



**STATE OF LOUISIANA  
BOARD OF EXAMINERS OF  
NURSING FACILITY ADMINISTRATORS**

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**MINUTES  
AUGUST 10, 2022 QUARTERLY BOARD MEETING**

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Chair James H. “Jamie” Shelton called a regularly-scheduled, quarterly meeting of the Louisiana Board of Examiners of Nursing Facility Administrators (“LABENFA” and / or “Board”), which was conducted in-person at the Board’s office, 5647 Superior Drive, Baton Rouge, Louisiana, on August 10, 2022, in accordance with La. R.S. 37:2501 *et seq* and other applicable law.

**Board Members Present:**

Mr. Jamie Shelton, Chair	Mr. Alvin A. Breaux, Jr.	Dr. Susan Nelson
Mr. Jack Sanders, Vice Chair	Mr. Cullen Brewer	Mr. Andrew Perilloux
Mr. Eddie Borland	Mr. Scott Crabtree	Mr. Delbert Wilbanks

**Board Members Absent:**

Dr. Charlotte S. Hurst	Mr. Teddy R. Price	Mr. Kemp Wright
Mrs. Patricia LaBrosse		

**Others Present:**

Mr. Mark A. Hebert, Executive Director	Ms. Kristie Mascarella, Assistant Executive Director	Mr. Thomas E. Devillier, General Counsel
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**I. CALL TO ORDER**

The meeting was called to order at or about 12:09 p.m. by Chair Jamie Shelton, who conducted a roll call. See, attendance detailed above.

**II. DISPOSITION OF AGENDA AND THE MAY 2, 2022 AND JUNE 15, 2022 MEETING MINUTES**

Chair Shelton presented the agenda, in addition to the meeting minutes for the meetings conducted on May 2, 2022 (FY21-22 Q4 Regular Meeting) and June 15, 2022 (Special Meeting),

for review and approval. Dr. Nelson made a motion to adopt the agenda and each of the minutes for both the May and June 2022 meeting minutes, which motion was seconded by Mr. Wilbanks, and unanimously approved.

### **III. MEMBER APPOINTMENTS AND OATHS OF OFFICE**

The following were sworn in as board members immediately following approval of the agenda and the previously-referenced meeting minutes and their swearing the oath of office as required by the Louisiana Constitution:

- Mr. Eddie Borland, Regional Supervisor, Pathway Management of Louisiana, LLC; Louisiana Nursing Home Association, Inc. Designee-Member (R.S. 37:2503(A)(2)(a).
- Mr. Alvin A. "Al" Breaux, Jr., Consumer Member (R.S. 37:2503(A)(3)(c).

### **IV. EXECUTIVE DIRECTOR REPORT**

Mr. Hebert presented a brief Executive Director Report, including a status update relating to the ongoing audits and investigations conducted by the Louisiana Legislative Auditor's office. The Board accepted the report but took no formal action relating to the report.

### **V. EDUCATION COMMITTEE REPORT**

Mr. Hebert presented the Education Committee Report and was pleased to report that all applicants – 24 in total – passed both the state and national licensure exams with several impressive, individual exam scores. The Board membership was pleased to see improvement relative to exam scores observed during the prior 2 years. The Board accepted the report but took no formal action relating to the report.

### **VI. FINANCE COMMITTEE REPORT**

Mr. Hebert presented the Finance Committee Report. Following brief discussion of the report, Mr. Devillier noted that the report appeared to include an incorrect monthly total regarding Board legal expenses. Chair Shelton tasked Mr. Hebert with contacting the Board's accounting firm, Baxley & Associates, LLC (Plaquemine, LA) ("Baxley"), to verify accuracy of the report and relevant statement. Note: Subsequent to adjournment of the meeting, Baxley answered the Board's inquiry *via* email regarding the accuracy of and the accounting principles justifying the statement included in the Finance Committee Report.

Mr. Wilbanks made a motion to accept the Finance Committee Report, which was seconded by Vice-Chair Sanders, and unanimously approved.

### **VII. APPLICATIONS FOR EXAMINATIONS, WAIVERS, AND/OR RECIPROCITY**

A. Exam Applications. Mr. Hebert presented the quarterly examination applications for review. Mr. Hebert noted, as routine, that any applicant, who receives a baccalaureate degree

pursuant to the LSUA Elder Care curriculum and clinical internship are granted an education-based training waiver in accordance with LAC 46:XLIX.713 upon application approval.

Dr. Nelson made a motion to approve the aforementioned applications *en globo*, which was seconded by Mr. Brewer, and unanimously approved.

