricia A. Hannigan
Executive Director
Board of Examiners of Nursing
Home Administrators

Board Activities and Accomplishments

It has been an exciting and busy year for the Board and staff. Major accomplishments achieved include:

Review of Code of Maryland Regulations 10.33.01	The Board selected a committee to review all of the regulations under COMAR 10.33.01 governing the Board. Following several meetings and hours of research and discussion, a draft proposal was submitted to the full Board for review. After additional modifications, the Board invited the public and members of the associations and agencies that represent the industry to attend an open forum during the May 13, 2009 Board meeting. The Board completed its review process, and the regulations have been submitted to the Department of Health and Mental Hygiene for formal processing.
Legislative Session	Senate Bill 471 was introduced this last session that would have required the Board to license assisted living managers as well as nursing home administrators. The bill also proposed changes to the Board's composition and altered the appointment process and qualifications for the executive director. The Board opposed this bill as originally drafted. Inasmuch as the office staffing for the Board had already been reduced due to budgetary cuts, the Board did not feel it could assume the responsibility for licensing assisted living managers, and the Board felt that the Office of Health Care Quality should continue its role in promulgating the regulations governing the assisted living field. The Board supported, with amendments, the revised bill that creates a new seat on the Board for an additional licensed nursing home administrator, the creation of new seats for a physician or nurse practitioner who specializes in geriatrics, a geriatric social worker, as well as a representative from the Office of Health Care Quality to serve as an ex officio member.
Updates to the Board's Website	The Board was very pleased to have upgrades made to the Board's website, and we encourage recommendations and suggestions for future improvements. Visit our site at: www.dhmh.state.md.us/bonha/ . Please forward any suggestions for additional information you would like posted, recommendations for improvements, or any other suggestions to einese@dhmh.state.md.us or hannigap@dhmh.state.md.us .
Annual Meeting of NAB	Board Vice Chairman, Nancy Ferrone, and Executive Director, Pat Hannigan, attended the annual meeting of the National Association of Long Term Care Administrator Boards in Alexandria, Virginia, in June 2009. There were 68 people in attendance with 18 voting delegates. It was an informative three days sharing information, recommendations, and advice with sister states. The 3-day session was very educational and beneficial, and the Board is looking forward to attending the annual NAB meetings to keep abreast of changes in the long term care field and how other state boards operate.
100-Hour Course	The Executive Director appeared before the class pursuing the 100-hour course held at Carroll Lutheran Village, conducted by Barb Leasure, on June 17, 2009. The 100-hour course is a requirement for candidates seeking licensure in Maryland if their baccalaureate or master's degree is in a field other than health care administration.

Statistics

By the Numbers:

- ◆ 9 Board meetings held in FY 2009
- ◆ 37 applications for licensure received
- ◆ 26 candidates sat for the Maryland State's Standards examination
- ◆ 14 candidates sat for the national examination
- ◆ 21 original licenses issued
- ◆ 237 license renewals processed
- ◆ 3 previously inactive licenses reactivated
- ◆ 23 licensees went inactive or renewed their inactive status
- ◆ 89 continuing education programs submitted by sponsoring organizations reviewed
- ◆ 535 active licensed administrators at the beginning of fiscal year 2009
- ◆ 541 active licensed administrators at the close of the fiscal year

Contact Information

Please feel free to contact the Board's Office at the following address:

Maryland Board of Examiners of
Nursing Home Administrators
4201 Patterson Avenue, Room 305
Baltimore, MD 21215-2299

Or visit our Website:

www.dhmf.state.md.us/bonha/

Email:

Eleanor L. Eines, Deputy Executive Director at
eines@dhmf.state.md.us

Patricia A. Hannigan, Executive Director at
hannigap@dhmf.state.md.us

Telephone
(410) 764-4750

Fax:
(410) 358-9187

Board Members

The current composition of the Board is:

- Five licensed nursing home administrators who are practicing actively and have at least five years experience as a licensed nursing home administrator;

Michelle F. Kraus
Christine L. Mour
J. Brian Pabst, Chairman
Lisa A. Stone
Steven L. Wynn

- Two individuals who are not nursing home administrators but who are actively engaged in professions that are concerned with the care of the chronically ill, infirm, or aged individuals;

Nancy H. Ferrone, Vice Chairman
Stephanie Sharpe

- Four consumer members;

