

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

DATE: March 4, 2024

TIME: 9:00 am CST

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

MEMBERS PRESENT: Amy Garner
Dr. Chris Evans, ex officio Member
David Keeling
Dr. Victor Legner, Board Vice Chair
Randy Reynolds, Board Secretary
Lakecia Harper Thomas, Board Chair

MEMBERS ABSENT: Nyda Bays, Board Secretary
Marnie Knight, RN
VACANT, Citizen Member

STAFF PRESENT: Kimberly Wallace, Regulatory Board Administrative Director
Sam Mullins, Regulatory Board Administrative Assistant
Ronda Webb-Stewart, Senior Associate Counsel

Call to Order

The meeting was called to order at 9:01 am CST. A quorum was present to conduct Board business.

Discuss and consider approval of November 6, 2023, Meeting Minutes

A motion was made by Mr. Keeling

To approve the Minutes of the November 6, 2023, Board Meetings, as written.

With a second made by Ms. Thomas

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Receive Reports and/or Requests from the Office of Investigations

The Office of Investigations report was presented, as follows:

CY2023

New Complaints Opened	62
Total Closed Complaints	55
Currently Open Complaints at Year End	22
Newly Opened Complaints by Allegation:	
<i>Unprofessional Conduct</i>	62

2024YTD

New Complaints Opened	0
Total Closed Complaints	15
Currently Open Complaints	7
Newly Opened Complaints by Allegation:	
<i>Unprofessional Conduct</i>	0

Receive Reports and/or Requests from the Division of Health Licensure and Regulation

Ms. Wallace informed the Board that the previous rulemaking package that was set to go into effect on 11/20/2023 to decrease the Application Fee from \$300 to \$150 and to decrease the Renewal Fee from \$150 to \$60 was successfully withdrawn prior to the effective date, per the Board's request.

A new motion had been approved by the Board in their 11/06/23 meeting, as follows:

- To increase the Application Fee from \$300 to \$400
- To increase the Renewal Fee from \$150 to \$450
- To submit the fee increase proposed changes for an emergency rulemaking hearing

Emily Godwin, Director of Finance, presented the Mid-Year 2024 Report, with highlights, as follows:

Actual FY2024 YTD

- Total Expenditures: \$144,918.71
- Board Fee Revenue: \$42,290.00
- Current Year Net: \$(102,628.71)

- Total Technology Improvements: \$392.58
- Cumulative Carryover \$6,043.62

Projected Total FY2024

- Total Expenditures: \$277,308.19
- Board Fee Revenue: \$84,510.39
- Current Year Net: \$(192,797.80)
- Total Technology Improvements: \$3,637.99
- Cumulative Carryover: \$(87,370.89)

Dr. Evans inquired about the projected FY2024 numbers, and Ms. Godwin confirmed the projected number are based on the current fee schedule in place at this time.

Discuss and take action as necessary regarding Legislation

There were no legislative items for the Board to review in this meeting.

Receive Reports and/or Requests from the Board Administrative Office

Mr. Mullins presented the Admin Report, as follows:

STATISTICAL REPORT

The Board has 761 total active licensees as of February 26, 2024

Licensing activities from October 30, 2023, through February 26, 2024

New applications received - 8
 New licenses issued - 11
 Reinstatements - 0
 Number of paper renewals - 23
 Number of renewals in VO (online) - 87
 Number of licensees who retired - 9
 Failed to Renew/Expired licensees - 13
 Closed applications - 6

The online renewals constitute a usage rate of approximately 79% of all renewals during this period.

2024 BENHA meeting dates:

March 4, 2024
 June 10, 2024

August 5, 2024
November 18, 2024

Travel and Lodging

- The current milage rate is \$0.67
- The current meals and incidentals rate is \$59.25 per day for overnight stay
- The current maximum reimbursable rate for hotel lodging in Nashville for upcoming meeting dates is as follows (rates re-set each October):

1. March 2024	\$233
2. June 2024	\$233
3. August 2024	\$210

Mr. Keeling asked if there are an increase in the number of licenses being retired or expired, Ms. Wallace noted the application number have remained fairly stable.

Receive Reports and/or Requests from the Office of General Counsel

Ms. Webb-Stewart presented the OGC report, as follows:

Conflict of Interest

If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Litigation:

There are two (2) open cases in the Office of General Counsel.

Rules:

Currently, OCG is completing its internal review of the Fee Increase Rules #1020-01-.02. Ms. Webb-Stewart confirmed that it is not eligible for an emergency rulemaking but is expected to be ready for rulemaking hearing by year-end. The billing amounts for this Board has been internally reviewed and she does not foresee the internal costs to increase in the first quarter.

