

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS  
MINUTES**

DATE: June 2, 2008

TIME: 9:00 a.m. C.D.T

LOCATION: 227 French Landing Drive  
Heritage Place, Metro Center  
Ground Floor, Iris Conference Room  
Nashville, TN 37243

MEMBERS PRESENT: Harold Walker, Chair, NHA  
Mark Davis, Vice Chair  
Norma Lester, Secretary, RN, NHA (Ret)  
Stephen J. D'Amico, MD  
Craig Laman, NHA  
Vickie Harris, NHA

MEMBERS ABSENT: Susan Carson, Citizen  
Kathryn Wilhoit, RN, NHA

STAFF PRESENT: Marva Swann, Unit Director  
Mary V. Webb, Board Administrator  
Karen Robinson, Board Meeting Administrator  
Bethany Heuer, Advisory Attorney  
Libby Miller, HRB Director

GUEST: Richard Russell, Legal Counsel, Tennessee Health Care Association,  
(THCA)

With a quorum being present, Mr. Walker called the meeting to order at 9:15 a. m.

**Consent Of Interest:**

Ms. Heuer, presented and reminded the Board of their responsibilities under the Conflict of Interest Policy.

**Office of General Counsel Reports And or Discussions:**

Ms. Heuer, presented the OGC report and discussed the following rules and legislation: Increase Licensure Requirements, Eligibility for Exams, Conditions, Titles [1020-1-.07, .10,

.15, .16] – (07-1323) The rulemaking hearing was held on August 20, 2007, and was approved by the Board for filing on November 5, 2007. The Rules were reviewed by the Assistant General Counsel and forwarded to supervising attorneys on January 25, 2008. These rules are still awaiting final approval by OGC.

Legislation:

Ms. Heuer, stated that there are two (2) Orders of Compliance on the agenda that is before the Board today.

**Orders of Compliance:**

John Pugh – Ms. Heuer presented an Order of Compliance which indicates that Mr. Pugh has fulfilled the requirements that were set forth by this Board on August 16, 2005. He was suspended for six (6) months, on probation for a period of six (6) months and has completed four (4) hours of continuing education units in ethics, which were in addition to his required continuing education hours. He paid costs in association with the hearing. Ms. Juanita Stone submitted an affidavit verifying that Mr. Pugh has complied with all requirements. After reviewing, a motion was made by Mr. Davis and seconded by Dr. D’Amico to accept the Order of Compliance. The motion carried.

George W. Schumann – Ms. Heuer presented an Order of Compliance which indicates that Mr. Schumann has fulfilled the requirements that were set forth by this Board on March 5, 2007. He was placed on probation for a period of one (1) year, completed three (3) hours of continuing education in ethics in addition to being assessed a Type C civil penalty in the amount of one hundred (\$100.00) plus costs. Ms. Juanita Stone submitted an affidavit verifying that Mr. Schumann has complied with all requirements. After reviewing, a motion was made by Mr. Laman and seconded by Mr. Davis to accept the Order of Compliance. The motion carried.

**Consent/Agreed Orders**

Ms. Heuer presented several proposed Consent Orders. The Respondents in the following cases did not document their continuing education credits upon audit by the division: 200800167, 200800169, 200800166, 200800165, and 200800170. These Respondents have confirmed receipt of notice of noncompliance, or they have been sent a second notice of noncompliance to their address of record, and still have not responded to the division with documentation. Legal is requesting, pursuant to Rule 1020-1-.15 (5) (d) (2), that the Board vote to impose a Type C civil penalty in an amount to be determined by the Board. The range for a Type C civil penalty is \$50-100 per occurrence and each day a violation continues to occur shall constitute a separate violation, Rule 1020-1-.15 (5). After continued discussion, a motion was made by Ms. Lester and seconded by Mr. Laman to accept the Consent Orders and to assess a Type C civil penalty in the amount of one hundred (\$100.00) and nine (9) penalty continuing education hours in addition to the hours delinquent of the eighteen (18) hours required. The motion carried.

