

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

DATE: November 3, 2008

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

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

MEMBERS PRESENT: Harold Walker, NHA, Chair
Norma Lester, Secretary, RN, NHA
Stephen J. D'Amico, MD
Craig Laman, NHA
Vickie Harris, NHA
Jimmy Johnston, Consumer
Kathryn Wilhoit, RN, NHA

MEMBERS ABSENT: Mark Davis, NHA, Vice Chair

STAFF PRESENT: Marva Swann, Board Director
Mary V. Webb, Board Administrator
Ernie Sykes, Advisory Attorney
Libby Miller, HRB Director
Juanita Stone, BIV Disciplinary Coordinator

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

Ernie Sykes presented the new Conflict of Interest Policy that went into effect November 1, 2008. Board members were asked to review the policy paying particular attention to numbers six (6) and seven (7) which refer to their serving as an officer or in a policy making role in any trade or professional association while serving on the Board. Since Board members had several questions regarding the new policy, Craig Laman made a motion seconded by Kathryn Wilhoit to table signing the policy until further explanation is given at the next meeting. The motion carried.

Office of General Counsel Report

Ernie Sykes presented the following OGC report:

Rules:

- Increase Licensure Requirements, Eligibility, for Exams, Conditions, Titles [120-1.07, .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.

Litigation:

- There are eight cases in OGC pertaining to the Board of Nursing Home Administrators. Of those eight cases, there are two Consent Orders on the docket for this meeting.

Consent Order

Mr. Sykes presented a Consent Order on Judith C. Dexter, NHA. Ms. Dexter agreed that she failed to respond to a request to submit proof of completion 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. 1020-1-12 Continuing Education, licensees must attend and complete the continuing education requirements of this rule annually, on a calendar year basis, as a prerequisite to licensure renewal.

For non-compliance with continuing education requirements, Ms. Dexter agreed to pay a one (1) Type C civil penalty of one hundred dollars (\$100), applicable for five (5) days for a total of a five hundred dollars (\$500) civil penalty. In addition to the thirty-six (36) continuing education hours required for calendar years 2005 and 2006, and the eighteen (18) hours required for 2007, Ms. Dexter must also complete and submit proof of completion of nine (9) additional penalty continuing education hours.

After discussion, Mr. Laman made a motion seconded by Ms. Wilhoit to accept the Consent Order as presented. Mr. Walker recused himself. The motion carried.

Lapsed License Policy

Mr. Sykes presented the revised lapsed license policy with the changes stipulated from the last Board meeting. The policy is essentially the same policy approved in November 2002 with the change that a civil penalty is formal discipline that is reportable by the Department of Health on the monthly disciplinary report on the website.

After discussion, Ms. Lester made a motion seconded by Ms. Harris to accept the lapsed license policy as amended. The motion carried.

Investigative/Disciplinary Reports

Ms. Juanita Stone, BIV Disciplinary Coordinator, presented the Board's investigative and disciplinary reports.

There were eight (8) complaints carried over from 2007. New complaints received in 2008 were as follows: January, eight (8); March, fifteen (15); May, twelve (12); June, eight (8); July, four (4); and September one (1). Of these fifty-six (56) complaints, 50 were closed, 20 with no action, eight (8) with a letter of concern, thirteen (13) with a letter of warning, and nine (9) with referral to OGC, leaving six (6) open complaints as of September, 2008.

There are two licensees currently being monitored for disciplinary action. A new procedure is in place through which the Bureau of Investigations is working closely with the Attorney General's office to collect civil penalties and costs.

Applicant Interviews/File Reviews

Vincent Grant—Mr. Grant appeared before the Board to be granted a license by reciprocity. He has been a licensed nursing home administrator since 2006 in Arkansas and is currently employed by the Healthcare and Rehab Center in West Memphis, Arkansas. The Board's consultant reviewed his credentials and recommended him for licensure. After interview by the Board, Ms. Lester made a motion seconded by Ms. Wilhoit to approve Mr. Grant for licensure. The motion carried.

Raymond Ruff—Mr. Ruff appeared before the Board to be granted a license by reciprocity. He holds licenses as a nursing home administrator in North Carolina and Florida. The Board's consultant reviewed his credentials and recommended him for licensure. After interview by the Board, Mr. Laman made a motion seconded by Ms. Lester to approve Mr. Ruff for licensure. The motion carried.

David Wildgen—the Board reviewed Mr. Wildgen's file for licensure by reciprocity. He holds licenses in Florida, Minnesota, Arizona, and California. The Board's consultant reviewed his credentials and recommended him for licensure. Mr. Laman made a motion seconded by Ms. Harris to approve Mr. Wildgen for licensure. The motion carried.

James Hickerson—Mr. Hickerson appeared before the Board to be approved for an AIT with David McBride as preceptor. The Board consultant has reviewed Mr. Hickerson's file and recommended him for an AIT. Ms. Lester made a motion seconded by Ms. Wilhoit to approve Mr. Hickerson for an AIT. Mr. Laman recused himself. The motion carried.