Office of General Counsel: Summary of Currently Monitored Providers

March 2024 Disciplinary Report for the Nursing Home Administrators

Summary:

This report provides the total number of licensees currently being monitored for discipline.

- The total number of Nursing Home Administrators being monitored for discipline is 1.
- The total number on reprimand is 1 with terms. \$354.21 fines and fees.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders

None

Agreed Citations

Joanna Kluck, License #3333

Joanna Kluck, License #3333 was found deficient in the amount of eighteen (18) hours of continuing education credits during the Licensee's CE Cycle for 2022. She was assessed a civil penalty in the amount of one hundred dollars (\$100.00) and agrees to complete the deficient hours in addition to nine (9) penalty hours, for a total of twenty-seven (27) hours of continuing education within ninety (90) days of the date of the agreed citation.

A motion was made by Ms. Thomas

To approve the Agreed Citation for Joanna Kluck, License #3333, as written

With a second made by Dr. Evans

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Applicant Interviews/File Reviews/Waivers & Other Requests

Ms. Wallace gave notice that the applicants presented in this section of a Board meeting are seeking to move forward in the pursuit of licensure by either being approved to begin an A.I.T. Program, or being approved to take the TN NHA Jurisprudence Exam, and/or being approved to take or re-take the NAB Exam. All approvals are dependent upon meeting any requirements of contingencies as specified by the Board in their motions and/or by examination requirements as described in the Board's Rules.

Administrators-In-Training (A.I.T.) Applicants

Ariel Bellamy, File 4183

Applicant was Present In-Person Present By Phone Not Present

The Board discussed the applicant's education and experiences leading up to their application for nursing home administrator.

A motion was made by Mr. Keeling

To approve the applicant for a standard 6-month/1,040-hour A.I.T. Program.

With a second made by Mr. Reynolds

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Valeria Gorman, File 4184

Applicant was Present In-Person Present By Phone Not Present

The Board discussed the applicant's education and experiences leading up to their application for nursing home administrator.

A motion was made by Ms. Thomas

To approve the applicant for a standard 6-month/1,040-hour A.I.T. Program.

With a second made by Dr. Legner

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Allison McKenny, File 4170

Applicant was Present In-Person Present By Phone Not Present

The Board discussed the applicant's education and experiences leading up to their application for nursing home administrator.

A motion was made by Mr. Keeling

To approve the applicant for a standard 6-month/1,040-hour A.I.T. Program.

With a second made by Mr. Reynolds

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Diana Reich, File 4181

Applicant was Present In-Person Present By Phone Not Present

The Board discussed the applicant's education and experiences leading up to their application for nursing home administrator.

A motion was made by Mr. Reynolds

To approve the applicant for a standard 6-month/1,040-hour A.I.T. Program.

With a second made by Ms. Thomas

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Rajin Salih, File 4179

Applicant was Present In-Person Present By Phone Not Present

The Board discussed the applicant's education and experiences leading up to their application for nursing home administrator.

A motion was made by Mr. Keeling

To approve the applicant for a standard 6-month/1,040-hour A.I.T. Program.

With a second made by Dr. Legner

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Jesse Watt, File 4182

Applicant was Present In-Person Present By Phone Not Present

The Board discussed the applicant's education and experiences leading up to their application for nursing home administrator.

A motion was made by Ms. Thomas

To approve the applicant for a standard 6-month/1,040-hour A.I.T. Program.

With a second made by Ms. Garner

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Mackenzie Cannon, File 4178

Applicant was Present In-Person Present By Phone Not Present

The Board discussed the applicant's education and experiences leading up to their application for nursing home administrator. The Applicant explained her position as concierge in her current facility, working across multiple departments. Her Preceptor, Brandi Cox, was present and requested the applicant to be granted one full year for completing the AIT Program.

Ms. Wallace informed the Board that the applicant has submitted letter requesting one (1) year for completion of AIT Program; however, she did also include a contingency plan for a standard six (6) month AIT Program.

Ms. Wallace noted that the Board's interpretation and handling of Rule 1020-01-.10(1) has historically been expressed and handled such that the date of approval for taking the NAB Exam is considered to be the same date as the date of approval to begin the AIT Program, thus, the Board must also consider the interpretation of this Rule when considering the approval of an AIT Program to extend to one (1) full year, as the AIT application would be historically set to expire one (1) year from the date of the approval to begin the AIT Program if the NAB Exam has not been successfully completed by one (1) full year from the date the AIT Program was initially approved to begin. Rules referenced were:

RULE 1020-01-.06(3)(b)2 The A.I.T. program shall cover a period of at least six (6) months during which period the A.I.T. shall devote full time and effort toward completion of the program. Should the A.I.T. spend less than full time, thus requiring more than six (6) months to complete, there must be prior written approval of the Board. The reasons for the delay shall be explained in writing by the Preceptor. Under no circumstances shall the program extend beyond one (1) year.

