

NOTICE OF MEETING and AGENDA Board of Nursing Home Administration

This meeting will be held in person. The public is welcome to attend any Open Session discussion in the Lower Level Goldenrod Room. This meeting will also be available to the **public** to participate by WEBEX using this link: <https://sonvideo.webex.com/sonvideo/j.php?MTID=m58ab153ce1b5ed6b407739c53aade201>.

Call-in information: 1-408-418-9388 using meeting number 2488 567 3166

AGENDA		Date Posted: 2/10/25
Date: Tuesday, February 25, 2025 1:00 p.m. Location: Nebraska State Office Building 301 Centennial Mall South (14 th & M) Lincoln, Nebraska Lower Level, Goldenrod Room For Information Contact: Jessica Dean 402-471-4918 Jessica.dean@nebraska.gov	1	Call Meeting to Order and Roll Call Announcement: There is a current copy of the Open Meetings Act on the table with staff and available on the website listed below:
	2	Adoption of Agenda
	3	Approval of Minutes - 10/15/24
	4	Reports a. National Association of Long Term Care Administrator Boards (NAB) https://www.nabweb.org b. LeadingAge Nebraska https://www.leadingagene.org/ c. Nebraska Health Care Association https://nehca.org/ d. Reports: Disciplinary and Non-Disciplinary Actions; License Statistics; and Examinations
	5	CLOSED SESSION (approx. 1:15 pm) Confidential Information Purpose: To hear discussions of confidential nature, and for the prevention of needless injury to the reputation of the individuals
	6	OPEN SESSION (approx. 2:00 pm) Application Reviews, Recommendations, and Report Out
	7	Annual Business a. Approval of Method of Notice for Meeting Agendas https://ago.nebraska.gov/open-meetings (attached to agenda) b. Per Diem Payments (Neb. Rev. Stat. §38-171 – attached to agenda) c. Elections and Appointments (officers, investigative consultant, education reviewers, and 2025 NAB representative) d. Review Conviction Guidelines – LB 16
	8	Adjournment (approx. 2:00 pm)

All items known at the time of distribution of this agenda are listed. A current agenda is available from the office of the Department of Health and Human Services, Division of Public Health, Licensure Unit, and <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>.
NOTICE: If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call (402) 471-2117 (voice), or for persons with hearing impairments, please call the Nebraska Relay System, **711** TDD, prior to the meeting date. Advance notice of seven days is needed when requesting an interpreter.

2025 Meeting Dates:

2/25/25
4/22/25
7/22/25
10/21/25

All meetings start at
1pm

Nebraska Open Meetings Act: 84-1407 through 84-1414
<https://ago.nebraska.gov/open-meetings>

Agenda Item 3:

These minutes have not approved by the Board.

MEETING MINUTES BOARD OF NURSING HOME ADMINISTRATION October 15, 2024

1. ROLL CALL

The meeting of the Board of Nursing Home Administration was called to order by Amy Fish, Chairperson, at 1:02 p.m. in Lower Level, Goldenrod Room, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) emailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Lobby on 10.15.2024

The following members answered roll call:

Members Present (8):

David Deemer, Secretary
Tammy Deemer, Member
Amy Fish, Vice Chairperson
Gary Anthone, Member
Janelle Ali-Dinar, Member
Theresa Parker, Member

Members Absent (1):

Alex Willford, Chairperson
Shannon Buckminster, Member
Linda Bryant, Member

Others Present (8):

Teresa Hampton, DHHS Legal
Sean Loving DHHS Program Manager, Licensure Unit

2. ADOPTION OF AGENDA

MOTION: Parker moved, seconded by Anthone, to adopt the agenda. A roll call vote was taken. Voting aye: D. Deemer, Anthone, T. Deemer, Fish Ali-Dinar, Parker (6). Voting nay: none (0). Absent: Buckminster, Bryant, Willford (3). Motion Carried.