Ms. Heuer presented another proposed Consent Order, case number 200800171, in which the Respondent also has not documented continuing education credits upon audit by the division. This

respondent was disciplined in 1998 for failure to complete her continuing education requirements. In that case, an Agreed Order was executed on June 1, 1998, wherein Respondent was ordered to submit nine (9) penalty hours of NAB approved continuing education to the Board (not to count toward the eighteen (18) hour requirement); Respondent was allowed forty-five (45) days to turn in proof of the nine (9) plus eighteen (18) hours. Respondent was also ordered to pay a Type C civil penalty of one hundred (\$100.00) within forty-five (45) days. Legal is requesting, pursuant to Rule 1020-1-.15 (5) (d) (2), that the Board vote to impose a Type C civil penalty (in an amount to be determined by the Board) and any other discipline that the Board would deem necessary to settle this case. After continued discussion, a motion was made by Ms. Lester and seconded by Mr. Davis to accept the Consent Order, and due to the Respondent being a repeat offender to assess a Type C civil penalty of five hundred (\$500.00) plus nine (9) penalty hours. A discussion continued on the amount of the civil penalty of five hundred (\$500.00). A motion was made by Mr. Davis and seconded by Mr. Laman to amend Ms. Lester's initial motion of a Type C civil penalty of five hundred (\$500.00) plus nine (9) penalty hours. The motion was voted down and stands as amended which indicates a motion was made by Mr. Davis and seconded by Mr. Laman to assess a Type C civil penalty of one hundred (\$100.00) per day for five (5) days plus nine (9) penalty hours; and, if Respondent is not in compliance by July 1, 2008, there would be an additional assessment of fifty (\$50.00) per day for each day in continued violation.. The motion carried.

Ms. Heuer, explained to the Board that if the Respondent rejects the Consent Order it would be brought back before the Board as a contested case hearing. If the Respondent fails to respond to the Consent Order, she would ask that a judgment of default be rendered to allow the Board's order to proceed.

Mr. Russell recommended that the Board adopt a written policy to put licensees on notice as to the potential consequences for noncompliance with continuing education.

**Policy Statement On Non-Compliant Continuing Education:**

Ms. Heuer explained that the Board should adopt a policy regarding licensees that are non-compliant with required continuing education. After continued discussion, a motion was made by Ms. Lester and seconded by Ms. Harris to approve Ms. Heuer to draft a policy statement to be presented at the next board meeting regarding non-compliant continuing education which would assess a Type C civil penalty of one hundred (100) dollars and nine (9) penalty hours in addition to the hours for which a licensee is found delinquent.

Ms. Swann, explained to the Board that the rules required for every licensee to obtain their continuing education by December 31 of each year. An audit of one hundred percent (100%) of all licensee's continuing education was preformed every year in prior years. The rules have changed in that a licensee is not required to submit continuing education each year but is to retain their continuing education hours up to four (4) years and submit them to the Board administrative office only when they are randomly audited. Ms. Swann, explained that Health Related Boards is currently auditing five percent (5%) monthly of all license renewals.

Ms. Libby Miller, Director of Health Related Boards, explained that it is currently the policy of HRB to audit 5% of the renewals of each Board each month by random selection. If the licensees audited for this Board are found to be in non-compliance, the policy to be drafted establishing the nine (9) penalty hours and the one hundred (\$100.00) dollars civil penalty would be handled administratively. Ms. Miller, stated the Board could, if they wished, audit a number greater than 5%. Mr. Walker stated that the Board should discuss this further at its next meeting.

### **Applicant Interviews/File Reviews:**

**Heath Ball** – Mr. Ball, A.I.T. and Mr. George Deakins, preceptor, appeared before the Board to request that Mr. Ball's application be left open to enable him to take the NAB exam in which he has failed three (3) times. At the November 5, 2007 meeting Mr. Deakins and Mr. Ball were requested to appear before the Board to give an explanation as to the possible reasons for Mr. Ball failing the NAB exam twice. At the November meeting the Board recommended that Mr. Deakins assist Mr. Ball in training for the NAB exam and granted Mr. Ball permission to retake the exam. Mr. Ball stated that he had signed up to take a fifty (50) hours course with THCA; but, the course was canceled and he had signed up and paid seventy-five (\$75.00) but NAB would not allow him to sit the exam. Ms. Webb, explained to the Board that she approved Mr. Ball to retake the exam based on an email from the NAB dated February 19, 2008. The email showed an expiration date of June 18, 2008. On April 23, 2008, Ms. Webb received an email from NAB stating that Mr. Ball had taken and failed the exam. This was his third attempt to pass the exam. Ms. Webb, stated that Mr. Ball's file was officially closed as of May 2008. After continued discussion, a motion was made by Mr. Davis and seconded by Ms. Lester to grant Mr. Ball ninety (90) days to retake the NAB exam, and should he fail the exam again he is required to come back before the Board to potentially be required to go through an additional A.I.T. program, before he can take the NAB exam again. The motion carried.