RULE 1020-01-.07(8): (8) An applicant who chooses to qualify for licensure by meeting the requirements of paragraphs (5) or (6) of this rule must obtain Board approval to begin the A.I.T. program. (a) Successful completion of the A.I.T. program as governed by rule 1020-01-.06 is a prerequisite to approval to take the licensure examination. (b) The time an applicant spends in the A.I.T. program may be credited toward the last six (6) months needed to meet the "acceptable management experience" requirement for admission to the examination. (c) The Board shall concurrently determine eligibility for both admission to the examination and commencement of the A.I.T. program upon review of both applications

RULE 1020-01-.10(1) Examinations: NAB Examination. Except for individuals applying for licensure by reciprocity, all applicants must first receive Board approval to take the examination. Applicants must attempt to successfully complete the NAB examination within one (1) year from when Board approval to take the examination was granted. Successful completion of the examination is required before licensure is granted.

1. Fully comply with rules 1020-01-.07 and 1020-01-.08; and
2. Receive approval of the Board to take the examination.

A motion was made by Dr. Legner

To approve the applicant for a 10-month/1,040-hour A.I.T. Program, noting that the NAB Exam must still be successfully completed within one (1) year of approval to begin the AIT Program, by 03/04/2025, or the application will expire and the applicant would have to re-apply to continue to pursue licensure via examination.

With a second made by Dr. Evans

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Reciprocity Applicants

None

Exam Applicants

None

Temporary License Applicants

None

Applications Tabled from Previous Meeting

AIT - Aniese Lindsey, File 4158

Applicant was Present In-Person Present By Phone Not Present

The applicant submitted a notice to the Administrative Office on 02/29/2024 stating that she will not be pursuing the AIT Program at this time. In response, she has been sent a letter notifying her that her file has been closed and that if she wishes to pursue licensure in the future, she will be required to re-apply, inclusive of the payment of all required fees.

Exam - Kenyetta Alexander, File 4177

Applicant was Present In-Person Present By Phone Not Present

This application was previously reviewed by the Board at the 11/06/2023 meeting. The Board tabled making a decision, holding the file over to the 03/04/2024 meeting for additional review.

The applicant applied to pursue licensure in TN by taking the NAB Exam under Rule 1020-01.07(2), which requires a bachelor's degree or above in Healthcare Administration that included a four hundred (400) hour internship taken for credit in a licensed long term care facility.

Upon administrative review, the applicant does not qualify under this rule, her bachelor's degree was in Social Work without the required internship.

The applicant has not applied for or completed a TN Board-approved AIT Program. The applicant completed an AIT Program of 2,080 hours from 06/11/18 – 05/31/19 in Kentucky through Signature Healthcare, then sat for the NAB Exam in Kentucky, where she failed both the CORE and NHA exam components. She has never held an NHA license in KY or in any other state.

The applicant has not applied for or completed a TN Board approved AIT Program. The applicant has applied with submission of her Kentucky AIT Program of 2,080 hours and with a degree program not included in the rules. The TN Board Rules only make reference to the use of an other-state AIT Program substantial equivalency in conjunction with an application by reciprocity when the applicant has been licensed in another state.

The Board's Rules specifically state that they do not allow for combining requirements from different categories.

Ms. Webb-Stewart noted that following the rules is always key for a Board and any deviation sets a precedence. Ms. Webb-Stewart's review of the file and consideration of the various pathways available in the rules, indicate that this applicant does not qualify under any pathway and the rules do not make provision for combining rules. The applicant completed an AIT in KY but did not pass the NAB and was never licensed, so she does not qualify to apply by reciprocity, she does not qualify under application by examination, and Ms. Webb-Stewart leans towards the applicant having to complete an AIT Program in TN, and it could be in the Board's discretion to potentially modify the AIT Program requirement for this applicant.

Ms. Alexander took the NAB once and failed it in KY.

Ms. Webb-Stewart noted that the Board may have in their discretion to approve a modified AIT Program similar to the NAB re-take remedial AIT 3-month program.

The applicant stated they are serving as a temporary administrator under an HCF emergency waiver.

Dr. Legner reviewed and summarized the pathways for licensure in the rules.

Ms. Alexander confirmed there is a preceptor in their facility.

