South Dakota Nursing Facility Administrators

Regular Meeting Agenda Wednesday April 7, 2021 -- 1:00 pm Central Teleconference/Zoom

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 7th. This will allow our office to identify the board members and staff so that we can move you into an executive session breakout room that is not accessible by the public when we get to that item on the agenda.

Register: https://us02web.zoom.us/meeting/register/tZYqceigrjgsEtd9iFTZG_NOG3tK3PCbgboi

- 1) Call to Order
- 2) Open Forum -5 minutes for the public to address the Board.
- 3) Approval of Minutes September 17, 2020 and January 27, 2021
- 4) Adoption of Agenda
- 5) Financial Report
- 6) Office Update
- 7) Executive Session -1-25-2 (3) and (4)
- 8) New Business
 - a. In the Matter of the Application of A.M.
 - b. FY 2022 Board Operations
 - c. DOH Legal Counsel Project
 - d. Board Policies
 - e. Continuing Education Guidelines
 - f. Board Officer Elections President and Vice President
 - g. National Association of Long-Term Care Administrator Boards (NAB) Update
 - h. Board Meeting Schedule
- 9) License Applications
- 10) Announcements: Next Meeting September 30, 2021 1 pm Central
- 11) Adjourn



South Dakota Board of Nursing Facility Administrators P.O. Box 340, 1351 N. Harrison Ave. Pierre, SD 57501-0340 Ph.: 605-224-1721 Fax: 888-425-3032

E-mail: SDNFA@midwestsolutionssd.com

http://nursingfacility.sd.gov

South Dakota Board of Nursing Facility Administrators Teleconference Board Meeting September 17, 2020

Vice President Spencer called the meeting to order at 2:09 p.m. Central.

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

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

Board legal counsel in attendance via teleconference: Megan Borchert

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

Motion by Hinker to approve the agenda. Second by Hanssen. Spencer, Hinker, Hanssen and Yeaton vote aye. Motion carried.

Motion by Yeaton to approve Jason Hanssen as the board member that will review and approve continuing education requests. Second by Hinker. Spencer, Hinker, Hanssen and Yeaton vote aye. Motion carried.

Motion by Hanssen to approve Justin Hinker as the board member that will review and approve licensure applications and emergency permit applications. Second by Yeaton. Spencer, Hinker, Hanssen and Yeaton vote aye. Motion carried.

Motion by Hinker to appoint Timothy Yeaton as Secretary-Treasurer. Second by Hanssen. Spencer, Hinker, Hanssen and Yeaton vote aye. Motion carried.

The meeting was adjourned at 2:14 p.m.

Respectfully Submitted,

Timothy Yeaton	
Secretary	



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South Dakota Board of Nursing Facility Administrators Teleconference Board Meeting September 17, 2020

Vice President Spencer called the meeting to order at 1:00 p.m. Central.

Members of the Board present via teleconference: Jessica Spencer, Bob Stahl, Loren Diekman, and Justin Hinker.

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

Legal Counsel in attendance via teleconference: Shelly Munson

Guests in attendance via teleconference: Chris Qualm, Michella Sybesma, and Denton Heisler

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

Motion by Diekman to approve the minutes of April 15, 2020. Second by Hinker. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried.

Motion by Stahl to approve the agenda. Second by Diekman. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried.

Motion by Hinker to approve the financial report. Second by Stahl. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried.

Novotny provided an office update.

Motion by Stahl to move into Executive Session per SDCL 1-25-2 (3). Second by Diekman. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried. The board went into Executive Session at 1:07 pm.

Motion by Hinker to move out of Executive Session. Second by Diekman. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried. The Board came out of Executive Session at 1:35 pm.

Motion by Diekman to issue a third Emergency Permit to Denton Heisler and Petar Mirkovic, if necessary, due to COVID-19 delays. Second by Stahl. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried.

Motion by Stahl to approve an extension to the six-month timeframe for completion of the AIT for Darwyn Kleffman due to COVID-19 delays. Second by Hinker. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried.

Chris Qualm 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 COVID-19 license implications.

Motion by Diekman to approve Bob Stahl as the board member that will review and approve continuing education requests. Second by Hinker. Spencer, Diekman, and Hinker vote aye. Stahl abstained. Motion carried.

Novotny updated the Board on the NAB move to an online format for their annual meeting.

The board scheduled a meeting for September 30, 2021.

Motion by Stahl to approve Nursing Facility Administrator licenses for Laura Harmelink, Kristi Livermont and Megan Tryon and Emergency Permits for Kelsey Bertsch, Madeline Cornell, Brianna Morris, Rene Thrift, Denton Heisler, Darwyn Kleffman and Petar Mirkovic. Second by Hinker. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried.

