



WV NURSING HOME ADMINISTRATORS LICENSING BOARD

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October 18, 2019

The Honorable Jim Justice
State Capitol Building
1900 Kanawha Blvd. East
Charleston, WV 25305

Dear Governor Justice:

Re: Annual Report FY2019

We have hereby read this report and certify it acceptable to the best of our knowledge.

Sincerely,

Handwritten signature of Roberta Kay Cottrell in cursive script.

Roberta Kay Cottrell, NHALB Chair

Handwritten signature of Denise L. Campbell in cursive script.

Denise L. Campbell, NHALB Secretary

NURSING HOME ADMINISTRATORS LICENSING BOARD
Financial Statement July 1, 2018 thru June 30, 2019
FY2019

Item Name	Total
Payroll	\$63,685.44
Annual Increment/\$300 pd. end of FY	300.00
Personnel Fee (\$50 per quarter)	150.00
Workers Compensation (1.81%)	313.00
Social Security Matching (7.65%)	4,871.93
Board Member Per Diems @ \$150 per meeting	3000.00
Social Security Matching (Board)	229.50
Board Member Travel to Meetings	6,729.01
Employee Ins. & OPEB (\$396 Mo.)	4,752.00
Pension & Retirement (14%) Non-Member	0.00
NAB Association Dues (\$1,500 Annual)	Due Jan. 1,500.00
Office Rent (\$550) May/June \$50 increase	6,700.00
Utilities/AEP/Water/Sewer	785.58
Web Service/Server	580.00
P-Card (Postage, Office Supplies, Ink)	1,522.21
Dept. of Corrections IET-Office Sup.	123.96
Misc. (Refunds, Credits)	Refund 500.00
Office & Comm./Frontier/Equip. Repairs	739.05
Legal Expenses	187.50
Meeting Room Accommodations	400.00
TOTAL EXPENDITURES	\$97,069.18

Beginning Balance (July 1, 2018)	\$123,432.98
Revenue Deposits July 1, 2018-June 30, 2019	73,350.00
Balance	196,782.98
Expenditures	97,069.18
Final Balance	\$99,713.80

**GOVERNOR'S ANNUAL REPORT
 NURSING HOME ADMINISTRATOR'S LICENSING BOARD
 FY2019 - Licenses & Permits Issued 7/1/18 thru 6/30/19**

License or Permit	Number Issued
New NHA Licenses Issued	24
Renewal Licenses	217
Administrator-in-Training Permits	5
Emergency Permits	9
*Inactive Licenses (May be activated at any time With required continuing education hrs.	26

WV NURSING HOME ADMINISTRATORS LICENSING BOARD
FY-2019 Governor's Report
Licensed Nursing Home Administrators

Last Name	First Name	County	State
Adkins	Ashley	Cabell	WV
Adkins	Deatra	Cabell	WV
Airson	Patrick	Logan	OH
Amos	Tanatha	Jackson	WV
Anderson	Michael	Monongalia	WV
Bailey	Christie	Mercer	WV
Bailey	Shellie	Mercer	WV
Bailey-Gibson	Sonia	Monongalia	WV
Barbour Henson	Megan	Anne Arundel	MD
Barker	George	Kanawha	WV
Barone	Melissa	Wood	WV
Baughman	Dorlan	Braxton	WV
Beall	Jody	Braxton	WV
Bernstein	Christina	Morgan	WV
Berg	Tabitha	Berkeley	WV
Bess	Debra	Fayette	WV
Beveridge	Tammy	Harrison	WV
Bevins	Kenneth	Logan	WV
Bibbee	Frank	Jackson	WV
Blair	Christopher	Putnam	WV
Blankenship	Pamela	Raleigh	WV
Booker	Angela	Raleigh	WV
Bragg	Aimee	Fayette	WV
Bramer-Dixon	Rebecca	Harrison	WV
Brenneman	Julie	Calhoun	WV
Buchanan	Keith	Mercer	WV
Bucher	Jason	Greene	PA
Bucher	Joseph	Randolph	WV
Bullock	Ashlee	Loudoun	VA
Byers	Kathy Ann	Monongalia	WV
Campbell	Denise	Randolph	WV
Campbell	Raymond	Lorain	OH
Cantrell	Connie	Kanawha	OH
Carter	Carrington	Greenbrier	WV
Carter	Linda Sue	Braxton	WV
Chapman	Juanita	Raleigh	WV

