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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF NURSING HOME ADMINISTRATORS**

**MINUTES – DRAFT
GENERAL BUSINESS MEETING**

**Renaissance Orlando at SeaWorld
6677 Sea Harbor Drive
Orlando, FL 32821**

January 31, 2014

General Board Business started: 9:03 a.m.

CALL TO ORDER:

Mr. Henry Gerrity, Chair, called the meeting to order at 9:03 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Henry Gerrity, III, NHA, Chair
Scott Lipman, MHSA, NHA, Vice-Chair
Chantelle Fernandez, MBA, NHA
Patricia Feeney, RN, BSN, HCRM
Christine Hankerson, MSN, MS/P, Ph.D., RN
Michael Helmer, BA

MEMBER NOT PRESENT:

Tom Schroepel, BA (excused)

STAFF PRESENT:

Bill Miller, Board Executive Director
Sharon Guilford, Program Operations Administrator

BOARD COUNSEL:

Lawrence Harris, Assistant Attorney General
Office of Attorney General

COURT REPORTER:

Official Court Reporting
(954) 467-8204

APPROVAL OF MINUTES:

January 7, 2014 – Telephone Conference Call

Mr. Helmer moved to approve the above minutes. This motion was seconded and carried 6/0.

December 19, 2013 – Telephone Conference Call

1 **Mr. Helmer moved to approve the above minutes. This motion was seconded and carried 6/0.**

2
3 **October 11, 2013 – Full Board Meeting**

4
5 **Mr. Helmer moved to approve the above minutes. This motion was seconded and carried 6/0.**

6
7 **September 10, 2013 – Telephone Conference Call**

8
9 **Mr. Helmer moved to approve the above minutes. This motion was seconded and carried 6/0.**

10
11 **General Board Business ended: 9:06 a.m.**

12 **Discipline started: 9:06 a.m.**

13
14 **FINAL ORDER ACTION:**

15
16 **Motion for Determination of Waiver and For Final Order by Hearing not Involving**
17 **Disputed Issues of Material Fact:**

18
19 **Karen Kallen-Zury, NHA – Case Number 12-14781**

20 **PCP: Goodman/Rosenthal**

21
22 Ms. Kallen-Zury was neither present nor represented by counsel.

23
24 Mr. McCharen informed the board that the respondent had violated:

- 25
 - Section 468.1755(1)(d), F.S.
 - 26 • Section 456.072(1)(c), F.S.
 - 27 • Section 456.072(1)(ii), F.S.

28
29 **Mr. Helmer moved that the respondent was properly served by certification. The motion**
30 **was seconded and carried 6/0.**

31
32 **Ms. Hankerson moved that the respondent failed to respond in a timely manner. The**
33 **motion was seconded and carried 6/0.**

34
35 **Ms. Hankerson moved to accept the investigative report and all case materials including all**
36 **confidential and addendum materials, if any, into evidence in these proceedings. The**
37 **motion was seconded and carried 6/0.**

38
39 **Ms. Hankerson moved to adopt the findings of fact into evidence as alleged in the**
40 **administrative complaint and conclusions of law and find that the respondent was in**
41 **violation as alleged in the administrative complaint. The motion was seconded and carried**
42 **6/0.**

43
44 **Ms. Hankerson moved that the violation constitutes a violation of the Practice Act. The**
45 **motion was seconded and carried 6/0.**

46
47 Mr. McCharen recommended the following penalty:

- 48
 - revocation

49
50 Discussion ensued.

1
2 **Ms. Hankerson moved to accept the department's recommendation. The motion was**
3 **seconded and carried 6/0.**

4
5 Discussion ensued.

6
7 **Ms. Feeney moved to not assess the costs in this case. The motion was seconded and carried**
8 **6/0.**

9
10 **PROSECUTION REPORT:**

11
12 Mr. McCharen provided a brief report.

13
14 **Discipline ended: 9:33 a.m.**

15 **Applications started: 9:33 a.m.**

16
17 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

18
19 **Lisa B. Algarin – NHA Applicant**

20
21 Ms. Algarin was present, sworn and addressed the board.

