

# LongTermHealthCare

South Carolina Board Of Long Term Health Care Administrators

July 2003

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South Carolina Department of  
Labor, Licensing Regulation

## New Agency Director at LLR

Adrienne Riggins Youmans of Columbia was appointed director of the South Carolina Department of Labor, Licensing and Regulation by Governor Mark Sanford in January, and the South Carolina State Senate confirmed her appointment on February 20, 2003. Youmans is no stranger to the Department of LLR. She was the agency's first deputy director for the Division of Professional and Occupational Licensing from 1994 to 2000, following restructuring of state government and the creation of LLR by the state legislature in 1993.

She earned a bachelor of arts degree from Virginia State University and a master's in human resource management from Pepperdine University. She attended the University of South Carolina where she received a Juris Doctorate degree.

During her military service, Youmans served as an executive officer and human resource manager for the United States Army at Fort Jackson. Her responsibilities included on-the-job safety and health.

From 1984 to 1994, she was the assistant division director for the Division of General Services in the South Carolina Budget and Control Board. From 2000 until her appointment to head the Department of LLR, she was the senior assistant general counsel for the South Carolina Department of Public Safety.

## From the Board Administrator

**LICENSE RENEWAL** - Administrators who renewed timely and completed the form as required should have their 2003-2004 license by now. However, due to the rush of renewal applications at the end of June, updating each administrator's record and printing and mailing the licenses has been delayed by a few days. If you have any concerns or questions about your license renewal, feel free to contact Stephanie Calhoun or me at the Board office.

**NEW BOARD POLICY** - The Board adopted a new policy at the June 4, 2003, meeting regarding the number of times an applicant can sit for the licensing examinations:

If an applicant petitions the Board to retake either portion of the licensing examination after failing three times, then he or she must provide information on the approved form to indicate how the applicant has further prepared for the examination, with particular attention to the areas of weakness. No applicant will be scheduled for hearing before the Board unless the form is complete. No applicant will be approved to take either portion of the examination more than five times per application. After five failures, the applicant who is interested in pursuing licensure must file a complete new application.

# Criminal Background Checks for Licensed Administrators

**Joe Randall, Director of Operations Support**  
**SC DHEC, Division of Health Licensing**

Effective in July 1, 2002, Chapter 7, Title 44 of the 1976 South Carolina Code of Laws was amended by adding § 44-7-2910, 44-7-2920, 44-7-2930, 44-7-2940, and 44-7-2950 under Article 23, “Criminal Records Checks of Direct Care Staff”. § 44-7-2910 states: “No direct care entity may employ or contract with a direct caregiver until after the direct caregiver has undergone a criminal record check...”

Many questions have been raised as to what type of a criminal background check will suffice for an administrator to comply with the new law. In order to provide an adequate response, there are several basic tenants that must be understood.

To begin with, the Department of Health and Environmental Control (DHEC), through its Division of Health Licensing (DHL) is responsible for enforcing Section 44-7-2910 (Also referred to as Article 23). This should not be confused with Section 40-35-230 (D), which is enforced by the Department of Labor, Licensing and Regulation (DLLR) through its Board of Long Term Health Care Administrators.

The law LLR enforces is one of the mandatory requirements that must be met in order for an individual to be licensed as a health care administrator. Whereas the new law includes all health care workers in community residential care facilities, nursing homes, day care facilities for adults, and home health agencies. In simple terms, an administrator must not only have a criminal background check to get a license, but must also have one to be able to work in a nursing home or community residential care facility.

One of the frequent questions asked, concerns whether or not the LLR background check is sufficient enough to count as a background check required for all direct caregivers under the new law.

Section 40-35-230 (D), enforced by LLR, requires an individual applying for an administrator's license to have a fingerprint review conducted by the South Carolina State Law Enforcement Division (SLED). When SLED conducts a fingerprint card review, they are doing more than just a state background check. The fingerprint cards are sent to the Federal Bureau of Investigation (FBI) to search for a match to existing prints on file in their database. Therefore, the answer to the question is yes. However, there are other requirements beyond what is required to obtain your administrator's license that must be met to satisfy DHL in regards to compliance with Section 44-7-2910.

