

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

DATE: August 3, 2020

TIME: 9:00 a.m. Central Time

LOCATION: Iris Room/ WebEx Conference

MEMBERS PRESENT: Florence Weierbach, PhD., Board Chair  
Cynthia Wheeler, NHA, Secretary  
Vincent Davis, Director, Health Care Facilities  
Nyda Bays, NHA  
Marilyn Key, NHA  
David Keeling, NHA  
Lakecia Harper, NHA, Vice Chair

MEMBERS(S) ABSENT: Jano Janoyan, Physician  
Barbara Trautman, Consumer Member

STAFF PRESENT: Kimberly Wallace, Unit Director  
Lyndsey Boone, Board Manager  
Caroline Tippens, Senior Associate General Counsel  
Maria Johnston, Board Administrator

GUESTS: Lori Leonard, Disciplinary Coordinator  
Patrick Powell, Legislative Affairs  
Maria McCormick, Financial  
Daniel Brown  
Amber Jones  
Herschel Murner  
Marvette Lowrie-Morris  
Tyler Tempest  
Kristina Trostle  
Cory Wamble

**Call to Order**

Dr. Weierbach called the meeting to order at 9:24 A.M.

Ms. Wallace conducted a roll call of all board members and staff present to ensure all audio was working properly. Ms. Wallace conducted a roll call vote to ensure all Board members understood the purpose of the electronic meeting and to ensure the all members agreed with conducting the meeting in this fashion. Mr. Davis made a motion to proceed with the meeting in teleconference format, Ms. Bays seconded. Motion passed. Ms. Wallace conducted a roll call to ensure that all Board members had received and could fully access all items to be discussed for the meeting's agenda, all had received the materials. Mr. Davis made a motion to accept that all matters to be discussed required timely action and that the teleconference was necessary. Ms. Harper seconded. The motion passed.

### **Call for Comments**

Kimberly Wallace made a statement in regard to the conducting of the meeting via WebEx and advised all attendees how to notify the Board should they wish to make a comment on the items being discussed on the day's agenda.

### **Minutes**

A motion was made by Ms. Wheeler, seconded by Mr. Keeling, to approve the June 1, 2020, board minutes as written. A roll call vote was taken, and the motion carried.

### **Office of General Counsel Report**

Senior General Counsel, Caroline Tippens, reported no current cases open in the Office of General Counsel. Ms. Tippens reviewed the Conflict of Interest policy and Open Meetings Act with the Board. Rulemaking for adoption of Health Services Executive Rule change from 03/02/2020 is pending.

There were no citation, orders, or other legal action items presented to the Board today. Rule activity shows that the current Rule changes are in the internal review process. Ms. Tippens also provided an update to the Board regarding Executive Order 50 and the subsequent Commissioner's Policy regarding 2020 continuing education. Executive Order 50 is in place due to COVID-19 and suspends the need to obtain live continuing education. Licensees are still required to obtain the full number of annual CE hours, but can obtain the required hours in a virtual format through December 31, 2020.

### **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. So far in 2020, Investigations has received and opened four (4) new complaints; one (1) was regarding unprofessional conduct, one (1) for drug diversion and one (1) for continuing

education violation. Two (2) were closed with no action. Investigations currently have six (6) open complaints that are being reviewed or investigated.

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

Ms. Maria McCormick had no financial reports to present at this time. Year-end reports will be presented at the November 2, 2020, meeting. The upcoming report will show impact of the 2017 fee decrease and COVID-19 on fee revenue collected due to provision of certain Executive Orders.

### **Applicant Interviews/File Reviews**

#### AIT Applicants

Daniel Brown- Applicant was present. After file review and discussion, Ms. Harper made a motion to approve the applicant for a 6 month, 1040 hours AIT, Mr. Davis seconded. A roll call vote was taken, and the motion carried.