4. INVESTIGATIVE AND CONFIDENTIAL INFORMATION – Closed Session

MOTION: D. Deemer moved, seconded by Parker, to enter into closed session at 1:10pm for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Fish repeated the motion and purpose. A roll call vote was taken. Voting aye: D. Deemer, Anthone, T. Deemer, Fish Ali-Dinar, Parker (6). Voting nay: none (0). Absent: Buckminster, Bryant, Willford (3). Motion Carried.

Loving closed the public phone line and moved the sign on the door to closed session

5. OPEN SESSION

Verbal agreement to return to open session by all board members at 1:24 pm

6. Reports

e. National Association of Long Term Care Administrator Boards (NAB) <https://www.nabweb.org>

- f. LeadingAge Nebraska <https://www.leadingagene.org/>
- g. Nebraska Health Care Association <https://nehca.org/>
- h. Reports: Disciplinary and Non-Disciplinary Actions; License Statistics; and Examinations
Reports: are attached to the agenda

7. 2025 Meeting dates

Loving mentioned the meeting dates for 2025 are 1/21, 4/15, 7/15, and 10/21.

8. Adjournment

The upcoming meeting is scheduled for 1.21.2025. No further information presented, and the Chair declared the meeting adjourned at 1:44p.m.

Alex Willford, Secretary
Board of Nursing Home Administration

Summarized by: Sean Loving, Licensure Unit

Agenda Item 4d

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC HEALTH, LICENSURE UNIT COMPLIANCE LISTING REPORT						
Profession: Nursing Home Administration Action Start Date Range: 01/01/2024 to 12/31/2024				Run Date: 02/10/2025 Page No: Page 1 of 1		
Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Jacobsen, Hollie Leann		Provisional Nursing H	Denied	Other	01/08/2024	
Owolabi, Clara Adepate	1612	Nursing Home Admini	Active	Petition for Disciplinary Action Filed	09/17/2024	

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH, LICENSURE UNIT
EXAMINATION STATISTICS SUMMARY REPORT

Profession: Nursing Home Administration
Date Range: 01/01/2024 to 12/31/2024

Run Date: 02/10/2025
Page No: Page 1 of 1

Exam Battery	Exam Name	Result Status	Number of Candidates per Result Status
NHA Exam	NHA-only	Pass	19
	NHA-only	Fail	8
	CORE-only	Pass	16
	CORE-only	Fail	8

		Run Date : 2/10/2025 Page : 1 of 1													
		SUMMARY COUNT OF LICENSES BY LICENSE STATUS													
	License Statuses: License Types	Active	Application File Closed	CE Approved	Deleted	Denied	Expired	Inactive	NonDisc Revocation	Null and Void	Pending	Reinstatement Pending	Revocation	Suspension	Voluntary S
Profession	Nursing Home Admin	31	4				42			59					
	Continuing Education Provider		4	216	1										
	EO 20-27 Prev Nursing Home Administrat									1					
	EO 21-15 Prev Nursing Home Administrat									2					
	EO 21-18 Prev Nursing Home Administrat									2					
	EO 22-02 Prev Nursing Home Administrat									1					
	EO 22-08 Prev Nursing Home Administrat		2							4					
	NHA Administrator-in-Training	2	8			1				249	3				
	NHA Mentoring Trainee	4	40							519	4				
	NHA Preceptor	69	3				80	191	27	45	1				
	Nursing Home Administrator	340	413			5	527	377	1,112	59	12	4	5	1	58
	Provisional Nursing Home Administrator	18	17		4	3	3	2		1,070	4				
	Grand Total	464	491	216	5	9	652	570	1,139	2,011	24	4	5	1	58

Agenda Item 5b

Neb. Rev. Stat. 84-1407-1414

4-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. **If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.** The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session.

84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; emergency meeting without notice; appearance before public body.

