

Alabama Board of Examiners of Assisted Living Administrators
Regular Board Meeting

Date: Thursday, July 10, 2008
Time: 10:00 a.m.

Place: 5921 Carmichael Road
Montgomery, AL

Members Present: Mr. David Wilbanks
Mr. Tommy McKinnon
Ms. Rita VanDyke
Mr. Jimmy Law

Members Absent: Ms. Mamie Mahone
Mr. George Smith

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

Call to Order: The called meeting of the Board was called to order at 10:05 a.m. by chairperson, David Wilbanks.

Agenda: Tommy McKinnon motioned to approve the agenda as distributed, Rita VanDyke seconded the motion. No opposition. Motion carried.

Minutes from May 29, 2008: Rita VanDyke motioned to approve the minutes as distributed, Tommy McKinnon seconded the motion. No opposition. Motion carried.

BOE Monthly Checklist: The May & June 2008 Monthly Checklist was presented to the Board.

Exigent Circumstances: Amy Findley reported the auditors made her aware that nothing had been done regarding the 2004 Exigent Circumstance Policy that was created due to Hurricane Ivan.

After much discussion by the Board, David Wilbanks motioned not to accept the 2004 Exigent Circumstance, Tommy McKinnon seconded the motion. No opposition. Motion carried.

Rita VanDyke motioned to create an Emergency Rule on a case by case basis when a natural disaster arises, Tommy McKinnon seconded the motion. No opposition. Motion carried.

Rules Committee Recommendations: Recommended rules changes were submitted to the board for review. The proposed recommendations are attached to these minutes.

Discussion was held.

The auditors brought it to Amy's attention that the Executive Director language in the rules had not been made. When Amy took the change to the Legislative Reference service in 2007, she was under the impression that by changing the definition of Executive Secretary to Executive Director it would change the language in the entire rules. However, that was not the case, so now each chapter has to be submitted to the LRS to change the language to Executive Director.

Tommy McKinnon motioned to change the Executive Secretary language to Executive Director in all chapters of the BOEALA Rules and Regulations, David Wilbanks seconded the motion. No opposition. Motion carried.

After discussion regarding unlicensed facilities, the Board voted to add a new rule to the rules and regs.

David Wilbanks motioned to add new rule 135-X-7-.01 (4) (a) which will read "Any person currently employed at an Assisted Living Facility is authorized to apply for license renewal only if said facility that employs the licensee is licensed by the Alabama Department of Public Health, Tommy McKinnon seconded the motion. No opposition. Motion carried.

The following rules were approved or rejected by the Board. Refer to the attached Rules Committee Recommendations.

135-X-2-.01 (p) NEW RULE

Tommy McKinnon motioned to add rule 135-X-2-.01 (p) to the BOEALA Rules and Regulations, David Wilbanks seconded the motion. No opposition. Motion carried

135-X-5-.02 (a) (4), 135-X-5-.02 (i), 135-X-5-.02 (5) (i)

Tommy McKinnon motioned to approve the rules changes to the following rules 135-X-5-.02 (a) (4), 135-X-5-.02 (i), 135-X-5-.02 (5) (i), the bold writing will be changed to the following: "school approved and recognized by the educational authorities of the state in which such school is located or a political subdivision thereof, or has submitted a certificate indicating that he/she has obtained high school, GED, or secondary school equivalency, such certificate being duly certified by a state educational authority or a political subdivision thereof" to the BOEALA Rules and Regulations, David Wilbanks seconded the motion. No opposition. Motion carried

135-X-5-.03 (2)

Tommy McKinnon motioned to accept the proposed change to rule 135-X-5-.03 (2) in the BOEALA Rules and Regulations, David Wilbanks seconded the motion. No opposition. Motion carried

135-X-5-.03 (5)

Tommy McKinnon motioned to accept the proposed change to rule 135-X-5-.03 (5)

in the BOEALA Rules and Regulations, David Wilbanks seconded the motion. No opposition. Motion carried

135-X-5-.05 (4)

Rita VanDyke motioned to accept the proposed change to rule 135-X-5-.05 (4) in the BOEALA Rules and Regulations, Tommy McKinnon seconded the motion. No opposition. Motion carried

135-X-7-.01 (10), 135-X-7-.01 (10) (a-e)

Tommy McKinnon motioned to decline the proposed change to rule 135-X-7-.01 (10) but will accept 135-X-7-.01 (10) (a-e) in the BOEALA Rules and Regulations, Rita VanDyke seconded the motion. No opposition. Motion carried

