

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

DATE: March 4, 2019

TIME: 9:00 a.m. Central Time

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

MEMBERS PRESENT: Juanita Honeycutt, NHA, Board Chair
Florence Weierbach, PhD., Vice Chair
Barbara Trautman, Consumer Member
Lakecia Harper, NHA, Secretary
Vincent Davis, Director, Health Care Facilities
Jano Janoyan, Physician
Cynthia Wheeler, NHA
Nyda Bays, NHA

MEMBERS(S) ABSENT: Marilyn Key, NHA

STAFF PRESENT: Michael Sobowale, Unit Director
Mary V. Webb, Board Manager
Lacey N. Wilkerson, Board Administrator
Caroline Tippens, Assistant General Counsel
Lori Leonard, Disciplinary Coordinator, Office of Investigations
Noranda French, Finance Officer

GUESTS: Linda Estes, Representative, Tennessee Health Care Association
Bradley Rogers
Leonid Malenchii
Veaceslav Malenchii

1. Call to Order

Lacey Wilkerson conducted a roll call. With a quorum being present, Ms. Honeycutt called the meeting to order at 9:03 A.M.

2. Election of Officers

Ms. Trautman made a motion for Juanita Honeycutt to continue as Board Chair, Dr. Florence Weierbach to continue as Vice-Chair, and for Lakecia Harper to continue as Board Secretary. Motion was seconded by Mr. Davis. The motion carried.

3. Minutes

A motion was made by Lakecia Harper, seconded by Barbara Trautman, to approve the minutes of the November 5, 2018, board meeting as written. The motion carried.

4. Office of General Counsel Report

A. Legal Report

Caroline Tippens, Assistant General Counsel, presented the Office of General Counsel report. There are no open cases for the board. There are no rules in process; there is a moratorium on any new rules. Governor Lee has put in affect Executive Order No. 5, which halts all new regulation for the next ninety (90) days across the state. This will remain in effect until May 2, 2019. During this time, the Office of General Counsel cannot file any new rules with the Secretary of State's office. Also, OGC is currently in the process of working with the Board of Licensing for Health Care Facilities on joint rulemaking to consider revising rules. No date for the joint meeting has been selected.

5. Office of Investigations

Lori Leonard, disciplinary coordinator for all non-nursing boards, presented the investigative and disciplinary report as follows: The office is currently monitoring one (1) practitioner; this individual has not paid her penalties, therefore her license is currently revoked in collection status. There were eight (8) new complaints received in 2018; two (2) complaints are for unlicensed practice, five (5) for unprofessional conduct and one (1) for failure to supervise. In 2018, the total complaints closed was seven (7), four (4) were closed with no action, two (2) were closed with a letter of concern, and one (1) was closed with a letter of warning. At the end of December 2018, there were eleven (11) open complaints that were pending investigation or review. Five (5) of these complaints were closed before the end of the year

Early reports for 2019 show five (5) new complaints for unprofessional conduct in the month of February, this brings the total cases open currently with investigations to eleven (11).

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

Noranda French, representative from the Fiscal Office, presented the financial report for mid-fiscal year 2019 (as of December 31, 2018):

Salaries:	\$10,101.86
Benefits:	\$4,300.89
Travel:	\$2,183.29
Communications:	\$552.84
Professional Services and Dues:	\$3,910.12
State Professional Services:	\$440.29
Revenue:	\$38,490.00

Fiscal comparison of December 31, 2017 (2018 mid-year) as compared to December 2018(2019 mid-year): Salaries and wages are down, due to monitoring usage of correct coding. All other expenditures are fairly equal and there is no cause for concern at this time.

Projections for fiscal year 2019 are as follows:

Salaries and Wages:	\$20,203.72
Benefits:	\$8,601.78
Travel:	\$8,292.22
Communication:	\$1,105.68
Professional Services and Dues:	\$5,395.84
Supplies and materials:	\$600.00
Training of State Employees:	\$350.00
State Professional Services:	\$1,498.58
Administration:	\$5,841.58
Investigations:	\$11,492.58
Legal:	\$9,558.41
Cash:	\$598.78
Anticipated revenue:	\$76,980.00
Potential Net:	\$3,440.82

Total expenditures is expected to close at \$73, 539 and board fee revenue is expected to close at \$76, 980, with current year net projected at \$3, 440. Board finances are currently on track to end the 2019 fiscal year by closing in the black.

