

FLORIDA | Board of Nursing Home Administrators

MINUTES
April 18, 2014

Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399-3257



Henry Gerrity, III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice-Chair

Adrienne Rodgers
Executive Director

Sharon Guilford, CPM
Program Operations Administrator

1
2 The meeting was called to order by Mr. Gerrity, Chair, at approximately 9:00 a.m. Those present for all or part of the meeting
3 included the following:
4

5 **General Board Business started: 9:00 a.m.**
6

7 **MEMBERS PRESENT:**

8 Henry Gerrity, III, NHA, Chair
9 Scott Lipman, MHSA, NHA, Vice-Chair
10 Chantelle Fernandez, MBA, NHA
11 Patricia Feeney, RN, BSN, HCRM
12 Tom Schroepfel, BA
13 Christine Hankerson, MSN, MS/P, Ph.D., RN
14 Michael Helmer, BA
15

STAFF PRESENT:

Adrienne Rodgers, Executive Director
Sharon Guilford, Program Operations Administrator
Michele Jackson, Regulatory Consultant/Supervisor
Edith Rogers, Regulatory Specialist II
Cassandra Smith, Regulatory Specialist II
Keri Meany, Regulatory Specialist II

16 **BOARD COUNSEL:**

17 Lawrence Harris, Assistant Attorney General
18 Office of Attorney General
19

20 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
21 *this meeting can be found online: <http://floridasnursinghomeadmin.gov/meeting-information/past-meetings/>*
22

23 Mr. Gerrity opened the meeting with a statement that he had reviewed all materials. He gave a summary of the Board's duties and the purpose
24 of Board meetings. He gave thanks to the Board staff in regard to their work on the new website and their preparation for the meetings. He also
25 thanked Board Counsel Lawrence Harris for his advice to the Board.
26

27 **General Board Business ended: 9:03 a.m.**

28 **Application started: 9:03 a.m.**
29

30 **PREPARED STATEMENTS BY BOARD MEMBER TOM SCHROEPPPEL:**
31

- 32 (a) Mr. Schroepfel addressed his concerns regarding a change made at the March 5, 2014, meeting to rule 64B10-11.002, Florida
33 Administrative Code (F.A.C.): specifically removing the requirement that the full Board delegate to the Credentialing Committee
34 approval of applicants who apply under 64B10-11.002(2)(b)2., F.A.C.
35

36 **Action Taken:** Mr. Shroepfel made a motion to not modify the language of 64B10-11.002(2)(b)2., F.A.C., that went into effect on
37 December 2, 2013. Dr. Hankerson seconded.
38

39 Discussion: Dr. Hankerson requested for background on the March 5, 2014, meeting since she was not in attendance. Mr. Gerrity
40 provided a summary of the meeting and stated that eliminating full Board review would expedite application approval; that if the
41 Credentials Committee Chair had concerns about an applicant, then the matter would still be reviewed by the full Board. Dr.
42 Hankerson stated that travel to a Board meeting for review of the application should not be considered a hardship on the applicant. Mr.
43 Schroepfel reiterated that only if the Credentials Committee Chair had concerns about an applicant, then the matter would still be
44 reviewed by the full Board. Ms. Feeney stated her support for Mr. Schroepfel's opening statements. Board Counsel, Mr. Harris,
45 explained that the Credentials Committee Chair does not have authority to approve applications, only to make recommendations to the
46 Board for final action. Mr. Lipman, who is the current Credentials Committee Chair, stated that he looks for the completeness of the
47 application and its compliance with the laws and rules of Florida; that he asks questions of the applicants and asks for additional
48 documents when necessary; he likened the process to hiring employees.
49

50 **Action Taken:** Mr. Schroepfel made a motion to remove the delegation allowing the Credential's Committee to review and approve
51 the applicants for licensure under Rule 64B10-11.002(2)(b)2c, F.A.C. Dr. Hankerson seconded but the vote failed 3/4 with Mr.
52 Gerrity, Dr. Hankerson, Mr. Lipman, and Mr. Helmer, opposed.
53

- 54 (b) In a prepared statement, Mr. Schroepfel addressed his concerns regarding the role of Board counsel in Board meeting
55 proceedings.
56

57 Dr. Hankerson asked Mr. Harris if his recommendation of delegating authority to approve applicants under rule 64B-
58 10.11.002(2)(a)2., F.A.C. was done simply to save time. Mr. Harris responded that his suggestion was made to alert the Board of the

1 effect on Board meetings; and was made after being on a Board meeting telephone call for 2 hours to discuss 4 applicants. Mr.
2 Schroepfel commented no legal reasons were given for the suggestion. Mr. Ed Tellechea, with the Division of Administrative Law of
3 the Attorney General's Office, re-iterated his written statement to Mr. Schroepfel that Mr. Harris acted within his role as legal counsel
4 to the Board; reminded members that Mr. Harris gave advice which the Board could accept or reject in taking action; and reminded the
5 Board that they made the decisions for the profession. Ms. Fernandez and Mr. Helmer supported Mr. Harris. Mr. Schroepfel asked to
6 be recognized for further discussion; however, the motion was called to a vote.
7

