

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

DATE: March 5, 2007

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

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

MEMBERS PRESENT: Harold Walker, Chair, NHA  
Mark Davis, Vice-Chair, NHA  
Jennifer Johnson, M.D.  
Norma Lester, RN, NHA  
Craig Laman, NHA  
Kathryn Wilhoit, RN, NHA  
Vickie Harris, NHA  
Robbie Bell, HRB Director, Ex Officio

MEMBERS ABSENT: Katy Gammon, HCF Director, Ex Officio  
Susan Carson, Citizen

STAFF PRESENT: Marva Swann, Unit Director  
Karen Robinson, Board Administrator  
Ernest Sykes, Advisory Attorney  
Jerry Kosten, Regulations Manager  
Elisha Hodge, Litigating Attorney  
Edward Heenan, Board Consultant

STAFF ABSENT:

GUEST: Richard Russell, Legal Counsel, THCA  
Harold Ermshar, THA  
Amanda Plunkett, Court Reporter from Denise Harwood-Stacy

With a quorum being present, Mr. Walker called the meeting to order at 9:20 a. m.

**Consent Of Interest**

Mr. Sykes discussed the Conflict of Interest Policy and reminded the Board members of their responsibilities under the policy.

## **Minutes**

A motion was made by Ms. Wilhoit and seconded by Ms. Lester to approve the November 6, 2006 minutes. The motion carried.

## **Consent Orders**

### **George W. Schumann:**

Ms. Hodge presented a consent order for Mr. George W. Schumann to the Board. Ms. Hodge explained to the Board that Mr. Schumann submitted an application for licensure to the Board Administrative office on August 8, 2003 and was approved for licensure on October 20, 2003. With regard to the application question that asks, "Have you ever been convicted of a felony or a misdemeanor other than a minor traffic violation?," Mr. Schumann marked "no". On January 6, 1994, Mr. Schumann pled guilty to Driving While Impaired in Henderson County, North Carolina. Mr. Schumann will be placed on probation for a period of one year upon ratification of this order by the Board, this probation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPD). A type C civil penalty was assessed in the amount of (\$100.00) plus costs for falsification of his licensure application. Obtain and submit proof of completion of three hours of continuing education in Ethics within the one year probationary period. Mr. Schumann must appear before the Board in order to have the probation lifted from his license. A motion was made by Dr. Johnson and seconded by Ms. Lester to accept and approve the consent order. The motion carried with a unanimous vote.

### **Sidney B. Pierce:**

Ms. Hodge presented a consent order for Mr. Sidney B. Pierce to the Board. Ms. Hodge explained that on June 19, 2006 Mr. Pierce diverted Ambien and Ativan from the drug destruction box at the facility in which he is co-owner and administrator. After ingesting the medication he became overdosed and was taken to a medical center where he was stabilized and transported to a facility where he was treated for depression and released. Mr. Pierce's license is suspended until he has an evaluation by the Tennessee Professional Assistance Program (TNPAP) and approved to return to work. The TNPAP evaluation must occur within thirty days of the effective date of this order. Should the evaluation recommend a contract with TNPAP, Mr. Pierce shall be placed on probation to run concurrent with said TNPAP contract, and will continue until he complies with each and every term of the contract, but shall be no less than three years in duration: should the contract with TNPAP be extended, the term of his probation shall also be extended to the new term of the TNPAP contract. If TNPAP does not recommend a monitoring agreement with Mr. Pierce his license shall be placed on probation for no less than eighteen months and pay costs. This probation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPD). A motion was made by Mr. Laman and seconded by Ms. Lester to accept and approve the consent order. The motion carried with a unanimous vote.

### **Rulesmaking Hearing**

Mr. Kosten presented a rulemaking hearing that is to be held on May 17, 2007 on rules that are being amended for licensure requirement to the Board. After much discussion, a motion was made by Mr. Laman and seconded by Ms. Lester to defer the rulemaking hearing for the amended rules until the next board meeting of June 4, 2007. The motion carried with a unanimous vote.

### **Continuing Education Rule1020-1-.12 (3) Course Approval**

Ms. Robinson presented this rule to the Board for clarification. After much discussion a motion was made by Mr. Laman and seconded by Ms. Wilhoit to request the study committee to review and discuss the rule on continuing education course approval, NAB and other organizations that are approved continuing education providers. The motion carried with a unanimous vote.

### **Study Committee**

Mr. Davis requested to be placed on the study committee. A motion was made by Mr. Laman and seconded by Dr. Johnson to add Mr. Davis to the study committee. The motion carried with a unanimous vote.

The study committee reviewed and recommended that the licensure requirements to be amended. After much discussion a motion was made by Mr. Laman and seconded by Dr. Johnson to defer the changes to the June 4, 2007 board meeting. The motion carried with a unanimous vote.

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

**Leon Dutka**-Mr. Dutka is requesting an extension of his 2005 eighteen (18) continuing education hours and for six (6) continuing education hours that he failed to obtain in 2006 due to a medical problem which he presented a doctor's letter for verification. After much discussion a motion was made by Ms. Lester and seconded by Dr. Johnson to approve an extension with the ending date of December 31, 2007. The twenty-four (24) continuing education hours that are obtained can not be used for the eighteen (18) continuing education hours that are required for licensure in the 2007 calendar year. The motion carried with Ms. Wilhoit abstaining.