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, **such notice shall be given by a method designated by the public body.**

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means **of virtual conferencing** if the requirements of subdivision (2)(b) of this section are met:

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

Neb. Rev. Stat. §38-171

Board; advisory committee or body; compensation; limitation; expenses. Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

Sample Per Diems for Discussion:

1. \$50 For 1 day of preparation for each meeting (investigations/applications).
2. \$50 Attending the Board meeting (in person or by virtual conferencing).
3. \$50 Each day of travel where overnight arrangements have been made (board meeting or national meeting).
4. \$50 Each day the member is representing the board at a national meeting of state licensing boards.
5. \$50 Regulation Hearing or other board related meetings when representing the Board (prior board approval required).

Agenda Item 5d

84-933 Sections 84-933 to 84-948 and sections 6 to 11 of this act shall be known and may be cited as the Occupational Board Reform Act.

Sec. 5. Section 84-934, Revised Statutes Cumulative Supplement, 2022, is amended to read:

84-934 For purposes of the Occupational Board Reform Act, the definitions in sections 84-935 to 84-944 and sections 6 and 7 of this act apply.

Sec. 6. Potentially disqualifying conviction includes a conviction for:

(1) Criminal attempt as provided in section 28-201, conspiracy as provided in section 28-202, or aiding and abetting as provided in section 28-206, to commit an offense listed in this section;

(2) Murder as provided in sections 28-303 or 28-304;

(3) Manslaughter as provided in section 28-305;

(4) Motor vehicle homicide as provided in section 28-306;

(5) Assault in the first or second degree as provided in sections 28-308 and 28-309;

(6) Terroristic threats as provided in section 28-311.01;

(7) Stalking as provided in section 28-311.03;

(8) Kidnapping as provided in section 28-313;

(9) False imprisonment as provided in sections 28-314 and 28-315;

(10) A sexual act subject to criminal penalties as provided in sections 28-317 to 28-322.05;

(11) Domestic assault as provided in section 28-323;

(12) Robbery as provided in section 28-324;

(13) Arson as provided in sections 28-502, 28-503, and 28-504;

(14) Fraud subject to criminal penalties as provided in sections 28-505, 28-631, 28-638, 28-639, 28-640, and 28-935;

(15) Theft as provided in sections 28-511, 28-512, 28-513, and 28-515;

(16) Forgery as provided in sections 28-602 and 28-603;

(17) Incest as provided in section 28-703;

(18) Child abuse as provided in section 28-707;

(19) Human trafficking, labor trafficking, sex trafficking, labor trafficking of a minor, or sex trafficking of a minor as provided in section 28-831;

(20) False reporting as provided in section 28-907;

(21) Perjury as provided in section 28-915;

(22) Assault on an officer, an emergency responder, certain employees, or a health care professional in the first degree as provided in section 28-929;

(23) Assault on an officer, an emergency responder, certain employees, or a health care professional in the second degree as provided in section 28-930;

(24) Assault on an officer, an emergency responder, certain employees, or a health care professional in the third degree as provided in section 28-931;

(25) Assault on an officer, an emergency responder, certain employees, or a health care professional using a motor vehicle as provided in section 28-931.01;

(26) An offense that has as an element the threat to inflict serious bodily injury as defined in section 28-109 or death on another person, the intentional infliction of serious bodily injury as defined in section 28-109 on another person, or intentionally causing the death of another person;

(27) An offense for which registration is required under the Sex Offender Registration Act; or

(28) Any offense under the laws of another jurisdiction that is substantially equivalent to any of the offenses listed in this section.

Sec. 7. United States Military means any active duty or reserve duty component of the armed forces of the United States, any state of the United States, or any territory of the United States.

Sec. 8. To the extent that an occupational board or lawful occupation is also governed by federal law, federal law shall take precedence over the Occupational Board Reform Act. The act shall not be construed to preempt federal law governing lawful occupations in this state.

Conviction Review Guidelines

Nebraska Board of Nursing Home Administration

Statutory Authority:

38-178. Disciplinary actions; grounds.