22
23 Mr. Harris stated that Ms. Freeman, former board member, had reviewed the application and
24 determined the applicant meets the qualifications for licensure. However, she was concerned
25 with the prior disciplinary action against the previous Florida NHA license held that is Null/Void.

26
27 Discussion ensued.

28
29 **Ms. Hankerson moved to approve Ms. Algarin's application. The motion was seconded and**
30 **carried 6/0.**

31
32 **Tina S. Motley – Administrator-in-Training Applicant**

33
34 Ms. Motley was present, sworn and addressed the board.

35
36 Mr. Harris provided an overview of the application. He indicated that board staff reviewed the
37 application and determined that the applicant did meet the requirements for the 1,000 hour
38 training. However, the staff had concerns due to disciplinary actions taken by the Board of
39 Nursing during Ms. Motley being licensed as a Certified Nursing Assistant.

40
41 Discussion ensued.

42
43 **Ms. Hankerson moved to deny the AIT program. The motion failed for lack of second.**

44
45 **Mr. Lipman moved to approve Ms. Motley's application to complete 2,000 AIT program,**
46 **however, if Ms. Motley provides additional information proving the 60 credit hours to meet**
47 **the 1,000 hour program. The motion was seconded and carried 5/1 with Ms. Hankerson**
48 **opposed.**

49
50 **Stacey E. Trunecek – NHA Applicant**

1 Ms. Trunecek was present, sworn and addressed the board.

2
3 Mr. Harris stated that Ms. Freeman, former board member, had reviewed the application. Ms.
4 Freeman had indicated that the applicant had submitted a one year of managerial experience
5 where she was licensed in Kansas, but has not worked as a licensed NHA for 2 of the last 5 years.
6 She has completed an internship program, as well as an AIT program in Kansas. Therefore, Ms.
7 Freeman determined the applicant did not meet the licensure requirements outlined in Chapter
8 468.1695, F.S.

9
10 Discussion ensued.

11
12 The board believed Ms. Trunecek did not meet the requirements by examination but may
13 consider by endorsement.

14
15 Ms. Guilford stated that if the board may allow Ms. Trunecek the opportunity to amend her
16 application.

17
18 Further discussion ensued.

19
20 Ms. Trunecek requested the board to amend her application for licensure from examination to
21 endorsement.

22
23 **Mr. Lipman moved to approve Ms. Trunecek's request to amend her application to**
24 **endorsement. The motion was seconded and carried 6/0.**

25
26 Ms. Trunecek explained in detail the qualification for licensure in the states she is currently
27 licensed.

28
29 Discussion ensued.

30
31 **Mr. Helmer moved to approve Ms. Trunecek for licensure by endorsement. The motion**
32 **was seconded and carried 6/0.**

33
34 **RATIFICATION FOR LICENSURE:**

- 35
36
 - **Nursing Home Administrators**
37 **(Erica Ann Pendleton, NHA 5485 – April Maria Secor, NHA 5521)**

38
39 **Mr. Helmer moved to approve the ratification list as presented. The motion was seconded**
40 **and carried 6/0.**

- 41
42
 - **Nursing Home Administrators -Examination**
43 **(Inas Ali – Noah Jared Zisquit)**

44
45 **Ms. Fernandez moved to approve the ratification list as presented. The motion was**
46 **seconded and carried 6/0.**

- 47
48
 - **Administrator-in-Training**
49 **(Alvin Barriner – Nadia Williams)**

1 Ms. Fernandez moved to approve the ratification list as presented. The motion was
2 seconded and carried 6/0.

- 3
- 4 • Preceptors
5 (Sandra Knoble, Kenneth Ragin, Myra Hocutt, Anthony Trujillo, Donna Wildes,
6 Cherlyn Deleonabreau, and Heather Jackson)
7

8 Ms. Hankerson moved to approve the ratification list as presented. The motion was
9 seconded and carried 6/0.

10
11 Applications ended: 10:45 p.m.
12 General Business started: 10:45 p.m.
13

14 BOARD COUNSEL'S REPORT:

15 Rules Status Report

16
17 Mr. Harris provided a brief overview of the report.

18 Clarification of Public Speaking at Meetings

19
20 Ms. Peggy Rigsby, with the Florida HealthCare Association, was present and addressed the
21 board.

