

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

DATE: June 1, 2015

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  
Stephen J. D'Amico, MD  
Craig Laman, NHA  
Russell Caughron, NHA  
Juanita Honeycutt, NHA  
Florence Weierbach, PhD  
Vincent Davis, Director Health Care Facilities  
Barbara Trautman, Consumer Member

MEMBER(S) ABSENT: Dr. Kathryn Wilhoit, Vice Chair

STAFF PRESENT: Michael Sobowale, Unit Director  
Lakita Taylor, Board Manager  
Mary V. Webb, Board Administrator  
Kyonzte Hughes-Toombs, Assistant General Counsel  
Mollie Gass, Assistant General Counsel  
Nichelle Dorroh, Disciplinary Coordinator

With a quorum being present, Mr. Walker, Board Chair, called the meeting to order at 9:07 a.m.

**Election of Officers**

A motion was made by Mr. Caughron, and seconded by Ms. Honeycutt, to reappoint Mr. Walker as the Board Chair. The motion carried.

A motion was made by Ms. Honeycutt, and seconded by Mr. Laman, to reappoint Ms. Wilhoit as the Vice Chair. The motion carried.

**Office of General Counsel**

The Office of General Counsel reported that there is one (1) open case at this time.

## Minutes

A motion was made by Mr. Laman, and seconded by Ms. Trautman, to approve the March 2, 2015 minutes and the April 23, 2015 teleconference minutes as written. The motion carried.

## Applicant Interviews/File Reviews

### AIT Applicants

- A. **Michelle Hogg** — A motion was made by Dr. D’Amico, and seconded by Ms. Trautman, to approve Ms. Hogg for the AIT program. Upon completion of the AIT program, Ms. Hogg will need an additional six (6) months of management experience other than nursing, before she can sit for the NAB examination. The motion carried.
- B. **Courtney South** — A motion was made by Mr. Laman, and seconded by Dr. D’Amico, to approve Ms. South for the AIT program and to sit for the NAB examination. The motion carried.
- C. **Jason Werden** – Ms. Honeycutt recused herself from the discussion of Mr. Werden’s application file. A motion was made by Mr. Caughron, and seconded Dr. Weierbach, to approve Mr. Werden for the AIT program and to sit for the NAB examination. The motion carried.
- D. **Rebecca Black Lewis** — A motion was made by Ms. Trautman and seconded by Mr. Caughron, to approve Ms. Lewis for the AIT program and to sit for the NAB examination. The motion carried.
- E. **Andrew Taylor Jackson** – A motion was made Mr. Laman, and seconded by Ms. Honeycutt, to approve Mr. Jackson for the AIT program and to sit for the NAB examination. The motion carried.
- F. **Laura Smith** – A motion was made by Mr. Laman, and seconded by Dr. Weierbach, to approve Ms. Smith for the AIT program and to sit for the NAB examination. The motion carried.
- G. **Nathan Wilson** – A motion was made by Mr. Caughron, and seconded by Dr. D’Amico, to approve Mr. Wilson for the AIT program and to sit for the NAB examination. The motion carried.
- H. **Sandra Brown** – A motion was made by Dr. D’Amico, and seconded by Mr. Laman, to delay the file of Ms. Brown and request that she appear before the Board to explain her management experience and her work history. The motion carried.

### Reciprocity Applicants

- A. **Janet Rodriguez** – Ms. Rodriguez was present - A motion was made by Dr. D’Amico, and seconded by Dr. Weierbach, to approve Ms. Rodriguez for a license. The motion carried.
- B. **Christopher Simon Coelho** – A motion was made by Mr. Laman, and seconded by Mr. Caughron, to approve Mr. Simon Coelho for a license. The motion carried.
- C. **Lesley Wilkerson** – A motion was made by Mr. Laman, and seconded by Ms. Honeycutt, to approve Mr. Wilkerson for a license. The motion carried.
- D. **Tyler Fackrell** – A motion was made by Mr. Laman, and seconded by Dr. Weierbach, to approve Mr. Fackrell for a license. The motion carried.
- E. **Lillian Fortner** – Ms. Fortner was present - A motion was made by Mr. Caughron, and seconded by Mr. Davis, to approve Ms. Fortner for a license. The motion carried.
- F. **Steven Friedman** – A motion was made by Mr. Davis, and seconded by Mr. Caughron, to approve Mr. Friedman for a license. The motion carried.
- G. **Herschel Sedoris** – A motion was made by Mr. Laman, and seconded by Dr. Weierbach, to approve Mr. Sedoris for a license. The motion carried.