Motion by Diekman to adjourn the meeting. Second by Hinker. Spencer, Diekman, Stahl and Hinker vote aye. Motion carried. The meeting was adjourned at 2:14 p.m.

Justin Hinker		
Secretary		

Respectfully Submitted,

Remaining Authority by Object/Subobject Expenditures current through 02/27/2021 12:50:31 PM

HEALTH - Summary

FY 2021 Version - AS - Budgeted and Informational

FY Remaining: 34.0 %

99207 Board of Nursing Hom Subobject	Operating	Expenditures	Encumbrances	Commitments	D1.1	PC
EMPLOYEE SALARIES				Communents	Remaining	AVL
5101030 Board & Comm Mbrs Fees	2,993	0	0	0	0.000	
Subtotal	2,993	0	0		2,993	100.0
EMPLOYEE BENEFITS				0	2,993	100.0
5102010 Oasi-employer's Share	298	0	0	_		
Subtotal	298	0	0	0	298	100.0
51 Personal Services Subtotal			0	0	298	100.0
Cubio(a)	3,291	0	0	0	3,291	100.0
TRAVEL						
5203030 Auto-priv (in-st.) H/rte	1,200	0	0	0	4.000	
5203100 Lodging/in-state	456	0	0	0	1,200	100.0
5203120 Incidentals-travel-in St.	88	0	0	0	456	100.0
5203130 Non-employ. Travel-in St.	500	0	0	0	88	100.0
5203140 Meals/taxable/in-state	176	0	0	0	500	100.0
5203150 Non-taxable Meals/in-st	50	0	0	0	176	100.0
5203260 Air-comm-out-of-state	185	0	0	0	50	100.0
5203280 Other-public-out-of-state	50	0	0	0	185	100.0
5203300 Lodging/out-state	200	0	0	0	50	100.0
203320 Incidentals-out-of-state	50	0	0	0	200	100.0
5203350 Non-taxable Meals/out-st	100	0	0	0	50 100	100.0
Subtotal	3,055	0	0	0	3,055	100.0
CONTRACTUAL SERVICES					0,000	100.0
204020 Dues & Membership Fees	1,500	1,500	0			20.00
204050 Computer Consultant	6,500	4,900	0	0	0	0.0
5204080 Legal Consultant	2,138	588	0	0	1,600	24.6
204090 Management Consultant	43,634	21,992	13,756	0	1,550	72.5
204160 Workshop Registration Fee	50	0	0	0	7,886	18.1
204181 Computer Services-state	465	0	0	0	50	100.0
204200 Central Services	783	822	0	0	465	100.0
204204 Central Services	305	262		, 0	-39	0.0
204207 Central Services	610	0	0 0	0	43	14.1
204360 Advertising-newspaper	100	0		0	610	100.0
204510 Rents-other	300	(TR)	0	0	100	100.0
204530 Telecommunications Srvcs	1,500	0	0	0	300	100.0
204590 Ins Premiums & Surety Bds	2,300	0	0	0	1,500	100.0
	,		U	0	2,300	100.0
2/27/2021 02:10:15 DM						

Remaining Authority by Object/Subobject

Expenditures current through 02/27/2021 12:50:31 PM

HEALTH - Summary

FY 2021 Version - AS - Budgeted and Informational

FY Remaining: 34.0 %

Home Admin - Info					
Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT
1,500	1,501	0			AVL
61,685	31.565	13 756			0.0
S		10,730	U	16,364	26.5
	261				
			0	-261	0.0
	: 		0	441	88.2
		80	0	500	100.0
			0	533	59.2
		0	0	50	100.0
1,950	687	0	0	1,263	64.8
66,690	32,252	13,756	0	20,682	31.0
69,981	32,252	13,756	0	23,973	34.3
	1,500 61,685 0 500 500 900 50 1,950	Operating Expenditures 1,500 1,501 61,685 31,565 0 261 500 59 500 0 900 367 50 0 1,950 687 66,690 32,252	Operating Expenditures Encumbrances 1,500 1,501 0 61,685 31,565 13,756 0 261 0 500 59 0 500 0 0 900 367 0 50 0 0 1,950 687 0 66,690 32,252 13,756	Operating Expenditures Encumbrances Commitments 1,500 1,501 0 0 61,685 31,565 13,756 0 0 261 0 0 500 59 0 0 500 0 0 0 900 367 0 0 50 0 0 0 1,950 687 0 0 66,690 32,252 13,756 0	Operating Expenditures Encumbrances Commitments Remaining 1,500 1,501 0 0 -1 61,685 31,565 13,756 0 16,364 0 261 0 0 -261 500 59 0 0 441 500 0 0 0 500 900 367 0 0 533 50 0 0 0 50 1,950 687 0 0 1,263 66,690 32,252 13,756 0 20,682