Last Name	First Name	County	State
Chapman	Brian	Raleigh	WV
Clark	Chad	Washington	OH
Cleland	Stephanie	Meigs	OH
Cleland	Angela	Meigs	OH
Clevenger	Thomas	Harrison	WV
Clevenger	Beth	Tucker	WV
Cogar	Bonnie	Nicholas	WV
Colombo	Mary Catherine	Marshall	WV
Compton	Stefanie	Mercer	WV
Conaway	Larry	Wood	WV
Conaway	David	Wood	WV
Cooper	Cindy	Cabell	WV
Cooper	Stacy	Fayette	WV
Cornwell	Michele	Jefferson	WV
Costello	Gregory	Wood	OH
Cottrill	Roberta Kay	Harrison	WV
Couch	George	Ohio	WV
Cox	Shelda	Summers	WV
Crandall	Michele	Marion	WV
Cutlip	Sarina	Monongalia	WV
Dailey	Linda	Washington	OH
Dakovic	George	Ohio	WV
Dawson	Lora	Lincoln	WV
Del Checcolo	Donna	Cabell	WV
Dempsey	Brooke	Raleigh	WV
Dolan	Tricia Calemine	Harrison	WV
Donnelly	Phillip	Monongalia	WV
Dunigan	Jason	Kanawha	WV
Eberhart	Eric	Monongalia	WV
Eddy	Shawn	Kanawha	WV
Eidell	Shasta	Randolph	WV
Eidell	Linlee	Randolph	WV
Eidell, Jr.	Thomas R.	Randolph	WV
Elam	Michael	Wood	WV
Evans	Kari	Grant	WV
Farinacci	Marcy	Monongalia	WV
Ferrell	Mary	Fayette	WV
Fife	Matthew	Mercer	WV
Findley	Mary	Meigs	OH
Fink	Pamela	Mercer	WV
Fisher	Linda	Monongalia	WV
Foltz	Sherry	Wyoming	WV
Ford	Tanya	Raleigh	WV
Foranzo	Randall	Ohio	WV

Last Name	First Name	County	State
Fowler	Jessica	Kanawha	WV
Fox	James D.	Hancock	WV
Fox	Scott	Allegheny	PA
Francis	Pamela Brooke	Marshall	WV
Frazier	Dorothy	Lincoln	WV
Funderburk	Faith	Putnam	WV
Gardner	Steven	Putnam	WV
Garinger	Cynthia	Cabell	WV
Gaston	Marilyn	Frederick	MD
George	Brandon	Brooke	WV
Gore	Michael	Cabell	WV
Grewell	Jeffrey	Coshocton	OH
Griffith	Charles	Barbour	WV
Haddon	Kathy	Brooke	WV
Hamaker	Gregory	Fayette	WV
Hampson	Sue	Mineral	WV
Hamrick	Trista	Kanawha	WV
Hannah	Rodney	Jackson	WV
Hanshew	Nathan	Greenbrier	WV
Hanshew	Jo Clare	Fayette	WV
Harkins	Jeffrey	Cabell	WV
Harris	Beth	Marion	WV
Hedrick	Pamela	Upshur	WV
Henderson	Traci	Harrison	WV
Herald	Michael	Kanawha	WV
Hicks	Michael	Monongalia	WV
Hill	Deborah	Nicholas	WV
Hitt	Bonnie	Upshur	WV
Hofmeyer	Joshua	Minnehaha	SD
Holicker	Rose	Meigs	OH
Holler	Sarah	Allegheny	MD
Holster	Brenda	Fayette	WV
Hovatter	Tia	Monongalia	WV
Huron	Julie	Lawrence	OH
Hutchinson	Naomi June	Nicholas	WV
Hutchinson	Shayne	Putnam	WV
Ince	Ashley	Fayette	WV
Ingram	Patricia	Fayette	WV
Janeczko	Cara-Lyn	Marshall	WV