One of the DHL requirements that must be clearly understood is that a copy of the criminal background check (CBC) must be

available to our inspectors when they visit your facility. “Available” means that the report is on file at the facility. “Available” also means that if the report is kept at a location other than the facility, then the report must be made available to the inspector within two hours upon request. If the report is not available to the inspectors, the facility will be cited for violation of the law.

You also need to understand what constitutes a valid criminal background check. If you have been a South Carolina resident for 12 months or more, Section 44-7-2910 requires only that you have a state CBC conducted. If you have been a resident for less than 12 months, then you are required to have a SLED CBC and a fingerprint card review conducted by the FBI. A CBC conducted by city or county law enforcement may not be the same as a state background check unless they use the same source of information as SLED. If they do not, then the background check is not valid and will not be acceptable to DHEC.

When you received your initial license from LLR, both a SLED and an FBI background check were conducted. So regardless of how long you have lived in South Carolina, the LLR background check would comply with the law as long as you can make a copy of the report available to our inspectors. Telling a DHL inspector that LLR has the report is not acceptable, and the facility will be cited for non-compliance. It is your responsibility to secure a copy of the report and make it available to the inspector.

A CBC from LLR or from another source is only valid for as long as you have continuous employment at the facility where you were working at the time the background check was conducted. If you leave the facility and go to work at another facility, then you are required to have another background check conducted. If you can legally be the administrator for more than one facility, then you do not have to have another CBC conducted. However, the CBC must be made available to our inspectors at each facility. If another CBC is required, you will have to go through SLED directly to get a state CBC. If a fingerprint review is also required, you will have to obtain an FBI fingerprint card through DHEC.

DHL has developed an information document that explains in detail the procedures for conducting state and federal criminal background checks for direct caregivers. A copy of this document is available for free on our Web site at <http://www.scdhec.net/hr>. A hard copy of the document can be purchased through our office for \$10.

If you have further questions regarding criminal background checks, please contact the Division of Health Licensing at (803) 545-4370.

## Disciplinary Update

The following Orders were approved by the Board at the March 6, 2003, and June 4, 2003, meetings:

- A Community Residential Care Facility Administrator signed a Consent Order that includes a one-year probation and a \$750 fine. The CRCFA was charged with failing to timely notify the Social Security Administration of a resident's death and continued to receive the resident's monthly income for a period of six months after the death. The CRCFA was also charged with providing false information on his 2002-2003 license renewal application by stating he had not been arrested, indicted, convicted, pled guilty or nolo contendere for violation of any federal, state or local law since he last renewed.
- A Community Residential Care Facility Administrator signed a Consent Order that includes a \$500 fine. The CRCFA was charged with failing to work on-site where he was serving as administrator during normal business hours.
- A Community Residential Care Facility Administrator signed a Consent Order that includes a one-year probation and \$500 fine. The CRCFA was charged with failing to work on-site at the two facilities where he was administrator of record during normal business hours due to other full-time employment. The CRCFA was also charged with falsifying his 2002-2003 license renewal application by stating that he was not employed by any other organization.
- A Community Residential Care Facility Administrator signed a Consent Order that includes a \$500 fine. The CRCFA was charged with continuing to practice as the administrator of her facility with a lapsed license for a period of approximately three months.
- A Community Residential Care Facility Administrator signed a Consent Order that includes a \$500 fine. The CRCFA was charged with providing false information on her 2002-2003 license renewal application relating to her continuing education course which was misleading. The CRCFA was also charged with continuing to practice with a suspended license after she failed to earn the requisite number of continuing education hours for relicensure for a period of approximately four months.
- A Community Residential Care Facility Administrator signed a Consent Order that includes a \$500 fine. The CRCFA was charged with providing false information on his nursing home administrator license application relating to his work experience.
- The Board held a hearing June 5, 2003 in the matter of a CRCFA who was charged by the State with violating the LTHCA Practice Act (left residents unsupervised and failed to comply with facility regulations). The Board found that the Respondent did violate the practice act and issued the following sanctions: probation of 18 months, \$1000 fine and 6 hours of board-approved CE in how to comply with DHEC regulations for CRCFs. The time for appeal has not run.

