

Board of Examiners For Nursing Home Administrators



Newsletter

Fall 2010

A Regulatory Agency of the State of Tennessee

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The mission of the Department of Health is to promote, protect, and improve the health of persons living in, working in, or visiting the state of Tennessee.

227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243 • (615) 253-5087 or 1-800-778-4123 ext 25087 <http://tennessee.gov/health>
Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except state and federal holidays) Fax: (615) 253-8724

How to File a Complaint on a Facility Licensed and/or Certified Health Facilities:

When a problem is experienced with a specific licensed and/or certified facility, you should file your complaint with the Division of Health Care Facilities. You have two options for filing your complaint:

- Centralized Complaint Intake Unit. You may phone your complaint to one of our medically trained staff by contacting Health Care Facilities, Complaint Intake Unit. The call will be toll free and phones are answered Monday through Friday, 7:00 a.m. – 7:00 p.m. Dial this toll-free number:

1-877-287-0010

- Mail your complaint. You may contact the Department of Health, Division of Health Care Facilities at 1-877-287-0010 to request a [complaint form](#) or you may download a copy by clicking on the underlined complaint form above. Fill out the form as completely as possible and return it to us by mail at:

Division of Health Care Facilities
Centralized Complaint Intake Unit
227 French Landing, Suite 501
Heritage Place Metrocenter
Nashville, TN 37243

State of Tennessee Report Domestic Violence

The Tennessee Domestic Violence Public Chapter No. 83 requires health care practitioners to report suspected domestic abuse to the Department of Health, Division of Health Statistics. Health care practitioners, in active status, can report suspected domestic abuse via this website.

For further information or to contact the Domestic Violence Reporting Coordinator

Email: DomesticViolence.Health@tn.gov

Phone: (615) 741-1954.

Licensure Statistics

Number of active licensees as of December 31, 2010: 780.

Continuing Education Audit Results from January 2010 through October 2010

12 Licensees Audited

09 Licensees Compliant

03 Licensees Non Compliant

Tennessee Board of Examiners for Nursing Home Administrators: Policy on Continuing Education Violations

The Tennessee Board of Examiners for Nursing Home Administrators requires each licensee to successfully complete eighteen (18) hours of approved continuing education every calendar year. In the event a licensee is found to be deficient in the number of required continuing education (CE) hours for a particular year, that person will be required to pay a one-time civil penalty of One Hundred Dollars (\$100.00) and to make up the deficient hours plus take an additional nine (9) penalty hours of CE. The civil penalty must be paid, and all deficient and penalty CE hours must be taken and documented to the Board within one hundred eighty (180) days from the date on which Department staff mails the licensee a notice of deficiency. Notice of and discipline for CE deficiency will be assessed by the Department via Agreed Citation, which will detail the licensee's rights and obligations under the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301, et seq. The discipline assessed in accordance with this continuing education policy constitutes formal discipline against a practitioner's license, and as such it is reportable to the disciplinary databanks and will be noted on the practitioner's licensure profile. If such licensee fails to pay the civil penalty and demonstrate that he or she has cured the CE deficiency within the 180 day cure period, the Department will file a licensure complaint and the licensee will be prosecuted in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301, et seq.

Adopted by the Board of Examiners for Nursing Home Administrators on the 3rd day of November, 2008.

**Board of Examiners for
Nursing Home Administrators
Board Meeting Schedule
June 6, 2011
August 1, 2011
November 7, 2011**

Change of Address

Rule 1020-01-.03 (9) (a) States you shall file in writing with the Board current address, giving both old and new addresses. Such requests shall be received in the Board's administrative office no later than thirty (30) days after such change. It can be reported in writing or by e-mail. Please include the following:

- Your name and license number;
- Your profession;
- Your old address and phone number;
- Your new address and phone number, e-mail address, and/or your fax number;
- Your SIGNATURE!

Keeping the Board's administrative staff up to date on your location facilitates the timely notification to you of important information such as your application for licensure renewal and important statutory and rule changes. You may fax your change to the Board's administrative office at (615) 741-1093.

Change of Name

Rule 1020-01-.03 (9) (b) Change of Name. An individual registered with the Board shall notify the Board in writing within thirty (30) days of a name change. The notice shall provide both the old and new name, a notarized photocopy of the official document involved, and must reference the individual's profession and license number.

Renew Your Professional License Online

The due date for license renewal is the last day of the month in which a birth date falls pursuant to the Division's biennial birth date renewal system. The due date is contained on the renewal document designated as the expiration date.

Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org

Background Checks Required For Those Providing Patient Care

Before any person who will be providing direct patient care is hired, health care facilities and individual health professionals are required by law to conduct background checks using the state sex offenders registry, the state abuse registry and the abuse registries for states in which the prospective employee has lived in the previous 7 years, according to Public Chapter 1084, or Tenn. Code Ann. sec. 63-1-149.