Shelia Deadmon—Ms. Deadmon and her preceptor, Ms. Paula Jernigan, appeared before the Board due to Ms. Deadmon's failing the NAB examination twice. The Board requested further

information as to why Ms. Deadmon may have failed and what steps would be taken to help ensure her success in passing the examination. The Board noted that Ms. Deadmon had significantly improved her scores. With Ms. Jernigan's assistance, Ms. Deadmon has reviewed the testing material and taken several practice exams that Ms. Jernigan feels will help to alleviate her test anxiety. She has also retaken the exam preparation course. Ms. Lester made a motion seconded by Ms. Wilhoit to approve Ms. Deadmon to retake the NAB examination. Mr. Laman recused himself. The motion carried.

Joyce Fields—the Board reviewed Ms. Fields' file for licensure by reciprocity. She holds a license in Virginia and is currently working as an administrator at Brian Nursing Home in Virginia. The Board consultant reviewed Ms. Fields' credentials and recommended her for licensure. Ms. Harris made a motion seconded by Mr. Lester to approve Ms. Fields for licensure. The motion carried.

Paul Zani—the Board reviewed Mr. Zani's file for licensure by consideration of his management experience. He is currently the vice president of operations for the LifeCare Center of America in Cleveland, TN. The Board consultant reviewed Mr. Zani's credentials and recommended him for licensure. Mr. Laman made a motion seconded by Ms. Wilhoit to approve Mr. Zani for licensure. The motion carried.

Christopher Armantrout—the Board reviewed Mr. Armantrout's file to approve his taking the NAB examination. He has a BS degree in Long Term Care from Southern Adventist University. Ms. Lester made a motion seconded by Dr. D'Amico to approve Mr. Armantrout to take the NAB examination. The motion carried.

Cathy Dennis—the Board reviewed Ms. Dennis' file for an AIT program. Ms. Harris made a motion seconded by Ms. Lester to deny Ms. Dennis an AIT and request that she submit additional information regarding her management experience. The motion carried.

Buffy Gaither—the Board reviewed Ms. Gaither's file for an AIT program. Ms. Wilhoit made a motion seconded by Ms. Harris to deny Ms. Gaither for an AIT due to her application being incomplete. The motion carried. The Board would like the letter sent to Ms. Gaither also to specify that a non-family member must notarize her application.

Trudy Durham—the Board reviewed Ms. Durham's file for an AIT program. Ms. Durham holds a BS degree. Mr. Laman made a motion seconded by Dr. D'Amico to approve Ms. Durham for an AIT program. Mr. Walker recused himself. The motion carried.

Marilyn McClain—the Board reviewed Ms. McClain's file for an AIT program. Ms. McClain has an AS in nursing and is currently the assistant administrator for Vanco Nursing Home. She was the Director of Nursing for Cumberland Manor Nursing Center from August, 2001 until March 31, 2008. Mr. Laman made a motion seconded by Ms. Lester to approve Ms. McClain for an AIT program. The motion carried.

The Board reviewed the files of Michael Ward, Melissa Tipps, Adam Franklin, and Brenda Nagey for an AIT program. All have baccalaureate degrees and were recommended for approval by the

Board consultant. Mr. Laman made a motion seconded by Ms. Lester to approve the aforementioned applicants for an AIT program. The motion carried.

Minutes

Ms. Wilhoit made a motion seconded by Dr. D'Amico to approve the minutes for August 4, 2008 as presented. The motion carried.

Board Reports

NAB Mid-year Conference

Ms. Miller represented the Board as a delegate to the NAB mid-year conference held in Florida in October, 2008. She stated that it was an excellent opportunity to network with administrators from other states regarding regulatory issues. Of particular interest was the way in which Alabama handles discipline of administrators whose facilities were found to be deficient by surveyors.

The NAB currently has accredited seven academic programs and hopes to increase that number to ten within the coming year. On the NAB website legislation regarding long-term care can be tracked across the country. It also has fee structures from different jurisdictions which would be helpful to the Board should they wish to consider changes to current fees.

Ms. Miller will go over the information gathered from the meeting with the Board's director and administrator.

Administrator's Report

There are 767 active nursing home administrators as of September 30, 2008.

The following is an account of Board activity from July 19, 2008 thru October 30, 2008:

- New licenses--15
- Retired license--8
- Renewals--97

Continuing Education Audit January 2008 thru July 2008 :

Number Audited	21	
Number Compliant	17	81%
Number Non-Compliant	4	19%

Tennessee Health Care Association

Ms. Webb attended three THCA seminars on behalf of the Board. One was geared toward prospective licensees who were interested in becoming nursing home administrators thru the AIT program, one was primarily for individuals already licensed and who were interested in becoming a preceptor, and the last was for an overview of applying for licensure as an administrator or preceptor.

Board Members

All board positions are filled with the exception of the ex-officio.

Travel

The mileage rate was increased to \$.54 per mile effective October 1, 2008. Any travel requests on behalf of the Board must be handled thru the Board's administrative office.

Ratifications

Mr. Laman made a motion seconded by Ms. Lester to approve the list presented of initial determinations for new licenses. The motion carried.

Mr. Laman made a motion seconded by Ms. Lester to approve the list presented of initial determinations for reinstatement of licensure. Ms. Wilhoit recused herself. The motion carried.

Ms. Harris made a motion seconded by Ms. Lester to approve the list presented of initial determinations for preceptors. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 11:55 a.m.

These minutes were ratified at the March 2, 2009 meeting.