Due to the 2,080-hour KY AIT program and current experience status, Mr. Keeling wishes to propose an alternate AIT Program to 3-months and 520 hours. The Board discussed whether this modification would be appropriate.

A motion was made by Mr. Keeling

To approve a standard 6-month/1,040 hour AIT Program, contingent upon receipt by the Administrative Office with confirmation from her company that she is no longer serving under the HFC waiver and someone else is serving as the facility Administrator and submission of application documents.

With a second made by Mr. Reynolds

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Exam - Pamela Jackson, File 4139

Applicant was Present In-Person Present By Phone Not Present

This application was previously reviewed by the Board at the 08/07/2023 meeting and the 11/06/2023 meeting. The Board tabled making a decision, holding the file over to the 03/04/2024 meeting for additional review.

The applicant applied to pursue licensure in TN by taking the NAB Exam under Rule 1020-01.07(2), which requires a bachelor's degree or above in Healthcare Administration that included a four hundred (400) hour internship taken for credit in a licensed long term care facility.

The Board previously discussed that the applicant does not qualify under this rule, her bachelor's degree was in Health Studies with a concentration in Healthcare Leadership (not Healthcare Administration) which was conferred in December 2019, and her transcripts show an internship in Healthcare Leadership in the Fall 2019 Term. There is a letter regarding this internship that was completed at Signature Healthcare of Primacy for 600 hours accredited through the University of Memphis upon graduation and confirmed by the preceptor of the facility as having occurred between 08/19/2019 and 12/19/2019.

Ms. Jackson sent over additional documentation of AIT time spent with the Arkansas Healthcare Association totaling 517 hours between 04/28/2021 – 08/20/2021.

The applicant had failing scores on both the NAB CORE and NHA Exam components on 01/28/2022 and again on 06/08/2022 in Arkansas; these were not exam attempts authorized by the TN NHA Board.

The applicant has not applied for or completed a TN Board approved AIT Program. The applicant has applied with submission of her Arkansas AIT Program of 517 hours and an internship of 600 hours for a degree program not included in the rules. The TN Board Rules only refer to the use of an other-state AIT Program with substantial equivalency in conjunction with an application by reciprocity when the applicant has been licensed in another state.

The Rules specifically state that they do not allow for combining requirements from different categories.

Ms. Jackson is currently performing nursing assistant work in her current facility.

Mr. Keeling asked if the applicant has an option of a preceptor in her facility to complete and AIT program and she confirmed she does have this option available to her.

A motion was made by Ms. Thomas

To approve a standard 6-month/1,040 hours AIT Program to be started, contingent upon the receipt of the proper application documents, to be approved by the Administrative Office upon completion of the AIT application documents.

With a second made by Dr. Legner

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Waivers & Other Requests

None

Ratification of Licensure Files

A motion was made by Ms. Thomas

To approve the Ratification List, as presented.

With a second made by Ms. Garner

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Ratification List

Closed Applications

Abbott Margaret Leonia
Barnes Kalie Allison
Biggerstaff Brooke
Cothon Tasheika Shontell
Dougherty Patrick JR
Lindsey Aniese Michele

Newly Licensed

4168 Bailey Darmilia Samantha
4169 Bradish Kelly Nicole
4120 Burnett Ashlie
4172 Farmer Maria Elizabeth
4136 Freeman Justin
4154 Hubbuch Joshua Behrle
4161 Hunter Winona Michelle Mrs
4160 Lancenese Brian
4174 Lloyd Matthew
4165 Mcleod Jada
4166 Orwig Michelle Lynn
4114 Allison Johns
4148 Sharon LeBlanc
4119 Charles Moss
4107 Obinna Ononye

Preceptor

1569 Stephens Joan Marie

Discuss and take action as necessary regarding Rulemaking, Rulemaking Hearings, Rule Amendments, and Policies

Board Designee and Applicant Interview Procedures

Ms. Wallace brought to the Board's attention that, in a review of the historical Minutes of the NHA Board, it would appear that the current procedures of having all applicants appear before the Board is not a requirement by either rule or statute, but rather, was documented as being the preference of a Board Member in 2014. Ms. Wallace asked the Board to consider reviewing and revising this procedure. Over the last two years, she has implemented a rigorous and thorough file review process for the NHA application files which was not previously in place, inclusive of creating the file summaries the Board has been receiving from her for each applicant, a review and comparison of all documentation against the qualification rules, ensuring documentation for all aspects of the qualification categories are received complete in good order, and working in tandem with a secondary review by the Board Consultant.

