

South Dakota Nursing Facility Administrators

Regular Meeting Agenda

Wednesday March 19, 2025 -- 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.

Register: https://us02web.zoom.us/meeting/register/NQdBNOHgR-u_DLns3nc_iQ

- 1) Call to Order
- 2) Open Forum – *5 minutes for the public to address the Board.*
- 3) Approval of Minutes – *September 4, 2024 Meeting*
- 4) Adoption of Agenda
- 5) Financial Report
- 6) Office Update
- 7) Executive Session -1-25-2 (3) and (4)
- 8) New Business
 - a. FY 2026 Board Operations
 - b. Board Policies
 - c. Continuing Education Guidelines
 - d. Board Officer Elections
 - e. Board Meeting Schedule – March 2026
- 9) License Applications
- 10) Announcements: Next Meeting – September 10, 2025 at 1pm Central.
- 11) Adjourn



South Dakota Board of Nursing Facility Administrators
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South Dakota Board of Nursing Facility Administrators
Teleconference Board Meeting
September 4, 2024

President Yeaton called the meeting to order at 1:02 pm Central.

Members of the Board present via teleconference: Tim Yeaton, Justin Hinker, Jason Hanssen, Daryl Reinicke and Marilyn Kinsman

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

Legal Counsel in attendance via teleconference: Megan Borchert

Others in attendance via teleconference: Jennifer Maeschen and Bob Mercer

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

Motion to approve the minutes of the March 20, 2024 Board Meeting by Reinicke. Second by Kinsman. Motion carried.

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

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

Novotny provided an office update.

Jennifer Maeschen from the Department of Health provided an update on the Department of Health Office of Health Facilities Licensure and Certification.

Motion to move into Executive Session per SDCL 1-25-2 (3) by Hinker. Second by Kinsman. Motion carried. The Board went into Executive Session at 1:19 pm.

Motion to move out of Executive Session by Hansson. Second by Hinker. Motion carried. The Board came out of Executive Session at 1:21 pm.

The Board announced meeting dates of March 19, 2025 and September 10, 2025.

There being no further business, the meeting was adjourned at 1:22 pm.

Respectfully Submitted,

Daryl Reinicke, Secretary

Remaining Authority by Object/Subobject

Expenditures current through 02/01/2025 12:20:27 PM

HEALTH -- Summary

FY 2025 Version -- AS -- Budgeted and Informational

FY Remaining: 41.1 %

09207 Subobject	Board of Nursing Home Admin - Info	Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT AVL
EMPLOYEE SALARIES							
5101030	Board & Comm Mbrs Fees	4,067	0	0	0	4,067	100.0
Subtotal		4,067	0	0	0	4,067	100.0
EMPLOYEE BENEFITS							
5102010	Oasi-employer's Share	401	0	0	0	401	100.0
Subtotal		401	0	0	0	401	100.0
51 Personal Services							
Subtotal		4,468	0	0	0	4,468	100.0
TRAVEL							
5203030	Auto-priv (in-st.) H/rte	1,418	0	0	0	1,418	100.0
5203100	Lodging/in-state	589	0	0	0	589	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		3,406	0	0	0	3,406	100.0
CONTRACTUAL SERVICES							
5204020	Dues & Membership Fees	1,500	2,000	0	0	-500	0.0
5204050	Computer Consultant	6,500	5,305	595	0	600	9.2
5204080	Legal Consultant	2,138	184	0	0	1,954	91.4
5204090	Management Consultant	43,634	20,596	20,713	0	2,325	5.3
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	875	431	0	0	444	50.7
5204204	Central Services	305	291	0	0	14	4.6
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 Srvc	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 02/01/2025 12:20:27 PM

