

Alabama Board of Examiners of Assisted Living Administrators
Called Board Meeting & Public Hearing

Date: Friday, May 24, 2013
Time: 11:00 a.m.

Place: 5921 Carmichael Road
Montgomery, AL

Members Present: Ms. Sherry Stone
Mr. Deloye Burrell
Ms. Vivian Readus
Ms. Ginger Fletcher
Ms. Dale Law
Ms. Rita VanDyke
Ms. Cindy Lewis
Dr. Regina Harrell

Members Absent: Ms. Bettye Bambarger

Others Present: Ms. Amy Findley, Executive Director
Bettie Carmack, Attorney General Representative

Call to Order: The called meeting of the Board was called to order at 11:21 a.m. by Chair, Sherry Stone.

Agenda: Amy Findley reported she needs to add two items to the agenda under the New Business section. RG info from ADPH and SP request.

Regina Harrell motioned to approve the agenda with changes, Deloye Burrell seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Board Meeting Minutes from 04/11/2013: Deloye Burrell motioned to approve the April 11, 2013 minutes as submitted, Regina Harrell seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Office Assistant: Amy Findley asked the board to consider hiring an office assistant to help her.

State Personnel stated the BOEALA can hire a clerical aide. There is a temporary clerical aide position that can work for 832 hours and then has to take 60 days off. The rate of per hour would be \$7.25.

Discussion was held.

Cindy Lewis motioned to approve the hiring of a clerical aide and allow the Executive Director to hire at her discretion, Regina Harrell seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Investigative Committee Recommendations:

The Investigative Committee met this morning and has the following recommendations for the board regarding complaints received.

Jessica Smith - \$250.00 fine and 6 months' probation.

Regina Harrell motioned to approve the Investigative Committee's recommendation for Jessica Smith, Cindy Lewis seconded the motion. There was no discussion and the motion was approved by, Dale Law, Vivian Readus, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone. Deloye Burrell and Ginger Fletcher abstained.

LA - \$500.00 fine and 6 months' probation and may reapply for Cat. II license one year after consent form is signed.

Cindy Lewis motioned to approve the Investigative Committee's recommendation for LA, Regina Harrell seconded the motion. There was no discussion and the motion was approved by, Dale Law, Vivian Readus, Cindy Lewis, Ginger Fletcher, Regina Harrell, Rita VanDyke and Sherry Stone. Deloye Burrell voted No.

SW - \$500.00 fine and 6 months' probation.

Regina Harrell motioned to approve the Investigative Committee's recommendation for SW, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Cindy Lewis, Ginger Fletcher, Regina Harrell, Rita VanDyke and Sherry Stone.

OG - \$250.00 fine and 6 months' probation.

Deloye Burrell motioned to approve the Investigative Committee's recommendation for OG, Ginger Fletcher seconded the motion. There was no discussion and the motion was approved by, Dale Law, Cindy Lewis, Deloye Burrell, Ginger Fletcher, Rita VanDyke and Sherry Stone. Vivian Readus voted No, Regina Harrell abstained.

Legal Services Contract: Amy Findley presented the board with a legal services contract from Wilkerson & Bryan, PC. It is the same fee as the last contract. This one is for 2 years instead of 1 year.

Cindy Lewis motioned to approve the legal services contract as presented, Regina Harrell seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Renewals for Review:

KI – The renewal of KI was presented to the Board for Review.

Sherry Stone motioned to enter into Executive Session at 12:20pm for approximately 10 minutes, Ginger Fletcher seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Ginger Fletcher motioned to exit Executive Session at 12:25pm, Regina Harrell seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Ginger Fletcher motioned to approve the renewal application of KI, Sherry Stone seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye

Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

BO – Amy Findley reported the facility in which BO works had a provisional license that expired 4/22/13. BO's license expired 4/30/13 and he has met all of the requirements to renew.

Amy Findley looked at www.adph.org during the board meeting and it shows the facility has a probational license effective 05/24/13.

Discussion was held.

Ginger Fletcher motioned to approve the renewal application of BO and to print a copy of www.adph.org that shows the facility has a probational license, Deloye Burrell seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Request for Hearing – Amy Findley presented the board with a Request for a Hearing letter submitted by LN.

LN's application was denied to her not having sufficient work experience in a licensed assisted living, nursing home, hospital or residential care setting for the elderly or disabled within the last 2 years.

Amy Findley talked with LN on the phone today and she verbally stated she is withdrawing her request and would send something in writing stating this.

Disciplinary Actions on Website: Amy Findley asked the board for guidance as to what information they want listed on the website when a licensed administrator has disciplinary action taken against them.

Discussion was held.

The licensees name, license number and disciplinary action will be posted on the website.

If the public wants more information, they will have to send a formal request and pay the applicable fees to the BOEALA.

Internships for Review – The internship of DD was presented to the board for review. NS will be the preceptor.

Cindy Lewis motioned to approve the internship of DD, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

The internship of JA was presented to the board for review. RH will be the preceptor.

Sherry Stone motioned to approve the internship of JA, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Regina Harrell exited the meeting at 12:32pm

New Business –

Website Changes - Amy Findley reported ISD has offered to update the BOEALA website at no additional charge while they are creating the CEU database.

Cindy Lewis motioned to give Amy Findley the authority to update the BOEALA website as long as there are no costs involved, Rita VanDyke seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Regina Harrell, Rita VanDyke and Sherry Stone.

Full Time Hours – Amy Findley asked the board to define full time hours.

Discussion was held.

Deloye Burrell motioned to define full time hours as a minimum of 30 hours per week, Sherry Stone seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Rita VanDyke and Sherry Stone.

Willfully and Repeatedly language- Amy Findley asked the board to look at defining willfully and repeatedly in the rules and regs.

Discussion was held.

The board wants to defer this to the Rules Committee.

Regina Harrell Resignation – Amy Findley presented the board with a resignation letter for Regina Harrell.

RG – Sherry Stone motioned to enter into executive session at 1:00pm for approximately 10 minutes, Ginger Fletcher seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Cindy Lewis, Rita VanDyke and Sherry Stone.

Sherry Stone motioned to exit executive session at 1:12pm, Dale Law seconded the motion. There was no discussion and the motion was approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Rita VanDyke, Cindy Lewis and Sherry Stone.

Rita VanDyke motioned to send RG a letter requesting that he surrender his license and tell him he may reapply when he is working at an assisted living facility, Ginger Fletcher seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Rita VanDyke and Sherry Stone. Cindy Lewis abstained.

SP – SP sent a request to the board asking for help in getting her license back from her previous employer.

Amy Findley will let her know the board can't do anything to help her. SP can file a small claims action against her employer seeking the return of her license.

Statute changes – nothing happened with the statute changes. They passed the committee's in both the House and Senate. The update on ALLISON states they are indefinitely postponed.

Old Business-

Sherry Stone motioned to adjourn the meeting at 1:30pm, Dale Law seconded the motion. There was no discussion and the motion was unanimously approved by, Dale Law, Deloye Burrell, Vivian Readus, Ginger Fletcher, Rita VanDyke, Cindy Lewis and Sherry Stone.

Approved by: _____
Sherry Stone, Chair

Prepared by: _____
Amy Findley, Executive Director

No one attended the public hearing, ALAA sent a response that stated they would rather the board consider making the passing grade a 90 in January instead of 85.

The rule passed as submitted.