### NAB Examination Applicant(s)

- A. **James Dale** – A motion was made by Mr. Davis, and seconded by Ms. Trautman, to approve Mr. Dale to sit for the NAB examination because of his completion of an internship in a long term care facility with his degree from Southern Adventist. The motion carried.

### Other applicant requests

- A. **Robin Baschnagel** – The application file for Mr. Baschnagel was originally reviewed at the March 2, 2015 board meeting and was delayed due to insufficient enough information regarding his work experience and work history. Mr. Baschnagel could not appear before the Board; however, he provided letters which showed that he was the active interim administrator at several facilities over a period of years. A motion was made by Mr. Laman, and seconded by Ms. Honeycutt, to approve Mr. Baschnagel by reciprocity for a license. The motion carried.

### **Financial Report**

Ms. Vanessa Crutcher, representative from the Financial Office, reported the fiscal year end projections. Ms. Crutcher explained to the board that the total direct expenditures for 2015 is \$45,558.58, and the total allocated expenditures is \$35,941.82, which brought the total

expenditures to \$81,500.80. The Board revenue is \$117, 847.92 with a projected current year net of \$36,347.12, bringing the projected cumulative carryover balance to \$169,937.65.

### **Office of Investigations**

Nichelle Dorroh, representative from the Office of Investigations, reported that there are currently three (3) complaints and one (1) individual who was being monitored.

### **Administrator's Report**

Ms. Webb reported that there are 823 active nursing home administrators as of May 27, 2015.

She also provided an account of Board licensure activities from February 25, 2015 through May 27, 2015 as follows:

- New licenses—25
- Retired licenses—2
- Renewals—69 ( 44 renewed online )
- New Applications-13
- Expired Applications-20

The online renewals constituted a usage rate of approximately 63.7% of all renewals during this period.

Ms. Webb reported that there were twenty- two (22) licensees audited. Twenty - one (21) were compliant and one (1) was non- compliant.

Ms. Webb reported that the NAB annual conference will be held in Philadelphia, PA on June 3-5, 2015.

The THCA/TNCAL Convention and Trade Show will be held 8/30/2015 through 9/2/2015 at the Music City Center, 201 5<sup>th</sup> Avenue South, Nashville, TN 37203.

### **Other Board Business**

- a. **Discuss and take action if needed regarding changes made to initial application for licensure** – After review and recommendations for the revised license application form, a motion was made by Mr. Laman, and seconded by Ms. Honeycutt, to approve the revisions to the application. The motion carried.
- b. **Discuss Initial Authorization to Practice letters by Reciprocity and AIT Applicants still being held** – Michael Sobowale, Board Director, explained to the Board that applicants are waiting for long periods of time in between board meetings before they can began to practice. The Board expressed concern that it may be possible that individuals who were initially granted

authorization to practice may not be ratified at the board meeting. They could possibly lose their positions at their facilities and it would just be a burden on the individual if that were to happen. Mollie Gass, Board Attorney, explained to the Board that the initial authorization would not be difficult to undo and that there is very little chance that an incident like this may occur. Thereafter, a motion was made by Vincent Davis and seconded by Russell Caughron to authorize the board administrator to issue the “initial authorization to work letters” for AIT applicants and reciprocity applicants pending board ratification at the next board meeting. The motion carried.

c. **The board reviewed the list of the following individuals who were issued a waiver from Health Care Facilities since the last board meeting:**

1. Juanita Frazier
2. Jerry South
3. Kathy Bryant
4. Herschel Sedoris
5. Tyler Fackrell

**Legislative Updates from the Office of Legislative Affairs, TDOH**

Valerie Nagoshiner, Assistant Commissioner, presented the following legislative updates to the board:

**Public Chapter 154**

This act allows would allow the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the Commissioner of Health or his designee already has this authority but must go to the facility to review the medical records.