**Nicky Banks** - Mr. Banks submitted an application which indicates that he has taken and passed the NAB exam and has obtained a license in the state of Missouri on February 20, 2008. Mr. Davis disclosed having worked with Mr. Banks in the past. Ms. Heuer, asked Mr. Davis if he could render a fair and impartial judgment regarding Mr. Banks' application. Mr. Davis answered in the affirmative and did not recuse. Mr. Banks' application and resume indicates that he does not have a degree, and did not complete a six (6) month A.I.T. program or work as an assistant/administrator in any facility in Missouri. Mr. Banks' application indicates he is applying for licensure to qualify with five (5) years of acceptable management experience, a six (6) month A.I.T. program, and the fifty (50) hours course taken with (THCA). He has submitted proof of completing the fifty (50) hour course taken with (THCA). Mr. Banks has worked as an assistant administrator in Tennessee from April 2007 to the present date. Mr. Banks indicates in his resume that he will complete and graduate from an online course with an Associate's degree in Business Administration on August 12, 2008, which does not offer an internship program. Mr. Walker, explained to Mr. Banks that when he obtains his Associates degree in August the Board could consider him with the three (3) years of acceptable management experience, with a six (6) month A.I.T. program; but, today without a degree he could only apply with the five (5) years of acceptable management experience. Mr. Walker also explained to Mr. Banks that even when he completes the Associate's degree he would still have to have three (3) years of acceptable management experience and complete a six (6) month A.I.T. program. After continued

discussion, a motion was made by Mr. Laman and seconded by Mr. Davis to approve Mr. Banks' waiving experience due to his having a Missouri license (although he has not actually practiced in Missouri) and allow him to complete a six (6) month A.I.T. program, pending receipt of a transcript from Colorado Tech University, indicating he has received an Associates degree in Business Administration. The motion carried with all members voting yes with the exception of Ms. Lester who voted, no.

**Theresa Jarvis** – Ms. Jarvis submitted a letter of request for an extension of her A.I.T. program. A motion was made by Mr. Davis and seconded by Ms. Lester to approve a four (4) months extension as of this date June 2, 2008, for Ms. Jarvis to secure a new contract with a new preceptor and new facility to start an A.I.T. program to be completed within six (6) month after June 2, 2008. Ms. Jarvis must submit a new A.I.T. application and preceptor in facility application to the Board office. The Board requested for its consultant to review the applications for approval so that Ms. Jarvis would not have to wait for a board meeting to be approved to start the A.I.T. program. The motion carried.

**Kyle Exline** – Mr. Exline submitted a request to sit the NAB exam. A motion was made by Mr. Davis and seconded by Ms. Harris to approve Mr. Exline to sit the NAB exam. The motion carried.

**Rachel Anderson** - Ms. Anderson submitted an application to be approved for an A.I.T. program. Mr. Kerry Dickerson appeared before the Board to request that Ms. Anderson have her A.I.T. program modified and for her to start the A.I.T. program while her file is waiting to be completed. Mr. Walker stated that Ms. Anderson could not be given a start date for the A.I.T. program until her file is complete. Mr. Davis indicated that Ms. Anderson has a license in Georgia and has a BS degree in Nursing. Mr. Dickerson stated that Ms. Anderson has worked for eight (8) years as a Director of Nursing under his supervision. A motion was made by Mr. Davis and seconded by Mr. Laman to approve Ms. Anderson for a six (6) month A.I.T. program, pending completion of application with Dr. D'Amico rescusing. The motion carried.

**Sean Whiteside** – Mr. Whiteside submitted an application to be approved for an A.I.T. program. His transcript indicates in December 12, 2006, he received a B.S degree in Radio/TV production from MTSU. A motion was made by Mr. Davis and seconded by Ms. Harris to approve Mr. Whiteside for a six (6) month A.I.T. program. The motion carried.

**Bradley A. Davis** - Mr. Davis submitted an application to be approved for an A.I.T. program. His transcript indicates in May 3, 2008, he received a B.S. degree in Management and Organizational Development from Bethel College. A motion was made by Mr. Davis and seconded by Dr. D'Amico to approve Mr. Davis for a six (6) month A.I.T. program. The motion carried.