HEALTH -- Summary

FY 2025 Version -- AS -- Budgeted and Informational

FY Remaining: 41.1 %

09207 Board of Nursing Home Admin - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
5204960 Other Contractual Service	1,500	1,355	0	0	145	9.7
Subtotal	61,777	30,162	21,308	0	10,307	16.7
SUPPLIES & MATERIALS						
5205310 Printing-state	500	39	0	0	461	92.2
5205320 Printing-commercial	500	0	0	0	500	100.0
5205350 Postage	900	374	0	0	526	58.4
5205390 Food Stuffs	50	0	0	0	50	100.0
Subtotal	1,950	413	0	0	1,537	78.8
52 Operating Subtotal	67,133	30,575	21,308	0	15,250	22.7
Total	71,601	30,575	21,308	0	19,718	27.5

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 01/31/2025

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	4293974	RENEWAL LIC - NHA	3,900.00	73,320.00	
092070061816	6503	4293975	INITIAL APP'L - NHA	1,560.00	2,730.00	
092070061816	6503	4293976	RECIPROCITY APP'L - NHA	.00	390.00	
092070061816	6503	4293977	EMERGENCY TEMP LIC-NHA	260.00	1,820.00	
092070061816	6503	4293978	EXAM FEE-HNA	400.00	800.00	
092070061816	6503	4293979	INACTIVE LICENSE FEES	195.00	585.00	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		6,315.00	79,645.00	*
ACCT:	42	LICENSES, PERMITS & FEES		6,315.00	79,645.00	**
092070061816	6503	4896019	MISC INCOME-NHA	.00	245.00	
ACCT:	4896			.00	245.00	*
ACCT:	48	OTHER REVENUE		.00	245.00	**
092070061816	6503	4920045	NONOPERATING REVENUES	.00	1,854.84	
ACCT:	4920	NONOPERATING REVENUE		.00	1,854.84	*
ACCT:	49	OTHER REVENUE		.00	1,854.84	**
CNTR:	092070061816			6,315.00	81,744.84	***
CNTR:	092070061			6,315.00	81,744.84	****
CNTR:	0920700			6,315.00	81,744.84	*****
COMP:	6503			6,315.00	81,744.84	*****
B UNIT:	09207			6,315.00	81,744.84	*****

BA1409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 01/31/2025

PAGE 140

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

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092000061816	1140000	78,147.80	DR	BOARD OF NURSING FACILITY ADMINISTRATORS
COMPANY/SOURCE TOTAL 6503 618			78,147.80	DR *	
COMP/BUDG UNIT TOTAL 6503 09207			78,147.80	DR **	
BUDGET UNIT TOTAL 09207			78,147.80	DR ***	

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.

