

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

DATE: March 6, 2017

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

LOCATION: 665 Mainstream Drive
Ground Floor, Iris Conference Room
Nashville, TN 37243

MEMBERS PRESENT: Harold Walker, Board Chair
Juanita Honeycutt, Vice Chair
Florence Weierbach, PhD, Secretary
Lakecia Harper, NHA
Stephen D'Amico, MD
Cynthia Wheeler, NHA
Marilyn Key, NHA
Barbara Trautman, Consumer Member
Vincent Davis, Director of Health Care Facilities

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Board Administrator
Jared W. Smith, Board Manager
Kyonzte Hughes-Toombs, Deputy General Counsel
Caroline Tippens, Assistant General Counsel
Nichelle Dorroh, Disciplinary Coordinator, Office of Investigations
Noranda French, Financial Officer

1. Call to Order

With a quorum present, Mr. Walker, Board Chair, called the meeting to order at 9:03 A.M. A roll call vote was taken with all board members present.

2. Conflict of Interest

Ms. Tippens discussed the board's conflict of interest policy. She reminded members of their obligation to recuse themselves from any matter in which they might have a personal or financial interest, or from participating in any matter in which there might be an appearance of a conflict in any contested case, a rulemaking issue, or any other board decision. Board members are required to disclose such existence or appearance of a conflict to the Board so that a decision may be made regarding the need for recusal.

3. Minutes

A motion was made by Ms. Honeycutt, seconded by Dr. D'Amico, to approve the minutes of the November 7, 2016 board meeting as written. The motion passed.

4. Office of General Counsel Report

Caroline Tippens, Assistant General Counsel, presented the Office of General Counsel report to the Board as follows:

Litigation

There are currently three (3) open cases pertaining to Nursing Home Administrators, which brings the total number of cases to eight (8) in the Office of Investigations.

Rules

Ms. Tippens reported that the fee decrease rules are in the internal review process and she may be able to present it as a rulemaking hearing at one of the upcoming meetings.

Legislative Update

Ms. Tippens reported that Senate Bill 2104, and House Bill 315, by Senator Norris and representative Hawk amends T.C.A. §68-11-218 (Regulation of Health and related Facilities; Discipline) extending the existing requirement that Health Care Facilities report actions against doctors to encompass all individuals licensed by Health Related Boards. This would include nursing home administrators. The amendments also add a requirement to report suspension of hospital privileges (previously only termination, reduction, or resignation of privileges were required to be reported), require actions based on negligence be reported, and corrects language that currently refers to a repealed law.

Consent Orders

Ms. Tippens reported that she has one (1) Consent Order to present for disciplinary action to the board:

Jane Roberts, NHA # 1242

Ms. Tippens presented a Consent Order on Ms. Roberts to the Board. On or about April 5, 2016, in General Sessions Court for Knox County, Tennessee, Ms. Roberts pled guilty, and was convicted of one (1) count of criminal domestic assault with bodily injury or threat of injury to her 75 year old father, which is a violation of Tenn. Code Ann. §39-13-111, and Class A Misdemeanor. Ms. Roberts also pled guilty and was convicted of one (1) count of reckless endangerment, Tenn. Code Ann §39-13-103, a Class A misdemeanor.

Ms. Roberts is currently on active criminal probation through 2018. If Ms. Roberts successfully completes criminal probation in 2018, her guilty pleas will be expunged.

Ms. Roberts has agreed that her Tennessee Nursing Home Administrator license number 1808 will be continued in Voluntary Retirement status with the entry of this Consent Order.

Should Ms. Roberts desire to practice again as a nursing home administrator in Tennessee, she shall appear before the Board to petition for reinstatement of her license. The Board may approve the petition at its discretion.

Should Ms. Roberts decide to reinstate her license, she must appear before the Board to petition for reinstatement. She shall have successfully completed a minimum of twelve (12) hours of continuing education regarding ethics, neglect and abuse, and abuse reporting requirements.