## Board Recognizes its U.S. Servicemen

As we celebrate our nation's anniversary this July 4th, the Board would like to recognize current Board members and staff who have served our country in the military.

**Brown McCallum** began his military service in Advanced ROTC at Davidson College. He was active duty in the U.S. Army October 1966 through October 1968 (Honorable Discharge). He served in the Vietnam War October 1967 through October 1968 at Camp Enari in Pleiku, Central Highlands during Tet. Mr. McCallum was a Lieutenant in the 4th Infantry Division of the Army and earned a Bronze Star for Exemplary Service.

**Leon Frishman** enlisted in the U.S. Navy in September 1968 and served through September 1972 (Honorable Discharge). He was stationed at Marble Mountain in Vietnam which was just south of China Beach in the Da Nang area. His rank was an E5, Petty Officer 2nd Class. Mr. Frishman was a hospital corpsman taking care of marines in the field during the Vietnam War. He was also stationed at Camp Lejune, North Carolina, where he was a laboratory technician at the naval hospital, and at Fort Jackson in Columbia, where he assisted in giving induction physicals to people (civilians) going into all branches of the service.

**Dan McLeod** served in the U.S. Army Reserves from 1969-1975. He was a Private First Class and a member of the 360th Civil Affairs Unit in Columbia.

**Ken Hiatt** obtained his commission as a Second Lieutenant in the U.S. Air Force through the advanced ROTC program at the University of South Carolina in 1968. He served in the Medical Services Corps as a hospital administrator with assignments at Scott Air Force Base in Belleville, Ill, at Goose Air Base in Labrador, Canada and at Robbins Air Force Base in Warner Robbins, Ga. During his military service he completed the Air Force Advanced Program for Health Services Administration at Sheppard Air Force base in Wichita Falls, Texas. He attained rank of Captain in 1971 and remained on active duty until he resigned his commission in 1974 to return to civilian life.

**Pat Hanks** is presently a Major in the U.S. Army Reserves, Unit 231st LSO (Legal Support Organization). He is stationed at Ft. Gordon, Augusta, Ga. He has served in the Army Reserves since 1998 and served in the U.S. Navy from 1990-1994 (Honorable Discharge). Hanks was a Lieutenant (O3) when he left the Navy. During his service in the Navy, Hanks was active duty and was in the JAG (Judge Advocate General) Corp., Command Central East, Norfolk, Va. He finished the Naval Justice School in 1990. While in the Army he has completed the Judge Advocate Advance Course (2001) and the Command and General's Staff College Phase I (2003). He will be entering Phase II in Summer 2003.

## Celebration of American Freedom and Independence

America is celebrating another year of independence this July 4, and the Board would like to recognize a South Carolina nursing home that has made celebrating freedom and independence an annual event on another holiday that memorializes our country's veterans and military servicemen and women, Memorial Day. Richard M. Campbell Veterans Nursing Home won an award for its Memorial Day events in the 2002 South Carolina Spirit of Caring Initiative through the Department of Health and Environmental Control.

Heyward Hilliard, Administrator of Richard M. Campbell Veterans Nursing Home, states that "The Memorial Day events are a chance for us [staff] to show our appreciation for what our residents did for our country, especially at this time when our country is at war." Hilliard further stated that "What our veterans did got us to where we are as a country today and deserves to be recognized over and over. Celebrating our veteran residents and remembering their fallen comrades improves their quality of life and their sense of purpose." A summary of Richard M. Campbell Veterans Home Memorial Day Observance follows.

Memorial Day is much more than a three-day weekend that marks the beginning of summer. This day is an important reminder of those who died in service to their country.