22 Ms. Rigsby stated that she requested clarification with the board allowing Public Speaking at
23 meetings. Her concerns were with the timeframe in notifying the board prior to the meeting that
24 she or others may request to speak on an issue.

25 Mr. Harris stated that the board voted on this language but the board does not have any issues
26 with allowing the public to speak before the board.

27 Ms. Rigsby appreciated the clarification.
28

29 Approval and Discussion of Applications and Rules:

30 ○ 64B10-11.001, F.A.C. – Application for Licensure 31 64B10-11.001 Application for Licensure Fee.

32 Any person desiring to be licensed as a nursing home administrator shall apply to the Board of
33 Nursing Home Administrators. The application shall be made on the Application for Nursing
34 Home Administrators Examination and Endorsement/Temporary, form DH-MQA-NHA002
35 (revised 01/14 08/12), hereby adopted and incorporated by reference, which ~~and~~ can be obtained
36 from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02249> or the web at
37 <http://www.floridahealth.gov/licensing-and-regulation/nursing-home/index.html>
38 <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

39 *Rulemaking Authority 468.1685(1), (2), 468.1695(1), (2) FS. Law Implemented 468.1685(2),*
40 *468.1695(1), (2), 468.1705 FS. History—New 12-26-79, Formerly 21Z-11.01, Amended 1-18-87,*
41 *10-2-88, 3-5-89, 3-15-90, 12-3-90, 11-3-92, Formerly 21Z-11.001, 61G12-11.001, Amended 12-*
42 *4-95, 9-4-96, 7-21-97, Formerly 59T-11.001, Amended 5-15-00, 1-7-04, 2-15-06, 11-9-08, 10-24-*
43 *10, 2-6-13, _____.*
44

1 Discussion ensued.

2
3 **Ms. Hankerson moved to issue a Notice for Rule Development in Rule 64B10-11.001,**
4 **F.A.C., approve the rule language and application. The motion was seconded and carried**
5 **6/0.**

6
7 **Ms. Lipman moved that the proposed rule would not have any adverse impacts on small**
8 **businesses and the proposed rule would not be likely to directly or indirectly increase**
9 **regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate**
10 **in Florida within 1 year after the implementation of the rule. The motion was seconded and**
11 **carried 6/0.**

12
13 ○ **64B10-11.003, F.A.C. – Reexamination**

14 **64B10-11.003 Reexamination.**

15 ~~(1) An applicant must pass both parts of the Nursing Home Administrators Examination~~
16 ~~(NAB) within one year of the date of application for licensure. If the applicant fails to pass both~~
17 ~~parts within the stated one year period, the applicant must reapply and meet current licensing~~
18 ~~requirements.~~

19 ~~(2) An applicant must pass both parts of the examination within one year from first failure;~~
20 ~~otherwise, the applicant must retake both parts of the examination and pay the full fees. The~~
21 ~~application shall be made on the Application for Nursing Home Administrators Re Examination~~
22 ~~form DH-MQA 1129 (revised 08/12), hereby adopted and incorporated by reference and can be~~
23 ~~obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02250> or the web at~~
24 ~~<http://www.doh.state.fl.us/mqa/nurshome/index.html>.~~

25 *Rulemaking Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History–*
26 *New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92,*
27 *Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00,*
28 *11-6-02, 2-15-06, 4-22-09, 10-11-10, 2-6-13.*

29 **Instead, board counsel suggests substantially rewording the rule, as follows. This would**
30 **resolve the identified issues with the current version of the rule.**

31
32 Mr. Harris provided the recommended language as presented.

33 (1) An applicant must obtain passing scores on both examinations required for licensure
34 as specified in Rule 64B10-11.002(1), F.A.C. within one (1) year of the date of application. Any
35 applicant desiring to retake one or both of the required examinations must reapply to the Board
36 and pay the fee that is specified in Rule 64B10-12.006,(2) F.A.C.

37 (2) Application for re-examination shall be made on the Application for Nursing Home
38 Administrators Re-Examination form DH-MQA 1129 (revised 01/14), hereby adopted and
39 incorporated by reference, and which can be obtained from
40 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02250> or the web at
41 <http://www.floridahealth.gov/licensing-and-regulation/nursing-home/index.html>

42 (3) If the applicant fails to achieve passing scores on both examinations within the stated
43 one year period, the applicant must reapply for licensure as specified in Rule 64B10-11.001, pay
44 all required fees, and meet all then current licensing requirements.