Gloria W. Boddie-Epps
ChanSu Chong
Gail P. Sigel
Belinda B. Strayhorn

Effective October 1, 2009, as a result of Senate Bill 471, the Board composition will be altered to:

- Six licensed nursing home administrators, one of whom has experience with the Eden Alternative, Green House or similar program, if practicable;
- Two consumer members, of which one consumer member shall have presently or have had a family member living in a nursing home;
- One physician or nurse practitioner who specializes in geriatrics;
- One geriatric social worker;
- Two individuals who are not nursing home administrators but who are actively engaged in professions that are concerned with the care of the chronically ill, infirm, or aged individuals; and
- A representative of the Office of Health Care Quality serving as an ex officio member.

Program Description, Mission and Vision Statement

PROGRAM DESCRIPTION

The Maryland Board of Examiners of Nursing Home Administrators (the "Board") operates under the provisions of Title 9 of the Health Occupations Article of the Annotated Code of Maryland. The Board is the licensing authority of nursing home administrators in the State of Maryland. The Board is mandated to protect the public by regulating the practice of nursing home administrators by licensing qualified nursing home administrators, establishing fees, maintaining a current roster of all licensees, administering licensing examinations, enforcing current statutes and regulations, adopting new regulations to carry out provisions of the title, suggesting new changes to the title to keep abreast of trends and practice issues, adopting standards of practice for the licensure of nursing home administrators, verifying credentials, issuing licenses, establishing requirements for and verification of completion of continuing education, investigating complaints based on alleged violations of regulations and statutes, formal and informal disciplining of licensees, and creating committees as deemed appropriate to advise the Board. The program is 100% State general funded. The Board currently consists of eleven members appointed by the Governor with the advice of the Secretary and the advice and consent of the Senate.

*The **vision** of the Board is to assure that Maryland is a state that provides qualified nursing home administrators to further the good health and well-being of the citizens of Maryland.*

MISSION

The mission of the Board of Examiners of Nursing Home Administrators is to protect the citizens of Maryland and to promote quality health care in the field of long term care by:

- Licensing nursing home administrators;
- Receiving and resolving complaints from the public, courts, employers, insurance companies, and other licensees regarding nursing home administrators who may have violated the Board's law (Annotated Code of Maryland, Health Occupations Article, Title 9) and its regulations found in COMAR 10.33.01; and
- Setting standards for the practice of nursing home administrators that reflect new and emergent developments in the practice of long term care through regulations and legislation.

Complaint Process

A Task Force on Discipline of Health Care Professionals and Improved Patient Care was created by House Bill 811 (2008), with members appointed by Governor O'Malley. The Task Force worked to balance the goal of fairness to licensees who come before the health occupation boards with each board's goal of protecting patients and consumers from licensees who present a threat to the public's health and welfare. Task Force members recommended ways to improve the fairness, efficiency and transparency of board actions.

The Maryland Board of Examiners of Nursing Home Administrators gives serious consideration to all complaints filed against a nursing home administrator. Complaints concerning a nursing home facility or an assisted living facility should be directed to the Office of Health Care Quality by visiting their website at www.dhmf.state.md.us/ohcq/. The complaint form for nursing home administrators can be obtained by calling the Board's office at (410) 764-4750, or visiting the Board's website at www.dhmf.state.md.us/bonha/.

Complaints are reviewed immediately upon receipt, and if it is determined that there is not a sufficient basis to proceed with formal disciplinary action; the complainant will be advised that the matter has been closed. If it is determined during the initial review that the complaint is not under the Board's jurisdiction, the complaint may be referred to another agency, and notice will be sent to the complainant of the contact person and address of that other agency.

If it appears that a violation of the Nursing Home Administrator Practice Act may have occurred, the complaint may be forwarded to the Board's Health Occupations Investigator to gather facts, collect documentation, and conduct interviews. A Board member liaison will be assigned to assist the investigator in preparing interview questions and to provide guidance during the investigation. The investigator will submit the final investigative report to the full Board for review. While the investigation is ongoing, the Board is unable to discuss the status of a complaint with anyone, including the complainant.

When the investigation is complete, the Board may vote to dismiss the matter or to take informal action which may include letters of agreement, education, or admonishment. A letter of agreement may require the licensee to take corrective action. These informal actions are non-public and the specific actions taken are required by law to be kept confidential.