**Randy J. Camper** – Mr. Camper submitted an application to be approved for an A.I.T. program. His transcript indicates in December 15, 2001, he received a B.S. degree in Education and Behavioral Science from MTSU. A motion was made by Mr. Laman and seconded by Ms. Lester to approve Mr. Camper for a six (6) month A.I.T. program, with Mr. Davis recusing. The motion carried.

**Justin Broadway** – Mr. Broadway submitted an application to be approved for an A.I.T. program. His transcript indicates in December 2004, he received a B.S. degree in Business Administration from

MTSU. A motion was made by Mr. Laman and seconded by Dr. D'Amico to approve Mr. Broadway for a six (6) month A.I.T. program, with Mr. Davis rescusing. The motion carried.

**Linda D. Pettway** – Ms. Pettway submitted an application to be approved for licensure through reciprocity. Her application shows she has an active license in Georgia and Alabama. She did not complete an A.I.T. program in either state. Her transcript indicates in May 9, 1987, she received an A.S. degree in Nursing from George Wallace Community College. A motion was made by Ms. Harris and seconded by Ms. Lester to deny the application as presented for reciprocity, due to lack of acceptable management experience in a nursing home facility and no A.I.T. program. The motion carried with Mr. Walker recusing. Mr. Davis stated that if Ms. Pettway wants to submit proof of at least one (1) year of management experience in a nursing home facility and a six (6) month A.I.T. program or if she can show proof of two (2) or more years of management experience in a nursing home facility, she can be approved through reciprocity.

**Donald Blunt** – Mr. Blunt submitted an application for licensure through reciprocity. His transcript indicates in July 2004, he received a B.S. in Music form ECU. His application states he has taken and passed the NAB exam and has a license in Mississippi. A motion was made by Ms. Lester and seconded by Mr. Davis to approve Mr. Blunt for licensure through reciprocity. The motion carried.

**Stephanie Long** - Ms. Long submitted an application for licensure through reciprocity. Her transcript indicates in August 2005, she received a B.S. in Business Management from AR State Univ. Her application states she has taken and passed the NAB exam and has a license in Arkansas. A motion was made by Mr. Davis and seconded by Mr. Laman to approve Ms. Long for licensure through reciprocity. The motion carried.

**Climaity Anderson** – Ms. Anderson submitted an application to be approved for an A.I.T. program. Her transcript indicates in May 1988, she received an A.S. degree in Nursing from Northeast Mississippi Jr. College. A motion was made by Ms. Lester and seconded by Mr. Davis to approved Ms. Anderson for a one (1) year A.I.T. program. The motion carried

**Kelvin Hazel** - Mr. Hazel submitted an application for licensure through reciprocity. in. His transcript indicates in January 1987, he received a MA degree in Public Administration from University of Arkansas. In August 1984, he received a B.S. degree in Political Science from University of Central Arkansas. He has taken and passed the NAB exam and received a license in Texas in August 1997. A motion was made by Mr. Davis and seconded by Ms. Harris to approve Mr. Hazel for licensure through reciprocity. The motion carried.

**Darlene Taylor** – Ms. Taylor submitted an application to be approved for an A.I.T. program. Her transcript indicates in December 2001, she received a B.S. degree from UT Martin. A motion was made by Ms. Lester and seconded by Mr. Davis to approve Ms. Taylor for a six (6) month A.I.T. program. The motion carried.

**Patrick Baldwin** – Mr. Baldwin submitted an application to be approved for an A.I.T. program. His transcript indicates in May 1995, he received a B.S. degree in Biology. In July 2001, he received a MPT from Nova SE University. In July 2003, he received a DPT from Nova SE University. A motion

was made by Ms. Lester and seconded by Mr. Davis to approve Mr. Baldwin for a six (6) month A.I.T. program. The motion carried.

**Mary Hubbard** – Ms. Hubbard submitted an application to be approved for an A.I.T. program. Her transcript indicates in December 1987, she received a B.S. degree in Home Economics from ETSU. In December 1999, she received a M.A. degree in Organizational Management from Tusculum College. A motion was made by Mr. Lester and seconded by Mr. Davis to approve Ms. Hubbard for a six (6) month A.I.T. program. The motion carried.

**Jessica Bowers** - Ms. Bowers submitted an application to be approved to take the NAB exam. Her transcript indicates in December 2006, she received a B.S. degree in Public Health Administration with an internship from August thru December of 2006. A motion was made by Ms. Lester and seconded by Mr. Davis to approve Ms. Bowers to take the NAB exam. The motion carried.

