

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

DATE: August 10, 2015

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

LOCATION: 665 Mainstream Drive
Ground Floor, Poplar 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
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

GUESTS: Valerie Nagoshiner, Assistant Commissioner, Legislative Affairs
Chris Puri, Counsel, Tennessee Healthcare Association

With a quorum being present, Mr. Walker, Board Chair, called the meeting to order at 9:15 a.m.

1. Contested Case Hearing regarding Vicky Groce's petition for a Declaratory Order for the Board approval to sit for the NAB

Presiding at the hearing was the Honorable Tom Stovall, Administrative Judge, assigned by the Secretary of State. The Division of Health Related Boards of the Tennessee Department of Health was represented by Kyonzte' Hughes-Toombs, Assistant General Counsel. Vicky Groce, petitioner, was present. After consideration of the petition, the evidence presented, and the record as a whole, the Board find as follows:

Findings of Fact:

Ms. Groce submitted an application for licensure to the Board on August 2014. The Board's approval of the application would allow Ms. Groce to sit for the national exam administered by the National Association of Boards for Long Term Care Administrators (NAB).

During its November 3, 2014 board meeting, the Board voted to require Ms. Groce to attend the next Board meeting to explain her management experience, so that the Board could determine whether her management experience met the definition of "acceptable management experience" as defined in Tenn. Comp. R. & Regs., 1020-01-.07(1).

Ms. Groce appeared before the Board during its March 2015 board meeting and was able to present sufficient documentation to meet the acceptable management experience requirement.

The Board initially approved Ms. Groce request to sit for the NAB exam, but rescinded its decision after the Board's attorney, at the time, advised it that Ms. Groce did not meet the qualifications as outlined in Tenn. Comp. R. & Regs. 1020-01-.07 and that Ms. Groce had not completed an Administrator- in-Training (AIT) program.

The requirement to complete the AIT program had been in effect since March 2013. However, licensure application for nursing home administrator applicants was not updated until July 2015. Ms. Groce filled out an old version of the application that did not include the AIT program requirement for the applicant pathway that she chose.

Ms. Groce filed a petition for a declaratory order on March 23, 2015.

By a roll call vote, all board members voted yes to accept the findings of fact as presented.

Conclusion of Law

Based on the findings of fact, Ms. Groce has met the requirements of Tenn. Comp. R. & Regs. 1020-01-.07.

By a roll call vote, the board voted yes to accept the conclusions of law as presented, with Ms. Honeycutt voting no.

Policy Statement

The board adopted a policy statement that the evidence of Ms. Groce's education and experience as presented indicated that she does meet the intent of the statutes and rules for applicants for a nursing home administrator license.

Order

Therefore, in consideration of the above Findings of fact and Conclusions of Law,

1. Ms. Groce petition for a declaratory order is granted
2. Ms. Groce application for licensure is approved, and she may sit for the NAB exam.

2. Office of General Counsel Report

The Office of General Counsel reported that there are no open cases at this time.

3. Minutes

A motion was made by Ms. Honeycutt, and seconded by Mr. Davis, to approve the June 1, 2015 minutes as written. The motion carried.

4. Applicant Interviews/File Reviews

AIT Applicants

- A. **Wendy Owens** – A motion was made by Mr. Davis, and seconded by Mr. Laman, to deny the application request of Ms. Owens for an AIT program due to her not having the acceptable management experience as defined in rule 1020-01.07-01. Dr. D’Amico opposed and Dr. Weierbach recused herself. The motion carried.
- B. **Jose Fuentes** – A motion was made by Mr. Caughron, and seconded by Ms. Trautman, to approve Mr. Fuentes for the AIT program. The motion carried.
- C. **Geri Cunningham** – A motion was made Dr. Weierbach, and seconded by Mr. Caughron, to approve Ms. Cunningham for the AIT program. The motion carried.
- D. **Adam Camper** – A motion was made by Dr. D’Amico, and seconded Dr. Wilhoit, to approve Mr. Camper for the AIT program. The motion carried.
- E. **Sharmaine Pollard** – A motion was made by Ms. Honeycutt, and seconded by Dr. Weierbach, to approve Ms. Pollard for the AIT program. The motion carried.
- F. **Teresa Jarvis** – A motion was made by Mr. Laman, and seconded by Ms. Trautman, to approve Ms. Jarvis for the AIT program, however the file must be brought back before the Board to be approved to sit for the NAB examination. The motion carried.
- G. **Byron Billingsley** – A motion was made by Ms. Honeycutt, and seconded by Dr. Wilhoit, to approve Mr. Billingsley for the AIT program. The motion carried.

Reciprocity Applicants

- A. **David Barnard** – After discussion, Dr. Wilhoit made a motion, seconded by Dr. Weierbach, to deny the license application by reciprocity for Mr. Barnard due to inconsistencies on the license verification from Texas and record of disciplinary action against his license. After a roll call vote, the motion failed. An amended motion was made by Mr. Laman, and seconded Mr. Davis, to delay the application until the November board meeting and request Mr. Barnard to appear to explain the disciplinary action against him in Texas and also to clarify his licensure status in Arizona. The motion carried with Dr. Wilhoit opposing.
- B. **Jerry Lee South** – A motion was made by Mr. Davis, and seconded by Mr. Laman, to delay the application request for reciprocity until additional information concerning his education and employment is submitted and verified by the Board. The motion carried.
- C. **Timothy von Pahlen-Fedoroff** – A motion was made by Dr. D’Amico, and seconded by Mr. Caughron, to approve Mr. von Pahlen-Fedoroff for licensure by reciprocity. The motion carried.

