

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

DATE: March 2, 2020

TIME: 9:00 a.m. Central Time

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

MEMBERS PRESENT: Florence Weierbach, PhD., Board Chair  
Cynthia Wheeler, NHA, Secretary  
Vincent Davis, Director, Health Care Facilities  
Barbara Trautman, Consumer Member  
David Keeling, NHA  
Nyda Bays, NHA  
Marilyn Key, NHA

MEMBERS(S) ABSENT: Jano Janoyan, Physician  
Lakecia Harper, NHA, Vice Chair

STAFF PRESENT: Kimberly Wallace, Unit Director  
Lacey N. Wilkerson, Board Administrator  
Caroline Tippens, Senior Associate General Counsel  
Maria Johnston, Board Administrator

GUESTS: Otis Michael Campbell  
Chester Matheny  
Mike Craft  
Lori Leonard, Disciplinary Coordinator  
Melanie Greer  
Clint Hall  
Maria McCormick, Administrative Services Manager  
Jamie Selbe  
Dorka Ellis  
Malik Hakeem  
Danielle Mullins

1. **Call to Order**

Dr. Weierbach conducted a roll call. With a quorum being present, Dr. Weierbach called the meeting to order at 9:00 A.M.

2. **Call for Comments**

Dr. Weierbach advised the audience of the ability to provide comments on items listed on the meeting's agenda. She also advised that any comments not relating to the current agenda would need to be submitted to the administrative office for discussion at the next scheduled meeting.

3. **Minutes**

A motion was made by Ms. Wheeler, seconded by Ms. Trautman, to approve the December 2, 2019 board minutes as written. The motion carried.

4. **Office of General Counsel Report**

Caroline Tippens, Senior Associate General Counsel acting as moderator conducted a Rulemaking hearing presenting changes to Rules 1020-01-.01, 1020-01-.02, 1020-01-.05 and 1020-01-.07.

Staff members present were: Kimberly Wallace - Unit Director, Lacey N. Wilkerson - Board Administrator and Maria Johnston – Board Administrator.

Board members present were: Florence Weierbach, PhD. - Board Chair, Cynthia Wheeler, NHA - Secretary, Vincent Davis - Director Health Care Facilities, Barbara Trautman - Consumer Member, David Keeling, NHA, Nyda Bays, NHA, Marilyn Key, NHA.

Notice of this rulemaking hearing as well as full text of the proposed changes was posted to the Tennessee Administrative Procedures website October 28, 2019. Email notification of this notice as well as the full text for the proposed changes was sent to all currently licensed individuals, the Tennessee Health Care Association/ Tennessee Center for Assisted Living state organization, and the National Association of Long Term Care Administrator Boards national organization on January 31, 2020. The notice of rulemaking was also posted to the TN Board of Nursing Home Administrators scheduled meeting date page available on the TN department of Health website. Notice of rulemaking hearing as well as full text of proposed changes was published and discussed at the Board of Health Care Facilities meeting that was held on February 5, 2020.

The proposed Rule changes presented are in regards to the addition of the issuing of temporary licenses for individuals currently licensed in another state or that meet the majority of the board's standards for licensure and the individual is needed to fill an unexpectedly vacant position in a state nursing home facility. Also presented during this hearing is the new adoption of the Health Services Executive Qualification offered by the National Association of Boards of Examiners for Long Term Care Administrators.

Change to Rule 1020-01-.01 is amended by adding new paragraph 13 giving the definition of HSE. Health Services Executive Qualification offered by the National Association of Boards of Examiners for Long Term Care Administrators.

Change to Rule 1020-01-.02 (Fees) is amended by adding new subparagraph (1)(c) for a temporary licensure fee. This is a non-refundable fee to be paid upon application for temporary licensure. The amount of this fee is \$50.00.

Change to Rule 1020-01-.05 (Temporary License) is amended by deleting the current Rule in its entirety and substituting the following: The Board may issue temporary licenses under limited circumstances pursuant to T.C.A. § 63-16-104(b). An applicant may apply for temporary licensure to fill a position of nursing home administrator that unexpectedly becomes vacant. To receive a temporary license, the individual must either be licensed in another state or meet the majority of the board's standards for licensure. If the individual holding a temporary license must take the board required examination to be fully licensed and fails to achieve the required scores, the temporary license shall be revoked. A temporary license shall not to exceed six (6) months.

