

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

DATE: March 2, 2009

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
Mark Davis, NHA, Vice Chair
Stephen J. D'Amico, MD
Craig Laman, NHA
Vickie Harris, NHA
Jimmy Johnston, Consumer Member

MEMBERS ABSENT: Norma Lester, RN, NHA
Kathryn Wilhoit, RN, NHA

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.

Conflict Of Interest

Ernie Sykes instructed the members of their responsibility under the Conflict of Interest Policy. Board members had tabled signing the new policy that became effective November 1, 2008 until they received additional clarification of its content. The Bureau of Health Licensure and Regulation drafted the policy. Mr. Sykes deferred questions concerning the policy to Ms. Libby Miller as the spokesperson for the Bureau. Ms. Miller asked that Board members sign the new policy.

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 six (6) cases in OGC pertaining to the Board of Nursing Home Administrators.

Election of Officers

Mr. Laman made a motion seconded by Ms. Harris for the current officers to remain in place for 2009. The motion carried. Harold Walker is Chair, Mark Davis is Vice Chair, and Norma Lester is Secretary of the Board.

Investigative/Disciplinary Reports

Juanita Stone, Disciplinary Coordinator for the Office of Investigations, presented the investigative and disciplinary reports. There were sixty-nine (69) cases received in 2008. Sixty-five (65) of these cases were closed; twenty-two (22) with no action, thirteen (13) by letter of concern, nine (9) by letter of warning, and twelve (12) were referred to the Office of General Counsel. Letters of Concern and Warning are informal discipline and are issued after consultation with the Board's attorney. As informal discipline, they are not reportable and are not reviewed by the Board. The Board reviews all formal discipline before issued and made public. There are currently eleven (11) open complaints, ten of which were carried over from 2008. Nine (9) of these cases were referred by Health Care Facilities.

Ms. Miller discussed with the Board ways other jurisdictions are expediting complaints through a "blind" process. A respondent is sent a letter which contains an offer of settlement in an effort to resolve a complaint before it is formally investigated. A number in lieu of a name is presented when the Board reviews these letters. The Board makes recommendations to settle the matter based on the circumstances presented. Mr. Sykes deferred advising the Board on their using this method until he has had further discussion with the Office of General Counsel.

There are five (5) practitioners currently being monitored after Board disciplinary action.

Applicant Interviews/File Reviews

Cathy Dennis—Ms. Dennis appeared before the Board to explain her managerial experience. She is seeking approval for an AIT program. Ms. Dennis is the Director of Nursing for Signature HealthCare in Palm Beach, Florida. Pursuant to Rule 1020-1-.07 (1) regarding qualifications for licensure only two thirds of the required three years of experience can be obtained in any one discipline. After discussion, Mr. Davis made a motion seconded by Ms. Harris to approve Ms. Dennis for a one year AIT. The motion carried.

Buffy Gaither—Ms. Gaither appeared before the Board to explain her managerial experience to be approved for an AIT program. She is currently the Assistant Administrator/Social Services Director at Generations of Spencer in Spencer, TN. After discussion, Mr. Laman made a motion seconded by Dr. D'Amico to approve Ms. Gaither for a six months AIT. The motion carried.

Lynda Miller—Ms. Miller appeared before the Board to be approved for licensure by reciprocity from the state of Florida. Her file will be complete upon receipt of her exam scores from the NAB. She holds a master's degree in Health Care Administration. After discussion, Mr. Davis made a motion seconded by Mr. Laman to grant Ms. Miller a license by reciprocity pending the receipt of her having successfully passed the NAB examination. The motion carried.

James Drass—Mr. Drass is seeking licensure by reciprocity from the State of Arizona. His wife appeared on his behalf as he could not be present due to his being in the hospital. Mr. Drass's Arizona license is currently inactive. Pursuant to Rule 1020-1-.07 (8) to be granted a license by reciprocity an applicant must hold an active license in another state. After discussion, Ms. Harris made a motion seconded by Mr. Davis to recommend to Mr. Drass two pathways by which he may become licensed in Tennessee, that he reactivate his Arizona license and be licensed by reciprocity or that he enter into an AIT program. The motion carried.

Gregory Turnbo—Mr. Turnbo appeared before the Board to be approved for an AIT with Shirley Williams as preceptor. The Board consultant had reviewed Mr. Turnbo's file and recommended him for an AIT. Mr. Davis made a motion seconded by Ms. Harris to approve Mr. Turnbo for a six-month AIT program. Mr. Laman recused himself. The motion carried.

James Delaney—Mr. Delaney appeared before the Board to be approved for an AIT with Richie Anderson as preceptor. The Board consultant had reviewed Mr. Delaney's file and recommended him for an AIT. Mr. Laman made a motion seconded by Ms. Harris to approve Mr. Delaney for a six-month AIT. Mr. Davis recused himself. The motion carried.

Lori Cooper—Ms. Cooper appeared before the Board for licensure by reciprocity from California. The Board consultant had reviewed Ms. Cooper's file and recommended her for licensure. Mr. Davis made a motion seconded by Mr. Laman to approve Ms. Cooper for licensure by reciprocity. The motion carried.

Paula Self—the Board reviewed Ms. Self’s file to be approved for an AIT program. She holds a B.S. degree in Health Care Management from Southern Illinois University. Mr. Davis made a motion seconded by Dr. D’Amico to approve Ms. Self for a six-month AIT. The motion carried.

Michael David Ward—the Board had previously granted Mr. Ward an AIT. Mr. Ward submitted a new application and facility survey to be granted an AIT with a change of preceptor. After discussion and review of his application, a motion was made by Ms. Harris and seconded by Mr. Davis to grant Mr. Ward a new AIT pending receipt of documentation as to when and why his prior AIT was discontinued and documentation of the credentials of his present preceptor. The motion carried.