The Board may vote to charge the nursing home administrator. At that time, the case is referred to the Office of the Attorney General for further review and possible prosecution. The Board may hold a case resolution conference to give the licensee an opportunity to resolve the case outside of a hearing.

Formal action may include a reprimand, suspension of a license, and/or assessment of a monetary fine. At a formal hearing, the licensee may be represented by an attorney and may present witnesses. The Board may subpoena witnesses. The complainant may be asked to

testify. Board members, the hearing officer, the Board's prosecuting attorney, the licensee, or the licensee's attorney may question witnesses. If the evidence presented proves the misconduct, the Board may impose disciplinary actions which include suspension or revocation of a license, a reprimand, a fine, probation, or an order. Formal actions result in public orders that may be disclosed upon written request as required under the Maryland Public Information Act, and will be posted on the Board's website.

Staff

Executive Director

At the beginning of Fiscal Year 2009, Patricia A. Hannigan was serving as the Acting Executive Director filling in after the retirement of Howard E. White, who had worked as the Executive Director for 36 years. Following a comprehensive recruitment process, the Board officially appointed Ms. Hannigan to the full time position of Executive Director during the October 8, 2009 Board meeting.

Ms. Hannigan has held various positions with the Board, eventually being elevated to Deputy Executive Director, while working under the tutelage of Howard White. She has worked with the Board for 27 years, and has fully embraced her new role as Executive Director. This past year Pat has helped the Board with its regulatory review, testified in Annapolis, initiated a new deposit management system, supplied the Sunset Evaluation Policy Analyst with the requested data, visited nursing homes with Board members to monitor the progress of training programs, and provided the necessary information and forms to help the departmental information technology staff update the Board's website. Along with all of the above, Pat continued to process routine license renewals, issue new licenses, and handle the budget and deposits.

Deputy Executive Director

During the Executive Director recruitment process, the Board lost 50% of the vacant Deputy position due to budget cuts. However, after a considerable waiting period while the hiring freeze exemption was processed, the position was posted and interviews were conducted. The Board was pleased to appoint Eleanor L. Eines as the Deputy Executive Director. Ms. Eines comes to the Board with years of experience with the Maryland State Department of Health and Mental Hygiene, most recently with the Maryland Board of Physicians. Ellie retired from State Service after working in the Center for Maternal and Child Health in various capacities including the Chief of Financial Management and Information Services, Acting Chief of Family Planning and Reproductive Health, Chief of the Division of Reproductive Health, and Chief of Program

Operations. She has also worked for the Training Services Division, Division of Engineering and Maintenance, Drug Abuse Administration, and Maryland Office on Aging. Although budget cuts are never easy, having the position reduced 50% gave the Office the opportunity to select Ellie from a long list of eligible candidates. Ellie started working with the Executive Director on May 20, 2009, and the Board has already benefited from her experience and expertise.

Assistant Attorney General, Counsel to the Board

For the past 11 years, Sarah E. Pendley, Esquire, has served as counsel to the Board. In her role as Assistant Attorney General from the Maryland Office of the Attorney General, Ms. Pendley attends all Board meetings and advises the Board on any legal issues. When the Board initiates disciplinary action against a licensee, Ms. Pendley provides legal advice to the Board and drafts legal documents, including final Board Orders. She also defends the Board in the Maryland state circuit courts and appellate courts in the event a final order is appealed. Recently, Ms. Pendley was reassigned to the Maryland Board of Nursing, and in her place, David Wagner has been appointed to serve as Board counsel. We appreciate the service and guidance Ms. Pendley has provided to the Board, and we wish her well and much success in her new assignment.

Health Occupations Investigator

John R. Thomas, Jr. has worked for the Board since the beginning of the fiscal year. Mr. Thomas' professional background consists of being a criminal investigator and a supervisor of two multi-jurisdictional narcotics investigative units for the Maryland State Police. He has been employed with the Department of Health and Mental Hygiene as a Health Occupations Investigator for nine years, and has conducted investigations for a total of ten different health occupation boards and commission. Mr. Thomas is a 20% employee with the Board, and is also working with the boards of Acupuncture, Podiatry, Audiology and Speech Pathology, and Board of Social Work Examiners.