At Richard M. Campbell Veterans Nursing Home, Memorial Day is also in remembrance of the elders who died in the home that previous year. Homes today are largely comprised of "The Greatest Generation", a generation of men and women born in the 1920s and 1930s. These elders survived the Great Depression, then fought and won World War II. This particular home includes former Army nurses, Prisoners of War, Pearl Harbor survivors, military cooks, pilots and officers. The most important annual event is the home's observance of Memorial Day.

Too often nursing homes see elders as someone just to feed, dress, bathe and provide with a clean brief. At this home, staff is dedicated to serving the medical needs and the needs of the human spirit of their elders by providing an enhanced quality of life that promotes growth. Elders are dying from boredom, loneliness and helplessness and staff attempts to combat these plagues. Their elders are valued, honored and respected for the people they have been, the contributions they have made in the past and for the individuals they are now. Memorial Day is just one occasion when this is demonstrated.

### Elder Involvement

Memorial Day is just one of many days when this community can be seen as a loving environment that encourages growth and creates a sense of usefulness for their elders, as well as when the veterans become a valuable resource to high school history students. Some of the resident veterans tell their story, and students learn about the bloody invasion on the beaches of

Normandy, or the surprise attack of the Japanese at Pearl Harbor, what it felt like to be surrounded with bombs dropping from the air, or what it felt like to be a prisoner of war in a Nazi POW camp. Several carried good luck charms that gave them "hope" to make it each day until they were able to return to the United States.

The many letters that are sent around Memorial Day to the home's veterans from elementary and middle school students show them they are valued. Letters include such sentiments as "Thank you for the many lives you saved. I am so proud of you! You may have even saved the life of my grandfather who was in the war. It's because of you that we have freedom." Some of the veterans are empowered during our Memorial Day observance by being members on the planning committee. These elders play an integral role. They present fresh perspective and ideas such as making sure the committee takes into account handicapped accessible passage ways. At the end of the home's observance these members provide valuable input evaluating the event and suggesting changes for the next year. Another elder is empowered this and every morning by participating in the raising of the "Stars and Stripes" at 7 a.m. Another veteran participates in the weeks leading up to the observance by selling patriotic buttons in the home's lobby. Others help decorate for the big event. Still others help by greeting, handing out programs and by giving directions to the hundreds of visitors we have on this special day.

### The Environment – "Setting the Stage"

The veterans home certainly sets the stage for the Memorial Day observance. Every day each area in the building has a patriotic name. The neighborhoods include: Harbor View, Presidents' Way, Allegiance Estates, Freedom Fields, and Heroes' Haven. The main hallway is Independence Boulevard. The Mess Hall is the dining room. The Dispensary is the pharmacy. Liberty Square is the area around the classroom and main activity room. The Recruiting Office is the human resources and medical records area. Headquarters is the administrative offices area. Quartermaster is the laundry area. Paymaster is the accounting area. From the bedspread throws that represent various branches of the service to the red (impatiens), white (impatiens) and blue (petunia) flower garden, the stage is set.

### Family and Community Involvement

Family members come in droves from all around the state to participate in the Memorial Day observance. The home's Family Support Group takes advantage of the exceptional attendance by setting up a bake and cookbook sale. One year, flags were sold in honor or in memory of a veteran. Groups of children from the community attend. One year a children's group that had organized a walk-a-thon and raised \$1,500 for the home's elders was one of the special groups from the community that attended. Local merchants donate flowers, tents and services. Representatives from veterans' organizations and politicians throughout the



state attend this celebration. Members of the House of Representatives, Congress, the Senate and local County Council attend annually. This event provides elected leaders the opportunity to shake the hand of one who made sacrifices for our country.

### Caregiver Involvement

This event has been called a challenging exercise in teamwork. Caregivers are responsible for every step that must be taken to make this observance meaningful and a success. From the initial planning meeting to assembling flower centerpieces to singing the National Anthem to preparing and serving food the day of the event, caregivers are responsible for coordinating this celebration. Caregivers throughout the home are dressed in red, white, and blue on that big day. Caregivers feel a great sense of pride in having the opportunity to care for these elders. This is just one of the many days that respect and honor is shown to them for the sacrifices they made.

