

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

DATE: June 4, 2007

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

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

MEMBERS PRESENT: Harold Walker, Chair, NHA  
Jennifer Johnson, M.D.  
Craig Laman, NHA  
Kathryn Wilhoit, RN, NHA  
Vickie Harris, NHA  
Susan Carson, Citizen  
Jere Younger, Acting HCF Director

MEMBERS ABSENT: Mark Davis, Vice Chair  
Norma Lester, Secretary

STAFF PRESENT: Marva Swann, Unit Director  
Karen Robinson, Board Administrator  
Ernest Sykes, Advisory Attorney  
Jerry Kosten, Regulations Manager  
Elisha Hodge, Litigating Attorney  
Laurie Doty, Litigating Attorney  
Lisa Tittle, Administrative Services Manager  
Christy Allen, Assistant Commissioner  
Sandra Sturgis, Special Assistant to Commissioner

STAFF ABSENT:

GUEST: Richard Russell, Legal Counsel, THCA  
Chris Puri, Legal Counsel, Boulton, Cummings, Connors & Berry  
Amanda Plunkett, Court Reporter from Denise Harwood-Stacy  
William Barrick, Attorney for Petitioner

With a quorum being present, Mr. Walker called the meeting to order at 9:12 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. Harris and seconded by Dr. Johnson to approve the March 5, 2007 minutes. The motion carried.

## **Petition For Declaratory Order**

### **Sidney Pierce**

Mr. Sykes recommended that the Board refuse to hear the petition for declaratory order as to consent order of March 5, 2007. Mr. Pierce was represented by Mr. Barrick. Mr. Sykes explained to the Board that Mr. Pierce and Mr. Barrick had ample time to review and collect information on the requirements in the consent order before agreeing to and signing the order. After much discussion, a motion was made by Dr. Johnson and seconded by Ms. Wilhoit not to hear the petition for declaratory order. The motion carried with a unanimous vote.

## **Consent Order**

### **Jack Jordan**

Ms. Hodge presented a consent order for Mr. Jordan to the Board. Ms. Hodge explained to the Board that Mr. Jordan served as the administrator of Sevier County Health Care Center on a lapsed license from February 1, 2006 until September 15, 2006. The respondent shall pay six Type C Civil penalties in the amount of one hundred dollars each, for each month that he practiced on a lapsed license, in the total of six hundred dollars plus case cost. A motion was made by Dr. Johnson and seconded by Ms. Wilhoit to accept and approve the consent order. The motion carried with a unanimous vote.

## **Agreed Order**

### **Billie Anderson**

Ms. Doty presented an agreed order for Ms. Anderson to the Board. Ms. Doty explained that on or around March 16, 2002 to on or around January 7, 2003, the Respondent operated Anderson Nursing home without a Medical Director. During the period of time from January 2002 to October 2002 the Respondent ordered drugs for her personal use from GIV using Dr. Daniel J. David as the prescriber when Dr. David did not have a doctor-patient relationship with the Respondent and during a large portion of that time frame, Dr. David was not the Medical Director for Anderson Nursing home. A motion was made by Ms. Harris and seconded by Ms. Wilhoit to accept and approve the agreed order and to assess two Type A Civil Penalties in the amount of two hundred and fifty dollars (\$250.00) each for a total of five hundred dollars plus case cost that is to be paid within thirty days of receipt of the Affidavit of Costs. The motion carried with a unanimous vote.

## **Rulesmaking Hearing**

Mr. Kosten presented a rulemaking hearing that is to be held on August 15, 2007 on rules that are being amended for licensure requirement to the Board. After much discussion, a motion was made by Dr. Johnson and seconded by Mr. Laman to approve a rulemaking hearing for the amended rules. The motion carried with a unanimous vote. Mr. Walker stated that there is some misunderstanding with the study committee on the four-hundred hour college internship and the six to twelve month administrator in training program. Mr. Walker stated the administrator in training program is what the Board agreed for the study committee to review and change if needed not the four hundred hour college internship. After much discussion a motion was made by Mr. Laman to amend the first vote and seconded by Ms. Harris. The motion carried with a unanimous vote. A motion was made by Dr. Johnson and seconded by Mr. Laman to approve a rule making hearing for the amended rules with number two taken out of the amendment and leaving in number three, four and seven. The motion carried with Ms. Wilhoit and Ms. Carson voting no.