**Kelli S. Hainle** - Ms. Hainle submitted a request to withdrawal her application by email to Mr. Davis.

**Steven Yokely** – Mr. Yokely submitted a request in writing for his preceptor certification to be reinstated. Mr. Yokley, stated he received his preceptor certification about five (5) years ago and never trained anyone; consequently, he never obtained the required nine (9) extra continuing education hours per year. His corporate office is requesting him to get his preceptor certification reinstated, and to that end he is asking direction as to what he needs to do to reinstate this certification. A motion was made by Ms. Lester and seconded by Ms. Harris to deny the request and require Mr. Yokely to retake the preceptor course. The motion carried.

**Minutes:**

A motion was made by Mr. Davis and seconded by Ms. Lester to approve the March 3, 2008 minutes with amendments. The motion carried.

**Administrative Reports:**

Ms. Webb presented the statistical report which indicated the total active, retired and failed to renew licensees as of May 29, 2008:

<b>Nursing Home Administrators</b>
<b>Active Licensees – 760</b>
<b>Retired Licensees – 821</b>
<b>Failed to Renew - 681</b>

Ms. Harris requested for Ms. Webb to break down the failed to renew licensees into twelve (12) rolling months. Ms. Lester inquired if the totals could be put on a quarterly basis to enable the Board to take a closer look at what is happening to the industry and perhaps determine why licenses are in a failed to renew status.

Ms. Webb stated that she was requested to audit the preceptors one hundred percent (100%). After continued discussion, the Board felt there was no reason to audit the preceptors separately from the five percent (5%) that is audited monthly.

**BUDGET/TRAVEL ISSUES:**

Ms. Webb presented to the Board that no one is to make any arrangements prior to receiving approval for travel arrangements. The new travel Service is Wright Travel Services, Inc. at 1-866-835-9979. Each time a member goes through Wright Travel Services he/she must identify that they are with the State of Tennessee and provide them with the Board's budget and allotment code which can be obtained from the Unit Director or the Administrator of the Board. Effective January 15, 2007 the mileage rate was increased to .46 a mile.

**Financial Report:**

Ms. Swann presented to the Board a financial report with the projected cumulative carryover at June 30, 2007 of \$89,733.90.

**Investigative And Disciplinary Reports:**

Ms. Swann presented the Investigative report which indicated that there were eight (8) open complaints in investigations that were carried over from 2007. Eight (8) new complaints were received in January 2008 and twelve (12) in March for a total of twenty-eight (28). Eleven (11) of those complaints were closed leaving a total of seventeen (17) complaints currently open: two (2) were closed with no action, one (1) with a letter of warning, and eight (8) were referred to OGC.

Ms. Swann, presented the disciplinary report which indicated the following:

**Billie F. Anderson**-Lic #1039-as of 6/4/07-indefinite-civil penalty -\$500.00-costs \$6,414.71-voluntarily surrendered license.

**John Pugh** -Lic #1609-as of 8/16/05-Suspended six (6) months to be followed by six (6) months probation-costs \$1,373.32-six (6) hours of ethics continuing education.

**Sidney Pierce** -Lic #978-as of 3/5/07-7/18/09-costs \$869.64-license placed on probation to run concurrent with TNPAP contract effective 7/18/07.

**George Schumann** -Lic #2920-as of 3/5/07-3/5/08-civil penalty \$100.00-costs \$683.81-one (1) year probation.

**Ratifications:**

A motion was made by Mr. Davis and seconded by Ms. Harris to approve the following new Licensees, and reinstatements. The motion carried.

New Licensees:

Randy W. Ashby  
Christine M. Burr  
Lindsey C. Lawson

Jay A. Beaudoin  
Sherri Francis  
Denise W. Stacks

Wallace B. Bible  
Margaret D. Garrett  
Stacey M. Wallace

Reinstatements:

Crystal R. March

Catherine M. Ortega

James R. Thomason

Preceptors:

A motion was made by Mr. Davis and seconded by Ms. Lester to approve the following preceptors.  
The motion carried.

Mahlia J. Russell

Tammy L. Stults

**Adjournment**

A motion was made by Mr. Davis and seconded by Ms. Lester, with there being no further business, to adjourn the meeting at 12:30 p.m..

These minutes were ratified at the August 4, 2008 Board meeting.