

South Dakota Nursing Facility Administrators

Regular Meeting Agenda

Wednesday April 6, 2022 -- 1:00 pm Central

Teleconference/Zoom

Public Packet

Please register for the Board meeting using the link below. After registering, you will receive a confirmation email containing a unique link that you can use to join the board meeting on April 6th.

Register: <https://us02web.zoom.us/meeting/register/tZYsf-ihRDggGt3dDt3fWeqRBUnbIYVVuAKj>

- 1) Call to Order
- 2) Open Forum – *5 minutes for the public to address the Board.*
- 3) Approval of Minutes
- 4) Adoption of Agenda
- 5) Financial Report
- 6) Office Update
- 7) Executive Session -1-25-2 (3) and (4)
- 8) New Business
 - a. FY 2023 Board Operations and Contracts
 - b. Board Policies
 - c. Continuing Education Guidelines
 - d. Board Officer Elections
 - e. Board Meeting Schedule
- 9) License Applications
- 10) Announcements: Next Meeting – September 14, 2022 at 1pm Central.
- 11) Adjourn



South Dakota Board of Nursing Facility Administrators
P.O. Box 340, 1351 N. Harrison Ave. Pierre, SD 57501-0340
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South Dakota Board of Nursing Facility Administrators
Teleconference Board Meeting
September 30, 2021

President Spencer called the meeting to order at 10:00 am Central.

Members of the Board present via teleconference: Jessica Spencer, Justin Hinker, Jason Hanssen, Tim Yeaton and Marilyn Kinsman.

Board staff in attendance via teleconference: Brittany Novotny and Lisa Harsma.

Legal Counsel in attendance via teleconference: Megan Borchert and Ali Tornow.

Guests in attendance via teleconference: Yvette Thomas and Diana Weiland.

Spencer called for public testimony during the open forum. There was no public testimony.

Motion by Hinker to approve the minutes of April 7, 2021. Second by Hanssen. Motion carried.

Motion by Hanssen to approve the agenda. Second by Yeaton. Motion carried.

Motion by Hinker to approve the financial report. Second by Hanssen. Motion carried.

Novotny provided an office update.

Yvette Thomas from the Department of Human Services provided an update on the Division of Long Term Services and Supports.

Diana Weiland from the Department of Health provided an update on the Department of Health Office of Health Facilities Licensure and Certification.

Novotny updated the Board on the DOH legal counsel staff transition.

The board scheduled a meeting for September 14, 2022.

Motion by Yeaton to move into Executive Session per SDCL 1-25-2 (3). Second by Hanssen. Motion carried. The board went into Executive Session at 11:00 am.

Motion by Hinker to move out of Executive Session. Second by Kinsman. Motion carried. The Board came out of Executive Session at 11:16 am.

Motion by Yeaton to approve Nursing Facility Administrator licenses for Jody Becker, Kelsey Bertsch, Blake Dehnke, Kasey Klapprodt, Alexis Luke, Stacy Mertens, Petar Mirkovic, Charlotte Pentheny, Jeremiah Schneider, and Courtney Unruh and Emergency Permits for Rosemary Bell, Jeffrey Berens, Michael Christensen, Rachel Holler, Stephanie Macfarlane, Tiffany Miller, Kathy Peterson, Britney Senger, Kathleen Styles and Courtney Unruh. Second by Hanssen. Motion carried.

Motion by Hinker to adjourn the meeting. Second by Kinsman. Motion carried. The meeting was adjourned at 11:19 am.