Last Name	First Name	County	State
Jeffrey	Jennifer	Putnam	WV
Jerman, III	Phillip	Greenbrier	WV
Johnson	Sharon	Raleigh	WV
Jones-Marino	Sheila	Harrison	WV
Jude	Rebecca	Cabell	WV
Kearns	Amee	Jefferson	WV
Keefer	Matthew	Galia	OH
Kelley, Jr	Thomas	Putnam	WV
Keough	Tammy	Harrison	WV
Kimberly	Charlene	Washington	OH
Kimble	Todd	Jackson	WV
Kirsch	Donald	Ohio	WV
Kramer	Deanna	Kanawha	WV
Lane-Cutshall	Michelle	Calhoun	WV
Larson	Anthony	Warren	VA
Larson	Crystal	Warren	VA
Lawson	Karen	Jackson	WV
Lawson	Alvin	Jackson	WV
Lockett	Elizabeth	Mercer	WV
Lucas	Calvin	Tazewell	VA
Lucas	Patty	Tazewell	VA
Marshall	William Scott	Manatee	FL
Marshall	Christopher	Monongalia	WV
Mason	Nancy	Berkeley	WV
Mason	Joseph (Bill)	Georgetown	SC
Maxwell	Amy	Howard	MD
McBee	Christopher	Warren	KY
McBurney	James	Kanawha	WV
McCauley	Diane	Greene	KY
McClintic, II	Robert	Greenbrier	WV
McCormick	Teresa	Lewis	WV
McCracken	Thomas	Ohio	WV
McDermott	William	Cabell	WV
McGraw	Thomas	Fayette	WV
McMillian	Tomi	Putnam	WV
Miller	Michael	Wood	WV
Miller	Diane	Ohio	WV
Mitchell	Kimberly	Kanawha	WV
Mohr	Judith	Harrison	WV
Mollica	Anthony	Greenup	KY
Moore	Carlene	Monongahela	WV
Moore	Cherie	Wood	WV

Last Name	First Name	County	State
Moore	Haley	Kanawha	WV
Moore	Matthew	Cabell	WV
Morris	Carol	Randolph	WV
Moten	Susan	Summers	WV
Murphy	Morgan	Ohio	WV
Murray	Matthew	Hancock	WV
Mylar	Julie	Cabell	WV
Neil	Joseph	Nicholas	WV
Nelson	Terri	Logan	WV
Nesland	Mark	Barbour	WV
Nibert	Kelly	Meigs	OH
Noe	Mark	Barbour	WV
Pagliari	Jennifer	Marion	WV
Painter	Tammy Jo	Kanawha	WV
Parsons	Lee Ann	Kanawha	WV
Parsons	Shannon	Athens	OH
Pennington	Kourtney	Russell	VA
Peterson	Angela	Mercer	WV
Peterson	Jo	Monongalia	WV
Pletcher	Tara	Jefferson	OH
Poorman	Matthew	Kanawha	WV
Prest	Joseph	Putnam	WV
Price	Jessica	Wood	WV
Provan	Kristine	Franklin	OH
Quattrochi	Rhonda	Hancock	WV
Ragland	James	Logan	WV
Raynes	Melissa	Kanawha	WV
Reed	Sherri	Lewis	WV
Richards	Casey	Hancock	WV
Rife, Sr.	James	Cabell	WV
Roan	Patricia	Kanawha	WV
Rutherford	Matthew	Washington	OH
Sanchez	Candy	Kanawha	WV
Schultheis	Shannon	Wood	WV
Seese	Joseph	Preston	WV
Sexton	Keith	Raleigh	WV
Shaver	Tara	Randolph	WV
Shell	Cynthia	Cabell	WV
Shrewsbury	Ricky	Summers	WV
Sisarcick	Barbara	Marshall	WV
Smith	Michelle	Mineral	WV
Smith	Jeffrey	Kanawha	WV
Smith, Jr.	Ronnie	Cabell	WV
Snodgrass	Aaron	Mason	WV
Spiroff	Misty	Monongalia	WV