Factors to Consider During Review:

1. # of convictions/infractions

Except as otherwise provided in sections 38-1,119 to 38-1,123, a credential to practice a profession may be denied, refused renewal, or have other disciplinary measures taken against it in accordance with section 38-185 or 38-186 on any of the following grounds:

(5) Conviction of (a) a misdemeanor or felony under Nebraska law or federal law, or (b) a crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession;

38-129 which states that no individual shall be issued a credential under the Uniform Credentialing Act until he or she has furnished satisfactory evidence to the Department that he or she is of good character. As a licensed individual you are expected to demonstrate good character by complying with the laws and not engaging in criminal acts.

Guidelines:

These guidelines for issuance of an initial license were based on a historical review of actions relating to a misdemeanor or felony conviction(s). In an effort to achieve a reasonable degree of fairness and consistency in their recommendations, the Board has developed the following review guidelines. However, each application is considered individually based on the circumstances of the documentation submitted.



Staff will request, prior to the Board review, an alcohol/drug assessment, if said conviction(s) falls within guidelines for requesting an assessment or if recently completed as identified in applicant's letter.

2. length of time since last offense
3. history of like (pattern) convictions/infractions
4. evaluation, diagnosis, specifiers, and recommendations
5. length of sobriety / relapse pattern
6. actions taken to address / change behavior / treatment history
7. generational issues
8. did the applicant report all convictions

Procedures Relating to Probationary Licenses:

If the Board's recommendation is to issue a probationary license with terms and conditions, and the Department agrees with the recommendation, the applicant is sent a written offer stating the terms and conditions.

- If the applicant chooses to accept, the license will immediately be issued on probation;
- if the applicant does not accept, the applicant has the right to request an administrative hearing (before the department) to determine the issuance of his/her license;
- If the applicant fails to respond to the offer, the file will be closed.

Note: The applicant is still required to meet all application requirements prior to issuance of a license

MIP

1 within 5 years

1 more than 5 years ago

more than 1 within previous 5 years

more than 1 but more than 5 years ago

<ol style="list-style-type: none"> 1. If NO current probation or diagnosis submitted – Issue Unrestricted License 2. If Current Probation – Issue Concurrent with Court Requirements. If evaluation submitted and there is a diagnosis, see items 3,4 and 5 below: 3. If substance use mild, consider 1-2 year probation with conditions 4. If substance use severe with specifier (remission), consider 1-3 year probation with conditions 5. If substance use severe (no specifier) consider 3-5 year probation with conditions. <p>Conditions may include:</p> <ul style="list-style-type: none"> • Abstain alcohol/drugs • Random body fluid screens • Report any prescribed medications • Follow recommendations of Assessment and any future • Quarterly Employer reports • Practice Monitor • Supervision • Other 	<p>Issue NON-restricted License</p>	<p>Need Current Evaluation</p> <ol style="list-style-type: none"> 1. If substance use mild, consider 1-2 year probation with conditions 2. If substance use severe with specifier (remission), consider 1-3 year probation with conditions 3. If substance use severe (no specifier) consider 3-5 year probation with conditions. <p>Conditions may include:</p> <ul style="list-style-type: none"> • Abstain alcohol/drugs • Random body fluid screens • Report any prescribed medications • Follow recommendations of Assessment and any future • Quarterly Employer reports • Practice Monitor • Supervision • Other 	<p>Need Current Evaluation</p> <ol style="list-style-type: none"> 1. If substance use mild, consider 1-2 year probation with conditions 2. If substance use severe with specifier (remission), consider 1-3 year probation with conditions 3. If substance use severe (no specifier) consider 3-5 year probation with conditions. <p>Conditions may include:</p> <ul style="list-style-type: none"> • Abstain alcohol/drugs • Random body fluid screens • Report any prescribed medications • Follow recommendations of Assessment and any future • Quarterly Employer reports • Practice Monitor • Supervision • Other
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