Respectfully Submitted,

Timothy Yeaton
Secretary

Remaining Authority by Object/Subobject

Expenditures current through 02/26/2022 01:20:24 PM

HEALTH -- Summary

FY 2022 Version -- AS -- Budgeted and Informational

FY Remaining: 34.2 %

| 09207 Subobject | Board of Nursing Home Admin - Info | Operating | Expenditures | Encumbrances | Commitments | Remaining | PCT AVL |
|-----------------------------|------------------------------------|--------------|--------------|--------------|-------------|--------------|--------------|
| EMPLOYEE SALARIES | | | | | | | |
| 5101030 | Board & Comm Mbrs Fees | 3,065 | 0 | 0 | 0 | 3,065 | 100.0 |
| Subtotal | | 3,065 | 0 | 0 | 0 | 3,065 | 100.0 |
| EMPLOYEE BENEFITS | | | | | | | |
| 5102010 | Oasi-employer's Share | 308 | 0 | 0 | 0 | 308 | 100.0 |
| Subtotal | | 308 | 0 | 0 | 0 | 308 | 100.0 |
| 51 Personal Services | | | | | | | |
| Subtotal | | 3,373 | 0 | 0 | 0 | 3,373 | 100.0 |
| TRAVEL | | | | | | | |
| 5203030 | Auto-priv (in-st.) H/rte | 1,200 | 0 | 0 | 0 | 1,200 | 100.0 |
| 5203100 | Lodging/in-state | 456 | 0 | 0 | 0 | 456 | 100.0 |
| 5203120 | Incidentals-travel-in St. | 88 | 0 | 0 | 0 | 88 | 100.0 |
| 5203130 | Non-employ. Travel-in St. | 500 | 0 | 0 | 0 | 500 | 100.0 |
| 5203140 | Meals/taxable/in-state | 176 | 0 | 0 | 0 | 176 | 100.0 |
| 5203150 | Non-taxable Meals/in-st | 50 | 0 | 0 | 0 | 50 | 100.0 |
| 5203260 | Air-comm-out-of-state | 185 | 0 | 0 | 0 | 185 | 100.0 |
| 5203280 | Other-public-out-of-state | 50 | 0 | 0 | 0 | 50 | 100.0 |
| 5203300 | Lodging/out-state | 200 | 0 | 0 | 0 | 200 | 100.0 |
| 5203320 | Incidentals-out-of-state | 50 | 0 | 0 | 0 | 50 | 100.0 |
| 5203350 | Non-taxable Meals/out-st | 100 | 0 | 0 | 0 | 100 | 100.0 |
| Subtotal | | 3,055 | 0 | 0 | 0 | 3,055 | 100.0 |
| CONTRACTUAL SERVICES | | | | | | | |
| 5204020 | Dues & Membership Fees | 1,500 | 1,500 | 0 | 0 | 0 | 0.0 |
| 5204050 | Computer Consultant | 6,500 | 5,100 | 0 | 0 | 1,400 | 21.5 |
| 5204080 | Legal Consultant | 2,138 | 0 | 0 | 0 | 2,138 | 100.0 |
| 5204090 | Management Consultant | 43,634 | 19,363 | 14,202 | 0 | 10,069 | 23.1 |
| 5204160 | Workshop Registration Fee | 50 | 0 | 0 | 0 | 50 | 100.0 |
| 5204181 | Computer Services-state | 465 | 0 | 0 | 0 | 465 | 100.0 |
| 5204200 | Central Services | 793 | 320 | 0 | 0 | 473 | 59.6 |
| 5204204 | Central Services | 305 | 237 | 0 | 0 | 68 | 22.3 |
| 5204207 | Central Services | 610 | 0 | 0 | 0 | 610 | 100.0 |
| 5204360 | Advertising-newspaper | 100 | 0 | 0 | 0 | 100 | 100.0 |
| 5204510 | Rents-other | 300 | 0 | 0 | 0 | 300 | 100.0 |
| 5204530 | Telecommunications Srves | 1,500 | 0 | 0 | 0 | 1,500 | 100.0 |
| 5204590 | Ins Premiums & Surety Bds | 2,300 | 0 | 0 | 0 | 2,300 | 100.0 |

Remaining Authority by Object/Subobject

Expenditures current through 02/26/2022 01:20:24 PM

HEALTH -- Summary

FY 2022 Version -- AS -- Budgeted and Informational

FY Remaining: 34.2 %

| 09207 Subobject | Board of Nursing Home Admin - Info | Operating | Expenditures | Encumbrances | Commitments | Remaining | PCT AVL |
|----------------------------------|------------------------------------|---------------|---------------|---------------|-------------|---------------|-------------|
| 5204960 | Other Contractual Service | 1,500 | 485 | 0 | 0 | 1,015 | 67.7 |
| Subtotal | | 61,695 | 27,005 | 14,202 | 0 | 20,488 | 33.2 |
| SUPPLIES & MATERIALS | | | | | | | |
| 5205310 | Printing-state | 500 | 0 | 0 | 0 | 500 | 100.0 |
| 5205320 | Printing-commercial | 500 | 0 | 0 | 0 | 500 | 100.0 |
| 5205350 | Postage | 900 | 59 | 0 | 0 | 841 | 93.4 |
| 5205390 | Food Stuffs | 50 | 0 | 0 | 0 | 50 | 100.0 |
| Subtotal | | 1,950 | 59 | 0 | 0 | 1,891 | 97.0 |
| 52 Operating Subtotal | | 66,700 | 27,064 | 14,202 | 0 | 25,434 | 38.1 |
| Total | | 70,073 | 27,064 | 14,202 | 0 | 28,807 | 41.1 |