Last Name	First Name	County	State
Stansberry	Annica	Putnam	WV
Starcher	Christina	Jackson	WV
Stear	Belinda	Nicholas	WV
Stephens	Gregory	Wood	WV
Stewart	Shelia	Raleigh	WV
Stotler	Kristen	Brooke	WV
Stover	Patricia	Berkeley	WV
Stump	Bradley	Raleigh	WV
Summerfield	Patricia	Barbour	WV
Sutphin	Robin	Kanawha	WV
Switzer	Todd	Pendleton	WV
Tarr	Christine	Ohio	WV
Taylor	Katrina	Berkeley	WV
Taylor	Robin	Pocahontas	WV
Thompson	Drema	Putnam	WV
Tomshack	Connie	Brooke	WV
Toney	Kimberly	Lincoln	WV
Topping	Roger	Mercer	WV
Triana	Joseph	Jackson	WV
Tucker	Matthew	Kanawha	WV
Vance	Pauline	Hardy	WV
Wagoner	Cynthia	Mineral	WV
Wagoner	Oodayyun	Barbour	WV
Wandling	Danelle	Mason	WV
Wall	Valerie	Cabell	WV
Wellman	Stacy	Taylor	WV
West	Stetson	Upshur	WV
Wheeldon	Eileen	Cabell	WV
White	Diana	Upshur	WV
White	Lisa	Harrison	WV
Wiley	Laura	Mercer	WV
Williams	Angel	Greenbrier	WV
Williams	Brandon	Wetzel	WV
Woolums-Russell	Pamela	Nicholas	WV
Worley	Denise	Raleigh	WV
Worth	Judson	Pocahontas	WV
Wright	Randy	Washington	OH

WV NURSING HOME ADMINISTRATOR'S LICENSING BOARD
Governor's Report
Fiscal Year 2019

The Nursing Home Administrator's Licensing Board received thirteen Substandard Quality of Care Notices by the Office of Health Facility Licensure and Certification (OHFLAC).

POLICY-Substandard Care Deficiencies (Amended)

As a result of sections 1819(a), (b), (c), (d), and 1919(a), (b), (c), and (d) of The Social Security Act, state survey agencies like the West Virginia Department of Health and Human Resources (DHHR), Office of Health Facility Licensure and Certification (OHFLAC) are required to advise state boards responsible for licensing nursing home administrators when a Medicare/Medicaid certified nursing facility is cited for deficiencies which constitute substandard quality of care. Inasmuch as there are no further directives for interpretation as to how state licensing boards will manage such notifications, it is the prerogative of each state's board to define its policy.

In view of the aforementioned circumstance, effective September 8, 2005, it will be the policy of the West Virginia Nursing Home Administrators Licensing Board to pursue the following plan in discharging its duties:

