

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

DATE: August 6, 2007

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
Norma Lester, Secretary
Jennifer Johnson, M.D.
Vickie Harris, NHA
Susan Carson, Citizen
Jere Younger, Acting HCF Director

MEMBERS ABSENT: Craig Laman, NHA
Kathryn Wilhoit, RN, NHA

STAFF PRESENT: Marva Swann, Unit Director
Karen Robinson, Board Administrator
Ernest Sykes, Advisory Attorney
Jerry Kosten, Regulations Manager
Juanita Stone, Disciplinary Coordinator
Sandra Sturgis, Special Assistant to Commissioner

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

With a quorum being present, Mr. Walker called the meeting to order at 9:16 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 June 4, 2007 minutes. The motion carried.

Applicant Interviews/File Reviews

Jo Park—Ms. Park is requesting an extension from the Board to keep her application open to enable her to take the THCA NAB exam review course in June 2008 and pass the exam. Ms. Robinson explained that Ms. Park had signed up in September 2006 for the review course and it was cancelled, in June 2007 the review course had already filled up and the review course will not be given again until June 2008. A motion was made by Ms. Lester and seconded by Mr. Davis to grant the extension. Ms. Lester recommended for the Board to give a deadline so that Ms. Park's application will not be left open indefinitely. A discussion of how long the application had been open lead to Ms. Lester's requested to amend her first motion. The Board acknowledged that Ms. Park's inability to attend the review courses was due to circumstances beyond her control. A motion was made by Ms. Lester and seconded by Mr. Davis to grant the extension of the application with a deadline of June 30, 2008 so that Ms. Park may attend the THCA NAB exam review course and pass the NAB exam. The motion carried with a unanimous vote.

Sharon O'Pry-Ms. O'Pry was requested to give explanation of her acceptable management experience. A motion was made by Mr. Davis and seconded by Ms. Harris to approve the management experience and have Ms. O'Pry complete a six (6) month A.I.T. program. The motion carried.

Donald Ollio, Jr.-Mr. Ollio requested to appear before the Board to give explanation of his hospital management experience. After much discussion, a motion was made by Mr. Davis and seconded by Ms. Lester to deny Mr. Ollio's application for licensure. The Board explained to Mr. Ollio that he applied to qualify with experience as the CEO of a hospital and that his hospital management experience is eleven (11) to sixteen (16) years old, therefore he does not qualify pursuant to rule 1020-1-.07(3)(a)(b),(4)(a)(b) A minimum of five (5) of the last seven (7) years as the CEO, assistant or associate hospital administrator in a licensed hospital is required, and that management experience in a nursing home facility, residential facility or assisted living facility is not hospital management experience. The Board did recommend a six (6) month A.I.T. program but Mr. Ollio stated he was not interested in an A.I.T. program. A motion carried with Ms. Harris recusing herself.

Kristy Briggs-Ms. Briggs was requested to submit proof in writing to this Board of her Nursing Home Administrator experience no later than July 23, 2007. Ms. Robinson explained that a certified letter was sent to Ms. Briggs on June 11, 2007, and that Ms. Briggs signed and received the certified letter on June 20, 2007. A motion was made by Ms. Lester and seconded by Mr. Davis to deny the application for licensure pursuant to rule 1020-1-.07(1). The motion carried with a unanimous vote.

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 Ms. Harris and seconded by Ms. Lester to approve the management experience and to have her complete a six (6) month A.I.T. program. The motion carried with Mr. Walker recusing himself.

A.I.T. Applications

A motion was made by Mr. Davis and seconded by Dr. Johnson to approve the following for a six (6) month A.I.T. program to begin on Monday August 13, 2007. The motion carried.

Abby Copeland
Marjorie Shonnard
Benjamin Stiefel

A motion was made by Mr. Davis and seconded by Dr. Johnson to deny pending clarification of the preceptor on the following. The motion carried.

John Borden, Jr.

New Exam Applicant

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

Jackie Duffy

Office of General Counsel Reports And or Discussions

Mr. Sykes presented the OGC report and discussed the following rules and legislation:
Rule 1020-1-.07, .10,.15,.16 07-1323 Increase Licensure Requirements, Eligibility for Exams, Conditions, Titles, the rulemaking notice was filed on June 4, 2007 and the rule will go to hearing on August 20, 2007.