Tommy McKinnon motioned to charge an Administrative Fee of \$75.00 to anyone except the ADPH for a list of licensed administrators, David Wilbanks seconded the motion. No opposition. Motion carried

135-X-7-.02 (i)

David Wilbanks motioned to decline the proposed change to rule 135-X-7-.02 (i) in the BOEALA Rules and Regulations, Tommy McKinnon seconded the motion. No opposition. Motion carried

135-X-7-.02 (l)

Tommy McKinnon motioned to accept the proposed change to rule 135-X-7-.02 (l) in the BOEALA Rules and Regulations, David Wilbanks seconded the motion. No opposition. Motion carried

135-X-7-.02 (4)

David Wilbanks motioned to accept the proposed change to rule 135-X-7-.02 (4) in the BOEALA Rules and Regulations, Rita VanDyke seconded the motion. No opposition. Motion carried

135-X-7-.02 (5)

David Wilbanks motioned to accept the proposed change to rule 135-X-7-.02 (5) in the BOEALA Rules and Regulations, Tommy McKinnon seconded the motion. No opposition. Motion carried

135-X-8-.01 (1)

David Wilbanks motioned to accept the proposed change to rule 135-X-8-.01 (1) in the BOEALA Rules and Regulations, Tommy McKinnon seconded the motion. No opposition. Motion carried

135-X-13-.01

Rita VanDyke motioned to decline the proposed change to rule 135-X-13-.01 in the BOEALA Rules and Regulations, David Wilbanks seconded the motion. No opposition. Motion carried

Application for Review: Amy Findley presented the Board with an application for LF. She appeared before the board 6 months ago due to her background check. The Board decided to allow her to reapply after 6 months.

Rita VanDyke motioned to use Bradley Screening for BOEALA background checks, Jimmy Law seconded the motion. No opposition. Motion carried

IF LF is awarded a license, she is required to submit a yearly background check with her renewal until her license comes off probation on August 27, 2010.

Rita VanDyke motioned to enter into Executive Session at 11:21am to discuss one's character, Tommy McKinnon seconded the motion. No opposition. Motion carried.

Discussion was held

Tommy McKinnon motioned to exit Executive Session at 11:27am, David Wilbanks seconded the motion. No opposition. Motion carried.

David Wilbanks motioned to accept the application of LF after she has provided the BOEALA will all of the required documents, Jimmy Law seconded the motion. No opposition. Motion carried.

New Business:

(1) Licensee Search-

Amy Findley presented the Board with a quote from ISD to create and maintain a Licensee Search on the website. The public and licensee's would be able to check and see if someone is licensed and licensee's would be able to look at how many CEU's they have for the year. The quote was for \$910.00 for the initial set up and \$91.00 per hour to maintain the search.

After discussion by the Board, it was decided that we will postpone this for now.

(2) Board Meeting Dates-

The auditors told Amy Findley that a finding would show up on the audit due to not having a quorum at the October 2007 Regular Board Meeting. The rules read:

The Board shall hold not less than four meetings each year. The Board shall meet in the conference room of the Board of Examiners' office building at 10:00 a.m. on the second Thursday of the first month of each quarter (January, April, July, and October) unless such date is a federal or state holiday, as posted on the Board of Examiners' website or as notified in the Alabama Administrative Monthly.

After discussion by the Board, they decided to change the rule to:

David Wilbanks motion to change the Meetings of the Board Rule 135-X-3-.01 to: "The Board shall hold not less than four meetings each year. The Board shall meet in the conference room of the Board of Examiners' office building unless such date is a federal or state holiday, as posted on the Board of Examiners' website or as notified in the Alabama Administrative Monthly.", Tommy McKinnon seconded the motion. No opposition. Motion carried.

(3) AF Contract-

Amy Findley spoke to the Board about the required 20 hours per week with her employment agreement. That will be impossible at times when on vacation or sick.

After discussion, Bettie Carmack stated she would change the employment agreement to reflect hours when vacation time was taken.

(4) BOEALA Newsletter-

October 2008 will be the last mailed BOEALA newsletter, the future newsletters will be on the BOEALA website for the licensees to view.

(5) NHA Renewal Form & Emergency Permit-

The auditors brought it to Amy Findley's attention that the NHA Renewal Form and Emergency Permit does not have a place for applicants to put their SSN. The auditors said that it is required to be on the forms. Effective July 2008, the forms will be changed.

Old Business: None

Rita VanDyke motioned to adjourn the meeting at 11:45 a.m., Tommy McKinnon seconded the motion. No opposition. Motion carried.

Approved by: _____
David Wilbanks, Chair

Prepared by: _____
Amy Findley, Executive Director