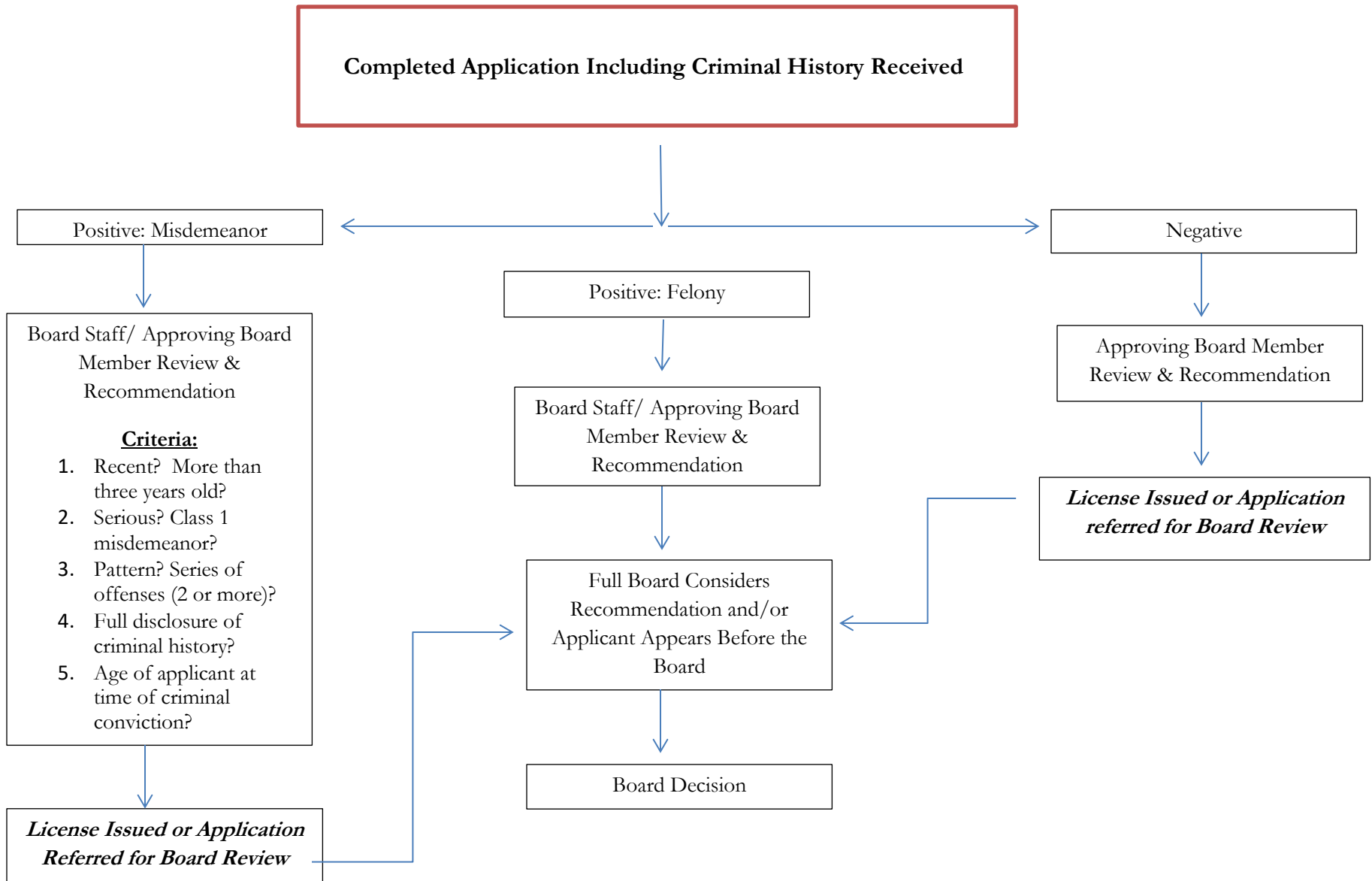
Confidential Information

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.

