

**IDAHO BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY  
ADMINISTRATORS  
Bureau of Occupational Licenses  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063**

**Board Meeting Minutes of 4/23/2015**

**BOARD MEMBERS PRESENT:** Heidi Brough Nye - Chair  
Ann L Moss  
Benjamin E Doty  
Kristen E Hyde  
Linda L. Simon

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitch Toryanski, Legal Counsel  
Eric Nelson, Board Prosecutor  
Marilyn London, Technical Records Specialist

**OTHERS PRESENT:** Jamie Simpson, Licensing & Certification  
Bridger Fly, IHCA  
Tony Smith, Eiguren Fisher Ellis  
Kris Ellis, IHCA

The meeting was called to order at 9:00 AM MDT by Heidi Brough Nye.

**APPROVAL OF MINUTES**

Mr. Doty made a motion to approve the minutes of January 22, 2015 and February 20, 2015. It was seconded by Ms. Moss. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. Ms. Cory said the two bills, HB116 and HB117 that went before the Legislature had passed. HB116 is to clarify that Boards served by the Bureau of Occupational Licenses can recoup attorney fees when a licensee is found to be in violation of the Board's laws and rules in disciplinary cases. HB117 allows licensees to reinstate their licenses without paying for the years they were not licensed. It also increases the reinstatement fee from \$25 to \$35. Ms. Cory expressed appreciation for Ms. Brough Nye's help with these bills at the Legislature.

Ms. Brough Nye thanked Ms. Cory and Maurie Ellsworth for their hard work through the legislative session.

## **FINANCIAL REPORT**

Ms. Cory gave the financial report, which indicated that the Board had a negative balance of (\$95,840.93) as of March 31, 2015.

## **DISCIPLINE**

Mr. Nelson presented a memorandum regarding case numbers RCA-2015-8, RCA-2015-9 and RCA-2015-11.

Mr. Doty made a motion to close case RCA-2015-11 with a warning letter. It was seconded by Ms. Moss. Motion carried.

After discussion, the Board gave recommendations for appropriate discipline for cases RCA-2015-8 and RCA-2015-9.

Mr. Nelson presented a Stipulation and Consent Order in case RCA-2015-3 and case RCA-2015-6. Ms. Moss made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Hyde. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Ms. Simon made a motion to approve the Bureau's recommendation and authorize closure in case I-RCA-2014-32 and to send a warning letter to the supervisor. It was seconded by Ms. Moss. Motion carried.

## **DISCIPLINE**

Ms. Peel presented a Findings of Fact, Conclusions of Law and Final Order in case RCA-2015-10. Ms. Moss made a motion to approve the Final Order and authorize the Board Chair to sign on behalf of the Board. It was seconded by Ms. Hyde. Motion carried.

## **OLD BUSINESS**

To Do List – The Board reviewed the to do list and no action was taken.

## **NEW BUSINESS**

## **NEXT MEETING**

The next Board meeting was scheduled for July 16, 2015 at 9:00 AM MDT.

## **IDAHO HEALTH CARE ASSOCIATION DISCUSSION**

Ms. Brough Nye welcomed Mr. Bridger Fly, an Idaho Health Care Association Board member, and thanked him for being here to discuss ways the Board of Residential Care Facility Administrators and Association Board could work more closely on issues that impact them both. Ms. Brough Nye, Board Chair noted that she had sent invitations to all the IHCA Board members to attend today's meeting.

Ms. Brough Nye expressed concern regarding an experience that took place in the Legislature this session when the Board's fee increase rules were being presented.

Ms. Brough Nye mentioned that Kris Ellis testified in the House Health and Welfare Committee on behalf of the Idaho Health Care Association. While her testimony was in favor of the fee increase, Ms. Ellis expressed concerns of wasteful spending in duplicative investigations with the RCA Board and Licensing and Certification. Ms. Brough Nye also recounted that Ms. Ellis suggested combining the Residential Care Facility Administrator Board and the Nursing Home Administrator Board in order to save money.

Ms. Brough Nye stated that she testified to the Health and Welfare Committee that these issues had not been brought before the RCA Board and that the RCA Board had even met the day before. Additionally, Ms. Brough Nye testified that IHCA had never submitted anything in writing to the RCA Board.