## **Study Committee**

Ms. Wilhoit stated she understood at the March 5, 2007 Board meeting the Board discussed the four-hundred hours spent in the internship was not equivalent to the administrator in training program and requested for the study committee to review and collect information from other states and return to the board with results at the next meeting. Mr. Russell, THCA Attorney, gave information to the Board of several colleges that have different requirement for there college internship of four-hundred hours to six-hundred hours to eight-hundred hours. Mr. Walker stated he understood that Tennessee is the most difficult state to get a Nursing Home Administrator license. The Board's mission is to protect the safety and welfare of the public and lowering the requirements and standards for someone to be licensed is not upholding that mission for this profession.

## **Applicant Interviews/File Reviews**

**Christina Myers & Anita Wilmoth** –Ms. Anita Wilmoth was requested to appear before the Board to give an explanation of Ms. Myers failing the NAB examination twice. Ms. Wilmoth told the Board Ms. Myers has test anxiety, that all the pre-test, she gave to prepare her for the NAB examination she did excellent on. After much discussion a motion was made by Mr. Laman and seconded by Dr. Johnson to approve Ms. Myers to retake the NAB examination. The motion carried. Ms. Without stated that the Board needs to be consistent with all applicants and not giving a deadline will allow this application to stay open for life. After much discussion, a motion was made by Dr. Johnson and seconded by Ms. Harris to amend the first motion. The motion carried. A motion was made by Dr. Johnson and seconded by Ms. Harris to give Ms. Myers a deadline of December 31, 2007 to take and pass the NAB examination. The motion carried with Mr. Laman opposing, stating a deadline will put more stress and anxiety on Ms. Myers.

**Teresa Ogletree**-Ms. Ogletree is requesting an extension from the Board to keep her application open so she can take the Tennessee Health Care Association (THCA) NAB exam review course in June 2007. Ms. Ogletree had signed up in September 2006 for the NAB exam review course that got cancelled. After much discussion, a motion was made by Mr. Laman and seconded by Dr. Johnson to approve an extension for Ms. Ogletree's application. The motion carried. Ms. Wilhoit recommended for the Board to give a deadline so that Ms. Ogletree's application will not be left open for life. After much discussion a motion was made by Ms. Wilhoit and seconded by Ms. Harris to amend the first vote and give Ms. Ogletree a deadline of December 31, 2007 for her to take and pass the NAB examination. The motion carried with a unanimous vote.

**Kristy Briggs**-Ms. Briggs was requested to attend the Board meeting to explain her Nursing Home Administrator experience. Ms. Robinson stated she called Arbor Place of Clinton, Kentucky to verify that Ms. Briggs's was the Administrator of Arbor Place of Clinton, Kentucky and was told by the personnel manager that Ms. Briggs was not the approved Administrator for the facility that Ms. Trella Wilson is the approved Administrator. Ms. Robinson explained to the personnel manager that she had pulled the facility up on the internet and the facility shows a Lindy Shaver is the approved Administrator for Arbor Place of Clinton, Kentucky; and the personnel manager stated Ms. Wilson is replacing Ms. Shaver. Ms. Robinson asked the personnel manager how long was Ms. Briggs the approved Administrator for Arbor Place of Clinton, Kentucky and she stated for a short time, from the latter part of February 2007 till the first part of March 2007. After much discussion, a motion was made by Dr. Johnson and seconded by Mr. Laman that Ms. Briggs did not show enough proof that she has Nursing Home Administrator experience and that there was some conflict in what Ms. Briggs was presenting to the Board and the information Ms. Robinson had verified. The Board requested for Ms. Briggs to submit written proof of her Nursing Home Administrator experience from the CEO, facility owner, Board that governs the facility and the Kentucky State Board that appointed/approved her for a position as a Nursing Home Administrator in Arbor Place of Clinton, Kentucky with the beginning and ending dates, and an organizational chart from the CEO. The Board requested for the information to be in the administrative office no later than July 23, 2007. The motion carried with Ms. Wilhoit voting no.

**Theresa Jarvis**—Ms. Jarvis requested to attend the Board meeting to give explanation of her Nursing Home Administrator Management experience. After much discussion, a motion was made by Dr. Johnson and seconded by Ms. Wilhoit to approve Ms. Jarvis for a six month Administrator In Training program pending proof in writing of her Nursing Home Administrator Management experience. The Board approved for the Board consultant to review and approve the Nursing Home Administrator Management experience and that the information must be submitted to the administrative office no later than August 6, 2007 board meeting. The motion carried with Mr. Walker recusing himself.

