

license as a nursing home administrator. Tenn. Code Ann. § 63-16-103(1). Those standards are designe to ensure that nursing home administrators are individuals who are of good character and otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators. Id.

2. Tenn. Comp. R. & Regs. 1020-01-.07 outlines six (6) pathways to licensure: 1) licensure by examination; 2) licensure by experience and education as a hospital administrator combined with a Limited Administrator-in-Training (A.I.T.) program; 3) licensure by experience and education as an assistant/associate hospital administrator combined with a Limited Administrator-in-Training (A.I.T.) program; 4) licensure by education combined with an Administrator-In-Training (A.I.T.) program; 5) licensure by education and experience combined with an Administrator-In-Training (A.I.T.) program; and 6) licensure by reciprocity.
3. Any affected person may petition an agency for a declaratory order as to the validity or applicability of a statute, rule or order within the primary jurisdiction of the agency. The agency shall:
 1. Convene a contested case hearing pursuant to this chapter and issue a declaratory order, which shall be subject to review in the chancery court of Davidson County, unless otherwise specifically provided by statute, in the manner provided for the review of decisions in contested cases; or
 2. Refuse to issue a declaratory order, in which event the person petitioning the agency for a declaratory order may apply for a declaratory judgment as provided in § 4-5-225. Tenn. Code Ann. § 4-5-223(a)(1)-(2).

FINDINGS OF FACT

4. Petitioner submitted an application for licensure to the Board in August 2014. The Board's approval of the application would allow Petitioner to sit for the national exam administered by the National Association of Boards of Examiners for Long Term Care Administrators (hereinafter "NAB exam").
5. During its November 3, 2014 meeting, the Board voted to require that the Petitioner attend the next Board meeting to explain her management experience, so that the Board could determine whether the Petitioner's management experience met the definition of "acceptable management experience" as defined in Tenn. Comp. R. & Regs. 1020-01-.07(1).
6. Petitioner reappeared before the Board during its March 2015 meeting and was able to present sufficient documentation to meet the aforementioned definition of "acceptable management experience."
7. The Board initially approved the Petitioner's request to sit for the NAB exam, but rescinded its decision after the Board's attorney, at that time, advised it that the Petitioner did not meet the qualifications outlined in Tenn. Comp. R. & Regs. 1020-01-.07 in that the Petitioner had not completed an Administrator-in-Training (A.I.T.) program.
8. The requirement to complete an A.I.T. program was in effect as of March 2013. However, the licensure application for nursing home administrator applicants was not updated until July 2015. Petitioner filled out an old version of the application that did not include the A.I.T. program requirement for the applicant pathway that she chose.

9. Petitioner filed a petition for a declaratory order on March 23, 2015.

CONCLUSION OF LAW

10. Based on the findings of fact, the Petitioner has met the requirements of Tenn. Comp. R. & Regs. 1020-01-.07.

POLICY STATEMENT

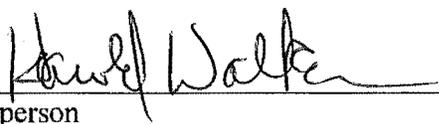
The evidence of the Petitioner's education and experience presented today indicate that the Petitioner does meet the intent of the statutes and rules for applicants for a nursing home administrator license set forth in Tennessee.

ORDER

THEREFORE, in consideration of the above Findings of Fact and Conclusions of Law, it is **ORDERED, ADJUDGED, and DECREED** as follows:

1. Petitioner's petition for a declaratory order is granted.
2. Petitioner's application for licensure is approved, and Petitioner may sit for the NAB exam.

Entered on this 18th day of August, 2015.



Chairperson
Tennessee Board of Examiners for Nursing Home Examiners

PREPARED FOR ENTRY:



Kyonze Hughes-Toombs (BPR#023702)

Assistant General Counsel

Office of General Counsel

Tennessee Department of Health

665 Mainstream Drive, 2nd Floor

Nashville, Tennessee 37243

(615) 741-1611

RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

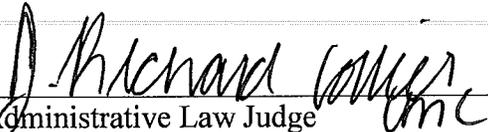
Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Tennessee Secretary of State, Administrative Procedures Division, and is entered on this 20th day of August, 2015.

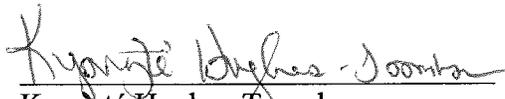

Administrative Law Judge
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing has been served upon Respondent, Vicky N. Groce, 1005 Covemont Drive, Fayetteville, Tennessee 37334, by United States mail, First Class, and United States certified mail, number 76140510000231592989, return receipt requested, with sufficient postage thereon to reach its destination.

This 21st day of August, 2015.

RECEIVED
2015 AUG 20 PM 3:51
SECRETARY OF STATE
PUBLICATIONS


Kyonzté Hughes-Toombs
Assistant General Counsel