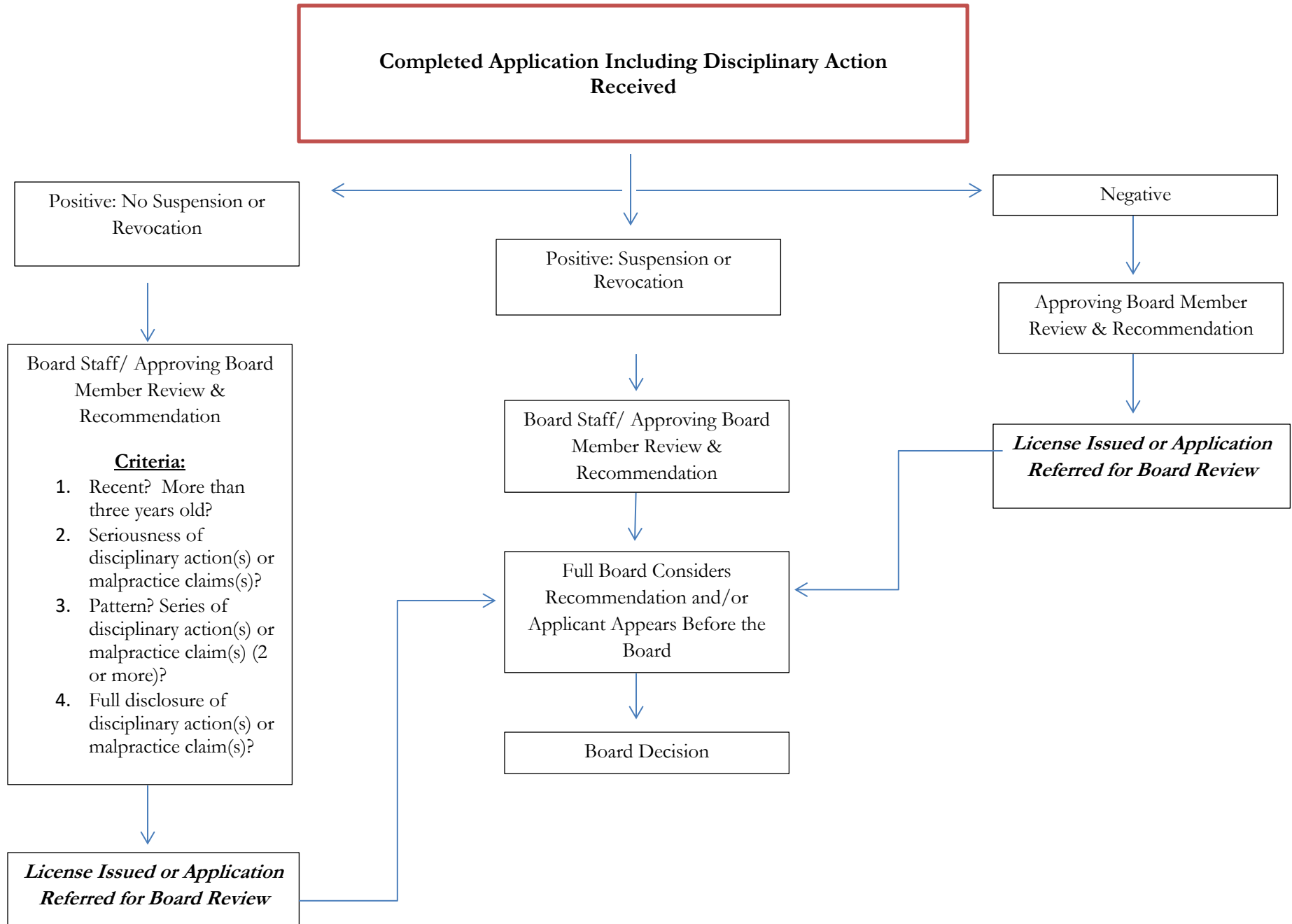
Reporting of Violations

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

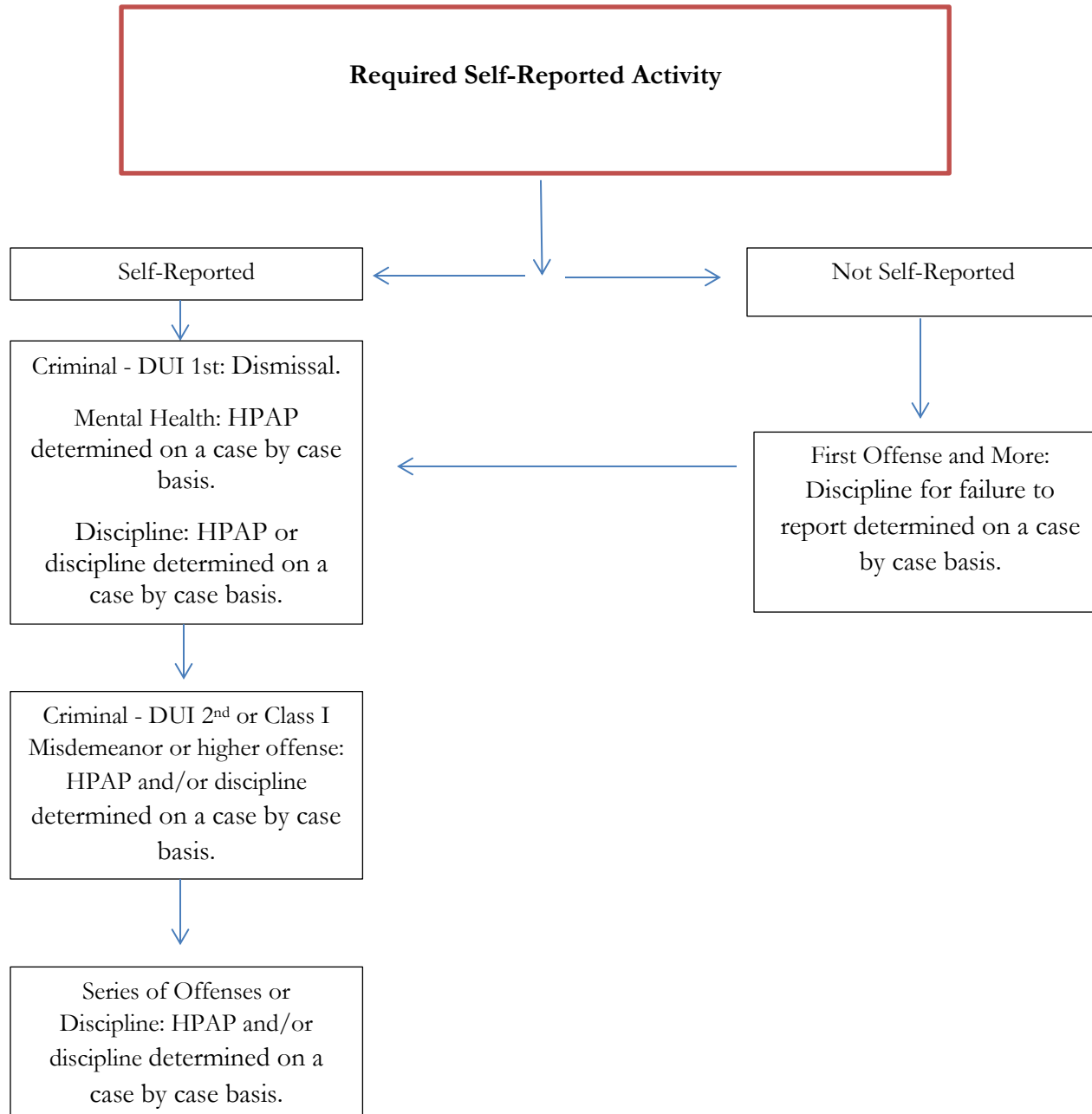
Criminal History Algorithm: It is the policy of the Board to use the Criminal History Algorithm as guidance when determining whether to issue a license.