Change to Rule 1020-01-.07 (Qualifications for Licensure) is amended by deleting subparagraphs (7) (b) and (c) in their entirety and substituting the following:

(7) (b) An applicant must demonstrate to the Board's satisfaction a successful completion of requirements that are substantially equivalent to or exceed the requirements for certification by the American College of Health Care Administrators; OR,

(7)(c) An applicant must demonstrate to the Board's satisfaction successful completion of NAB's Health Service Executive (HSE) qualification; OR,

And by the adding of a new subparagraph;

(7)(d) An applicant working for a minimum of five (5) of the last seven (7) years as a licensed nursing home administrator in another state in lieu of a degree and/or in lieu of an A.I.T. program.

There were no public comments to the proposed changes and additions to the Rules.

Dr. Weierbach made a comment about her excitement of these rule changes by acknowledging the expertise that is required for individuals outside of an acute care facility to receive the full spectrum of care they need. She further stated that the Board has grappled with the issue of temporary license for some time along with the Health Care Facilities board and is glad to know that we are finally able to get this under control to better allow our most vulnerable elderly individuals to get the care they need.

Mr. Davis posed the question of ending the temporary license waivers currently being issued by the Health Care Facilities Board. Ms. Tippens informed that this does not affect the issuing of the temporary waiver received from the facility, but is designed work with the facility waiver to allow individuals to obtain a direct temporary license more quickly without the need to wait to be reviewed before the full Board.

Mr. Keeling posed the question as to the time frame that these Rule changes would take effect. Ms. Tippens informed the board that the Rule changes would still need to be reviewed by the Governor's office and the Attorney General's office for constitutionality and legality. Once approved by both offices, it will be filed with the Secretary of State's office and will become effective within 90 days, pending approval by the Government Operations Committee.

After a final call for comments from the public and Board Members, Ms. Tippens called a close to the Rulemaking Hearing.

Ms. Tippens presented a report from the Office of General Counsel reporting there are currently no pending cases.

#### 5. Office of Investigations

Lori Leonard, the Disciplinary Coordinator for all non-nursing boards, presented the investigative and disciplinary report as follows: The office is currently monitoring zero (0) licensees. At the end of 2019, Investigations had received and opened fifteen (15) new complaints; all fifteen (15) were regarding unprofessional conduct. At the end of 2019, Investigations had closed a total of seventeen (17) complaints. Twelve (12) were closed with no action, one (1) was closed with a letter of concern, and four (4) were closed with a letter of warning. At the end of 2019, investigations had five (5) open complaints that are being investigated or reviewed at this time. For calendar year-to-date 2020, they have opened one (1) new complaint for unprofessional conduct and currently still have five (5) open complaints that are being reviewed or investigated.

#### 6. Reports and/or Requests from the Division of Health Licensure and Regulations

Maria McCormick presented the estimated 2020 mid-year financial report as follows:

Total Payroll Expenditures:	\$ 32,606.98
Other Expenditures:	\$ 16,647.74
Total Direct Expenditures:	\$ 49,254.72
Total Allocated Expenditures:	\$ 15,206.83
Total Yearly Expenditures:	\$ 66,609.81
Board Fee Revenue:	\$ 83,283.57
Current Year Net:	\$ 18,822.02
Cumulative Carryover:	\$ 222,264.06

Based on year-end totals, the cumulative carryover does exceed two times the three year average. However, given the decrease in the current year net, a fee decrease is not appropriate at this time.

#### 7. Applicant Interviews/File Reviews

##### A. AIT Applicants

1. Michael Craft- Applicant was present at the meeting and requested the Board allow him a full year to complete his AIT program to allow him to continue to work during that time and requested a waiver of being required to obtain AIT training for the administrative and business side of the programs. After file review and Board discussion, Mr. Davis made a motion to approve a full year to complete an AIT with concentration on Nursing, Dietary, Medical Records, Housekeeping, Maintenance, Laundry, Social Services and Activities. Ms. Trautman seconded motion carried.
  2. Danielle Mullins- Applicant appeared before the Board requesting approval to begin AIT program. After file review and Board discussion, Ms. Wheeler made a motion to approve. Ms. Bays seconded. Motion carried.
  3. Chester Matheny- Applicant appeared before the Board requesting approval to begin AIT program. After file review and Board discussion, Mr. Davis made a motion to approve. Ms. Trautman seconded. Motion carried.
  4. Marnie Knight- Applicant was not present. File presented before the Board requesting approval to begin AIT program. After file review and Board discussion, Ms. Wheeler made a motion to approve. Ms. Key seconded. Motion carried.
  5. Dylan Cates- Applicant was not present. File presented before the Board requesting approval to begin AIT program. After file review and Board discussion, Mr. Keeling made a motion to approve and to send letter to preceptor clarifying start date not affective prior to this meeting. Ms. Trautman seconded. Motion carried.
  6. Brandy Gayheart- Applicant was not present. File presented before the Board requesting approval to begin AIT program. Ms. Bays recused herself. After file review and Board discussion. Ms. Wheeler made a motion to approve. Ms. Trautman seconded. Motion carried.
  7. Michael Kingston- Applicant appeared before the Board requesting approval to begin AIT program. After file review and Board discussion, Mr. Davis made a motion to approve. Ms. Trautman seconded. Motion carried.
- B. Reciprocity Applicants
1. Hilary Piros- Applicant was not present. File presented before the Board requesting approval for license by reciprocity. After file review and Board discussion, Ms. Wheeler made a motion to approve. Ms. Key seconded. Motion carried.
  2. Nicole Cirbus- Applicant was not present. File presented before the Board requesting approval for license by reciprocity. After file review and Board discussion, Mr. Keeling made a motion to approve. Ms. Bays seconded. Motion carried.
  3. Kala Wright- Applicant was not present. File presented before the Board requesting approval for license by reciprocity. After file review and Board discussion, Mr. Davis made a motion that applicant file must obtain preceptor with and complete 400 hour AIT