Links to the following can be found on the Department of Health website at: www.tn.gov/health

Tennessee Sex Offender Registry at:

www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml

National Sex Offender Registry at:

www.fbi.gov/scams-safety/registry

Tennessee Abuse Registry at:

www.tn.gov/health/abuseregistry

Reminder about Practitioner Profiles

The Health Care Consumer Right-to-Know Act of 1998, T.C.A. § 63-51-101 et seq., requires designated licensed health professionals to furnish certain information to the Tennessee Department of Health. The information for public dissemination includes: (1) A description of any criminal convictions for felonies within the most recent ten (10) years. (2) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years. (3) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that has been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or

nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the department to the public. (4) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten-year period, but shall include the most recent ten-year period for which reports have been filed. From the information submitted, the Department will compile a practitioner profile which is required to be made available to the public via the World Wide Web and toll-free telephone line after May 1, 1999. Each practitioner who has submitted information must update that information in writing by notifying the Department of Health, Healthcare Provider Information Unit, within 30 days after the occurrence of an event or an attainment of a status that is required to be reported by the law. A copy of your initial or updated profile will be furnished to you for your review prior to publication. That opportunity will allow you to make corrections, additions and helpful explanatory comments. Failure to comply with the requirement to submit and update profiling information constitutes a ground for disciplinary action against your license. A blank copy of the profile may be obtained at:

<http://health.state.tn.us/Downloads/g6019027.pdf>

Disciplinary Actions For C.E. Violations

The following licensees failed to maintain sufficient continuing education hours. Must submit an additional 9 CE hours; and assessed \$100.00 civil penalty, plus costs.

Carol Louise Wilburn
J. David Marchant
Carol Stewart Lawson

Other Disciplinary Actions

- Licensee:** Stacy Duane Binkley, N.H.A.
Violation: Inappropriate sexual comments and advances to co-workers
Action: License revoked
- Licensee:** Jason D. Steen, N.H.A.
Violation: Unfit or incompetent by reasons of negligence, habits, or other causes
Action: License placed on probation for 1 year; must submit 6 hours of continuing education regarding resident safety

New Fee Increases Effective December 13, 2010

- (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 is \$300.00
 - (b) License Renewal Fee. A biennial nonrefundable fee to be paid by all licensees is \$210.00.
 - (c) State Regulatory Fee. A non-refundable fee to be paid upon licensure and biennially for renewal of licensure is \$10.00.
 - (d) Late Renewal Fee. A non-refundable fee to be paid to reinstate an expired license is \$200.00.
 - (e) Duplicate License Fee. A nonrefundable fee to be paid to obtain a duplicate license is \$50.00.

- (f) Certificate of Fitness Fee. A nonrefundable fee to be paid to obtain a certificate of fitness is \$ 50.00.
- (g) Jurisprudence Examination Fee. A nonrefundable fee to be paid each time a person takes the Board's jurisprudence examination is \$150.00.

Newport Health and Rehabilitation Center Admissions Suspension Lifted

Released on Wed, Nov 24, 2010 - 2:20 pm under [Health](#)
NASHVILLE – The Tennessee Department of Health announces that the suspension of admissions at Newport Health and Rehabilitation Center has been lifted effective November 17, 2010. The facility is a 150-bed licensed nursing home located at 135 Mariner Drive in Newport. The Department confirmed the facility has returned to substantial compliance for state licensing purposes. On October 8, the nursing home was ordered not to admit any new residents based on conditions found during a complaint investigation and follow-up survey conducted October 1 - 4. During the inspection, surveyors found violations of the following standards: administration; and pharmaceutical services.

Peachtree Center Nursing and Rehabilitation Admissions Suspension Lifted

Released on Fri, Jun 11, 2010 - 11:53 am under [Health](#)
NASHVILLE – The Tennessee Department of Health announces that the suspension of admissions at Peachtree Center Nursing & Rehabilitation has been lifted effective June 8, 2010. The facility is a 98-bed licensed nursing home located at 202 Enon Springs Road East in Smyrna, Tenn. The Department confirmed the facility has returned to substantial compliance for state licensing purposes. On March 19, the nursing home was ordered not to admit any new residents based on conditions found during a

complaint investigation and annual survey conducted March 8 - 12. During the inspection, surveyors found violations of the following standards: administration; performance improvement; and nursing services.

Cumberland Manor Admissions Suspension Lifted

Released on Mon, May 24, 2010 - 5:25 pm under [Health](#)
NASHVILLE – The Tennessee Department of Health announces that the suspension of admissions at Cumberland Manor has been lifted effective May 18, 2010. The facility is a 124-bed licensed nursing home located at 4343 Ashland City Highway in Nashville. The Department confirmed the facility has returned to substantial compliance for state licensing purposes. The federal conditions of participation that led to the immediate jeopardy citations have been corrected as stated in the facility's allegations of compliance, which was approved by federal and state authorities. On May 13, the nursing home was ordered not to admit any new residents based on conditions found during a complaint investigation and annual survey conducted April 26 - 29. During the inspection, surveyors found violations of the following standards: administration; performance improvement; physician services; nursing services; and pharmaceutical services.