Linda Pettway—the Board reviewed Ms. Pettway’s application for review of her managerial experience to be considered for an AIT program. Ms. Harris made a motion seconded by Dr. D’Amico to approve Ms. Pettway for a six-month AIT. Mr. Walker recused himself. The motion carried. After further discussion, Ms. Harris rescinded her previous motion to grant Ms. Pettway an AIT and moved to defer action to allow her to submit more information to clarify her education and managerial experience. Dr. D’Amico seconded the motion. Mr. Walker recused himself. The motion carried.

Debra Johnson—the Board reviewed Ms. Johnson’s file to be approved for an AIT program. Mr. Laman made a motion seconded by Mr. Harris to approve Ms. Johnson for a six-month AIT. Mr. Davis recused himself. The motion carried.

Christopher Taylor—the Board reviewed Mr. Taylor’s file to consider granting him a license by reciprocity from Mississippi. There is current discipline on his Mississippi license. Mr. Davis made a motion seconded by Ms. Harris to deny Mr. Taylor a license while his license is in disciplinary status in the state of Mississippi. The motion carried.

Ryan Robertson—the Board consultant reviewed Mr. Robertson’s file and recommended him for an AIT program. Mr. Davis made a motion seconded by Mr. Laman to approve Mr. Robertson for a six-month AIT. The motion carried.

JoAnna Edds—the Board consultant reviewed Ms. Edds’ file and recommended her for an AIT program. After further review of Ms. Edds’ managerial experience, Mr. Davis made a motion seconded by Mr. Laman to approve her for a one year AIT. The motion carried

Colleen Naylor-Oakley—the Board consultant reviewed Ms. Naylor-Oakley’s file and recommended her for an AIT program. Mr. Laman made a motion seconded by Mr. Davis to approve Ms. Naylor-Oakley for a six-month AIT. The motion carried.

Gregg Hanson—the Board reviewed Mr. Hanson’s file for licensure by reciprocity from the state of Iowa. Mr. Davis made a motion seconded by Mr. Laman to approve Mr. Hanson for licensure. The motion carried.

David Job—the Board reviewed Mr. Job’s file for licensure by reciprocity. Mr. Job holds current licenses in the states of Florida and Georgia. Ms Harris made a motion seconded by Mr. Davis to approve Mr. Job for licensure by reciprocity. The motion carried.

Shelley Morgan—the Board reviewed Ms. Morgan’s file for licensure by reciprocity from Texas. Mr. Laman made a motion seconded by Mr. Davis to approve Ms. Morgan for licensure by reciprocity. The motion carried.

Minutes

Dr. D’Amico made a motion seconded by Mr. Laman to approve the minutes for November 3, 2008 as presented. The motion carried.

Fingerprints for Criminal Background Checks

Pursuant to the Department of Health’s policy all applicants who reside in the State of Tennessee must have their fingerprints scanned electronically for a criminal background check at a Cogent facility; however, there are times when an individual’s fingerprints cannot be read for reasons such as the age of the person, occupations working with chemicals, bricks, sewing, etc. When this occurs the Tennessee Bureau of Investigation provides a name based search for the individual and will on the applicant’s behalf submit a letter of explanation, a copy of which was presented for the Board’s review.

After discussion, Ms. Harris made a motion seconded by Mr. Davis to accept a name based search when an individual’s fingerprints are unreadable and this fact has been verified in writing by the TBI. The motion carried. Mr. Sykes will draft a policy.

Board Reports

Administrator’s Report

There are 773 active nursing home administrators as of February 27, 2009.

The following is an account of Board activity from October 31, 2008 through February 27, 2009:

- New licenses—16
- Retired licenses—4
- Renewals—104

Continuing Education Audit October 2008 through February 27, 2009:

- Number Audited—2
- Number Compliant—2

Board Members

All positions are currently filled with the exception of the Ex Officio.

Board members expressed concern about a letter sent to them concerning their not signing the Conflict of Interest Policy. Richard Russell, counsel for the Tennessee Health Care Association, stated that he was of the understanding from Alison Cleaves, Assistant Deputy Counsel that the Office of General Counsel would not enforce the policy until further examination. The Board was advised by Mr. Sykes that they serve at the request of the Governor and should continue to do so until the Governor notifies them otherwise.

Financial Report

The financial report for FY 2008 was presented with total revenue of \$102,398.00 and expenditures of \$123,752.00 for a deficit of \$21,354.00. The Board expressed concern that they may have to consider an increase in licensure fees. Ms. Swann will bring back a proposal for the next meeting.

Ratifications

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

Rachel Ann Anderson
Christopher John Armantrout
Justin Franklin Broadway
Hollie Jean Coates-Hensley
Barry Wayne Cotton
Bradley Allen Davis
Kyle David Exline

Joyce Marie Fields
Vincent Earl Grant
Lisa Marie Hogan
Ryan Anthony Myracle
Raymond Robbin Ruff
David Bernard Wildgen
Paul Joseph Zani

Mr. Davis made a motion seconded by Ms. Harris to approve the following initial determinations for reinstatement of licensure. The motion carried.

Keith Shelley McCord

Adrienne Michelle Pintiliebartlett

Mr. Davis interviewed and recommended **Tyler Masden** as a preceptor. Ms. Harris made a motion seconded by Mr. Laman to approve Mr. Masden as a preceptor. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 12:35 p.m.

These minutes were ratified at the June 1, 2009 meeting.