45
46 *Rulemaking Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History–*
47 *New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92,*
48 *Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00,*
49 *11-6-02, 2-15-06, 4-22-09, 10-11-10, 2-6-13, _____.*

1 Mr. Harris provided additional considerations/language:

2
3 I . . . within one (1) year of the date of application. **OR**

4 . . . within one (1) year of the date of the first failure.

5 *(As drafted, the rule would be pass both exams within one year of date of application.)*

6
7 II An applicant who fails to achieve a passing score shall be required to retake only that
8 examination on which she or he failed to achieve a passing score. **OR**

9 An applicant who fails to achieve a passing score on both examinations shall be required
10 to retake both examinations, and may not retake only the examination upon which she or he failed
11 to achieve a passing score.

12 *(As drafted, the rule does not explicitly specify. I intend for the language to be flexible, but the*
13 *stronger interpretation would be an applicant only has to retake the failed exam, not both.)*

14
15 III Applicants shall be limited to xxx retakes of either examination.

16
17 Question:

18 What about a situation where an applicant has passed the NAB years previously, perhaps in
19 another state, and wants to take only the Florida Laws and Rules exam? Does the Board wish to
20 specify any time limit for passing the NAB?

21 *e.g. "Passing scores on both examinations must be achieved within the xxx year period*
22 *immediately preceding the date of application for licensure."*

23
24
25 The board recommended Mr. Harris to modify and forward the language to the members.

26
27 **Mr. Helmer moved to issue a Notice for Rule Development in Rule 64B10-11.003, F.A.C.,**
28 **and when Mr. Harris completes the rule language to allow the members an opportunity to**
29 **provide comments. The motion was seconded and carried 6/0.**

30
31 **Mr. Helmer moved that the proposed rule would not have any adverse impacts on small**
32 **businesses and the proposed rule would not be likely to directly or indirectly increase**
33 **regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate**
34 **in Florida within 1 year after the implementation of the rule. The motion was seconded and**
35 **carried 6/0.**

36
37 ○ **64B10-16.002, F.A.C. – Preceptor**
38 **64B10-16.002 Preceptor.**

39 (1) The Board will approve persons to act as preceptors in Administrator-in-Training (AIT)
40 programs based on the information contained in the completed ~~the completion of~~ application form
41 Preceptor Certification, DOH/NHA014 (Revised 01/2014 ~~10/2008~~), and incorporated herein by
42 reference, and an oral review. The approval shall be effective indefinitely, so long as the
43 preceptor maintains an active license to practice nursing home administration in this state, and
44 there is no disciplinary action taken against the licensee; and the licensee is in compliance with
45 the requirements of subsection (4), below. Form DOH/NHA014 (Revised 01/2014 ~~10/2008~~) can
46 be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02250> or the web at
47 <http://www.floridahealth.gov/licensing-and-regulation/nursing-home/index.html> ~~the Board of~~
48 ~~Nursing Home Administrators' website at~~ <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

49 (2) Each person desiring to be a preceptor must submit a completed application with the
50 appropriate fees as required by Rule 64B10-12.012, F.A.C. The applicant shall include the states

1 and dates of issuance of all the applicant's professional licenses, including those as a nursing
2 home administrator.

3 (3) Each person desiring to be a preceptor must be a practicing nursing home administrator in
4 any jurisdiction for three of the last five years and must have had no disciplinary action taken
5 against him or her during that time frame.

6 (4) The applicant must have attended a six-hour preceptor training seminar approved by the
7 Board as set forth in Rule 64B10-16.0025, F.A.C., within three years immediately preceding the
8 application and a two-hour refresher course as set forth in Rule 64B10-16.0025, F.A.C., every
9 biennium thereafter. Failure to complete the refresher course shall result in the loss of preceptor
10 certification.

11 (5) Each application for approval of an administrator in training program shall include an
12 application for approval of each nursing home facility at which the training will take place.

13 (6) A preceptor shall not supervise the training of a member of his or her immediate family.