**Jason Shelton**- Mr. Shelton was requested to attend the Board meeting to give explanation of his Nursing Home Administrative management experience. A motion was made by Mr. Laman and seconded by Dr. Johnson that Mr. Shelton submitted proof of his Administrative experience and approve him to take the state Jurisprudence examination. The motion carried with a unanimous vote.

**Margaret Calico-Thomas**-Ms. Thomas submitted an application for a six month Administrator In Training program. A motion was made by Dr. Johnson and seconded by Ms. Wilhoit to approve the application. The motion carried.

**Jodie Reece** –Ms. Reece is requesting approval from the Board for a six month Administrator In Training program. A motion was made by Ms. Wilhoit and seconded by Dr. Johnson to approve the application. The motion carried.

**Jeremy Gravell**-Mr. Gravell is requesting approval from the Board to take the NAB examination. A motion was made by Mr. Laman and seconded by Ms. Wilhoit to approve the application. 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, 10, 15, Exam Retakes, Stays, will become effective June 5, 2007

Mr. Sykes stated that OGC currently has no 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 March 2007</b>	<b>Nursing Home Administrators April 2007</b>	<b>Nursing Home Administrators May 2007</b>
<b>Active Licensees – 766</b>	<b>Active Licensees – 765</b>	<b>Active Licensees – 770</b>
<b>Retired Licensees –807</b>	<b>Retired Licensees – 807</b>	<b>Retired Licensees – 801</b>
<b>Failed to Renew – 665</b>	<b>Failed to Renew - 668</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 550 + 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**

Ms. Tittle presented to the Board a financial report for the projected cumulative carryover at June 30, 2007. Ms. Tittle explained the direct and indirect totals and several expenses the Board shares with all other Boards, the department move to Metro Center, the renovation of the board meeting rooms with all the new audio equipment and furniture in the rooms, the landscaping of offices and new furniture, the new Marr's computer system that will be replacing the RBS computer system, running the wiring for our computers and telephones, any new equipment that the department has obtained such as copy machines, fax machines, printers, includes the Right to Know Cost, Office of General Counsel cost, investigation cost, court reporter. Ms. Tittle can not give an explanation why certain things are placed under certain categories. For example grants, was the cost for the Board member that went to the symposium. Ms. Tittle stated if there were any questions the Board had she would be glad to assist them with an answer.

**Investigative And Disciplinary Reports**

Mr. Sykes presented the Investigative report which indicated that there were seven new open complaints in investigations. Three total closed complaints. Two closed no action. One closed letter of concern.

Mr. Sykes presented the Disciplinary report and explained that Ms. Lea Phelps produced these reports and is no longer with our department, therefore he is not positive that the report is accurate at this time. The report shows Ms. Billie Anderson is on a summary suspension as of March 3, 2003. The report also shows that as of August 16, 2007 Mr. John Pugh completed his six months suspension that was followed by six months probation, and that he completed his four continuing education hours in ethics, however the report does not show if Mr. Pugh has paid the costs.

**Ratifications**

**New Licensees**

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

- |                        |                         |
|------------------------|-------------------------|
| Williamm C. Brown      | Betty L. Edwards        |
| Diana Q. Fisher        | Bobby G. Meadows, III   |
| Barbara N. Morrison    | Jeffrey J. Ott          |
| Julie R. Roberts       | Armandorex V. Santos    |
| Charles F. Vincent, II | Harold B. Wetherbee, II |

**Reinstatements**

A motion was made by Dr. Johnson and seconded by Mr. Laman to approve the following reinstatements and preceptor certification for Ms. Jernigan. The motion carried.

- |                   |                   |
|-------------------|-------------------|
| Paula B. Jernigan | James D. Morrison |
|-------------------|-------------------|

Preceptors

A motion was made by Mr. Laman and seconded by Dr. Johnson to approve the following preceptor. The motion carried.

George A. Munchow

**Adjournment**

A motion was made by Dr. Johnson and seconded by Ms. Wilhoit, with there being no further business, the meeting was adjourned at 12:45 p.m.

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Norma Lester Secretary

\_\_\_\_\_  
Date

**These minutes were ratified at the August 6, 2007 Board meeting**