program to meet state requirements. Preceptor paperwork must be submitted to the administrative office prior to beginning the AIT program. Preceptor does not require approval at the next Board meeting before beginning. Mr. Keeling seconded. Motion carried.

4. Addison Butler-Applicant was not present. File presented before the Board requesting approval for license by reciprocity. After file review and Board discussion, Mr. Davis made a motion to approve. Ms. Trautman seconded. Motion carried.

C. NAB Applicant

1. Kimberly Thompson- Applicant was not present. File presented before the Board requesting approval to sit for NAB exam. After file review and Board discussion, Ms. Wheeler made a motion to approve. Ms. Bays seconded. Motion carried.
2. Dorka Ellis- Applicant appeared before the Board requesting approval to sit for NAB exam for 4<sup>th</sup> attempt. After file review and Board discussion, Mr. Davis made a motion to table the discussion till next meeting to allow applicant to work with new administrator or THCA representative to provide break down on NAB scores and remediation plan based on the scores. Ms. Bays seconded. Motion carried.
3. Jamie Selbe-Applicant appeared before the Board requesting approval to sit for NAB exam. After file review and Board discussion, Mr. Davis made a motion to approve. Mr. Keeling seconded. Motion carried.
4. Sandra Smith- Applicant was not present. Request for approval of remediation plan submitted to Board for review. After file review and Board discussion, Mr. Davis made a motion to have remediation plan re-submitted to clarify, full completion time, completion time for each area, and personnel assisting in each area. New plan to be approved by Board consultant. Once completed and approved applicant can begin plan and submit reports to show completion of each area. Ms. Wheeler seconded. Motion carried.
5. Malik Hakeem- Applicant appeared before the Board requesting approval of remediation plan. After file review and Board discussion, Mr. Davis made a motion to have remediation plan re-submitted to clarify, full completion time, completion time for each area, and personnel assisting in each area. New plan to be approved by Board consultant. Once completed and approved applicant can begin plan and submit reports to show completion of each area. Ms. Bays seconded. Motion carried.
6. Otis Campbell-Applicant appeared before the Board requesting approval of remediation plan. After file review and Board discussion, Mr. Davis made a motion to have remediation plan re-submitted to clarify, full completion time, completion time for each area, and personnel assisting in each area. New plan to be approved by Office of General Counsel consultant due to conflict of interest with Board consultant. Once completed and approved applicant can begin plan and submit reports to show completion of each area. Ms. Wheeler seconded. Motion carried.

7. Rachel Jennings- Applicant was not present. File presented before the Board requesting approval to sit for NAB exam. After file review and Board discussion, file tabled till next meeting for further investigation on possible falsifying of documents by General Counsel Consultant. Mr. Davis made a motion to approve. Mr. Keeling seconded. Motion carried.

D. Other Applicant Requests

1. Paula Bohlen- Applicant was present by phone requesting approval to sit for reinstatement of expired license. After file review and Board discussion, Mr. Davis made a motion require applicant to complete both NAB and State Exams at her own cost and to provide 12 live continuing education hours. Ms. Wheeler seconded. Motion carried.

8. Ratification of Initial Determinations

A motion was made by Mr. Davis, seconded by Ms. Trautman, to approve the ratification of the newly licensed for the time period of November 15, 2019 - February 19, 2020: The motion carried.

