

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

DATE: March 6, 2023

TIME: 9:00 a.m. Central Time

LOCATION: Office of Health-Related Boards
Iris Conference Room
665 Mainstream Drive
Nashville, TN 37243

MEMBERS PRESENT: Carl Hudgens, Citizen Member
David Keeling
Dr. Victor Legner, Board Vice Chair
Randy Reynolds
Dr. Bethany Rhoten, RN
Lakecia Thomas, Board Chair

MEMBERS ABSENT: Nyda Bays, Board Secretary

STAFF PRESENT: Lyndsey Boone, Regulatory Board Administrative Director
Sam Mullins, Regulatory Board Administrative Assistant
Timothy Peters, Senior Associate General Counsel

Call to Order

Meeting called to order at 9:00 am CST. A quorum was present to conduct Board business.

Rulemaking Hearing

Rule 1020-01-.02 Fees

The Rulemaking Hearing was called to order by Timothy Peters, Senior Associate Counsel with the Department of Health's Office of General Counsel, who served as moderator of this rulemaking hearing, as follows:

It is March 6, 2023. This rulemaking hearing is taking place pursuant to Tennessee Code Annotated, Section 4-5-204, in the Iris Conference Room, 665 Mainstream Drive, Nashville, Tennessee.

The purpose of this rulemaking hearing is to solicit comments on rules proposed by the Board in order to amend Rule 1020-01-.02.

Pursuant to T.C.A. §4-5-204, the following is a summary of the factual information on which the amended rules contained in the notice of rulemaking are based:

The purpose of this rule is to reduce the initial application and renewal fees charged by the Board of Nursing Home Administrators. The Board desires to reduce its cumulative carryover balance through a fee change. A decrease in application and renewal fees for administrators will cause the Board to reach a more appropriate monetary balance, while reducing the financial burden on applicants and licensed nursing home administrators.

A rule is defined as an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of the agency. Proposed rules are filed with the office of the Secretary of State, notice is given to the public for comment, and a rulemaking hearing is held. Upon conclusion of the hearing and adoption of the proposed rules, the rules are forwarded to the Attorney General's Office for review of legality. If approved, they are filed with the Secretary of State, which is responsible for publication, and the government operations committee of the General Assembly. The rules must stay in the Secretary of State's office for 90 days, the end of which time will be the effective date.

Those members of the public wishing to speak should sign up at the table by the door. Only those who have signed in will be permitted to speak. I will gather that list and I will call the names off that list.

The notice of rulemaking hearing included the entire text of the proposed rules and was published on November 28, 2022, on the Tennessee Administrative Website.

Ms. Boone, what additional notice was given to the affected individuals or groups?

Ms. Boone replied that notice was made to the NAB and THCA by email, as well as the Notice of Rulemaking Hearing document was published online to the Board's website and Calendar of Events for access by licensees, the general public, and all interested parties.

As the agency hears public comment on the proposed rules, I as moderator reserve the right to limit such comments if they become repetitive. Please limit your comments accordingly.

There were no public comments made.

I will now read the substance of the proposed rules into the record.

1020-01-.02 FEES

(1) The fees authorized by the Practice Act (T.C.A. §§ 63-16-101, et seq.) and other applicable statutes, to be established by the Board are as follows:

(a) Application Fee. A nonrefundable fee to be paid each time an application for licensure is filed. \$150.00 ~~300.00~~

(b) License Renewal Fee. A biennial nonrefundable fee to be paid by all licensees. \$60.00 ~~150.00~~

Are there any comments? There were no comments by the Board Members.

If the Board deems this Rulemaking proper and wishes to adopt it, we need a motion to adopt the Rulemaking as drafted, a second, and a roll call vote. Would anyone like to make a motion to this effect or otherwise?

A motion was made by Ms. Thomas, to approve the Rulemaking as drafted, with a second made by Dr. Rhoten.

Discussion: None OR As Follows

A roll call vote was conducted:

As I state your name, please voice your vote on the motion.

Ms. Bays	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input checked="" type="checkbox"/> ABSENT
Mr. Hudgens	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Mr. Keeling	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Dr. Legner	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Mr. Reynolds	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Dr. Rhoten	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Ms. Thomas	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT

The motion passed. YES NO

That concludes this rulemaking hearing and the comment period. Thank you for being here today.

Minutes

A motion was made by Mr. Keeling, with a second by Mr. Reynolds, to approve the Minutes of the November 7, 2022, Board Meeting and the Minutes of the November 30, 2022, Board Meeting as written. There was no discussion on the motion. The motion passed unanimously.