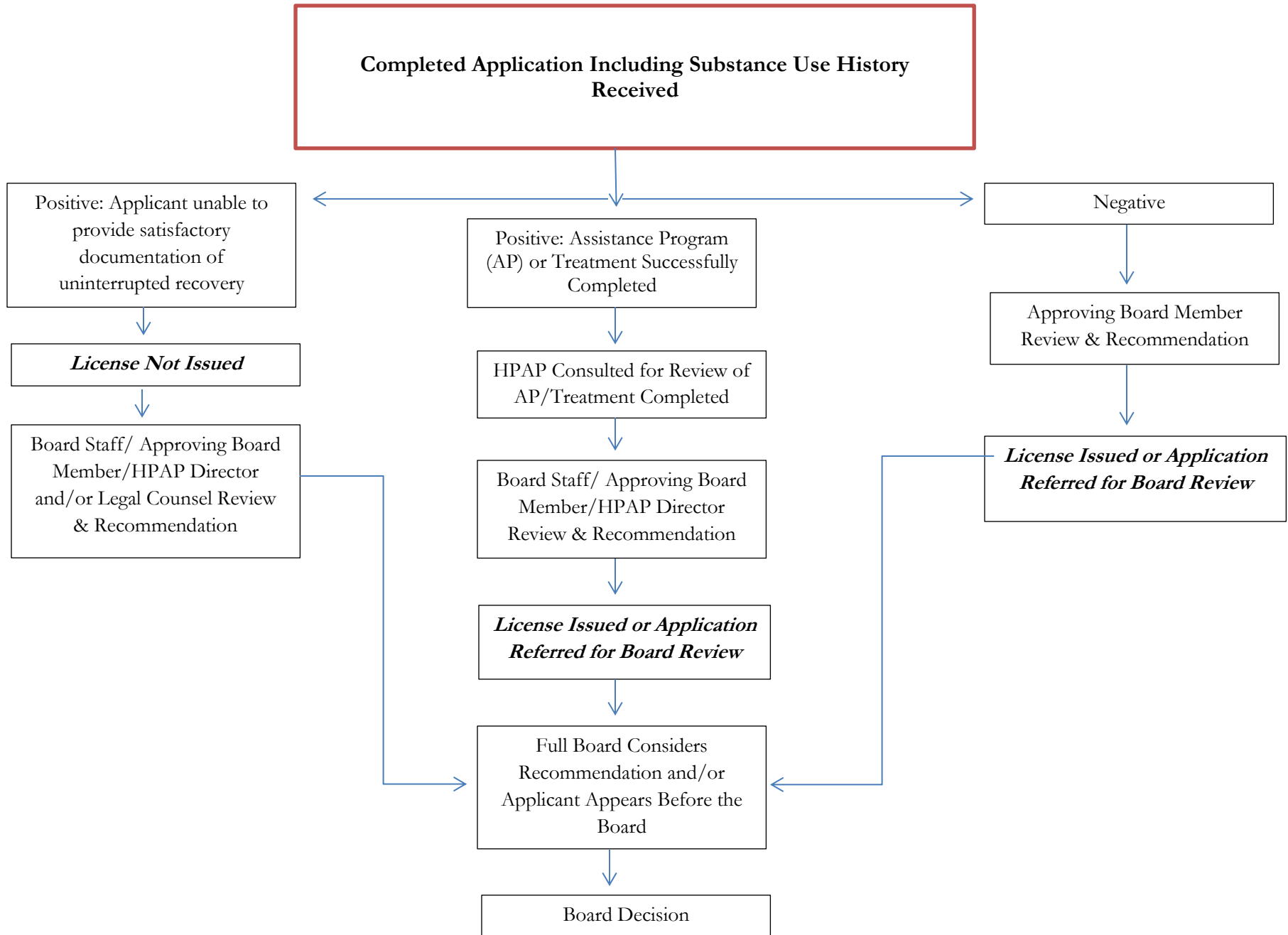
Disciplinary Action Algorithm: It is the policy of the Board to use the Disciplinary Action Algorithm as guidance when determining whether to issue a license.



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.



Application Review Policy: It is the policy of the Board to use the Application Review Policy as guidance when determining whether to issue a license or permit. “Complex” encompasses any application or document that includes the disclosure of or absence of information that warrants additional review.

Application

- **Nursing Facility Administrator License Applications:** A completed application will be reviewed and may be approved by board office staff. A complex application will be reviewed and may be approved by a member of the Board.

Emergency Permit

- **Emergency Permit:** A completed application will be reviewed and may be approved by board office staff. A complex application will be reviewed and may be approved by a member of the Board.

Preceptor Status

- **Preceptor Status:** A completed application will be reviewed and may be approved by board office staff. A complex application will be reviewed and may be approved by a member of the Board.



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
 - Yankton Area Mental Wellness Inc.
 - American Association of Healthcare Administrative Management (AAHAM) and State Affiliates
 - Healthcare Financial Management Association (HFMA) and State Affiliates
 - Systems of care that operate South Dakota nursing home facilities.

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

SDNFA Board Meeting**Licenses that have been issued between
8/23/2024 and 03/03/2025 (Initial Licensure)**

First Name	Last Name
Shandel	Anson
Madison	Barta
Lisa	Geis
Amber	Mart
Travis	Miles
Ada	Mundt
Rebecca	Pulse
Michelle	Vernon
Joy	Voss

**Emergency Permits that have been issued
between 8/23/2024 and 3/3/2025**

First Name	Last Name
Melissa	Cunningham
Ada	Mundt
Margaret	O'Sullivan
Aaron	Pollard
Raigan	Schmidt
Brittany	Smith