AIT to Full License

Hartzog Lisa Ann  
Kelley Donna Sue  
Mitchell Brittany Rich  
Scurlock-Moore Charlotte Ann  
Vinson Thelma Lee

Reciprocity

Calaway Melinda Kaye  
Goodman Elizabeth Marie  
Guerin Ashleigh  
Holbrook Derek Allen  
Mecaskey Sherri Geanine  
Morris Randall  
Pottinger Rosemarie  
Nosworthy John

Reinstatement

Samples Kathy Lynn

Exam

Horvath Brian

Preceptor

Derousse Rebecca  
Hilbers Zachary  
Raymer Jennifer

### Closed Files

Allen Cathy Arlene NHA  
Brunicardi Anthony  
Donelson Sherica Yarnell  
Fularz Amanda Marie Mrs.  
Hodges Marcella Ann  
Kneeland Robert E  
Labazzo Deborah  
Peden li Roger Mr.  
Plumlee Chris  
Reid Britney Marie  
Smith Jack Henry Jr Mr.

### 9. Administrator's Report

Lacey N. Wilkerson reported that there are 784 active Nursing Home Administrators as of February 19, 2020. She also provided an account of Board licensure activities from November 15, 2019 – February 19, 2020 as follows:

Failed to Renew/Expired Licensees - 18  
New applications received- 19  
New licenses issued -13  
Reinstatements- 1  
Number of paper renewals- 28  
Number of renewals in VO - 63  
Number of licensees who retired - 2

The online renewals constitute a usage rate of approximately 69% of all renewals during this period.

As of October 1, 2019 the maximum hotel lodging increased to \$223.00 per night. All other reimbursements remain the same.

2020 B.E.N.H.A meeting dates:

June 1, 2020, August 3, 2020, November 2, 2020

Upcoming Conferences:

- A. NAB Annual Conference  
June 3-5, 2020 Monterey, CA
- B. THCA/TNCAL Convention  
July 29-31, 2020 Nashville, TN
- C. Annual CLEAR Conference  
September 23-26, 2020 Seattle, WA
- D. NAB Mid-Year Conference  
November 13-15, 2020 TBA



E. FARB Regulatory Law Seminar  
October 1-4, 2020 Reston, VA

Mr. Davis made a motion to accept the administrator report. Ms. Trautman seconded. Motion passed.

10. **Discussion from attendees regarding attended conferences**

No recent attendees to any conferences.

11. **Correspondence**

Debra Starnes- Licensee not present before the Board. Licensee submitted a request for a waiver of her continuing education for calendar years 2017-2018 under Rule 1020-01-.12(d) and requested that the Board accept the retirement of her license in lieu of the issued agreed citation for non-compliance. After review of the applicant's request, Mr. Davis made a motion to grant the waiver and accept the retirement of her license in lieu of the agreed citation. Ms. Wheeler seconded. Motion passed.

Annette Marlar- Licensee appeared before the Board to request the Board allow her to use continuing education obtained in 2018 for acting a preceptor to be used for the 2019 calendar year and to allow her an extension until May 2020 to obtain the 6 required in-person hours she is currently lacking. After Board review and discussion, Mr. Davis made a motion to allow the 6 CE hours be applied to 2019 from the 2018 completed AIT program and to grant an extension to obtain the 6 remaining in-person hours until May 2020. Ms. Bays seconded. Motion passed.

12. **Action regarding legislation**

No current legislation to discuss

13. **Call for Comments**

No public comments

14. **New/Old Business**

The Board requested that Ms. Tippens draft a policy statement that prior to approval for re-takes of NAB exams after the 2<sup>nd</sup> attempt, applicants must submit a remediation plan that contains the specific time frame for plan to be completed, how much time is to be spent on each area, and the names and contact information of the staff that will be assisting in the completion and supervising the plan. The Board also requested that individuals requesting re-takes of the NAB exam must be present to discuss the plan during the Board meeting for which it is presented for approval. Ms. Bays made a motion to approve. Mr. Davis seconded. Motion passed.

15. **Ratification of 2021 Meeting Dates**

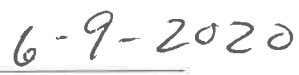
Mr. Davis made a motion to accept and ratify the 2021 meeting dates as follows:  
March 1, 2021; June 7, 2021; August 2, 2021; November 1, 2021.

Mr. Keeling seconded. Motion passed.

16. **Adjournment**

There being no further business, a motion was made by Mr. Keeling, and seconded by Ms. Bays to adjourn the meeting at 12:46 P.M. The motion carried.

  
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Dr. Florence Weierbach, NHA, Chair

  
\_\_\_\_\_  
Date

**These minutes were ratified by the Board at the June 1, 2020 meeting**