



The Tennessee Open Meetings Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

**TENNESSEE DEPARTMENT OF HEALTH
MEMORANDUM**

Date: June 12, 2015
To: Woody McMillin, Director of Communication and Media Relations
From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities-Education
Standing Committee
(Call-in Number: 1-888-757-2790 passcode: 457462#)

Date of Meeting: July 8, 2015
Time: 1:00 p.m. – 3:00 p.m., CDT
Place: Poplar Conference Room
665 Mainstream Drive, First Floor
Nashville, TN 37243
Major Item(s) on Agenda: See attachment.

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.



JOHN J. DREYZEHNER, MD, MPH
COMMISSIONER

BILL HASLAM
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND IMPROVE THE
HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

AGENDA

**BOARD FOR LICENSING HEALTH CARE FACILITIES
EDUCATION STANDING COMMITTEE MEETING**

**JULY 8, 2015
POPLAR CONFERENCE ROOM, FIRST FLOOR
1:00 p.m. – 3:00 p.m.**

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES WHEN
THE BOARD IS IN SESSION**

1. Call the Meeting to Order and Establish a Quorum.
2. Nurse Aides Testing Passing and Failure Rates
3. Other Discussion(s).
4. Public Comments.
5. Adjourn.

**MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
EDUCATION STANDING COMMITTEE MEETING**

July 8, 2015

The Board for Licensing Health Care Facilities' Education Standing Committee meeting began on July 8, 2015. Dr. Jennifer Gordon-Maloney was unanimously nominated and voted as Chairman of the standing committee.

A quorum roll call vote was taken:

Dr. Jennifer Gordon-Maloney— here
Robert Breeden – here
Bobby Wood – here
Dr. René Saunders – here

A quorum was established.

Ann Reed, Director of the Board for Licensing Health Care Facilities, provided background to the purpose of this standing committee and its formation. The Education Standing Committee was developed as a result of a Board for Licensing Health Care Facilities' Q&A. The purpose of this standing committee is to address all relevant issues relating to educational elements of the rules and regulations for all facility types. The standing committee at this meeting is to address the issue of nurse aide testing pass and fail rates for nursing home based nurse aide training programs which was an agenda item for the May 2015 Board meeting.

Wanda King, Nurse Aide Training Program Manager, was present at the meeting to provide information relative to the item for discussion. She gave historical background to the item for discussion. Ms. King indicated the regulation regarding nurse aide training programs had been around since 2005 and as well as the requirement for pass rates above 70% on both the written and skills portion of the test. She stated when this item was brought to the Board last year the Board indicated the poor pass rates of the training programs needed to be addressed. Ms. King directed the standing committee members to nursing home rule 1200-08-06-.15(2)(c)4 which reflects new rule language approved by the Board. Ms. King also stated that at the May Board meeting the Board moved in a different direction regarding the new rule and how to look at pass/fail rates of nursing aide training programs. She wants to clarify how the Board wants pass rates determined.

Dr. Jennifer Gordon-Maloney questioned Ms. King on her opinion of the current and new rule indicating closure of training programs after the consecutive poor performance. Ms. King indicated support of the rule.

Ms. King further stated some of the training programs that had presented to the Board in September of 2013 have improved and others have continued to perform poorly.

Other discussion included the optimal time for testing, other states' performance, and the federal law relative to the nurse aide training program. It was determined by the standing committee members

that immediately following completion of the nurse aide training course it was the optimal time to test. Ms. King indicated other states perform poorly as well and each state establishes their own rules on pass rates and the continuation of the training program. She further indicated that federal law directs nursing homes to provide the nurse aide training program for free to individuals. Ms. King also stated that certified nurse aides do make more money in other facility types.

Mr. Robert Breeden felt the current computation of pass/fail rates is resulting in an over inflation of the nursing home programs fail rates. He stated the Board needs to ensure quality standards are at a high level in the programs as well as maintaining flexibility in the programs. Mr. Breeden made a recommendation to change the criteria to include our calculations on the third fail attempt and not the first or the second in order to maintain flexibility within the healthcare industry due to declining numbers of certified nurse aides (CNAs). Dr. Gordon-Maloney restated the recommendation, to average test scores on the third attempt. Mr. Breeden indicated this was correct. Discussion arose regarding the point to calculate pass/fail rates such as the first time the test was taken. Mr. Breeden stated this would have a negative impact on the quality of care and would result in the Board hearing this item again within a year. **Dr. René Saunders made the motion, facility pass rates will be determined at the end of the third attempt per student on the written as well as the oral examination and facility rates will be calculated at that time after the third attempt; seconded by Mr. Breeden. The motion was approved.** Ms. Reed asked the standing committee for a recommendation regarding the facilities that had appeared before the Board in May regarding their poor training program pass/fail rates. Would the recommendation be to allow these facilities to have their pass/fail rates figured as indicated above? It was determined by OGC that this would be allowable and would still meet the regulations. Ms. Reed then stated if the facility's program was found to not meet the pass/fail requirements using the above method the regulations would be followed for closure of the program. **Dr. Saunders made a motion to develop an interpretative guideline on how the calculation of a nursing home nurse aide training program pass/fail rates are to be calculated based upon the above formula; seconded by Dr. Gordon-Maloney. The motion was approved.**

Dr. Gordon-Maloney adjourned the standing committee meeting.