Other applicant requests

- A. **Sandra Brown** - Ms. Brown was present. Ms. Brown appeared before the Board to explain her work history to the Board for approval for the AIT program. After discussion, a motion was made by Dr. D’Amico, and seconded by Ms. Trautman, to approve Ms. Brown for the AIT program; however, her file must be brought back before the Board to be approved to sit for the NAB exam. The motion carried.

5. Office of Investigations

No reporter from the Office of Investigations was present but Mary V. Webb, board administrator reviewed the report submitted by Investigations. There were three (3) cases being investigated by the Office of Investigations.

6. Administrator’s Report

Ms. Webb reported that there are 828 active nursing home administrators as of July 27, 2015.

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

- New Applications received—16
- New licenses issued—12
- Number of paper renewals-21
- Number of renewals online-47
- Number of licensees who retired- 1
- Failed to renew/Expired Applications-15

Ms. Webb reported the online renewals constituted a usage rate of approximately 69% of all renewals during this period.

Sunset Review held on July 15, 2015

Michael Sobowale, Board Director, reported that he attended the sunset review hearing on July 15, 2015 and informed the Board that the Board of Examiners for Nursing Home Administrators has been extended for six (6) more years

Dr. Wilhoit was also in attendance on behalf of the board and explained that one of the issues that was raised was investigative complaints and how long does it takes for the Board to follow up on complaints and the time frame that a disciplinary action against a licensee occurs. Dr. Wilhoit asked the administrative staff to relay information to the Office of Investigations to make investigative reports as clear as possible so that the Board will know if any complaints are being carried over from year to year.

7. Other Board Business

- a. Discuss waiver approvals from Healthcare Facilities since the last board meeting.

Valerie Nagoshiner, Assistant Commissioner, Office of Legislative Affairs, explained to the Board that at the Board Sunset Review Hearing, the Joint Government Operations Committee took notice of the board's objections to waivers issued by Healthcare facilities in its response to the sunset review questions. The committee suggested that, perhaps, the two boards should be joined as one. Ms. Nagoshiner explained that although explanations were offered to differentiate between the areas of jurisdictions of both the Board of Examiners for Nursing Home Administrators and Health Care Facilities., some Committee members were still not clear on the areas of licensure jurisdictions of both entities.

Ms. Nagoshiner explained to the Board that the Committee has forwarded a list of supplemental questions that it wishes for the Board to answer.

Board attorney Kyonzte Hughes-Toombs explained to the Board that Health Care Facilities issues waivers to the facilities not an individual, and that an individual granted a waiver by a facility has already met the criteria to function as an acting nursing home administrator under board rules.

Chris Puri, outside Counsel to Tennessee Health Care Association, also addressed the board on this issue. He proposed to the Board of Nursing Home Administrators that it offers a temporary permit so that the individual

sitting as the acting administrator of a facility with an unexpected loss of the administrator must follow through to complete the application process for a permanent license or serve in the capacity for a certain length of time until a permanent replacement is secured by the nursing home.

Vincent Davis, Director of Health Care Facilities recommended to the Board that the Board of Examiners for Nursing Home Administrators staff and Health Care Facilities staff and their respective board advisory attorneys meet together for a solution in order to satisfactorily respond to the Committee's inquiries.

b. **Report from the NAB Annual Meeting attended on June 3-5, 2015, in Philadelphia, PA**

Dr. Wilhoit reported that at the meeting, there were discussions that there is still a move to push forward with a combined license that will support all Healthcare facilities instead of certifications and licenses being individualized. Dr. Wilhoit also reported that there was a "Glen Campbell screening" regarding an individual's struggle with Alzheimer's disease that was very informative and showed the ill effects of the disease as it progressed.

Ms. Webb reported that she was advised that Southern Adventist will increase the practicum hours for the long term care degree from 400 to 1000 hours starting in 2016.

c. **Conferences and Meetings to attend in 2015**

A motion was made by Dr. Weierbach, and seconded by Mr. Caughron, to approve Mary V. Webb and Dr. Wilhoit to attend the NAB conference in Naples, FL, November 11-13, 2015. The motion carried.

d. **Request for additional Board Consultants**

A request was made for additional board consultant(s). Mr. Walker stated that he may consider being a consultant for the Board after his retirement but he will find out if others would like to serve. Other board members were encouraged to submit recommendations to the board for consideration.

8. Ratifications

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

New Licensees

Robin Todd Baschnagel
Jennifer Connell
Gary Scott Cooke
Steven E. Friedman
Janet Rodriquez

Jamie William Guin, Jr.
Cheryl Pendergrass
Lillian Sue Fortner
Herschell Sedoris, III

Reinstatements

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

Donald Blunt Thoma Parker
Betty Edwards Brian Tenney

The motion carried.

Preceptors

A motion was made by Dr. Wilhoit, and seconded by Mr. Davis, to approve the following list of preceptors:

Gregory Turnbo
Debra Vento
Jason Jones
John Buckley Winfree
Timothy Wrather
Justin Broadway

The motion carried.

Adjournment

There being no further business, the meeting adjourned at 1:20 p.m.

These minutes were ratified by the Board at the November 30, 2015 meeting.