Serene Manor Admissions Suspension Lifted

Released on Fri, Feb 19, 2010 - 3:34 pm under [Health](#)
NASHVILLE – The Tennessee Department of

Health announces that the suspension of admissions at Serene Manor Medical Center has been lifted effective February 16, 2010. The facility is a 79-bed licensed nursing home located at 970 Wray Street in Knoxville. The Department confirmed the facility has returned to substantial compliance for state licensing purposes. The federal conditions of participation that led to the immediate jeopardy citations have been corrected as stated in the facility's allegations of compliance, which was approved by federal and state authorities. On February 1, the nursing home was ordered not to admit any new residents based on conditions found during a complaint investigation conducted January 19 - 25. During the inspection, surveyors found violations of the following standards: administration; performance improvement; and nursing services.

Signature Healthcare of Greeneville Admissions Suspension Lifted

Released on Fri, Jan 22, 2010 - 4:09 pm under [Health](#)
NASHVILLE – The Tennessee Department of Health announces that the suspension of admissions at Signature Healthcare of Greeneville has been lifted effective January 12, 2010. The facility is a 154-bed licensed nursing home located at 106 Holt Court. The Department confirmed the facility has returned to substantial compliance for state licensing purposes. The federal conditions of participation that led to the immediate jeopardy citations have been corrected as stated in the facility's allegations of compliance, which was approved by federal and state authorities. On January 5, the nursing home was ordered not to admit any new residents based on conditions found during a complaint

investigation conducted December 20 - 22. During the inspection, surveyors found violations of the following standards: administration; performance improvement; and nursing services.

2010 Legislation

SB2445- [Sunset Laws](#) - As introduced, extends the Board of Examiners for Nursing Home Administrators, June 30, 2011.

HB3465 - [Boards and Commissions](#) - As introduced, encourages professional boards created pursuant to titles 62 or 63 to adopt a timely notification of licensees of such board, if it has not already done so, that a complaint has been filed against the person and to establish a reasonable statute of limitations for investigatory purposes.

Composition of the Board

- (a) There is hereby created the board of examiners for nursing home administrators, which shall consist of eight (8) members. All appointments to the board shall be made by the governor:
- (1) Four (4) members shall be representatives of the nursing industry;
 - (2) Three (3) representatives of the nursing home industry shall be appointed from a list of nominees submitted to the governor by the Tennessee Health Care Association;
 - (3) Two (2) members shall be appointed from a list of nominees submitted by the Tennessee Hospital Association, one (1) of whom shall be a nursing home administrator and one (1) shall be a hospital administrator;
 - (4) One (1) member shall be appointed from a list of physician nominees submitted by the Tennessee Medical Association;
 - (5) One (1) member shall be a nurse representative appointed from a list of nominees submitted by the Tennessee Nurses Association; and
 - (6) One (1) member shall be a consumer representative.

- (b) (1) Each member shall serve for three (3) years, except that initially three (3) members shall be appointed for a term of three (3) years, three (3) members for a term of two (2) years, and two (2) members for a term of one (1) year. At the expiration of a member's term, each organization required to submit that member's name shall submit three (3) additional nominees to the governor for appointment to that vacancy. Any vacancy occurring on the board shall be filled by the governor for the unexpired term from a list of three (3) nominees submitted by the organization for the classification in which the vacancy occurred.
- (2) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.
- (c) The commissioner of health or the commissioner's designated representative shall serve as an ex officio member and as the executive officer of the board.
- (d) The governor may remove any member for misconduct, incapacity, incompetence or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.
- (e) Each member shall be reimbursed for actual expenses incurred in the performance of the member's official duties, in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter. In addition, each member shall be compensated fifty dollars (\$50.00) per day for the member's services. All vouchers for the expenditure of any funds shall be signed by the executive officer of the board.
- (f) The board shall meet at least annually and a majority of the board shall constitute a quorum.



**Board of Examiners for
Nursing Home Administrators
227 French Landing, Suite 300
Heritage Place, Metro Center
Nashville, TN 37243**



**Tennessee Board of Examiners for Nursing Home Administrators
Board Members**

Harold Walker
Algood, TN
Chair

Norma Lester
Memphis, TN
Secretary

Diana L. Miller
Chattanooga, TN
Board Member

Craig Laman
Bells, TN
Board Member

Stephen J. D'Amico, MD
Franklin, TN
Board Member

Kathryn Wilhoit
Johnson City, TN
Board Member

P. Elayne W. Poston
Memphis, TN
Board Member

Jimmy Johnston
Nashville, TN
Consumer Member

Board Staff

Marva Swann
Board Director

Mary V. Webb
Board Administrator

Patricia Monyei
Licensing Technician