1. Upon notification from OHFLAC, a certified letter will be sent to the administrator of record* for the facility alleged to have offered substandard quality of care indicating same and requesting a response from the administrator to each of the allegations. The administrators reply must be post marked no later than thirty (30) days after receipt of the board's letter. (Refer to Exhibit A.)
2. Upon receipt of the response from the administrator and within ninety (90) days of the day the board receives notification from OHFLAC, under the direction of the chair of the West Virginia Nursing Home Administrators Licensing Board, an assessment by staff, members of the board, a hearing officer, and/or a representative from the Attorney Generals Office will be made of all documents received (i.e., CMS-2567 Statements of Deficiency and Plans of Correction, administrator's response, etc.). From that point a brief written assessment of the facts will be made and filed with the chairman of the board indicating whether or not it is believed nursing home administrator licensing regulations were violated. If the written assessment establishes that the nursing home administrators licensing regulations were violated, the chair of the board will be responsible for seeing that a interview is scheduled with the administrator to assess his/her knowledge and soundness of judgement in being able to adequately discharge the functions of a nursing home administrator (NHA). If it is shown by a preponderance of the evidence that nursing home administrator licensure rules were violated, a written order with findings of fact and conclusions of law will be sent to the administrator with a copy filed in the person's record defining the course

of action that will follow. Likewise, if it is shown by a preponderance of the evidence that there were no violations of nursing home administrator licensure rules, a letter will be sent to the administrator so advising with a copy of the correspondence to be retained in the licensee's file.

3. Related to the aforementioned point and establishment of grounds for potential action against a nursing home administrator for violation of nursing home administrators licensure rules, with legal guidance, ie., the West Virginia Attorney General's Office, private counsel, etc., section 6.1 of Title 21, legislative rule effective July 3, 2003 will be implemented pertinent to suspension, revocation, hearing, and judicial review. Final disposition of the review will be completed as quickly as possible but not to exceed 150 days from date of the first notification of substandard quality of care by the OHFLAC. Proceedings in regard to final disposition will be made in the record and retained in the board's file for the NHA under review.

If within twenty-four months of first being advised by the OHFLAC a second notice is received by the Nursing Home Administrators Licensing Board alleging substandard quality of care in a facility under the direction of the same licensed nursing home administrator, within the same time lines as previously described, at the direction of the chair of the board, the board will conduct a second interview on the issue of substandard quality of care. Facts from the first review will be revisited along with all new allegations of repeat deficiencies. The process identified in previous points 2 and 3 will be replicated relative to section 6.1. Final disposition of the board's action will be recorded and retained in appropriate NHA and/or board files.

From the time the West Virginia Nursing Home Administrators Licensing Board is first advised by OHFLAC of alleged substandard quality of care in a West Virginia licensed nursing facility, all correspondence and records pertinent to the administrator and/or administrators in question will be retained for thirty months. During this period if follow up reviews by OHFLAC do not result in subsequent referrals to the Nursing Home Administrators Licensing Board for matters of substandard quality of care, the board at its discretion may order cases closed with files destroyed. If this occurs, such action will be considered at a duly called board meeting with the decision recorded in board minutes.

* If the administrator of record has been at the facility for less than one year, the previous administrator of record will also be contacted to address in writing each allegation of substandard quality of care.

WV NURSING HOME ADMINISTRATOR'S LICENSING BOARD
Fiscal Year 2019
July 1, 2018 thru June 30, 2019

**Substandard Quality of Care Notices - Office of Health Facility Licensure and Certification
(OHFLAC)**

Substandard Quality of Care Notice of July 16, 2018 #1FY2019 – Rose Holicker, NHA having served less than a year and Judith Mohr, previous NHA of Brightwood Center, Follansbee, WV. Upon a review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of responses provided by Ms. Holicker, NHA and Ms. Mohr, with recommendations by the review committee, it was determined by the Board at a meeting on November 1, 2018, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Ms. Holicker and Ms. Mohr were notified of the Board's decision.

Substandard Quality of Care Notice of September 13, 2018 #2FY2019 – Jessica Fowler, NHA of Dunbar Center, Dunbar, WV. Upon a review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Ms. Fowler, NHA, and a phone interview; with recommendations by the review committee, it was determined by the Board at a meeting on November 1, 2018, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Ms. Fowler was notified of the Board's decision.

