

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

DATE: August 4, 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
Stephen J. D'Amico, MD
Craig Laman, NHA
Vickie Harris, NHA
Kathryn Wilhoit, RN, NHA
Jimmy Johnston, Consumer

MEMBER(S) ABSENT: Norma Lester, RN, NHA

STAFF PRESENT: Marva Swann, Unit Director
Mary V. Webb, Board Administrator
Karen Robinson, Board Meeting Administrator
Bethany Heuer, Advisory Attorney
Elizabeth "Libby" Miller, HRB Director
Alison Cleaves, OGC Deputy General Counsel

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.

Conflict Of Interest

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

Office of General Counsel Report

Ms. Heuer, presented the following update on rules:

- Increase Licensure Requirements, Eligibility for Exams, Conditions, Titles [1020-1-.07, .10, .15, .16]- (07-1323). This 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 approval by the OGC.

Agreed Citations/Consent Orders Relating to Lapsed License and Deficient Continuing Education

Alison Cleaves, OGC Deputy General Counsel addressed the Board as to its procedure for handling licensees whose license has lapsed or who have been deficient in their continuing education requirements. It was acknowledged that the practice had been that the Board Director would send a demand letter requiring the licensee practicing on a lapsed license to submit \$100.00 for every month in excess of three months past the expiration date and for those deficient in continuing education a one time penalty of \$100.00, submission of the deficient hours plus an additional 9 penalty hours. This had never been considered as reportable disciplinary action.

Ms. Cleaves stated that it was not the intention to change the Board's policy for a lapsed license or deficient ce's; but, to make the Board aware that any demand for money is a civil penalty and must be considered a reportable disciplinary action to the Health Related Board's Disciplinary Action Report (DAR). The licensee should also be notified in the form of a consent order/agreed citation which is a legal document outlining the rule violated and the licensee's rights and privileges under the law.

After discussion, a motion was made by Vickie Harris and seconded by Mark Davis to continue the Board's present policy for practicing on a lapsed license and for delinquent ce's; but to use the consent order/agreed citation rather than a demand letter with the understanding that this would be a reportable disciplinary action. The motion carried unanimously.

Orders of Consent

Robert Charles Venable—Ms. Heuer presented a Consent Order on Robert Charles Venable. Mr. Venable failed to comply by submission of documentation when audited for compliance with continuing education requirements of eighteen (18) hours of continuing education for calendar years 2005 and 2006 for a total of thirty six (36) hours. Pursuant to Tenn. Comp. R. & Reg., Rule 1020-1-.15(5)(d)(2) he was assessed one (1) Type C civil penalty of one hundred (\$100) dollars plus the cost of the action. In addition to the thirty-six (36) hours of continuing education that were required for calendar years 2005 and 2006, and the eighteen (18) hours required for 2007, he must also complete and submit proof of completion of nine (9) additional penalty continuing education hours

A motion was made by Mark Davis and seconded by Kathryn Wilhoit to accept the Order of Consent as presented. The motion carried with a unanimous vote.

Case # 200800166--Ms. Heuer presented a case anonymously on a licensee with an active license; who, when audited was found to have failed to obtain required continuing education hours. The licensee requested that the Board waive the required ce's based on a physical disability that prohibited

her from obtaining the ce's and allow her to retire the license. It was the Board's consensus that although the Board wanted to be compassionate, to waive ce's would be setting a bad precedent and that the licensee could have retired the license before becoming delinquent in continuing education hours. A motion was made by Ms. Harris and seconded by Dr. D'Amico not to set aside this licensee's required continuing education hours. The motion carried unanimously. Ms. Heuer is to proceed with the action through the agreed citation/consent order.

Minutes

A motion was made by Craig Laman and seconded by Mark Davis to approve the minutes of the June 2, 2008 meeting as written. The motion carried with a unanimous vote.

Investigations Report

Juanita Stone, Disciplinary Coordinator, with the Office of Investigations presented the investigative and disciplinary report.

Investigative

Complaints	Dec/2007	Jan/2008	Feb/2008	Mar/2008	Apr/2008	May/2008	June/2008
Received	8	8	0	15	0	12	8
Closed		1	4	6	0	0	33
Current							7

Disciplinary

There are two (2) licensees currently being monitored by the Board:

Billie F. Anderson—Action Taken-6/4/07—Expiration Date-Indefinite—Civil Penalty--\$500.00—Costs--\$6,414.71—License—Voluntarily Surrendered

Sidney Pierce—Action Taken—3/5/07—Expiration Date—7/18/09—Costs--\$869.64—License—Suspended/Probation

File Reviews

Martin Yeomans —Mr. Yeomans appeared before the Board to be licensed through reciprocity. He has an associate's degree as an occupational therapist and three (3) years nursing home administrative experience. He is licensed in Mississippi and Alabama as an administrator. He is employed at present as an assistant administrator at Rainbow Health & Rehabilitation Center in Memphis, TN. A motion was made by Mark Davis and seconded by Craig Laman to approve Mr. Yeoman's application for licensure through reciprocity. The motion carried unanimously.

Cynthia Milenski —Ms. Milenski appeared before the Board to be licensed through reciprocity. She has a master's degree in Health Care administration and is currently licensed as a nursing home

administrator in Colorado and North Carolina. She completed an AIT program in California and has been licensed as a nursing home administrator since 1985. A motion was made by Mark Davis and seconded by Kathryn Wilhoit to approve Ms. Milenski for licensure through reciprocity. The motion carried unanimously.

Administrative Reports

Ms. Webb presented the statistical report which indicated the total active, retired and failed to renew licensees as of May 30, 2008 thru July 18, 2008

Nursing Home Administrators	
Active Licenses –	762
New Licenses –	11
Retired--	5
Failed to Renew--	3
Renewals--	47

Board Member Update

Mr. Jimmy Johnston was welcomed to the Board as a new member replacing Ms. Susan Carson as the consumer member. It was reported that Ms. Norma Lester and Ms. Kathryn Wilhoit have both been reappointed.

Preceptor List

There was a discussion as to the best way to keep the preceptor list current. Ms. Webb stated that she updates the list when she is notified of a change in status of any one currently on the list. Both Mr. Davis and Ms. Wilhoit stated that they were asked to submit a letter requesting to be removed from the list when they were no longer active as a preceptor. In answer to an inquiry by Ms. Harris, there is currently no mechanism in place to automatically allow a licensee to indicate they are no longer active as a preceptor. It is hoped that a licensee would voluntarily submit this information upon renewal of his/her license.

Financial Report

Ms. Swann presented to the Board a financial report with the projected cumulative carryover for June 30, 2008 of \$34,234.68.

Ratifications

A motion was made by Mr. Davis and seconded by Dr. D’Amico to approve the following new Licensees, and reinstatements. The motion carried.

New Licenses

Donald R. Blunt
Sandra K. Casper
Abby Kathleen Copeland
Jeremy Allen Gravell
Kelvin Neal Hazel
Jodie Amanda Jones
Stephanie Lauren Long
Sharon Ann O'pry
Sheila J. Stephens
William Scott Stubblefield
Tiffany A. Thompson

Reinstatements

Paula Sue Boone
Joseph R. Garst

2009 Board Meeting Dates

The Board approved the following meeting dates for 2009:

- March 2
- June 1
- August 3
- November 2

Adjournment

With there being no further business, a motion was made by Mr. Davis and seconded by Ms. Wilhoit to adjourn the meeting at 12:00 pm. The motion carried unanimously.

These minutes were ratified at the November 3, 2008 meeting