### “The Big Event”

This is the 10th year (2003) for the annual observance. Attendance has fluctuated from 150 attendees the first year to 900 the year then-Governor David Beasley was the guest speaker. This observance is generally held outdoors, weather permitting. Elders are seated under tents to shield themselves from the blistering sun. Visors and sunscreen are given out. The entire campus is decorated with red, white and blue banners, streamers and balloons. A sea of American flags can be seen from the entrance of the driveway to the lobby, and the smell of fried chicken is wafting through the air. The entire event has been televised on a cable station for the past seven years. Reporters from two different news stations and two newspapers make their way through the crowd. Patriotic music serves as the prelude to the event: “Off We Go Into the Wild Blue Yonder”, “Anchors Away”, “From the Halls of Montezuma”, and “The Army Goes Rolling Along”. The celebration begins with an opening prayer by the home's chaplain. Next is the Posting of the Colors officiated either by caregivers who are veterans or by a Junior ROTC group. Then, the Pledge of Allegiance is conducted by a caregiver. A caregiver or a volunteer in the community sings the National Anthem. Local high school bands occasionally provide accompaniment. The guest speakers have included retired service officers and local and regional politicians. Stories about the veterans and their experiences in war are often incorporated in the keynote speech. The memorial plaque is then presented. The names of each elder who has died during the previous year are printed on the plaque and read aloud. This memorial plaque is on continuous display on the memorial wall that is located in a place of honor within the home. Then the home has the presentation of the memorial wreath, which recognizes those veterans who died in service to their country. “Taps” is played. “America the Beautiful” is sung either by a caregiver or volunteer. Lastly, there is a closing prayer. All attendees are then treated to a complimentary lunch. The caregivers at the home serve all the elders and guests.

### Outcomes

- increased elder satisfaction, increased family satisfaction and increased caregiver satisfaction
- decreased falls and agitation
- no PRN medications used
- increased focus on nutrition and hydration and decision-making for elders
- fewer elders in bed
- cognitively-impaired elders, some wandering elders and some recliner-bound elders included
- increased variety and spontaneity
- decreased boredom, loneliness and helplessness

### Implementation at Other Nursing Homes

(1) Identify the veterans in your nursing home. One way of doing this is by including the following questions on the Social Services assessment that is reviewed on admission:

Are you a veteran?

In what branch of the service did you serve and for what time period?

Did you serve in any wars?

(2) Form a committee at least three months prior to your observance. Discuss the type of program you would like to coordinate. Take into account the following:

- Number of veterans you are recognizing
- Number of family members who might attend
- Budget and will fundraisers be needed?
- Where will the observance be held?
- Will you invite others from the community?
- Will you have a guest speaker?
- Will you invite the media?
- If the event is to be held outside, do you have a back up plan in case of rain?

(3) Delegate responsibilities and identify who is in charge of which tasks. Be clear about what each task involves. Set deadlines for anticipated completion of these tasks.

Costs can include renting tables and chairs; purchasing table cloths; tents; printing of invitations and programs; renting the sound system; having memorial plaque made; purchasing decorations, table covers and helium; flowers; purchasing food (chicken, green beans, potato salad, rolls, banana pudding, tea). Donations should be sought as well.

In summary, the veterans home Memorial Day observance certainly enhances their elders' quality of life. Spirits are lifted and challenging behaviors are moderated. As the program and day begin, even the elder that daily presents the greatest behavioral challenge seems transformed by the pride of the moment – resembling the same air of dignity that the soldier of the 1940s portrayed. The caregivers enjoy being able to coordinate this observance to say thank you to those who gave so much for our country.

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## 2003 Board Meeting Calendar

March 5-6, 2003

June 4-5, 2003

September 3-4, 2003

December 3-4, 2003

All scheduled meetings will be held at the Department of Labor,  
Licensing and Regulation, 110 Centerview Drive, Columbia, SC 29210.

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