BA1409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 02/28/2022

PAGE 152

AGENCY: 09 HEALTH
BUDGET UNIT: 09207 BOARD OF NURSING HOME ADMIN - INFO

| COMPANY | CENTER | ACCOUNT | BALANCE | DR/CR | CENTER DESCRIPTION |
|---------------------------------|--------------|---------|-----------|--------|--|
| 6503 | 092000061816 | 1140000 | 37,793.47 | DR | BOARD OF NURSING FACILITY ADMINISTRATORS |
| COMPANY/SOURCE TOTAL 6503 618 | | | 37,793.47 | DR * | |
| COMP/BUDG UNIT TOTAL 6503 09207 | | | 37,793.47 | DR ** | |
| BUDGET UNIT TOTAL 09207 | | | 37,793.47 | DR *** | |

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 02/28/2022

AGENCY 09 HEALTH
 BUDGET UNIT 09207 BOARD OF NURSING HOME ADMIN - INFO

| CENTER | COMP | ACCOUNT | DESCRIPTION | CURRENT MONTH | YEAR-TO-DATE | |
|--------------|--------------|---|-------------------------|---------------|--------------|-------|
| COMPANY NO | | 6503 | | | | |
| COMPANY NAME | | PROFESSIONAL & LICENSING BOARDS | | | | |
| 092070061816 | 6503 | 4293975 | INITIAL APP'L - NHA | .00 | 2,700.00 | |
| 092070061816 | 6503 | 4293976 | RECIPROCITY APP'L - NHA | .00 | 600.00 | |
| 092070061816 | 6503 | 4293977 | EMERGENCY TEMP LIC-NHA | 600.00 | 2,400.00 | |
| 092070061816 | 6503 | 4293978 | EXAM FEE-HNA | .00 | 1,300.00 | |
| 092070061816 | 6503 | 4293979 | INACTIVE LICENSE FEES | .00 | 150.00 | |
| 092070061816 | 6503 | 4293980 | REACTIVATION FEE | .00 | 300.00 | |
| ACCT: | 4293 | BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL) | | 600.00 | 7,450.00 | * |
| ACCT: | 42 | LICENSES, PERMITS & FEES | | 600.00 | 7,450.00 | ** |
| 092070061816 | 6503 | 4896019 | MISC INCOME-NHA | 25.00 | 175.00 | |
| ACCT: | 4896 | | | 25.00 | 175.00 | * |
| ACCT: | 48 | OTHER REVENUE | | 25.00 | 175.00 | ** |
| 092070061816 | 6503 | 4920045 | NONOPERATING REVENUES | .00 | 657.92 | |
| ACCT: | 4920 | NONOPERATING REVENUE | | .00 | 657.92 | * |
| ACCT: | 49 | OTHER REVENUE | | .00 | 657.92 | ** |
| CNTR: | 092070061816 | | | 625.00 | 8,282.92 | *** |
| CNTR: | 092070061 | | | 625.00 | 8,282.92 | **** |
| CNTR: | 0920700 | | | 625.00 | 8,282.92 | ***** |
| COMP: | 6503 | | | 625.00 | 8,282.92 | ***** |
| B UNIT: | 09207 | | | 625.00 | 8,282.92 | ***** |

Code of Conduct and Conflict of Interest Policy for Use By State Authority, Board, Commission, and Committee Members

Purpose

The purpose of this code of conduct and conflict of interest policy (“Code”) is to establish a set of ethical principles and guidelines for members of state authorities, boards, commissions, or committees when acting within their official public service capacity. This Code applies to all appointed and elected members of state authorities, boards, commissions, and committees (hereinafter “Boards” and “Board member(s)”).

Conflict of Interest for Board Members

Board members may be subject to statutory restrictions specific to their Boards found in state and federal laws, rules and regulations. Those restrictions are beyond the scope of this Code. Board members should contact their appointing authority or the attorney for the Board for information regarding restrictions specific to their Board.

General Restrictions on Participation in Board Actions

A conflict of interest exists when a Board member has an interest in a matter that is different from the interest of members of the general public. Examples of circumstances which may create a conflict of interest include a personal or pecuniary interest in the matter or an existing or potential employment relationship with a party involved in the proceeding.

Whether or not a conflict of interest requires a Board member to abstain from participation in an official action of the Board depends upon the type of action involved. A Board’s official actions are either quasi-judicial or quasi-legislative. A quasi-judicial official action is particular and immediate in effect, such as a review of an application for a license or permit. In order to participate in a quasi-judicial official action of the Board, a Board member must be disinterested and free from actual bias or an unacceptable risk of actual bias. A Board member must abstain from participation in the discussion and vote on a quasi-judicial official action of the Board if a reasonably-minded person could conclude that there is an unacceptable risk that the Board member has prejudged the matter or that the Board member’s interest or relationship creates a potential to influence the member’s impartiality.

