

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

DATE: June 06, 2016

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
Juanita Honeycutt, Vice Chair
Florence Weierbach, PhD, Secretary
Stephen D'Amico, MD
Marilyn Key, Hospital Administrator
Cynthia Wheeler, NHA
Barbara Trautman, Consumer Member
Vincent Davis, Director of Health Care Facilities

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Board Administrator
Kyonzte Hughes-Toombs, Assistant General Counsel
Nichelle Dorroh, Disciplinary Coordinator, Office of
Investigations
Vanessa Crutcher, Financial Officer

GUESTS PRESENT: Linda Estes, THCA Representative
Lacey Blair – Legislative Representative
Douglas Clanton, NHA

With a quorum being present, Mr. Walker, Board Chair, called the meeting to order at 9:05 a.m.

1. Contested Case Hearing – Vickie Martin Cox

The State was represented by Kyonzte Hughes-Toombs, Deputy General Counsel. Presiding over the case was the Honorable Rob Wilson, Administrative Law Judge, assigned by the Secretary of State. Ms. Cox was not present and was not represented by counsel. The State asked to provide evidence on record in her absence showing that attempts were made to serve the Scheduling Order, Notice of Hearing and Charges to Ms. Cox's address of record. The State moved to proceed in default. The State's motion was granted.

In her opening statement, Ms. Hughes-Toombs presented the case against Ms. Cox as follows:

Findings of Fact

Ms. Cox was licensed as a Nursing Home Administrator in Tennessee on September 30, 2010, license number 3289, with a current expiration date of October 31, 2015. On or about September 2, 2015, Ms. Cox pled guilty to racketeering charges under 18 U.S.C. §§ 1961 and 1962(d) in the United States District Court, Western District of Virginia. She was sentenced to serve six (6)

months in the United States Bureau of Prisons. Ms. Cox was released on April 4, 2016 and placed on supervised probation for two (2) years. Based on the allegations against Ms. Cox, the State asked that her license be revoked and she be assessed (1) civil penalty in the amount of \$250.00

The State called Mary Webb, Board Administrator as a witness. Ms. Webb testified that Ms. Cox was first licensed September 1, 2010, license number 3289, but that license expired as of October 31, 2015. Respondent's certified federal court judgment was entered into evidence as an exhibit. Dr. D'Amico moved that the Board adopt the State's allegations of fact as written. Motion was seconded by Dr. Weierbach. The motion passed with all board members voting yes.

Dr. D'Amico also made a motion to adopt the Civil Penalties proposed by the State as presented. The motion was seconded by Ms. Marilyn Key. The motion passed with all board members voting yes.

Conclusion of Law

The State presented that Ms. Cox should find the Respondent to be unfit or incompetent by reasons of negligence, habits, or other causes; upon proof that the licensee has been convicted of a felony in a court of competent jurisdiction, either within or outside this state. Upon a motion by Dr. Weierbach and seconded by Ms. Trautman, the Board voted to adopt the State's Conclusions of Law as presented, with all board members voting yes.

Order

In its proposed Order as to civil penalties and cost, the State presented that Ms. Cox should pay one (1) civil penalty in the amount of two hundred fifty dollars (\$250). Also, Ms. Cox must pay, pursuant to TENN. CODE ANN. § 63-1-144, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the State in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the State. The maximum amount for the assessment of costs shall be ten thousand dollars (\$10,000.00).

Upon a motion by Ms. Honeycutt, seconded by Ms. D'Amico, the Board voted to adopt the State's assessment of civil penalty in the case with all board members voting yes.

Final Order

In its proposed Order, the State proposed that Ms. Cox's license number 3289, be REVOKED, beginning, the effective date of this Order. The State also submitted a policy statement that the Board issue this order to protect the health and welfare of the citizens of Tennessee. After consideration of the Notice of Charges and testimony of witnesses, argument of counsel, and the record as a whole, Dr. Weierbach made a motion, seconded by Ms. Honeycutt, that the Board vote to approve the Order as presented and adopt the policy statement as written. The motion passed with all Board members voting yes.

The contested case hearing concluded at 9:25 A.M.

2. Minutes

A motion was made by Dr. Weierbach, and seconded by Ms. Trautman, to approve the minutes from the March 07, 2016 board meeting as written. The motion carried.

3. Office of General Counsel Report

Kyonzte Hughes-Toombs, Assistant General Counsel, presented the OGC Report. There were two (2) open cases. The AIT Program rules are still under review in the Office of General Counsel.

4. Office of Investigations

Nichelle Dorroh, Disciplinary Coordinator, presented the Investigative and Disciplinary report as follows: There are currently five (5) open complaints and two (2) nursing home administrators being monitored.

A motion was made by Mr. Laman, and seconded by Dr. D'Amico, to approve the November 30, 2015 minutes as written. The motion carried.

5. Financial Report

A motion was made by Dr. D'Amico, and seconded by Dr. Weierbach, to table the discussion of the financial report and renewal fee decrease until the August 1, 2016 board meeting. The motion carried.