In accordance with Rule 1020-01-.03(5)(b) and Rule 1020-01-.09(2), Ms. Wallace requested that the Board clarify their interpretation of "Board Designee" as being the Administrative Director position, thus, allowing that role to administratively approve all applications that are clear in meeting the qualifications to progress towards licensure without first having to appear before the Board for an oral interview. The Board's Consultant will continue to provide a secondary review of files, if/when needed. Only applications with red flags/special requests would be required to be heard before the full board. Rule 1020-01-.09(4) states that "*applicants may be required to present themselves to the Board for oral examination.*" This provision would be invoked for red flag files only since the terminology used is "may" and not "shall".

In Ms. Wallace's presentation to the Board, she stated that his would accomplish the following:

1. ***Decrease the time to licensure*** – Currently, once an application is complete, it is held until the next regular board meeting (Mar/Jun/Aug/Nov), which means that individuals may be delayed from starting an AIT Program or sitting for their examinations by up to three (3) months; this causes a great deal of frustration and complaints from applicants and the facilities in which they plan to serve, and ultimately causes a delay in time to licensure.
2. ***Make better use of the time spent in Board meetings*** - The Board would no longer interview applicants with a clean/clear file, and applicants with a clear file would no longer have to travel to attend a meeting for an interview that lasts just a couple of minutes, wherein, no new/additional information is needed or gained for the file.
3. ***Align this Board with the procedures followed by other professions*** - For all other Unit 3 professions, as well as many others across the HRB, only red flag files are heard by the Board, all clear files are initially approved administratively - some boards have a consultant perform a secondary review and some do not – but always with final ratification by the Board.
4. ***Ensure consistency of processes*** – Ms. Wallace already has the authority of the Board to administratively approve applications by reciprocity when then have practiced for 5/7 years, renewal application issues, and all reactivations and reinstatements of licensure for this profession (see Rule 1020-01-.03(5)(b)), this will allow her to also approve all other initial application types administratively.

A motion was made by Dr. Legner

To approve the interpretation of Rule 1020-01-.03(5)(b) to be the Board's Administrative Director as the Board's Designee.

With a second made by Ms. Thomas

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

A follow-up motion was made by Dr. Legner

To approve the interpretation of 1020-01-.03(5)(b) and Rule 1020-01-.09(2) where the term designee is used it should mean to be the Board's Administrative Director.

With a second made by Ms. Thomas

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Rule 1020-01-.09(2)

Review of Correspondence and Notices

Notice – NAB Newsletter, AIT Rebranding

Ms. Wallace brought the Board's attention to the NAB Newsletter article regarding the NAB's rebranding of the Administrator In Training Program (AIT) to now calling it "Administrator Residency". While there was no action for the Board to take in this meeting, the Board may need to review and consider a rule change or issuing a policy statement in this regard at some point in the future as the terminology change takes effect in the industry.

Notice – NAB Testing Format

There was no action for the Board to take on this item, it was for Board awareness only of the exam delivery format changes that went into effect on 07/01/2023, using the "linear-on-the-fly" or "LOFT" delivery approach, wherein, each candidate is given an examination form that was uniquely created for them.

Conference/Event Reports and Upcoming Events Review

NAB Annual Meeting, June 5-7, 2024, Oklahoma City, OK

Attendees:

- None

NAB Mid-Year Meeting, November 6-8 OR November 13-15, 2024, Location TBA

Attendees:

- Ms. Thomas
- Mr. Reynolds

CLEAR Conference, September 16-19, 2024, Baltimore, MD

Attendees:

- None

FARB Regulatory Law Conference, September 19-22, 2024, Atlanta, GA

Attendees:

- 1 attorney

A motion was made by Ms. Thomas

To approve sponsorship for conference events, including:

- NAB Mid-Year Meeting, November 6-8 OR November 13-15, 2024, Location TBA
 - Attendees: Ms. Thomas and Mr. Reynolds
- FARB Regulatory Law Conference, September 19-22, 2024, Atlanta, GA
 - Attendees: 1 attorney seat

With a second made by Dr. Legner

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Past Event Reports

Ms. Thomas will report on the Nov 2023 NAB at the next meeting.

Discuss Old/New Board Business

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

Public Comment

Public Comments may be submitted in writing to Unit3HRB.Health@tn.gov or to 665 Mainstream Drive, Nashville, TN 37243, or may be given verbally by attending a meeting in person.

Ms. Alexander, applicant, returned to the podium to ask a clarifying question on preceptors.

Adjourn

With no further business to be heard, a motion was made by Ms. Thomas

To adjourn


With a second made by Mr Reynolds

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

The meeting adjourned at 11:15am CST.

These minutes were ratified by the Board at the June 10, 2024, meeting.



Board Chair



Date