Substandard Quality of Care Notice of September 13, 2018 #3FY2019 – Anthony Mollica, NHA Heritage Center, Huntington, WV. (IJ tag not on first notice sent by OHFLAC – corrected and received on October 15, 2018.) Upon a review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Mr. Mollica, NHA; with recommendations by the review committee, it was determined by the Board at a meeting on November 1, 2018, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Mr. Mollica was notified of the Board's decision.

Substandard Quality of Care Notice of September 24, 2018 #4FY2019 – Matthew Rutherford, NHA Riverside Health & Rehabilitation Center, St. Albans, WV. Upon a review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Mr. Rutherford, NHA; with recommendations by the review committee, it was determined by the Board at a meeting on November 1, 2018, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Mr. Rutherford was notified of the Board's decision.

Substandard Quality of Care Notice of January 14, 2019 #5FY2019 – Jessica Parker, NHA, Parkersburg Center, Parkersburg, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Ms. Price, NHA; with recommendations by the review committee, it was determined by the Board at a meeting on February 28, 2019, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Ms. Price was notified of the Board's decision.

Substandard Quality of Care Notice of January 29, 2019 #6FY2019 – Mark Noe, NHA, Trinity Health Care of Logan, Logan, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Mr. Noe, NHA and a telephone interview with Mr. Noe, NHA; with recommendations by the review committee, it was determined by the Board at a meeting on May 23, 2019, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Mr. Noe was notified of the Board's decision.

Substandard Quality of Care Notice of February 13, 2019 #7FY2019 – Matthew Rutherford, NHA Riverside Health & Rehabilitation Center, St. Albans, WV, having served less than a year and Lee Parsons, Interim NHA, with Deanna Kramer, NHA of Record. Upon review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letters of response provided by Mr. Rutherford, NHA, Lee Parsons, Interim NHA and Deanna Kramer, NHA of Record, with recommendations by the review committee; it was determined by the Board at a meeting on May 23, 2019 for Mr. Rutherford, NHA and Ms. Parsons, Interim NHA, including a conference call by the Board for Ms. Kramer, NHA of record, there were no violations of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Mr. Rutherford, NHA, Ms. Parsons, Interim NHA and Deanna Kramer, NHA of Record, were notified of the Board's decision.

Substandard Quality of Care Notice of February 13, 2019 #8FY2019 – Tabitha Berg, NHA Care Haven Center, Martinsburg, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Ms. Berg, NHA, with recommendations by the review committee, it was determined by the Board at a meeting on May 23, 2019, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Ms. Berg was notified of the Board's decision.

Substandard Quality of Care Notice of February 13, 2019 #9FY2019 – Stephanie Compton, NHA Princeton Health Care Center, Princeton, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Ms. Compton, NHA, with recommendations by the review committee, it was determined by the Board at a meeting on May 23, 2019, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote and due to a potential conflict of interest, Board member, Roger Topping, left the room prior to any discussion or vote. Ms. Compton was notified of the Board's decision.

Substandard Quality of Care Notice of February 25, 2019 #10FY2019 – Mark Nesland, NHA, Hopemont Hospital, Terra Alta, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of corrections, the letter of response provided by Mr. Nesland, NHA, with recommendations by the review committee, it was determined by the Board at a meeting on May 23, 2019, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics. The review committee did not vote. Mr. Nesland was notified of the Board's decision.

Substandard Quality of Care Notice of March 4, 2019 #11FY2019 – Thomas Kelley, Jr, NHA, Cedar Ridge Center, Sissonville, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Mr. Kelley, NHA; Dan Bucher, Review Committee member, did not feel he had enough information on the level of resources or constraints that could impact the quality of services provided by the administrator without further information. At a meeting of the Board on May 23, 2019, the Board held discussion on the issue and the Board recommended an interview with Mr. Kelley, NHA, to be scheduled at a time and place convenient for him. A follow up conference call with the Board was held on June 18, 2019 to discuss the outcome of the interview by the review committee.

The Board concluded with the recommendations of the review committee, there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics.

The review committee did not vote. Mr. Kelley, Jr, NHA, was notified of the Board's decision.