6. Applicant Interviews/File Reviews

AIT Applicants

- A. Justin Carwile** – Mr. Carwile was not present. A motion was made by Ms. Honeycutt, and seconded by Dr. D'Amico, to approve Mr. Carwile for the administrator-in-training program. The motion carried.
- B. Deborah Fisher** - Ms. Fisher was not present. A motion was made by Dr. Weierbach, and seconded by Ms. Trautman, to approve Ms. Fisher for an administrator-in-training program. The motion carried.
- C. Edward Hearn**s – Mr. Hearn was not present. A motion was made by Mr. Davis, and seconded by Ms. Honeycutt, to approve Mr. Hearn for an administrator-in-training program. The motion carried.
- D. Benjamin Landy** – Mr. Landy was not present. A motion was made by Dr. D'Amico, and seconded by Ms. Key, to approve Mr. Landy for an administrator-in-training program. The motion carried.

- E. **Brennan Pearson** – Mr. Pearson was not present. A motion was made by Ms. Honeycutt, and seconded by Ms. Wheeler, to approve Mr. Pearson for an administrator-in-training program. The motion carried.
- F. **Krystal Sparkmon** – Ms. Sparkmon was present. A motion was made by Dr. Weierbach, and seconded by Ms. Key, to approve Ms. Sparkmon for an administrator-in-training program. The motion carried.
- G. **Robert Ussery** – A motion was made by Ms. Honeycutt, and seconded by Ms. Trautman, to approve Mr. Ussery for an administrator-in-training program. The motion carried.

Reciprocity Applicants

- A. **Bridget Staberg** – Ms. Staberg was present. A motion was made by Dr. D’Amico, and seconded Mr. Davis, to approve Ms. Staberg for licensure by reciprocity. The motion carried.

NAB Applicants

- A. **Todd Windham** – Mr. Windham was not present. A motion was made by Dr. Weierbach, and seconded by Mr. Davis, to approve Mr. Windham to sit for the NAB examination. The motion carried.

Other Applicant Requests

- A. **Yolanda Jefferson**– Ms. Jefferson was present. Ms. Jefferson requested to be approved by reciprocity for a TN Nursing Home Administrators License. After much discussion, a motion was made by Dr. D’Amico, seconded by Ms. Honeycutt, to approve Ms. Jefferson for a license. Mr. Davis voted no, and Dr. Weierbach abstained. The motion carried.
- B. **Debra Lankford** – Ms. Lankford was present. Ms. Lankford requested to be approved for the administrator-in-training program. After much discussion, a motion was made by Ms. Honeycutt and seconded by Dr. Weierbach, to approve Ms. Lankford for an administrator-in-training program. The motion carried.
- C. **Teresa Jarvis** – Ms. Jarvis was present. Ms. Jarvis requested to be approved to sit for the NAB examination. Mr. Walker recused himself. After much discussion, a motion was made by Mr. Davis, and seconded by Ms. Key, to approve Ms. Jarvis to sit for the NAB examination. The motion carried.

7. Ratification of Initial Determinations

A motion was made by Dr. Weierbach, and seconded by Mr. Davis, to approve the list of newly-licensed Nursing Home Administrators:

Camper, Adam

Clark, Cody
Fraser, Thomas
Fuentes, Jose
Lewis, Rebecca
Reed, Tiffani
South, Courtney

The motion carried.

A motion was made by Ms. Honeycutt, and seconded by Dr. Weierbach, to approve the list of license reinstatements:

Fields, Richard
Guffey, Peggy
Seltzer, Waldemar

The motion carried.

There were no preceptors and closed files to be approved.

8. Administrator's Report

Ms. Webb reported that there are 840 active nursing home administrators as of February 29, 2016.

She also provided an account of board licensure activities from February 27, 2016 through May 20, 2016 as follows:

- New Applications received—18
- New licenses issued—7
- Reinstatements issued- 3
- Number of paper renewals- 20
- Number of renewals online- 40
- Number of licensees who retired- 2
- Failed to renew/Expired Applications- 5

Ms. Webb reported the online renewals constituted a usage rate of approximately 67% of all renewals during this period.

9. Conferences and Meetings to attend in 2016

A motion was made Ms. Honeycutt, and seconded by Ms. Wheeler to approve the administrative staff to attend the THCA 2016 Convention in Knoxville, TN. The motion carried.

10. Legislation

Lacey Blair, Representative from the Legislative Affairs Office presented the following Public Chapters:

Public Chapter 763 – This Act Permits licensees whose licenses from a health-related board have expired to obtain reinstatement on the basis of a plan developed by the department of health for periodic payment of past due renewal fees and unattained continuing education instead of the current requirement of payment of all past due fees before reinstatement. This act will take effect on July 1, 2016.

Public Chapter 611 – This Act extends the Board through June 30, 2022. The Act also establishes minimum attendance requirements for members and requires removal of members who do not attend at least fifty percent of the regularly scheduled board meetings in a calendar year.

Public Chapter 990 - This act allows the insured to be reimbursed for telehealth services for provided in another state, although, they are a Tennessee resident.

Public Chapter 1051 - This act makes changes for Medication Aides to reduce seventy five (75) hours of training to sixty (60) hours. The required hours consists of forty (40) classroom and twenty (20) clinical hours.

Adjournment

There being no further business, the meeting adjourned at 10:45 A.M.

Harold Walker, NHA, Chair

Date

These minutes were ratified by the Board at the August 1, 2016 meeting.