Amber Jones- Applicant was present. After discussion with applicant, Mr. Davis made a motion to approve postponing file review till the November Board Meeting, Ms. Harper seconded. A roll call vote was taken and the motion carried.

Herschel Murner- Applicant was present. Mr. Murner requested a decreased AIT program. Ms. Tippens advised Board of Rules based on experience and education. After file review and discussion, Ms. Harper made a motion to approve the applicant for a 3-month, 400-hour AIT program focusing on all areas for at least half the normal required time for each area, Ms. Wheeler seconded. A roll call vote was taken and the motion carried.

#### Reciprocity Applicants

Marvette Lowrie-Morris- Applicant was present. After file review and discussion, Ms. Harper made a motion to require individual to complete a decreased AIT of 400 hours to be completed between 3-6 months, Ms. Bays seconded. A roll call vote was taken, and the motion carried.

Tyler Tempest- Applicant was present. After file review and discussion, Ms. Wheeler made a motion to approve the applicant for license by reciprocity, Ms. Harper seconded. A roll call vote was taken, and the motion carried.

Kristina Trostle- Applicant was present. After file review and discussion, Mr. Keeling made a motion to approve the applicant for license by reciprocity, Ms. Wheeler seconded. A roll call vote was taken, and the motion carried.

Cory Wamble- Applicant was present. After file review and discussion, Mr. Davis made a motion to approve applicant for a 3-month, 400-hour AIT program, Ms. Harper seconded. A roll call vote was taken, and the motion carried.

#### NAB Exam Applicants

There were no exam applicants for review.

#### Other Applicant Requests

Barbara Neeley- Applicant was present. Ms. Neely requested a 2-week extension to complete her AIT program. Ms. Harper made a motion to approve applicant for a 2-week extension, Mr. Davis seconded. A roll call vote was taken, and the motion carried.

#### **Ratification of Initial Determinations**

A motion was made by Ms. Harper, seconded by Ms. Wheeler, to approve the ratification of the newly licensed for the time period of February 20, 2020 – May 19, 2020: A roll call vote was taken, and the motion carried.

#### **Newly Licensed**

Aragon Daniel  
Hensley Christine Marie  
Smith Magen Ann  
Calaway Machel Ann  
Harness Preston Rodney  
Nieman Clayton M

#### **Reinstated Licenses**

Bohlen Paula Bush  
Griffith Allison Howe

#### **Administrator's Report**

Lyndsey Boone reported that there are 794 active Nursing Home Administrators as of July 30, 2020. She also provided an account of Board licensure activities from May 20, 2020 – July 30, 2020 as follows:

Failed to Renew/Expired Licensees - 0

New applications received- 13  
New licenses issued -6  
Reinstatements- 2  
Number of paper renewals- 22  
Number of renewals in VO - 40  
Number of licensees who retired - 3

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:  
November 2, 2020

Upcoming Conferences:

Annual CLEAR Conference  
September 23-26, 2020 Seattle, WA

NAB Mid-Year Conference  
November 13-15, 2020 TBA

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

Mr. Davis made a motion to accept the administrator report. Ms. Harper seconded. A roll call vote was taken, and the motion carried.

Ms. Wallace provided a brief update regarding the efforts we have made in the area of student outreach on behalf this Board. Ms. Wallace, at the invitation of Meg Collins, Director of Membership Services for THCA, led two separate training sessions in recent weeks. On June 26<sup>th</sup>, Ms. Wallace spoke to a class of individuals who are pursuing their preceptor certification, and then on July 8<sup>th</sup>, Ms. Wallace spoke to a class of individuals who are in preparation for taking their NAB exam. Ms. Wallace provided detailed information about the licensing, AIT, and preceptor Rules and Statutes and entertained questions from the attendees. These classes were held via WebEx virtual meetings.

### **Discussion from attendees regarding attended/upcoming conferences**

There have been no recent attendees to any conferences.