Office of Investigations

Ms. Barbara Granum, Intake Coordinator with the Office of Investigations, presented the following reports:

CY2022 Totals

New Complaints Opened	40
Total Closed Complaints	35
Currently Open at Year End	22

CY2022 Newly Opened Complaints By Allegation

Lapsed License	1
Unprofessional Conduct	37
CE Violation	2

CY2023 Totals

New Complaints Opened	7
Total Closed Complaints	8
Currently Open	14

CY2023 Newly Opened Complaints By Allegation

Unprofessional Conduct	7
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Reports and/or request from the Division of Health Licensure and Regulations

Ms. Keyyona Love, Fiscal Manager, was present to give the Mid-Year 2023 financial report to the Board, with highlights, as follows:

- Total Expenditures: \$83,082.25
- Board Fee Revenue: \$33,071.16
- Current Year Net: (\$50,011.09)
- Cumulative Carryover: \$205,942.39

Legislation

There were no legislative reports for the Board to review at this meeting.

Administrative Report

Mr. Mullins presented the following report to the Board:

STATISTICAL REPORT

The Board has 785 total active licensees as of February 28, 2023

Licensing activities from October 31, 2022, through February 28, 2023:

- New applications received- 15
- New licenses issued – 18
- Reinstatements- 5
- Number of paper renewals- 18
- Number of renewals in VO(online) – 85
- Number of licensees who retired – 8
- Failed to Renew/Expired licensees – 6

The online renewals constitute a usage rate of approximately 83% of all renewals during this period.

2023 BENHA meeting dates:

- June 5, 2023
- August 7, 2023
- November 6, 2023

Reports from Office of General Counsel

Mr. Peters reported that there are currently two (2) open cases under review. A rulemaking hearing was held earlier in this meeting.

Consent Orders

David Warren Gaither #1923

David Warren Gaither License #1923 was found to have failed to obtain and provide proof to the Board of eighteen (18) approved hours of CE for each of the calendar years of 2018 and 2019, and did not respond to the delivery of an Agreed Citation in the matter; the Consent Order issued a civil penalty in the amount of two hundred dollars (\$200.00), and required completion of eighteen (18) hours of CE for each year of 2018 and 2019 in addition to nine (9) penalty hours of CE for each year, for a total of fifty-four (54) hours of CE to be completed within one (1) year, in addition to the regular annual CE requirement, and payment of costs, not to exceed two thousand dollars (\$2,000.00). A motion was made by Ms. Thomas to approve the Consent Order for David Warren Gaither #1923 as written, with a second by Dr. Rhoten. Discussion on the motion: None. The motion passed unanimously

Agreed Citations

Traci O'Kelly #3270

Nelson, Rhonda #3728 was found to have violated TCA 63-16-107 and Rule 1020-01-.12 by failing to complete and submit her required CE hours for calendar year 2019. She has paid a civil penalty of one hundred dollars (\$100) and is required to complete the deficient CE hours within 90 days of the citation. A motion was made by Ms. Thomas to approve the Agreed Citation for Traci O'Kelly #3270 as written, with a second by Dr. Rhoten. Discussion on the motion: None. The motion passed unanimously

Applicant Interviews/File Reviews

AIT Applicants

Ashlie Burnett: Applicant was present in person for this meeting. Dr. Rhoten made a motion with a second from Mr. Keeling to approve the applicant for a standard 6 month/1040-hour AIT program. There was no further discussion. The motion passed unanimously.

Freeman, Justin: Applicant was present in person for this meeting. Ms. Thomas made a motion with a second by Dr. Rhoten to approve the applicant for a standard 6 month/1040-hour AIT program. There was no further discussion. The motion passed unanimously.

Meyers, Amanda: Applicant was present in person for this meeting. The Board reviewed the applicant's management experience and deemed it insufficient under the Board's rules to qualify

for the A.I.T. Program and recommended she withdraw her application. Dr. Legner made a motion with a second by Mr. Keeling, to table this application and allow Ms. Meyers to withdraw the application. There was no further discussion. The motion passed unanimously.

Reciprocity Applicants

NOTE: In accordance with the Board's Rules, all applicants by reciprocity that are approved by the Board must successfully pass the TN NHA Jurisprudence Exam before licensure may be issued.

Bumgardener, Benjamin: Applicant was present in person at the meeting. Board briefly discussed the results of his criminal background check, it was confirmed that it would not be a barrier to licensure. Dr. Legner made a motion with a second by Dr. Rhoten, to approve the applicant for reciprocity. There was no further discussion. The motion passed unanimously.

Covert, Deborah: Applicant was present in person at the meeting. A motion was made by Dr. Rhoten with a second by Mr. Keeling to approve the applicant for reciprocity. There was no further discussion. The motion passed unanimously.

Jones, Cherry: Applicant was present in person at the meeting. A motion was made by Dr. Rhoten with a second by Dr. Legner to approve the applicant for reciprocity. There was no further discussion. The motion passed unanimously.

Muse, Gregory: Applicant was present in person at the meeting. A motion was made by Ms. Thomas with a second by Dr. Rhoten to approve the applicant for reciprocity. There was no further discussion. The motion passed unanimously.