14 (7) A preceptor must be in direct management control of the facility or facilities at which the
15 training is to take place.

16 (8) The Board shall disapprove a preceptor who has failed to remain in compliance with the
17 requirements of this rule.

18 (9) A member of the Board may conduct the oral ~~review interview~~ and report to the Board.
19 *Rulemaking Authority 456.013(1)(a), 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695*
20 *FS. History—New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-*
21 *16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 9-4-96, 10-20-96,*
22 *Formerly 59T-16.002, Amended 10-12-97, 6-5-07, 10-2-08, 3-25-09, 10-24-10,*
23

24 **Ms. Hankerson moved to file a Notice for Rule Development in Rule 64B10-16.002, F.A.C.,**
25 **language and application. The motion was seconded and carried 6/0.**

26
27 **Ms. Fernandez moved that the proposed rule would not have any adverse impacts on small**
28 **businesses and the proposed rule would not be likely to directly or indirectly increase**
29 **regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate**
30 **in Florida within 1 year after the implementation of the rule. The motion was seconded and**
31 **carried 6/0.**

32
33 **Ms. Fernandez moved to strike (non-refundable) from the application. The motion was**
34 **seconded and carried 6/0.**

35
36 ○ **64B10-12.012, F.A.C. – Preceptor Certification**
37

38 The board discussed the following changes to Rule 64B10-12.012, F.A.C., due to the rule being
39 addressed in Rule 64B10-16.002(2), F.A.C.

40
41 **64B10-12.012 Preceptor Certification**

42 (1) The preceptor initial certification fee shall be \$100.00 and shall be remitted at the time of
43 application for initial certification ~~to be included with the initial application fee contacted in Rule~~
44 ~~64B10-12.002, F.A.C.~~

45 (2) The biennial renewal of license shall constitute renewal of the preceptor certification.
46

47 **Mr. Lipman moved to file a Notice for Rule Development in Rule 64B10-12.012, F.A.C.,**
48 **language and application. The motion was seconded and carried 6/0.**
49

1 **Ms. Fernandez moved that the proposed rule would not have any adverse impacts on small**
2 **businesses and the proposed rule would not be likely to directly or indirectly increase**
3 **regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate**
4 **in Florida within 1 year after the implementation of the rule. The motion was seconded and**
5 **carried 6/0.**

6
7 **CHAIR/VICE-CHAIR REPORT:**

8
9 **Future Agenda Items**

- 10
11
 - 12 • Tab agendas
 - 13 • NAB representative to attend next meeting
 - 14 • Number of NH in Florida, beds, expenses
 - 15 • Board required appearance

16 **EXECUTIVE DIRECTOR'S REPORT:**

17
18 Mr. Miller informed the board that February 7, 2014, will be his last day with the board and
19 Department of Health. He has accepted a job in Tennessee.

20
21 **COMMITTEE REPORTS:**

22
23 **AIT/Preceptor – Fernandez/Gerrity/Lipman**

24
25 The members provided a brief report.

26
27 **Budget – Helmer**

28
29 Mr. Helmer stated that he will be attending the Budget Liaisons Training meeting on March 6,
30 2014.

31
32 **Continuing Education – Feeney**

33
34 **CE Providers and Course Approved by CE Committee**

35
36 **Ms. Feeney moved to approve the ratification list of providers and courses approved by the**
37 **CE Committee. The motion was seconded and carried 6/0.**

38
39 **Credentials – Lipman**

40
41 Mr. Lipman provided a brief report. He commended on Ms. Edith Rogers assistance and
42 guidance with the application process.

43
44 **Disciplinary Compliance – Hankerson**

45
46 No report.

47
48 **Healthy Weight – Hankerson**

49
50 No report.

1
2 **Legislation – Helmer**
3
4 No report.
5
6 **Probable Cause – Schroepfel**
7
8 **Stats**
9
10 Information only.
11
12 **Rules – Feeney**
13
14 No report.
15
16 **Unlicensed Activity – Schroepfel**
17
18 No report.
19
20 **NEXT MEETING DATE – April 18th – Tampa**
21
22 Information only.
23
24 **General Business ended: 12:35 p.m.**
25
26 **ADJOURNMENT**
27
28 The meeting was adjourned at 12:35 p.m.