Substandard Quality of Care Notice of May 9, 2019 #12FY2019 – Joseph E. Neil, NHA, Summersville Regional Medical Center, Summersville, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of correction, the letter of response provided by Mr. Neil, NHA, with recommendations from the review committee, it was determined by the Board that there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics at the August 21, 2019 meeting, with the review committee not voting. Mr. Neil was notified of the Board's decision.

Substandard Quality of Care Notice of May 9, 2019 #13FY2019 – Matthew Moore, Interim NHA and Misty Spiroff, NHA previously, Morgantown Health & Rehabilitation Center, Morgantown, WV. Upon review of the substandard quality of care deficiencies, the 2567's with plans of corrections, the letters of response provided by Mr. Moore, NHA and Ms. Spiroff, NHA; with recommendations from the review committee, it was determined by the Board that there was no violation of the WV 21 CSR rules or the ACHCA Code of Ethics at the August 21, 2019 meeting. The review committee did not vote. Mr. Moore and Ms. Spiroff were notified of the Board's decision.

**TITLE 21
PROCEDURAL RULE
WEST VIRGINIA NURSING HOME ADMINISTRATORS
LICENSING BOARD**

**SERIES 2
DISCIPLINARY AND COMPLAINT PROCEDURES FOR NURSING HOME
ADMINISTRATORS, ADMINISTRATOR-IN-TRAINING (AIT), EMERGENCY AND
TEMPORARY PERMIT HOLDERS**

§21-2-1. General.

1.1. Scope. -- This rule specifies a procedure for the investigation and resolution of complaints against nursing home administrators, administrator in training (AIT), permit holder, emergency and temporary permit holders.

1.2. Authority. -- W. Va. Code §§30-25-1 et seq. and 30-1-1 et seq.

1.3. Filing Date. -- November 20, 2000.

1.4. Effective Date. -- December 20, 2000.

§21-2-2. Application.

This rule applies to all licensed nursing home administrators, administrators-in-training or permittees.

§21-2-3. Definitions.

The following words and phrases as used in this rule have the following meanings, unless the context otherwise requires:

3.1. "Applicant" means any person making application for an original or renewal license as a nursing home administrator or administrator-in-training (AIT) permit or an emergency or temporary permit holder pursuant to W. Va. Code §30-26-1 et seq.

3.2. "Board" means the West Virginia Board of Nursing Home Administrators.

3.3. "License" means a license, temporary or emergency permit or administrator-in-training (AIT) permit issued by the Board pursuant to W. Va. Code §30-26-1 et seq.

3.4. "Nursing home administrator" means a professional who is responsible for planning, organizing, directing and controlling a nursing home as defined in W. Va. Code §30-25-1.

3.5. "Ethics investigator" means a person or board committee member licensed to practice nursing home administration in this state, and who is hired by the Board or who may be a board committee member for the purpose of reviewing complaints against nursing home administrators, AITs or other permit holders.

§21-2-4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses or Permits of Nursing Home Administrators, AITs, Permit Holders or Applicants.

The Board may deny an application for license, place a licensee on probation, limit or restrict a license, reprimand a licensee, suspend a license or revoke any license issued by the Board, upon satisfactory proof that a licensee has been convicted of a felony or is, in his or her professional capacity, engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct or committed other acts in violation of W. Va. Code §30-25-1 et seq. or the rules of the Board.

§21-2-5. Disposition of Complaints.

5.1. Any person, firm, corporation, member of the Board, or public officer may make a complaint to the Board which charges a nursing home administrator, AIT, permit holder or applicant with a violation of W. Va. Code §30-25-1 et seq. or of the rules of the Board. The Board may provide a form for that purpose, but a complaint may be filed in any written form. In addition to describing the alleged violation which prompted the complaint, the complaint should contain the following:

5.1.1. The name and address of the nursing home administrator, AIT, permit holder or applicant against whom the complaint is lodged;

5.1.2. The date of the transaction or event which is the subject of the complaint;

5.1.3. The name of any person who may have seen the person after the alleged incident; and,

5.1.4. The name of the nursing home where the incident took place.

5.2. A complaint against a nursing home administrator, AIT, permit holder or applicant shall allege that such person has been convicted of a felony or is, in his or her professional capacity, engaging in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct or committed other acts in violation of W. Va. Code §30-25-1 et seq. or the rules of the Board.