A quasi-legislative official action, also referred to as a regulatory action, is general and future in effect. An example is rule-making. If the official action involved is quasi-legislative in nature, the Board member is not required to abstain from participation in the discussion and vote on the action

unless it is clear that the member has an unalterably closed mind on matters critical to the disposition of the action.

“Official action” means a decision, recommendation, approval, disapproval or other action which involves discretionary authority. A Board member who violates any of these restrictions may be subject to removal from the Board to which the member is appointed.

Contract Restrictions

There are federal and state laws, rules and regulations that address conflict of interest for elected and appointed Board members in the area of contracts. As an initial matter, a Board member may not solicit or accept any gift, favor, reward, or promise of reward, including any promise of future employment, in exchange for recommending, influencing or attempting to influence the award of or the terms of a state contract. This prohibition is absolute and cannot be waived.

Members of certain Boards are required to comply with additional conflict of interest provisions found in SDCL Chapter 3-23 and are required to make an annual disclosure of any contract in which they have or may have an interest or from which they derive a direct benefit. The restrictions apply for one year following the end of the Board member’s term. The Boards impacted by these laws are enumerated within SDCL 3-23-10. For more information on these provisions, see the State Authorities/Boards/Commissions page in the Legal Resources section of the Attorney General’s website at: <http://atg.sd.gov/legal/opengovernment/authorityboardcommission.aspx>.

Absent a waiver, certain Board members are further prohibited from deriving a direct benefit from a contract with an outside entity if the Board member had substantial involvement in recommending, awarding, or administering the contract or if the Board member supervised another state officer or employee who approved, awarded or administered the contract. With the exception of employment contracts, the foregoing prohibition applies for one year following the end of the Board member’s term. However, the foregoing prohibition does not apply to Board members who serve without compensation or who are only paid a per diem. See SDCL 5-18A-17 to 5-18A-17.6. For more information on these restrictions see the Conflict of Interest Waiver Instructions and Form on the South Dakota Bureau of Human Resources website at: <http://bhr.sd.gov/forms/>.

Other federal and state laws, rules and regulations may apply to specific Boards. For general questions regarding the applicability of SDCL Chapter 3-23 or other laws, a Board member may contact the attorney for the Board. However, because the attorney for the Board does not represent the Board member in his or her individual capacity, a Board member should contact a private attorney if the member has questions as to how the conflict of interest laws apply to the Board member’s own interests and contracts.

Consequences of Violations of Conflict of Interest Laws

A contract entered into in violation of conflict of interest laws is voidable and any benefit received by the Board member is subject to disgorgement. In addition, a Board member who violates conflict of interest laws may be removed from the Board and may be subject to criminal prosecution. For example, a Board member may be prosecuted for theft if the member knowingly

uses funds or property entrusted to the member in violation of public trust and the use resulted in a direct financial benefit to the member. See SDCL 3-16-7, 5-18A-17.4, and 22-30-46.

Retaliation for Reporting

A Board cannot dismiss, suspend, demote, decrease the compensation of, or take any other retaliatory action against an employee because the employee reports, in good faith, a violation or suspected violation of a law or rule, an abuse of funds or abuse of authority, a substantial and specific danger to public health or safety, or a direct criminal conflict of interest, unless the report is specifically prohibited by law. SDCL 3-16-9 & 3-16-10.

Board members will not engage in retaliatory treatment of an individual because the individual reports harassment, opposes discrimination, participates in the complaint process, or provides information related to a complaint. See SDCL 20-13-26.

Anti-Harassment/Discrimination Policy

While acting within their official capacity, Board members will not engage in harassment or discriminatory or offensive behavior based on race, color, creed, religion, national origin, sex, pregnancy, age, ancestry, genetic information, disability or any other legally protected status or characteristic.

Harassment includes conduct that creates a hostile work environment for an employee or another Board member. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to or rejection of the harassment is made either explicitly or implicitly the basis of or a condition of employment, appointment, or a favorable or unfavorable action by the Board member; or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment or discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid Board members in identifying inappropriate conduct, the following examples of harassment or discriminatory or offensive behavior are provided:

- Unwelcome physical contact such as kissing, fondling, hugging, or touching;
- Demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- Swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- Slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability; or
- Calendars, posters, pictures, drawings, displays, cartoons, images, lists, e-mails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability.

The above cited examples are not intended to be all-inclusive.

A Board member who is in violation of this policy may be subject to removal from the Board.