Ms. Brough Nye stated that following this testimony, Ms. Ellis countered with a letter to Tana Cory and copied Chairman Wood and the House Health and Welfare Committee that stated that Ms. Brough Nye's testimony was not true and asserted that Tony Smith did attend the July 24, 2014, RCA Board meeting and provided comments to the RCA Board under the topic of investigations and asserted Mr. Smith's willingness to testify to the Committee on this fact.

Ms. Brough Nye expressed frustration in this strategy because it appeared to her that Ms. Ellis did not appropriately represent the facts. Ms. Brough Nye also expressed concern that this manner of communication was not professional and did not reflect positively on the health care industry.

Mr. Smith stated that he believed he had briefly mentioned these issues at the July 24, 2014, RCA Board meeting. He recalled that he had mentioned both combining the RCA and NHA Boards and duplicative investigations because he recalled that Jamie Simpson was sitting near him. Ms. Brough Nye stated that she did not recall his comments and those whom she had talked to could not recall Mr. Smith making these comments. Ms. Brough Nye stated that she had

been the one to request adding investigations and reducing costs to the July meeting agenda. Ms. Simpson stated she believed that there was not much duplication between the investigations done by Licensing and Certification and those done by IBOL investigators.

Ms. Ellis stated that the Idaho Health Care Association did not oppose the fee increase for administrators' licenses. She stated that they were concerned about raising the cap in the Board's laws, which ultimately had been a misunderstanding.

Ms. Brough Nye stated that she was not as concerned about the fee increase testimony as she was about issues being brought up in the legislature prior to being fully discussed with the Board. It was noted that if the Association would like to discuss issues, then IHCA representatives should request to be placed on the agenda. This request can be done by emailing or calling Marilyn. This approach will ensure that issues are properly noticed in accordance with the open meeting law.

Discussion was held by Ms. Brough Nye and Mr. Fly and both stated the reason they both serve as volunteers on their respective Boards is because they are committed to the Residential Care profession.

Mr. Bridger Fly stated he would bring these concerns to the Idaho Health Care Association's next Board meeting and discuss ways to improve communication in the future.

### **ADMINISTRATOR TRAINING**

Ms. Simpson, with the Department of Health and Welfare, presented information on PowerPoints for a webinar training that is being developed for nurses and is significant for residential care facility administrators. There will be an exam given and a certificate provided stating it is approved by Licensing and Certification for one hour of credit per training.

### **IDAHO CODE SECTION 67-2614**

Mr. Toryanski explained that the Bureau is working on a fee adjustment rule for compatibility with Idaho Code 67-2614 which will change the RCA reinstatement fee from \$25.00 to \$35.00. There will be one set of rules and it will include all the Boards that want to be a part of it. Ms. Simon moved to direct the Bureau to draft the rules and bring it to the next meeting for review. Ms. Moss seconded the motion. Motion carried.

### **CONTINUING EDUCATION TRAINING**

The Board reviewed three continuing education approval applications and directed that letters be sent requesting additional information on each application.

## **NATIONAL ASSOCIATION ADMINISTRATOR BOARDS**

Ms. Simon made a motion to approve Ms. Brough Nye to attend the NAB annual meeting in Philadelphia on June 3 through 5, 2015. Ms. Hyde seconded the motion. Motion carried. Expenses are paid by NAB.

## **EXECUTIVE SESSION**

Ms. Moss made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Doty. The vote was: Ms. Hyde, aye; Mr. Doty, aye; Ms. Moss, aye; Ms. Simon, aye; and Ms. Brough Nye, aye. Motion carried.

Mr. Doty made a motion to come out of executive session. It was seconded by Ms. Moss. The vote was: Ms. Hyde, aye; Mr. Doty, aye; Ms. Moss, aye; Ms. Simon, aye; and Ms. Brough Nye, aye. Motion carried.

## **APPLICATIONS**

Ms. Moss made a motion to approve Mary Egeland to take the exam for licensure. It was seconded by Ms. Simon. Motion carried.

Ms. Simon made a motion to hold the application for applicant 901137848 pending completion of the administrator course. It was seconded by Ms. Moss. Motion carried.

## **ADJOURNMENT**

Ms. Moss made a motion to adjourn the meeting at 11:25 AM MDT. It was seconded by Ms. Hyde. Motion carried.

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Heidi Brough Nye, Chair

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Ann L Moss

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Benjamin E Doty

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Kristen E Hyde

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Linda L. Simon

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Tana Cory, Bureau Chief