As a prerequisite to licensure reactivation, Ms. Roberts shall also have completed at least twenty-seven (27) clock hours of Board approved continuing education (including the aforementioned continuing education in the areas of ethics, neglect, abuse, and abuse reporting) which shall satisfy the continuing education requirements for licensure renewal.

Ms. Roberts understands that the Voluntary Retirement is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

After review by the Board, a motion was made by Ms. Trautman, seconded by Dr. Weierbach, to accept to approve the Consent Order as presented. The motion carried.

5. Office of Investigations

Nichelle Dorroh, Disciplinary Coordinator, presented the Investigative and Disciplinary report as follows: There are currently eight (8) complaint cases under review in the Office of Investigations. She also directed the Board to a list of individuals who are currently being monitored by the Office of Investigations.

6. Financial Report

Michael Sobowale, Board Director, reported to the Board that the Fiscal Office has yet to compile an updated financial statement and the last financial statement is available for review. The Board did not have any further questions after reviewing the Board's Financial Statement as presented.

7. Applicant Interviews/File Reviews

AIT Applicants

- A. **Kaitlin Roe** – Ms. Roe was present. After review, a motion was made by Ms. Honeycutt, seconded by Dr. Weierbach, to approve Ms. Roe for the administrator-in-training program. The motion carried.
- B. **Glenn Buckner** - Ms. Buckner was present. After review, a motion was made by Mr. Davis, seconded by Dr. D’Amico, to approve Ms. Buckner for the administrator-in-training program. The motion carried.
- C. **Nikole Lynch** – Ms. Lynch was present. After review, a motion was made by Dr. Weierbach, seconded by Ms. Key, to approve Ms. Lynch for the administrator-in-training program. The motion carried.
- D. **Collin Smith** - Mr. Smith was not present. After review, a motion was made by Ms. Honeycutt, and seconded by Ms. Harper, to approve Ms. Malone for an administrator-in-training program. The motion carried.
- E. **Sharon Holliday** - Ms. Holliday was present; so also was her preceptor, Mr. Rod Wolfe. After review, a motion was made by Ms. Harper, seconded by Ms. Wheeler, to approve Ms. Holliday for an administrator-in-training program. The motion carried.
- F. **Donald Kunselman** – Mr. Kunselman was not present. After review, a motion was made by Ms. Honeycutt, seconded by Dr. D’Amico, to approve Mr. Kunselman for an administrator-in-training program. The motion carried.

Reciprocity Applicants

- A. **Samuel Wright, III** – Mr. Wright was not present. Ms. Honeycutt expressed a potential conflict and recused herself from discussion of this applicant’s file. After review, a motion was made by Dr. Weierbach, seconded by Mr. Davis, to approve Mr. Wright for licensure by reciprocity. The motion carried.
- B. **William Birmingham** – Mr. Birmingham was present. After review, a motion was made by Ms. Honeycutt, seconded by Mr. Davis, to approve Mr. Birmingham for licensure by reciprocity. The motion carried.
- C. **Joyce Course** – Ms. Course was present. After review, a motion was made by Mr. Davis, seconded by Dr. Weierbach, to approve Ms. Course for licensure by reciprocity. The motion carried.

Other Applicant Requests

A. Kenneth Shull – Mr. Shull was not present. Mr. Shull applied for licensure in Tennessee by reciprocity from several other States. His application file revealed a felony criminal conviction in United States Federal District Court, Kentucky for making False Oath Under Penalty of Perjury in Relation to a Bankruptcy case. Mr. Shull’s license in the Commonwealth of Kentucky was also disciplined by Kentucky Board of Licensure for Nursing Home Administrators. Additionally, Mr. Shull had been denied licensure in the States of Nebraska, Maryland and Oklahoma. After a lengthy discussion, a motion was made by Ms. Honeycutt, seconded by Dr. Weierbach, to table Mr. Shull’s application file until the next scheduled board meeting and request that he appear to answer questions from the Board pertaining to these adverse actions. The motion carried.