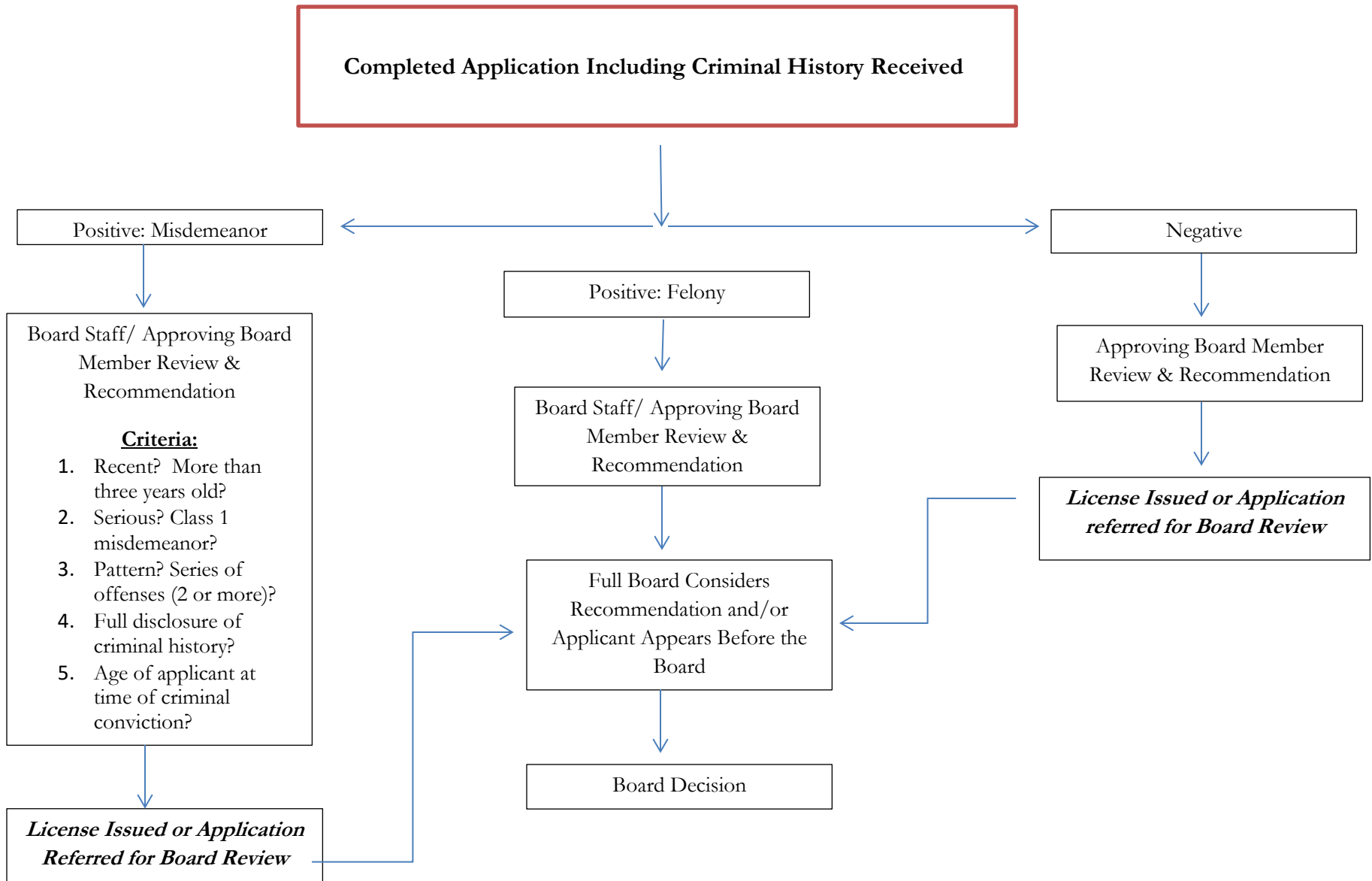
Confidential Information

Except as otherwise required by law, Board members shall not disclose confidential information acquired during the course of their official duties. In addition, members are prohibited from the use of confidential information for personal gain.