7. Applicant Interviews/File Reviews

A. AIT Applicants

- 1. Veaceslav Dumitru Malenchii** – Applicant was present. Applicant is appearing before the board due to multiple criminal convictions indicated on his criminal background check. After reviewing and interview by the Board, a motion was made by Mr. Davis, seconded by Dr. Weierbach, to approve Mr. Malenchii for the AIT program with the condition that applicant must not obtain any new charges prior to completion of his AIT program and that he would need to appear before the board before a license can be granted. The motion carried.

2. **Otis Mitchell Campbell** – Applicant was not present. Ms. Honeycutt recused herself due to conflict of interest. Dr. Weierbach acted as chair. After review by the Board, Dr. Janoyan made a motion, seconded by Ms. Harper, to approve Mr. Campbell for the AIT program. The motion carried
3. **John English-** Applicant was not present. Ms. Wheeler recused herself due to conflict of interest. After review by the Board, Ms. Harper made a motion, seconded by Ms. Trautman, to approve Mr. English for the AIT program. The motion carried.
4. **Bradley Rogers-** Applicant was present. Applicant appeared before the board due to discipline by Tennessee Board of Physical Therapy for practicing on his lapsed license. After review by the Board, Dr. Weierbach made a motion, seconded by Ms. Wheeler, to approve Mr. Rodgers for the AIT program. The motion carried.

B. Reciprocity Applicants

1. **Kevin Crickard** - Applicant was not present. After review by the Board, Dr. Janoyan made a motion, seconded by Ms. Trautman, to approve Mr. Crickard for licensure by reciprocity. The motion carried.
2. **Judith Boyer** – Applicant was not present. After review by the Board, Dr. Janoyan made a motion, seconded by Ms. Harper, to approve Ms. Boyer for licensure by reciprocity. The motion carried.
3. **Perian Petcher** – Applicant was not present. After review by the Board, Dr. Weierbach made a motion, seconded by Ms. Bays, to approve Ms. Petcher for licensure by reciprocity. The motion carried.
4. **John Stott** – Applicant was not present. After review by the Board, Dr. Janoyan made a motion, seconded by Ms. Trautman, to approve Mr. Scott for licensure by reciprocity. The motion Carried

C. NAB Applicant

There was no NAB application to consider.

D. Other Applicant Requests

There was none to consider.

8. **Ratification of Initial Determinations**

A motion was made by Mr. Harper, seconded by Ms. Wheeler, to approve the list of newly licensed nursing home administrators, license reinstatements, preceptors and closed files for the time period of October 29, 2018 – February 21, 2019:

Initial

Bailey Brandi Leigh NHA
Burish Stephen Michael
Davis Emily Sprouse
Goodge Daniel Rustin Mr.
Kunselman Donald Grant
Leeman Robert Bradford
Malenchii Leonid Dumitru Mr.
Marcus Theodore Ivan
West Julie Ann
Zalewski Charla

Reinstatement

Roberts Jane A

Closed Applications

Hakeem Malik Warees

Preceptor

Thomas Reddick
Brenda Day
Susan Pittman

The motion carried.

9. Administrator's Report

Ms. Wilkerson reported that there are 784 active nursing home administrators as of February 14, 2019. She also provided an account of board licensure activities from October 29, 2018 through February 14, 2019 as follows:

- New Applications received-10
- New licenses issued-11
- Reinstatements issued-1
- Number of paper renewals-19
- Number of renewals in VO - 74
- Number of licensees who retired-5
- Failed to renew/Expired Applications-21

Ms. Wilkerson reported that approximately 80% of all renewals received during this time frame were done online.

Travel

As October 1, 2018, the maximum hotel rate increased to \$179.00 per night. The mileage remains .47 cents per mile. The meals remain \$44.25 per day for overnight stay.

Board Composition

All Board positions are currently filled.

Ratification of 2020 Board Meeting Dates

Dr. Weierbach made a motion, seconded by Ms. Bays, to approve 2020 board meeting dates as follows: March 2, June 1, August 3, and November 2, 2020. The motion carried.

10. Discussion from Attendees Regarding Attended Conferences

There were no conference attendees.

11. Approval of Attendees for Upcoming Conferences:

Ms. Wheeler made a motion, seconded by Ms. Trautman for the board to approve nominations for attendance as follows:

1. ACHCA Convention and Expo: March 17-20, 2019, Louisville, KY

The Board did not receive any nomination to attend.

2. NAB Annual Meeting: June 12-14, 2019, Charleston, SC

Attendees: Ms. Harper, Ms. Tippens, and a member of Board administrative staff.

