

Kansas Department for Aging and Disability Services
Board of Adult Care Home Administrators
Meeting of September 13, 2013

The Board of Adult Care Home Administrators met Friday, September 13, 2012 at 1:00 p.m. in Classroom A of the Kansas National Education Association Building, 715 SW 10th, Topeka, Kansas.

Members Present	Staff Present	Others Present
Amy Hoch Altwegg	Steve Irwin	Phyllis Kelly
Dr. Bryant	Brenda Kroll	Hayden Parker, KHCA
Lesia Henry	Lisa Mendoza	Dawn Veh, Wesley Towers
Robert Meissner		Teri Strong, Ph.D.
K. J. Langlais		Nestoria Wright, KACE AIT
Timothy Heston		Suzi Lenker, KACE
		Robert Cooney, KACE AIT
		Judith Wineland, The Cedar
		Dana Weaver, LeadingAge Ks

1. Call Meeting to Order

Steve Irwin called the meeting of the Board of Adult Care Home Administrators (BACHA) to order at 1:10 p.m.

2. Introductions/New Member

Mr. Irwin led introductions of current Board members, new member, Dr. Timothy Heston, and staff members.

3. Selection of Board Chair

Mr. Irwin called for nominations for Board Chair.

ACTION: Kevin Bryant nominated Amy Hoch Altwegg. The nomination was seconded by Dr. Meissner and carried.
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4. Orientation to KOMA

Assistant Attorney General, Lisa Mendoza, provided copies of *A Citizen's Guide to KOMA/KORA – Kansas Open Meetings Act – Kansas Open Records Act* and explained that BACHA has obligations under both laws.

Kansas Open Meetings Act (KOMA) - To increase accountability, meetings shall be open unless there is an exception. Meetings consist of gatherings in person, by phone or other means such as skype, twitter, etc.

There was a discussion concerning Serial Communication. This occurs when there is a common topic of discussion and a communication eventually gets to a majority of the body. BACHA is a seven member Board with four members constituting a majority. For example, this can happen if “Reply All” is selected in response to an email communication, or if one or more board members discuss board business with a majority of the membership of the board.

Meeting notices are not required to be published. However, Boards are required to provide notice of meetings to those who have requested notice. There are no formalities in asking for notice. The request is valid for one fiscal year and the Agency is to advise when the fiscal year is up and ask if the parties are still interested in receiving notices.

Social gatherings are okay but the group cannot discuss the business of the body, such as licensure related information.

Executive Sessions were also discussed. An Executive Session may occur when the body needs to discuss certain subjects in private (which are listed in the statute), and may only take place once an open meeting is convened. There are formal steps that must occur before a body may go into Executive Session, including a motion being made to enter into executive session; that motion and vote must be entered into the minutes. The motion must include the subject matter, justification, and the time/place/location when the meeting will reconvene. In the event an Executive Session is required, Ms. Mendoza can help the Board with the steps assuring compliance with KOMA. No minutes are required for the Executive Session. Some reasons for Executive Session include: personnel matters regarding non-elected personnel, such as staff; consultations with the Board's attorney; and discussion of matters relating to actions adversely or favorably affecting a person as a patient or resident of a public institution.

The KOMA is a civil statute. Violations can result in monetary fines for individual members up to \$500.00 per violation with the possibility of the individual being removed from their position by ouster.

Kansas Open Records Act (KORA) – BACHA is a public agency. Typically staff are responsible for responding to requests for records. The agency must reply within three business days. The agency may charge to recover their cost for supplying the records. There are approximately 57 exemptions to KORA. Violations of the KORA would be against the agency and not the Board of Adult Care Home Administrators.

5. Orientation to Licensing, Board Duties, CIC

Ms. Mendoza and Brenda Kröll provided orientation information. Ms. Kröll provided copies of a slideshow from the KDADS/BACHA website which includes information about why licenses are required, history, licensure steps, renewal steps, etc. Also provided was a copy of a flowchart from the website which illustrates the steps and order of steps for licensure and a list of acronyms which members may come across while serving on the BACHA.

The Complaint Investigatory Committee (CIC) was discussed. The CIC works with Assistant Attorney General, Marty Snyder and consists of four Board members: Two Administrators, one Health Care Provider and one Consumer.

The Hearing Panel consists of the remaining three BACHA members: One Administrator, one Health Care Provider and one Consumer.

6. Selection of CIC and Hearing Panel

Chair Hoch-Altwegg called for interest in serving on either the CIC or Hearing Panel.

Dr. Bryant nominated K. J. Langlais and Steven Hatlestad for the two Administrator positions on the CIC. Ms. Langlais accepted the position. Mr. Hatlestad was absent. Dr. Meissner volunteered to serve as the Consumer member with Dr. Bryant volunteering to return to the CIC in the position of Health Care Provider.

The remaining three members will serve as the Hearing Panel: Chair Hoch-Altwegg in Administrator position, Timothy Heston in the Health Care Provider position and Lesia Henry in the Consumer position.

7. Minutes of Meeting June 14, 2013

Chair Hoch-Altwegg called for comments/corrections to the minutes of the June 14, 2013 meeting of the Board of Adult Care Home Administrators.

ACTION: Dr. Meissner moved to approve the minutes of the June 14, 2013 meeting as presented. The motion was seconded by Dr. Bryant and carried.

8. Reports

A. NAB Test Results

Ms. Kroll provided the NAB report for the second quarter of 2013. Ms. Kroll reported that a total of seven candidates tested with seven of those passing for a 57% pass rate.

B. Temporary License Report

Ms. Kroll provided the temporary license report for the time frame beginning July 1, 2012 through August 31, 2013. It was noted that a total of five individuals had been issued temporary licenses during that time period. Four of the five were issued to individuals completing their AIT experiences with one issued to an individual who was accumulating continuing education necessary to reinstate their Kansas license.

9. Update – Training Requirements and NAB Pass Rates for Neighboring States

Ms. Kroll was asked to research the training requirements and NAB results of several states to determine if NAB results for Kansas are similar and, if lower, whether Kansas training requirements differ greatly from those states with higher passing rates. Ms. Kroll provided copies of a comparison report of Kansas and five other states. Kansas had similar pass rates to four of the states with Oklahoma having a higher pass rate than all the other states. Discussion followed. No changes to Kansas requirements were suggested at this time.

10. Letters of Exemplary Performance and Zero Deficiency Letters

Mr. Irwin noted that there were no letters this quarter.

11. Other Business

There was no other business.

12. Public Comment

Suzi Lenker with KACE asked the AITs and preceptors to introduce themselves to the Board.

The meeting adjourned at approximately 2:30p.m.