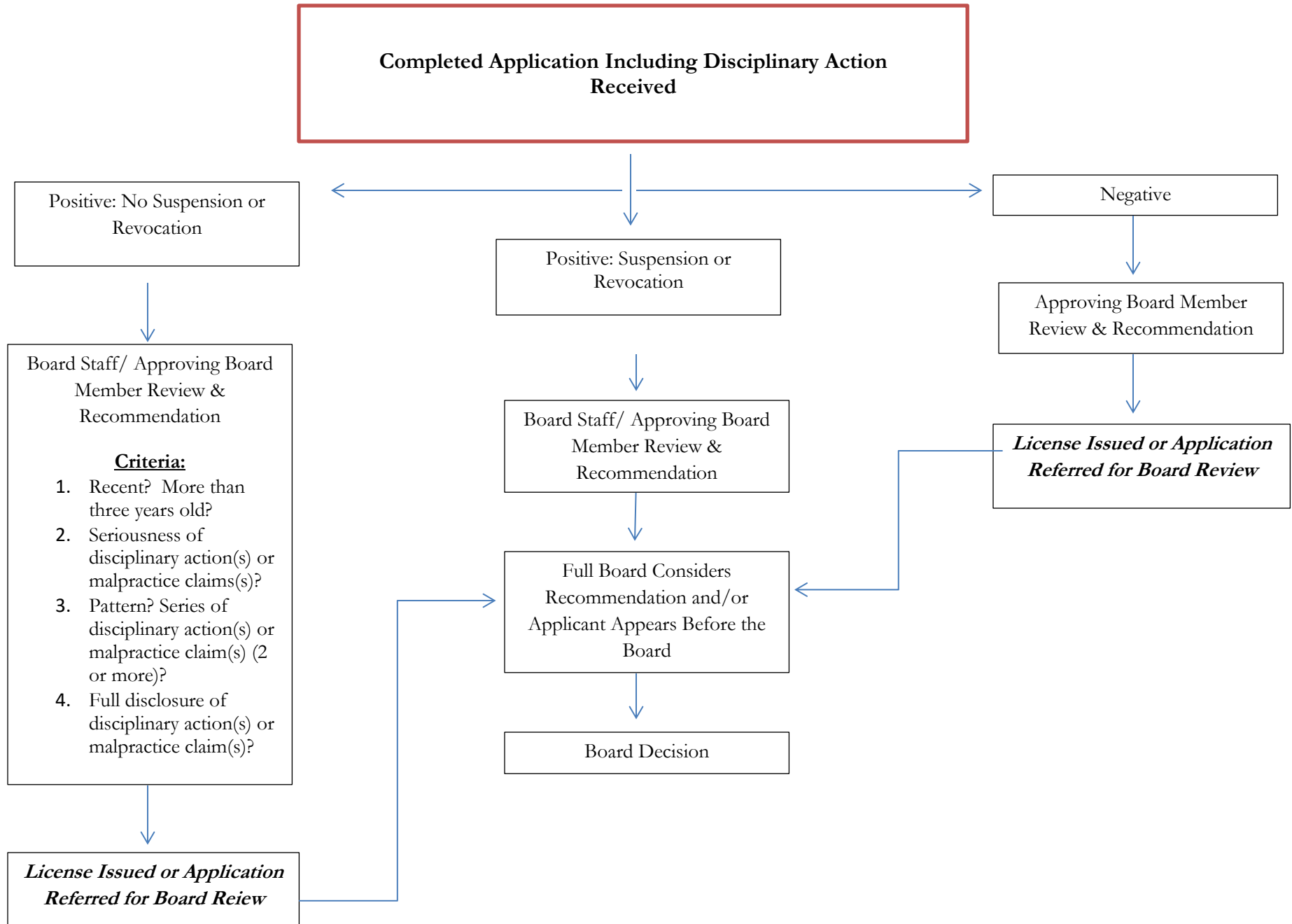
Reporting of Violations

Any violation of this Code should be reported to the appointing authority for the Board member who is alleged to have violated the Code.