5.3. Complainants are immune from liability for the allegations contained in their complaints filed with the Board unless the complaint is filed in bad faith or for a malicious purpose.

5.4. The Board shall maintain a complaint log which records the receipt of each complaint, its nature and its disposition.

5.5. The Board shall maintain a separate file on each complaint received, and each file shall have a number assigned to it.

5.6. Upon receipt of a complaint, the Board shall issue one of the following acknowledgments to the complainant:

5.6.1. That the matter will be reviewed by the Board;

5.6.2. That the complaint is outside the jurisdiction of the Board, with suggestions as to how the complainant might best obtain a resolution of his or her problem; or,

5.6.3. That more information will be required in order to adequately review the individual complaint.

5.7. The Board shall send a copy of the complaint, including any supporting documentation, by certified mail to the licensee or permittee or applicant in question for his or her written comment, and he or she shall submit a written response to the Board within thirty (30) days of the date of such correspondence, or waive the right to do so.

5.8. Requests for comment on complaints sent to licensees, permittees or applicants shall be considered properly served when sent to their last known address. It is the responsibility of the licensee or permittee or applicant to keep the Board informed of his or her current address.

5.9. Upon receipt of a licensee's, permittee's or applicant's comments in response to a complaint, the Board shall promptly send a copy of the same, including any supporting documentation, to the complainant.

5.10. After receipt and review of a complaint, unless the complaint is determined to fall within the provisions of sub-division 5.6. of this rule, the Board shall cause to be conducted any reasonable inquiry or investigation it considers necessary to determine the truth and the validity of the allegations set forth in the complaint. The review of complaints or investigation thereof may, at the discretion of the Board, be assigned to a committee of the Board.

5.11. At any point in its investigation of a complaint the Board may, at its discretion, assign the matter to an ethics investigator for review and investigation.

5.12. Upon receipt of a complaint the ethics investigator or investigating committee shall, within sixty (60) days, review and investigate the same and provide the Board with a report. The report shall contain a statement of the allegations, a statement of facts, and an analysis of the complaint including a description of the care provided, the records reviewed and a statement of the ethics investigator's or committee's findings and recommendations. The ethics investigator or committee shall, upon request, be afforded an opportunity to have an investigation interview with the licensee, permittee or applicant in question or other involved parties, a report of which shall be placed in the investigation file.

5.13. To facilitate the disposition of a complaint, the Board or the investigating committee may request any person to attend an informal conference, or to appear at a regular meeting of the Board, at any time prior to the Board entering any order with respect to the complaint. The Board or the committee shall give notice of the conference, which notice shall include a statement of issues to be informally discussed. Statements made at a conference may not be introduced at any subsequent hearing on the merits without the consent of all parties to the hearing. No prejudice shall attach for failure to attend a conference pursuant to a request.

5.14. The Board, the investigating committee or chairperson may issue subpoenas and subpoenas duces tecum to complete the Board's investigation and to determine the truth or validity of complaints. The ethics investigator may request the Board, investigating committee or chairperson to issue a subpoena or subpoena duces tecum. Any such request shall be accompanied by a brief statement specifying the necessity for the same.



WV NURSING HOME ADMINISTRATORS LICENSING BOARD

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October 3, 2019

FY2019 Governor's Annual Report

Re: Complaints – Nursing Home Administrator's Licensing Board

There were no complaints received by any person, firm, corporation, member of the Board, or public officer concerning any licensed nursing home administrators for the fiscal year 2019.