**Public Chapter 94**

This act defines “abuse” and “neglect” for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that govern the Dept. of Health. It does not impact the definitions within the statutes that govern the Dept. of Intellectual and Developmental Disabilities nor the Dept. of Human Services. It also increases the time within which placement on the registry may be appealed from 30 to 60 days.

**Public Chapter 153**

As enacted, this authorizes the board for licensing healthcare facilities and the departments of mental health and substance abuse services, human services, and intellectual and developmental disabilities to amend licensure rules to be consistent with the federal home-based and

community-based settings final rule, but it prohibits the use of emergency rulemaking to promulgate such rules.

### **Public Chapter 502**

This act allows the Joint Government Operations Committee (the legislative committee that reviews all rules) to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This act adds arbitrariness and capriciousness as two new considerations.

### **Public Chapter 376**

This creates the “Tennessee Right to Try Act.” It authorizes eligible patients to utilize investigational drugs, biological products or devices that have completed phase 1 of a clinical trial, but has not yet been approved for general use by the FDA. The clinical trial must be documented by the National Institutes of Health. An eligible patient is:

- someone with an advanced illness that is attested to by the patient’s treating physician and confirmed by a second physician
- has considered all other FDA-approved treatment options
- has received a recommendation from the patient’s physician for an investigational drug, biological product, or device
- has given written, informed consent for the use of an investigational drug, biological product, or device
- has documentation from such physician that the patient meets all the aforementioned requirements.

All expenses related to the use of investigational treatment will be borne by the patient. Manufacturers are authorized to make investigational products available to patients with or without compensation. This bill specifically prohibits Medicare or any licensing board from taking any adverse action against a licensee based solely on a recommendation for treatment with an investigational product and holds manufacturers and providers harmless if operating in good faith. This act takes effect on July 1, 2015.

### **Public Chapter 268**

This act makes disclosures of protected healthcare information permissible in medical malpractice lawsuits.

## **Public Chapter 411**

This act requires any healthcare facility providing care with regards to dementia with Lewy bodies and frontotemporal dementia to provide written disclosure of the form of care, treatment, and activities provided to individuals receiving such care.

## **Administrative Staff and Board members approved to attend conferences and association conferences in 2015**

A motion was made by Mr. Caughron, and seconded Ms. Honeycutt, to approve Mary Webb to attend the 2015 THCA/TNCAL Convention Trade Show that will be held on August 30<sup>th</sup> through September 2, 2015. The motion carried.

## **Board Meeting dates for 2016**

The following board meeting dates in 2016 were presented to the board:

March 7<sup>th</sup>, June 6<sup>th</sup>, August 1<sup>st</sup>, and November 7<sup>th</sup>.

## **Ratifications**

A motion was made Mr. Laman, and seconded by Mr. Caughron, to approve the following list of new licensees:

### **NEW LICENSEES**

Gregory Bartlett	Kathy Bryant	Reba Frazier	Chadwick Hill
Ted Beasley	Lavonda Cantrell	Adam Funk	Warren Jasper
Sharon Black	Sandra Daniels	Steven Hall	Kristie Johnson
William Blank	Desiree Evans	Cassidy Hawkins	Thomas Leitch
Erin Livingston	Naomi Marr	Deborah McGraw	Andrii Skrypkar
Amy Stanley	Peter Stygar	Lori Watson	

The motion carried.

## **Adjournment**

There being no further business, the meeting adjourned at 12:00 p.m.

**These minutes were ratified by the Board at the August 10, 2015 meeting.**