8. Ratification of Initial Determinations

A motion was made by Dr. Weierbach, and seconded by Ms. Harper, to approve the list of newly licensed nursing home administrators:

Brown, Thomas
Campbell, Kevin
Carwile, Justin
Ditto, Pamela
Edlin, Richard
Fuller, Ariel
Landy, Clinthon
Lee, Joshua
Mather, Adam
Reed, Laurence
Shearer, Jacob
Swift, Kimberly
Marshall, Ussery

The motion carried.

A motion was made by Mr. Davis, and seconded by Ms. Honeycutt, to approve the list of license reinstatements:

Beasley, Deborah
Callahan, Cassandra
Mapp, Claude
Stevenson, Mary

The motion carried.

A motion was made by Ms. Honeycutt, and seconded by Ms. Trautman, to approve the list of preceptors:

Boozer, David
Mills, Rebecca

The motion carried.

9. Administrator's Report

Ms. Webb reported that there are 830 active nursing home administrators as of February 17, 2017:

She also provided an account of board licensure activities from October 28, 2016 through February 17, 2017 as follows:

- New Applications received—8
- New licenses issued—18
- Reinstatements issued- 5
- Number of paper renewals- 26
- Number of renewals online- 86
- Number of licensees who retired- 5
- Failed to renew/Expired Applications- 19

Ms. Webb reported that online renewals constituted a usage rate of approximately 77% of all renewals during this period.

10. Waiver approval list from Health Care Facilities

Ms. Webb presented the board with a list of Nursing Homes that had been granted a waiver since the Board of Health Care Facilities' last board meeting on February 8, 2017. The approved facilities temporary licenses will expire in October 2017. These are:

- Whitehaven Community Living Center, Joyce Course, Interim Administrator
- Kindred Nursing and Rehabilitation—Smith County, Rachel Asermily Interim Administrator
- Signature Healthcare at Methodist, Thomas Charles Isaak, Jr., Interim Administrator
- Cumberland Village Center, Rebecca Ausmus, RN, DON serving as Interim Administrator

11. Conferences and Meetings to attend in 2017

Upon a motion made by Ms. Honeycutt, and seconded by Ms. Wheeler, the Board approved for two (2) board members and an administrative staff to attend the NAB Annual meeting which will be held on June 14-16, 2017 in Salt Lake City, Utah. The motion carried.

Dr. Weierbach reported on the NAB Mid - Year conference which she attended in Atlanta on November 9-11, 2016. Dr. Weierbach stated that she thoroughly enjoyed the conference and found it to be very informative. She reported that during the conference, she learnt how other States compared to one another in terms of handling day-to-day operations and because she is a licensed nurse, she found it beneficial to know how a long-term care facility, assisted living facilities, and other facilities will operate under the newly-introduced Health Services Executive (HSE) license.

12. CE Enforcement policy

Mr. Sobowale presented an amended continuing education (CE) policy statement to the Board for ratification. He explained that the language in the amended policy statement is being introduced across the entire Health Related Boards. The amended CE policy will allow a licensee to become compliant within ninety (90) days when they are found to be non-compliant on an audit. After review, a motion was made by Dr. Weierbach, seconded by Ms. Trautman, to accept the amended CE policy statement as presented. The motion carried.

13. Election of Officers

Mr. Walker expressed his desire to step down as board chair. Thereafter, Ms. Honeycutt was nominated for Board Chair. A motion was made by Dr. Weierbach, and seconded by Dr. D'Amico, to approve Ms. Honeycutt, as Board Chair. The motion carried.

Dr. Weierbach was nominated for Vice-Chair. Thereafter, a motion was made by Ms. Trautman, and seconded by Dr. D'Amico, to approve Dr. Weierbach for Vice-Chair. The motion carried.

Ms. Harper was nominated for Board Secretary. A motion was made by Dr. Weierbach, and seconded by Ms. Trautman, to approve Ms. Harper as Board Secretary. The motion carried.

Adjournment

There being no further business, the meeting adjourned at 10:53 A.M.

Harold Walker, NHA, Chair

Date

These minutes were ratified by the Board at the June 5, 2017 meeting.