BA1409R1

STATE OF SOUTH DAKOTA CASH CENTER BALANCES AS OF: 02/28/2021

AS OF: 02/28/20
AGENCY: 09 HEALTH
BUDGET UNIT: 09207 BOARD OF NURSING HOME ADMIN - INFO

COMPANY CENTER ACCOUNT BALANCE DR/CR

6503 092000061816 1140000 61,348.94 DR

COMPANY/SOURCE TOTAL 6503 618 61,348.94 DR **

COMP/BUDG UNIT TOTAL 6503 09207 61,348.94 DR **

BUDGET UNIT TOTAL 09207 61,348.94 DR **

CENTER DESCRIPTION

BOARD OF NURSING FACILITY ADMINISTRATORS

PAGE

125

BA0225R5 02/27/2021

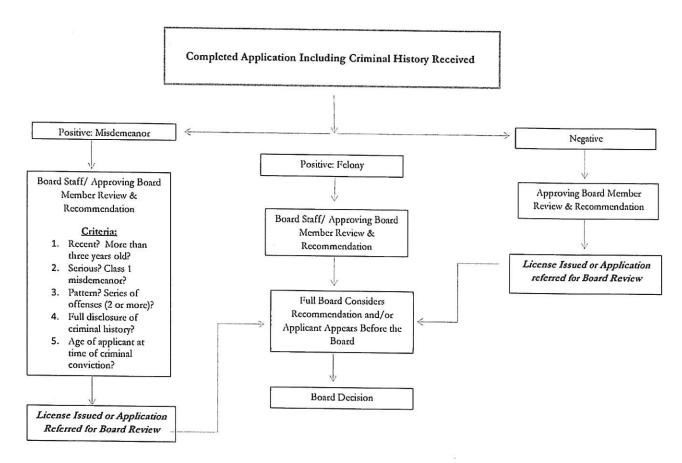
STATE OF SOUTH DAKOTA REVENUE SUMMARY BY BUDGET UNIT FOR PERIOD ENDING: 02/28/2021

AGENCY 09 HEALTH 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 4293974 RENEWAL LIC - NHA .00 56,700.00 092070061816 6503 4293975 INITIAL APP'L - NHA 300.00 2,400.00 092070061816 6503 4293976 RECIPROCITY APP'L - NHA 300.00 900.00 092070061816 6503 4293977 EMERGENCY TEMP LIC-NHA 800.00 092070061816 6503 4293978 3,200.00 EXAM FEE-HNA 200.00 1,100.00 092070061816 6503 4293979 INACTIVE LICENSE FEES 450.00 1,950.00 092070061816 6503 4293980 REACTIVATION FEE .00 150.00 ACCT: 4293 BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL) 2,050.00 66,400.00 ACCT: 42 LICENSES, PERMITS & FEES 2,050.00 66,400.00 092070061816 6503 4896019 MISC INCOME-NHA 25.00 150.00 ACCT: 4896 25.00 150.00 ACCT: OTHER REVENUE 25.00 150.00 092070061816 6503 4920045 NONOPERATING REVENUES .00 1,000.43 ACCT: NONOPERATING REVENUE .00 1,000.43 ACCT: 49 OTHER REVENUE .00 1,000.43 CNTR: 092070061816 2,075.00 67,550.43 CNTR: 092070061 2,075.00 67,550.43 **** CNTR: 0920700 2,075.00 67,550.43 **** 6503 COMP: 2,075.00 67,550.43 ***** B UNIT: 09207 2,075.00 67,550.43

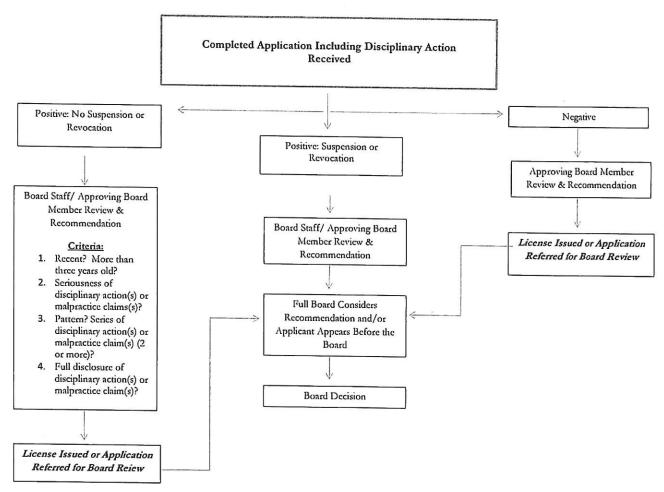
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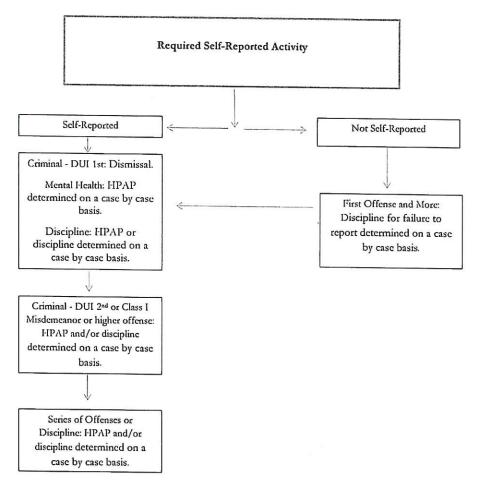
<u>Criminal History Algorithm</u>: It is the policy of the Board to use the Criminal History Algorithm as guidance when determining whether to issue a license.