B. Waiver Applications. Chair Shelton and Mr. Crabtree discussed the Board's history or precedent of reasonably strictly construing the Board's laws and regulations that authorize the Board to waive certain training requirements for individual applicants who meet a certain standard of experience and/or education qualifications.

1. Ms. Danielle Yenuganti (3690). Mr. Crabtree presented Ms. Yenuganti's waiver application, stating that he conducted a comprehensive exit exam for nearly 3 hours and noting that she scored extraordinarily well – exceeding 90%. Mr. Crabtree recommended that the Board approve Ms. Yenuganti's waiver application. Mr. Wilbanks made a motion to approve, which was seconded by Vice Chair Sanders, and unanimously approved.

2. Mr. David J. Eley (3503). Mr. Wilbanks presented Mr. Eley's waiver application, stating that he also conducted a lengthy exit exam with Mr. Eley. Mr. Wilbanks noted that Mr. Eley has been working in an assistant capacity for several months while his application remained pending. Mr. Wilbanks made a motion to approve, which was seconded by Dr. Nelson, and unanimously approved.

3. Ms. Joyce Course (3399). Chair Shelton presented Ms. Course's application. Following brief discussion, Mr. Crabtree made a motion to approve the waiver application, which was seconded by Mr. Breaux, and unanimously approved.

4. Mr. Link Martin (Prev. licensed). Prior to any substantive discussion of the application or any related vote, Chair Shelton stated that he would recuse himself from any vote relative to Mr. Martin's waiver application, disclosing a professional business-employment relationship. However, Chair Shelton participated in the discussion and debate of the issues underlying review of Mr. Martin's waiver request and his individual qualifications and experience. Chair Shelton provided information regarding reasonable, extenuating circumstances relating to Mr. Martin's waiver application and the prior executive director's failure to disclose or provide important license renewal information to Mr. Martin. Chair Shelton added that Mr. Martin has already worked in the capacity of a licensed administrator for seventeen (17 years) and that his existing license lapsed only due to error caused by the Board's prior executive director.

Mr. Crabtree and Dr. Nelson both voiced concerns regarding approving an "informal exception" to the Board's laws and rules on this single, impromptu occasion. In consideration of the stated concerns, Chair Shelton made a motion to reschedule the matter of Mr. Link Martin's waiver application and licensure for the Board's next available agenda (tentatively November 8, 2022), including but not limited to consideration of a proposed administrative rules revision to accommodate certain individual applicants, who do not have a baccalaureate degree but do have extraordinary experience qualifications. Mr. Devillier discussed that potential revision to LAC 46:XLIX.503,713, and/or 1107 may be necessary but would require additional review and preparation time.

C. Reciprocity Applications. The Board did not have any reciprocity applications submitted for review.

## **VIII. UNFINISHED BUSINESS**

The Board did not review or discuss any other unfinished business; however, Chair Shelton asked for any public comments or questions prior to requesting a motion to enter Executive Session. The Board did not receive any public comment(s) or question(s).

Chair Shelton made a motion to enter executive session, which was seconded by Vice-Chair Sanders, and unanimously approved to discuss ongoing proceedings conducted by the Louisiana Legislative Auditor (*See* La. R.S. 42:17(A)). All present members and Mr. Devillier participated in the executive session; however, Board staff was neither requested nor allowed to participate in the executive session. Following extensive discussion, Chair Shelton requested that the Board call the open meeting back to order. Dr. Nelson made a motion to formally exit executive session and resume the open meeting agenda, which was seconded by Mr. Crabtree, and unanimously approved by all present members.

Following the call back to order, Vice Chair Sanders made a motion, which was seconded by Mr. Crabtree, and unanimously approved by the Board to order the following after duly allowing for a public commentary or question period:

- That, in accordance with but not limited to La. R.S. 37:2503, the Board unanimously agreed to authorize Chair Shelton, individually in his capacity as Board chairperson, to make all necessary personnel decision(s), at his reasonable discretion, which relate in any manner to the Board's executive director, assistant executive director, and/or to the ongoing audit investigations being conducted by the Louisiana Legislative Auditor's office.

## **VI. NEW BUSINESS**

Mr. Devillier provided the Board with a brief report regarding the 2022 Regular Session of the Louisiana Legislature, including but not limited to a synopsis of the requirements of Acts 103, 486, 583, and other legislation impacting occupational licensing state agencies. Chair Shelton accepted the legislative report on behalf of the Board and asked whether there was any new business.

- Dr. Nelson made a motion to authorize payment for all lawful meeting expenses, which was seconded by Mr. Brewer, and unanimously approved.

## **VII. ADJOURNMENT**

Vice Chair Sanders made a motion to adjourn, which was seconded by Mr. Wilbanks, and unanimously approved at or about 3:00 p.m.