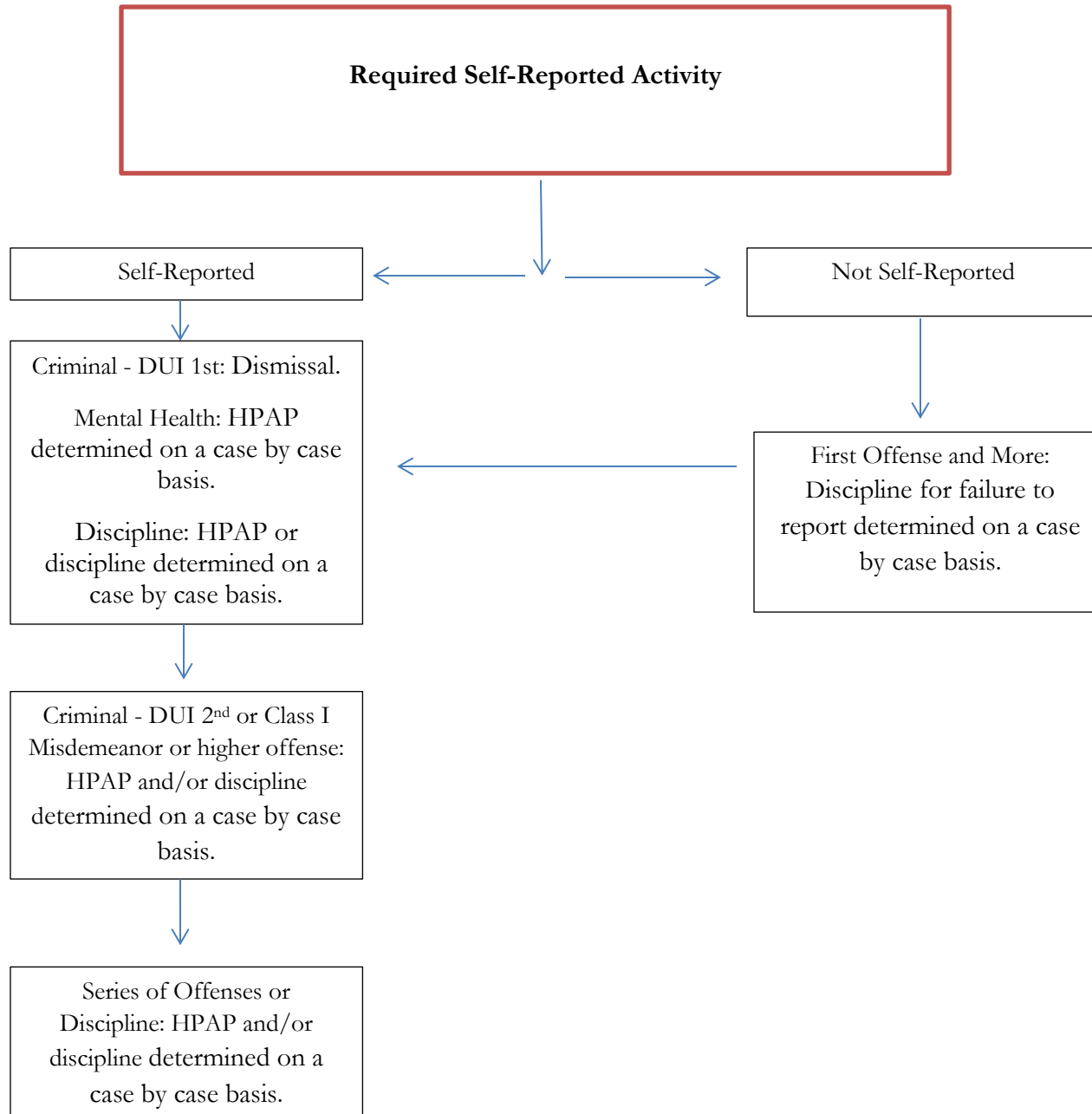
Criminal History Algorithm: It is the policy of the Board to use the Criminal History Algorithm as guidance when determining whether to issue a license.



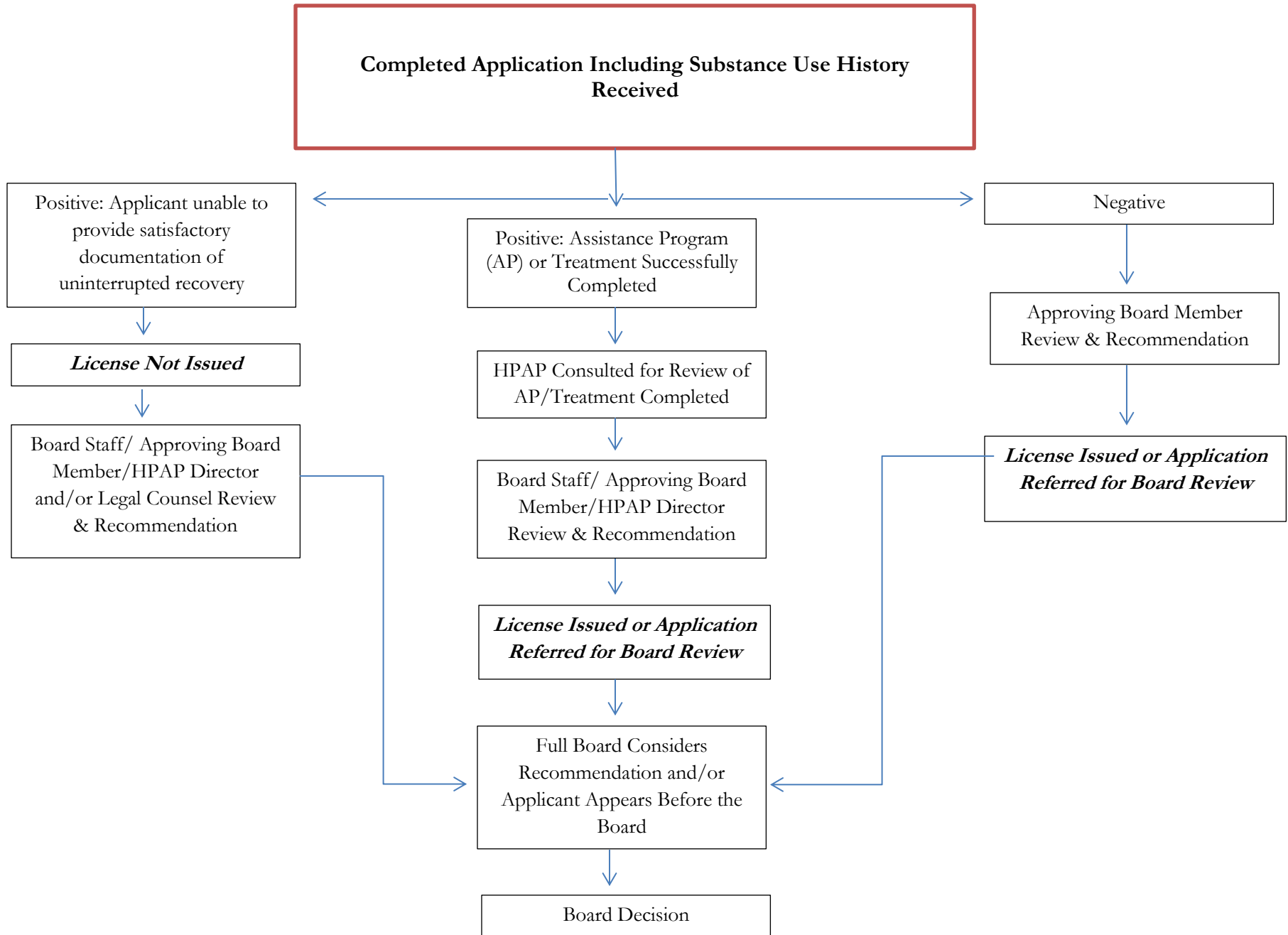
Disciplinary Action Algorithm: It is the policy of the Board to use the Disciplinary Action Algorithm as guidance when determining whether to issue a license.