Nickson, Jackie: Applicant was present by phone at the meeting. The Board discussed her training and employment experiences and determined she did not meet the qualifications for licensure by reciprocity as stated in the TN Board Rules. A motion was made by Ms. Thomas with a second by Dr. Rhoten to table the application and allow Ms. Nickson to withdraw the application. There was no further discussion. The motion passed unanimously.

Exam Applicants

None

Temporary License Applicants

Leigh Ann Loney: Applicant was present in person at the meeting. A discussion was held regarding the applicant's supervised training that led to licensure in another state.

Ms. Loney contended that she had submitted documentation from her training in KY, however, after review by the Board's technical support team, it was determined that the files that had been sent were too large and in a format such that they were not deliverable, therefore, the Administrative Office had never received them, and Ms. Loney had not contacted the Administrative Office to inform them that this documentation had been sent or to confirm its receipt, so the Administrative Office had no knowledge of the intended submission for inclusion in Ms. Loney's file.

During the meeting, Ms. Loney had the documentation re-sent in a different format that was able to be reviewed by the Board. Upon receipt and review, it did not contain the detailed information the Board had requested, and documents were not properly notarized.

A motion was initiated by Mr. Keeling to approve the applicant for reciprocity contingent upon the receipt of documentation of the Directorship Training she stated she completed prior to her other state licensure with the hours completed. Prior to a second being made, Mr. Peters clarified that a specific number of hours for each domain would be suggested to be included in the motion. Ms. Thomas re-opened for additional discussion.

Discussion was held on the proposed motion regarding what specific information should be documented from Ms. Loney's prior training experience. Dr. Legner recommended using the six (6) domains as listed in the Rules for a TN A.I.T. Program as a basis for the document requirement for Ms. Loney. Ms. Loney is to follow-up with the documentation to meet the requirements of the Board's approved motion if she wishes to continue to pursue licensure.

Mr. Keeling made a motion to approve the applicant for reciprocity contingent upon the receipt of documentation of the Directorship Training she stated she completed prior to her other state licensure, that shows at least 240 hours in Administration, 240 hours in Nursing/Clinical, 120 hours in Dietetics, 120 hours in Social Services/Activities, 120 hours in Medical Records, and 200 hours in Housekeeping/Maintenance/Laundry, with a second by Dr. Legner. There was no discussion on the amended motion. The motion passed unanimously.

Waivers and Other Applicant Requests

None

Ratification of Licensure Files

A motion was made by Mr. Keeling, with a second by Mr. Reynolds, to approve the ratification list for all file types as presented. There was no further discussion. The motion passed unanimously.

Ratification List

Initial

4070	Bailey Jenna S
4077	Caldwell Andrew Jason
4080	Campbell John Lamar II
4054	Garland Wesley Michael
4086	Hardin Jack C.
4094	Jones Eric G
4087	Payne Tommy Scott
3998	Reddix Morgan Leigh
4061	Yates Kami Mrs.
4117	Allen Jayson
4122	Evans William Hayden
4110	Hayward Stacey Lynn
4103	Wasserman Sonya Dione

Reinstate

3720	Bell Zachary
3952	Calaway Machel Ann
2924	Fitch Eric
3360	Flach Catrina Renee
1569	Stephens Joan Marie

Closed

Brown Jennifer Kay

Taskforce/Committee

There were no taskforce or committee reports for the Board to review in this meeting.

Rulemaking, Amendments and Policies

There were no further rulemaking or policy items for the Board to review in this meeting.

Correspondence

The Board received a notice from the NAB, of the Winter 2023 Newsletter.

Conference Reports

Ms. Thomas provided a brief overview of her attendance at the NAB meeting in November 2022.

The Board reviewed upcoming conference events, including the NAB Annual Meeting, June 14-16, Columbus, OH, for which Dr. Legner and Mr. Keeling were interested in attending, and the NAB Annual Meeting, November 1-2, Location TBA, for which Dr. Rhoten, Ms. Thomas, and Mr. Keeling were interested in attending. Dr. Rhoten made a motion for the Board to sponsor attendance by up to three (3) Board Members at each of these meetings, with a second by Ms. Thomas. There was no discussion on the motion. The motion passed unanimously.

New/Old Business

There were no new or old business items for the Board to review in this meeting.

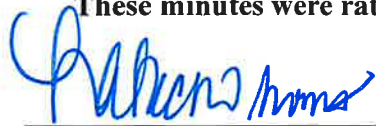
Call for Public Comment

There were no public comments offered.

Adjournment

There being no further business, a motion was made by Ms. Thomas, with a second by Mr. Keeling, to adjourn the meeting at 11:10am CST. There was no discussion on the motion. The motion passed unanimously.

These minutes were ratified by the Board at the June 5, 2023, meeting.



Board Chair



Date