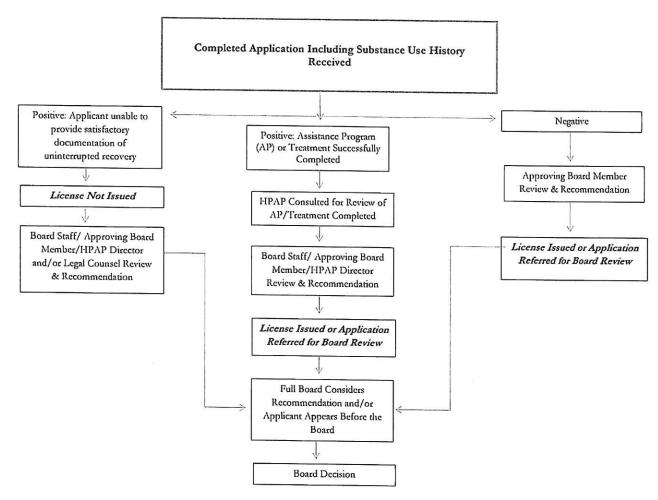
<u>Disciplinary Action Algorithm</u>: It is the policy of the Board to use the Disciplinary Action Algorithm as guidance when determining whether to issue a license.



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.



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.



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
 - o National Association of Long Term Care Administrator Boards (NAB)
 - o American College of Healthcare Executives (ACHE)
 - o American College of Health Care Administrators (ACHCA)
 - o American Health Care Association (AHCA) and State Affiliates
 - American Hospice Foundation
 - o American Hospital Association (AHA) and State Affiliates
 - o American Medical Directors Association
 - Catholic Health Association
 - o Centers for Medicare and Medicaid Services (CMS)
 - Leading Age (formerly AAHSA) and State Affiliates
 - National Rural Health Association
 - o Great Plains Quality Innovation Network
 - Approved systems of care that operate South Dakota nursing home facilities, including the following: Avera, Sanford, Evangelical Lutheran Good Samaritan Society, Tealwood, Blackhills Healthcare, and Rapid City Regional Health.

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

		S	DNFA Board	Meeting	
Lice	nses that have be	THE RESERVE OF THE PARTY OF THE		/2020 and 3/17/2021 (Initial Licensus	re)
First Name	Last Name		State Exam		Basis of Licensure
Nicole	Gray	131/140	92	AA or AS Diploma/ Degree	AIT
Malenda	Hoelscher	123	92	BA or BS Diploma/ Degree	Reciprocity
Joshua	Kelly	122/166	100	AA or AS Diploma/ Degree	Reciprocity
Darwyn	Kleffman	124/142	100	BA or BS Diploma/ Degree	AIT
Coleen	McCarty	113	100	MA or MS Diploma/ Degree	Reciprocity
Brianna	Morris	113/113	96	BA or BS Diploma/ Degree	AIT
Cordell	Muilenburg	122/119	96	MA or MS Diploma/ Degree	AIT
Curtis	O'Neal	116	96	MA or MS Diploma/ Degree	Reciprocity
Lourdes	Parker	117/117	100	AA or AS Diploma/ Degree	AIT
John	Paulson	124/119	96	AA or AS Diploma/ Degree	AIT
lden	Ramey	119/125	92	BA or BS Diploma/ Degree	AIT
Alicia	Riniker	130/130	96	MA or MS Diploma/ Degree	AIT
Robert	Sayler	124/127	84	BA or BS Diploma/ Degree	AIT
學的自然的情報	Emergency Permi	ts that have b	een issued b	etween 09/01/2020 and 3/17/2021	
First Name	Last Name			Facility Name	Expiration Date
Joshua	Kelly	Spearfish Canyon Healthcare			03/23/2021
Christopher	Hart	Good Samaritan Society- Howard			04/06/2021
lohn	Paulson	Avantara Arlington			05/06/2021
Courtney	Unruh	Oakview Terrace			05/20/2021
Petar	Mirkovic	Firesteel Healthcare Center 05/30/2			
Kelsey	Bertsch				07/03/2021
Rachel	Holler	Tekakwitha Living Center 8/2/2021			