We have received notice that the NAB Annual Meeting is being held in a virtual format from October 27-30th (Tuesday-Friday) between the hours of 10am-4pm CST. It appears that there will be no cost for the Board to have representation, since we are a Member of the NAB.

Previously, when the meeting was scheduled for in-person in November, the Board had approved Dr. Weierbach and Ms. Wheeler to attend, with a 3rd Board Member to be determined, and 1 member of the Administrative Team. Dr. Weierbach notified the Board that she can no longer attend due to increased work responsibilities at this time; Ms. Wheeler cannot attend either.

Volunteered to Attend: Ms. Harper, would serve as delegate; Mr. Keeling as alternate; Tippens; Wallace; Wilkerson

Official Delegate: Lakecia Harper  
Alternate Delegate: David Keeling

A motion was made by Mr. Keeling, to approve, with a second made by Ms. Bays. A roll call vote was taken, and the motion carried.

### **Correspondence**

#### **NAB Testing Update Notice**

The Board received a notice from the NAB regarding the extension of their testing window from the typical 60-day window to an adjusted 120-day window, considering the availability of testing centers and limited seating capacity due to the COVID-19 pandemic. Board Rule 1020-01-.10 allows approved applicants 1 year from Board approval to take the exam, therefore, no action was needed by our Board to allow candidates access to the increased testing window provided by NAB. Ms. Tippens confirmed that no action was needed.

Ms. Wheeler questioned, if approved but not available to get in for a seat, would an applicant have to come back before the Board for an extension? Tippens states that a policy could be put in place to allow a grace period in line with the NAB policy.

Ms. Wheeler made a motion to adopt NAB's policy of a 120-day grace period for testing window extension due to COVID-19 and Board Staff has administrative authority to implement the policy now, with a final draft of the policy to be provided in November, Ms. Harper seconded. A roll call vote was taken, and the motion carried.

#### **NAB CE Registry Access Fee Notice**

The Board received a notice from the NAB regarding a new registry annual access fee to be charged to professionals who use the CE registry but do not report to a NAB Member Board. This is for informational purposes for our Board and no action is needed; seeing as we are a NAB Member Board the fee should not be applicable to our licensees.

### **Action regarding legislation**

Patrick Powell with the Office of Legislative Affairs, presented the following passed legislation that is pertinent to the Respiratory Care Board:

**Public Chapter 594**

This act was the Department of Health’s Licensure Accountability Act. The bill allows all health-related boards to act against a licensee that has been disciplined by another state for any acts or omissions that would constitute grounds for discipline in Tennessee. The law also expands available emergency actions, allowing actions beyond simply a summary suspension. Finally, the act establishes that the notification of law changes to health practitioners can be satisfied by the online posting of law changes by the respective boards. Notice must be maintained online for at least 2 years following the change. This act took effect March 20, 2020.

**Public Chapter 644**

This act extends the nursing home annual assessment to June 30, 2021. This act took effect April 1, 2020.

**Public Chapter 738**

This act prohibits a governmental entity from authorizing destruction of public records if the governmental entity knows the records are subject to a pending public record request. Prior to authorizing destruction of public records an entity must contact the public record request coordinator to ensure the records are not subject to any pending public record requests. Records may still be disposed of in accordance with an established records retention schedule/policy as part of an ordinary course of business if the records custodian is without knowledge the records are subject to a pending request. This act took effect on June 22, 2020.

**New/Old Business**

There was no new business to discuss.

**Call for Comments**

Ms. Wallace reminded all attendees of the method by which they could request to make a public comment via the WebEx virtual meeting platform, and made a call for any final public comments. There were no comments made by the public.

**Adjournment**

There being no further business, a motion was made by Mr. Davis, and seconded by Mr. Keeling to adjourn the meeting at 11:55 A.M. A roll call vote was taken, and the motion carried.

**These minutes were ratified by the Board at the November 2, 2020 meeting.**

  
Board Chair

11-4-20  
Date