3. THCA/TNCAL Annual Convention: July 31, 2019–August 2, 2019, Nashville, TN

Attendees: Dr. Weierbach, Mr. Davis, and Ms. Bays

The motion carried.

12. Correspondence

A. Extension Request: Herschel Sedoris, NHA License No. 3581

Ms. Sedoris requested an extension from the Board to complete her continuing education (CE) requirements for 2017 and 2018. Upon a motion made by Dr. Weierbach, seconded by Ms. Bays, the Board determined that additional information is needed prior to being able to make a decision

on approval of her request. It was determined that applicant needs to provide the amount of CE hours he is deficient, and how many he has already completed. The motion carried.

B. HSE Planning Document

Information received from the National Association of Long Term Care Administrator Boards (NAB) on the Health Services Executive (HSE) certification qualification and proposed licensure by equivalency was submitted to the board for review. NAB's new qualification standard, the "Health Services Executive" (HSE), uses a broader combination of education, experience, and examination to meet equivalent licensure qualifications for nursing home administrators applying for license by reciprocity. Mr. Sobowale presented the information provided by NAB in regards to the HSE licensure pathway - eight (8) States have adopted the use of HSE, twelve (12) States are in the process of implementation, thirteen (13) States are currently in the information gathering phase, and fourteen (14) States are currently not participating at this time.

Board members expressed interest in the HSE program, but would also like to gather more information from the upcoming NAB conference before discussing any possible rule changes for qualifications and rules relating to reciprocity.

13. Legislation

There was no new legislation to discussion at this time.

14. Rulemaking, Rule Amendments and Policies

Currently, a moratorium has been placed on all rulemaking, and rule amendments. Governor Lee has put in affect Executive Order No. 5, which halts all new regulation for the next ninety (90) days across the state. This will remain in effect until May 2, 2019.

15. New/Old Business

A. Approval of New Board Consultant: Debra Verna, PhD.

The Board reviewed the resume of nominated new board consultant, Dr. Debra Verna. After review, Dr. Weierbach made a motion, seconded by Ms. Harper, to approve Dr. Verna as the new board consultant. The motion carried.

B. HCF Waivers

The Board reviewed forwarded list of facility waiver(s) granted by the Office of Health Care Facilities for Nashville Center for Rehabilitation and Healing, LLC, 832 Wedgewood Ave., Nashville, TN 37203. Mr. Rodger Peden was listed as the temporary administrator and facility was approved through February 2020.

C. NAB Online Preceptor Course

The Board held a discussion with regards to accepting an online preceptor course in lieu of the 3-day THCA course that is currently required. Mary Webb presented information regarding NAB's online only preceptor course. The preceptor course contains four (4) modules that must all be completed. Once all four (4) modules are completed, a certification can be obtained that must be presented to the board for approval. Ms. Honeycutt and Dr. Weierbach voiced concerns with the courses being online and regarding the methods for testing the knowledge obtained from the course, as well as the security of ensuring the testing is completed by the individual themselves. Ms. Tippens advised the board that currently, preceptor courses must be completed in a face to face environment, and there are currently no rules in place to govern completion of this program online. It was determined by the Board that this course can be counted as continuing education but it cannot be accepted in lieu of the THCA course. The NAB online preceptor program has not been approved by the Board for the State of Tennessee.

After discussion, Dr. Weierbach made a motion, seconded by Dr. Janoyan, to deny accepting the online preceptor course in lieu of the THCA course. The motion carried.

D. Presentation by Online CE Management Vendor

Michael Sobowale requested board permission to invite a representative from CE Broker, an online continuing education management company, to make a presentation to the Board at the next meeting on the benefits of partnering with the Board to help provide efficiency for CE audits. Currently, only five percent (5%) of nursing home administrators are annually audited at random and transitioning to online CE management has the potential to produce a 100% audit of all licensees. The board expressed agreement for CE Broker to make a presentation at the next meeting in June.

Also, board members inquired about submitting continuing education directly to NAB and the ability of board staff to view items directly through NAB'S online portal. Board staff will contact NAB about gaining access to submitted continuing education.

13. Adjournment

There being no further business, a motion was made by Dr. Weierbach, and seconded by Mr. Davis, to adjourn the meeting at 11: 35 A.M. The motion carried.

Juanita Honeycutt, NHA, Chair

Date

These minutes were ratified by the Board at the June 3, 2019 meeting