Self-Reported Activity: It is the policy of the Board to use the Self-Reported Activity as guidance when reviewing information required to be reported to the Board.



Substance Use History Algorithm: It is the policy of the Board to use the Substance Use Algorithm as guidance when determining whether to issue a license.





South Dakota Board of Nursing Facility Administrators

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doh.sd.gov/boards/nursingfacility

CONTINUING EDUCATION GUIDELINES

A minimum of 40 hours of continuing education directly related to the duties of a nursing facility administrator, and pertaining to health care, healthcare administration or business administration, are required biennially for renewal of license. The Board does not limit the number of online courses that a licensee can take. The following continuing education courses are accepted by the South Dakota Board of Nursing Facility Administrators:

- Academic courses directly related to the duties of a nursing facility administrator, and pertaining to health care, healthcare administration or business administration, offered through a higher education institution accredited by an organization recognized by the Council for Higher Education Accreditation (one credit hour = 15 hours of continuing education).
- The Board will accept programs directly related to the duties of a nursing facility administrator, and pertaining to health care, healthcare administration or business administration, that are approved or provided by:
 - Other state licensing boards for nursing facility administrators
 - National Association of Long Term Care Administrator Boards (NAB)
 - American College of Healthcare Executives (ACHE)
 - American College of Health Care Administrators (ACHCA)
 - American Health Care Association (AHCA) and State Affiliates
 - American Hospice Foundation
 - American Hospital Association (AHA) and State Affiliates
 - American Medical Directors Association
 - Catholic Health Association
 - Centers for Medicare and Medicaid Services (CMS)
 - Leading Age (formerly AAHSA) and State Affiliates
 - National Rural Health Association
 - Great Plains Quality Innovation Network
 - Systems of care that operate South Dakota nursing home facilities.

The Board does not accept courses specific to your facility's computer programs and/or software.

SDNFA Board Meeting**Licenses that have been issued between 9/14/2021 and 3/24/2022
(Initial Licensure)**

| First Name | Last Name |
|-------------------|------------------|
| Tammy | Boettcher |
| Ryan | Brinkerhoff |
| Michael | Christensen |
| Rachel | Holler |
| Jana | McCroden |
| Tiffany | Miller |
| Teresa | Phillipson |
| Stephanie | Sutton |
| Rene | Thrift |

**Emergency Permits that have been issued between 09/14/2021 and
3/24/2022**

| First Name | Last Name |
|-------------------|------------------|
| Kassandra | Doty |
| Blake | Minsaas |
| Joy | Voss |
| Calyn | Weiss |
| Jeffrey | Berens |
| Michael | Christensen |
| Stephanie | Macfarlane |
| Britney | Senger |
| Kathleen | Styles |