**Sharon Sharpe**-Ms. Sharpe is requesting that her file be left open so she can take the Tennessee Health Care Association (THCA) NAB exam course in June 2007 and not have to retake her administrator in training program. After much discussion a motion was made by Ms. Lester and seconded by Ms. Wilhoit that Ms. Sharpe will not have to repeat the administrator in training program since she is still working in a long term care facility. Pursuant to rule 1020-1-.10 (1) (a) 3, a new application and fees must be submitted to pursue the licensure process in 2007. The motion carried.

**Betty Caton**-Ms. Caton requested to attend the Board meeting to explain her management experience that she failed to explain at the November 6, 2006 Board meeting and to request the length of her administrator in training program be shortened. After much discussing a motion was made by Ms. Wilhoit and seconded by Dr. Johnson to accept and approve the management experience and to shorten the administrator in training program by five (5) months with the ending date of June 21, 2007. The motion carried.

**Michael Combs**—Mr. Combs requested to attend the Board meeting to explain his assistant management experience. After much discussion a motion was made by Mr. Davis and seconded by Mr. Laman not to approve Mr. Combs for licensure at this time pursuant to rule 1020-1-.07, (7). The Board explained to Mr. Combs the rule requirements are five (5) years of management experience, (no more than 2/3 of experience can be counted for in each department), a fifty (50) continuing education hour course and a six (6) month administrator in training program. The resume' only shows twenty-four (24) months of experience that can be accounted for, which is thirty-six (36) months short of the five (5) year requirement, and the fifty (50) continuing education hour course had not been obtained. The Board recommended for Mr. Combs to complete his Associates Degree and resubmit an application with fees to the board for review. The motion carried.

**Patricia Ketterman**- Ms. Ketterman was requested to attend the Board meeting to explain her hospital administrative experience. After much discussion a motion was made by Mr. Davis and seconded by Ms. Wilhoit to accept and approve her experience and to take the NAB examination. The motion carried.

**Bartlee Norton** – Mr. Norton requested an extension of taking his NAB examination so he can take the NAB exam study course with THCA. After much discussion a motion was made by Mr. Davis and seconded by Ms. Lester to approve the extension with the deadline of September 30, 2007. The motion carried.

### **Office of General Counsel Report**

Mr. Sykes presented the OGC report and discussed the following rules and the date they became effective.

Rule 1020-1-.03 11, Screening Panels, became effective October 10, 2006  
Rule 1020-1-.01, 06, 13, Face To Face A.I.T. Program, became effective May 31, 2006  
Rule 1020-1-.03, 10, 15, Exam Retakes, Stays, still at the Attorney General's Office  
Rule 1020-1-.08, Criminal Background Checks, became effective May 31, 2006

Mr. Sykes stated that OGC currently has six open disciplinary cases pertaining to the Board of Nursing Home Administrators.

## **Administrative Reports**

Ms. Robinson presented the statistical reports which indicate the following:

<b>Nursing Home Administrators November 2006</b>	<b>Nursing Home Administrators December 2006</b>	<b>Nursing Home Administrators January 2007</b>
<b>Active Licensees – 773</b>	<b>Active Licensees – 769</b>	<b>Active Licensees – 770</b>
<b>Retired Licensees –794</b>	<b>Retired Licensees – 794</b>	<b>Retired Licensees – 801</b>
<b>Failed to Renew – 658</b>	<b>Failed to Renew - 658</b>	<b>Failed to Renew - 662</b>

## PERFORMANCE MEASURES

<b><i>Performance Measure</i></b>	<b><i>Goal</i></b>	<b><i>Nov-Feb 2006-2007</i></b>
Renewal Processing Time	14 days	5 to 7 days
Application Processing Time	100 days	200 to 300 + days

The application processing time is directly relative to the length of the A.I.T. program, the length of the NAB examination process, and the length of the state Jurisprudence examination and the success or lack thereof, of the applicants on the examinations.

## **BUDGET/TRAVEL ISSUES**

Ms. Robinson presented to the Board that no one is to make any arrangements prior to receiving approval; and when making travel arrangements, such as purchasing airline tickets, you must go through World Travel Services, Inc. at 1-866-835-9979. Each time you go through World Travel Services you must identify that you 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**

The Board reviewed the 2002, 2003, 2004 and 2005 financial reports. The Board requested for Mr. Lisa Tittle, Director of Administrative Services to appear at the June 4, 2007 Board meeting to give explanation of these reports with total carry over for each year.

## **Investigative And Disciplinary Reports**

Ms. Swann presented the Discipline and Investigative reports which indicated that there were twenty four (24) new complaints received. Twenty (20) total closed complaints. Twelve (12) Closed no action. Three (3) Closed letter of concern. One (1) Closed letter of warning. Four (4) Closed referred to OGC. One (1) Drug related, Four (4) Unprofessional conduct, One (1) Unlicensed practice, Fourteen (14) Care of services, Four (4) Other. Six (6) were from the west region, Nine (9) were from the middle region, Eight (8) were from the east region, and one (1) was from out of state.

**Ratifications**

A motion was made by Mr. Davis and seconded by Dr. Johnson to approve the following New Licensees. The motion carried.

New Licensees

James B. Carrington  
Barbara L. Kotchevar  
Kathy A. Moon  
Felicia T. Nicks  
Brenda G. Vanhoose

Heather A. Gibson  
Richard D. Lawrence  
Latessa E. Marie Morris  
James L. Sherwood

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

Reinstatements

Michael L. Foxworthy  
Daniel H. Gray

Marvin C. Frey

Preceptors

Eric Boston  
Lee Rooney

Robert Venable

**Adjournment**

A motion was made by Ms. Lester and seconded by Mr. Davis, with there being no further business, the meeting was adjourned at 12:35 p.m.

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Norma Lester Secretary

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Date