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

Topic for Discussion

Temporary administration of a nursing home following unexpected loss of its administrator:

Mr. Sykes discussed with the Board that BENHA has no regulatory authority with respect to the qualifications of the person who oversees a nursing home within the thirty (30) day period that immediately follows an unexpected loss. By the end of that thirty (30) day emergency period, the home must have in place a “temporary administrator” who is licensed and approved as such by BENHA. That temporary administrator’s temporary credential is valid for no longer than six (6)

months. If by the expiration of that time the facility does not have a fully licensed Tennessee nursing home administrator, then (a) the facility could be subject to regulatory discipline by HCF, and (b) the individual who is then serving as the home’s “administrator” could be subject to disciplinary action by BENHA for unlicensed practice.

Legislation

Mr. Sykes asked the Board if there are any changes in the statues of 63-16 that they would like to have changed. A motion was made by Ms. Lester and seconded by Mr. Davis to request an increase in the Board per-diem 63-16-102(b)(2)(e) of \$50.00 to \$100.00. The motion carried with a unanimous vote.

Public Chapter N0. 83-Any health care practitioner licensed or certified under title 63, who knows, or has reasonable cause to suspect, that a patient’s injuries, whether or not such injuries cause a patient’s death, are the result of domestic violence or domestic abuse, shall report to the department of health, office of health statistics, on a monthly basis.

Public Chapter N0.529-A person shall not knowingly employ, recruit or refer for a fee for employment, an illegal alien.

Public Chapter N0.419-Each health care facility shall post charity care policies statement in a place accessible to the public.

Public Chapter N0.446-All health care facilities shall post on a sign no smaller than eight and one-half inches (8 ½) in width and eleven inches (11) in height in the main public entrance a statement that a teen involved in a relationship that includes dating violence may call a national toll-free hotline, with that number printed in boldface type, for immediate assistance.

Public Chapter N0.464-Small businesses, possible exemptions.

Ms. Lester requested a possible rulemaking hearing for rules regarding the succession of a new Board Chair being elected and requested this be placed on the sunshine notice for discussion at the next board meeting of November 5, 2007.

Administrative Reports

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

Nursing Home Administrators	Nursing Home Administrators	Nursing Home Administrators
April 2007	May 2007	June 2007
Active Licensees – 765	Active Licensees – 766	Active Licensees – 766
Retired Licensees – 807	Retired Licensees – 809	Retired Licensees – 812
Failed to Renew - 668	Failed to Renew - 668	Failed to Renew - 668

PERFORMANCE MEASURES

<i>Performance Measure</i>	<i>Goal</i>	<i>Nov-Feb 2006-2007</i>
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.

Ms. Harris requested for the statistical report to be quarterly and not from the beginning.

Ms. Harris suggested a spread sheet on the preceptor's and A.I.T. program's to track the NAB examination pass/fail rate.

Mr. Walker requested a list of all retired licensees in the last five (5) years.

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. Robinson presented to the Board a financial report for the projected cumulative carryover at June 30, 2007.

Investigative And Disciplinary Reports

Ms. Stone presented the Investigative report which indicated that there were two new complaints received. One complaint was referred to the screening panel. Eight total closed complaints. Five closed no action. One letter of concern. One letter of warning. One referred to OGC.

Ratifications

New Licensees

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

Angela Ammons

Terri D, Bodkins

BENHA

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Tesa L. Brown
Claude D. Mapp
Brian R. Tenney

Sharon A. Coleman
Jason A. Shelton
James E. Williford

Reinstatements

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

James D. Morrison

Preceptors

A motion was made by Ms. Lester and seconded by Dr. Johnson to approve the following preceptors. The motion carried.

Adrian Farmer
Janie McBride
Charles Tirrell

Glenda Hicks
Jennifer Pitts
Jonathan Bowers

Mr. Davis has a concern about the incorrect addresses on the preceptor list. Ms. Robinson stated that she can not keep the preceptor list up to date because the administrators do not submit the address change in writing to the administrative office pursuant to rule 1020-1-.03(9)(a).

Adjournment

A motion was made by Ms. Lester and seconded by Mr. Davis, with there being no further business, the meeting was adjourned at 11:12 a.m.

These minutes were ratified at the 11/5/07 meeting.