8 **Action Taken:** Mr. Schroepfel made a motion to remove Mr. Lawrence Harris as Board counsel and have the Administrative Law
9 Bureau of the Florida Attorney General's Office appoint a new Board counsel. Dr. Hankerson seconded but the vote failed 1/6 with
10 Mr. Gerrity, Dr. Hankerson, Mr. Lipman, Mr. Helmer, Ms. Fernandez and Ms. Feeney opposed.

11
12 (c) In a prepared statement, Mr. Schroepfel addressed his concerns regarding the infrequent face-to-face meetings of the Board of
13 Nursing Home Administrators.

14
15 Discussion: Mr. Gerrity stated that he votes for what is best for the industry and the public. Dr. Hankerson concurred. Ms. Feeney
16 expressed concerns about telephonic meetings in that she cannot get a feel for what this Board is like; she wants to know what prior
17 Board members have said about the issues. Mr. Lipman was in favor of a workshop to discuss Board concerns and develop a team
18 approach to issues. Mr. Harris stated that the term "workshop" has a specific meaning within Chapter 120, Florida Statutes, that may
19 not be appropriate for the type of meeting the Board was now discussing; and suggested that adding a "General Discussion" section to
20 the next agenda would be a better action; cited to Section 456.011(3) which provides that meetings shall be conducted through
21 teleconferencing or other technological means, unless disciplinary hearings involving standard of care, sexual misconduct, fraud,
22 impairment, or felony convictions; licensure denial hearings; or controversial rule hearings are being conducted. Mr. Lipman stated he
23 would remove the term "workshop" from his suggestion. Mr. Schroepfel added that 456.011(3) provided for in-person meetings if
24 approved in advance of the meeting by the director of the Division of Medical Quality Assurance; asked to be provided with the
25 statutory/rule citation on "workshops"; and asked if the "general discussion" could be added at any time or did it have to be added
26 today. Mr. Harris stated that so long as it was added to the agenda 7 days in advance of the meeting that would meet statutory
27 requirements.
28

29 **Action Taken:** Mr. Schroepfel made a motion to have a public workshop for Board members, the public and past Board members to
30 get to know each other and get to know the workings of the Board. Ms. Feeney seconded but failed 2/5 with Mr. Gerrity, Dr.
31 Hankerson, Mr. Lipman, Mr. Helmer, Ms. Fernandez and opposed.
32

33 Discussion continued on setting an additional in-person meeting before the scheduled September 2014 meeting in Orlando. The
34 suggestion was made to set the meeting in about 6 to 8 weeks. Ms. Rodgers stated that June 20, 2014 was within that timeframe and
35 she would seek approval from Lucy Gee, Director of the Division of Medical Quality Assurance.
36

37 **APPROVAL OF MINUTES:**

38 **March 5, 2014 – Telephone Conference Call**

39
40
41 **Action Taken:** Mr. Helmer moved to approve with corrections to page 2, line 31 replacing "approved" with "approve", modifying
42 page 4 line 14&15 should read "the full Board may delegate to the Credentialing Committee approval of applications who apply under
43 64B10-11.002(2)(b)2., F.A.C., and page 4 line, 18 replacing "credentials" with "credential's" . Dr. Hankerson motion was seconded
44 and the motion carried 7/0.
45

46 **January 31, 2014 – Full Board Meeting**

47
48 **Action Taken:** Dr. Hankerson made a motion to approve with correction to page 2, line 29 "certification" should be "certified mail",
49 page 3, line 39 should read "Nursing where Ms. Motley was licensed as a Certified Nursing Assistant", page 3, lines 46-47 should
50 read "however, if Ms. Motley provides additional information proving that she has a least 60 semester hours in subjects as defined in
51 rule 64B10-11.007, F.A.C., her application may be approved for the 1,000 hour nursing home administrator-in-training program
52 described in rule 64B10-11.002(2)(a), F.A.C., page 4 line 13 "consider" should read "may qualify for licensure" and page 13, line 50
53 should include "Dr. Hankerson stated that she will be attending the Healthy Weight meeting on June 21, 2014, in Tallahassee. Mr.
54 Gerrity seconded and the motion carried 7/0.
55

56 **General Board Business ended: 10:21 a.m.**

57 **Other Actions started: 10:21 a.m.**

1 **PETITION FOR VARIANCE/WAIVER – Allen F. Yearick, MHA, NHA – Rule 64B10-15.0021, F.A.C. – Approved Providers**

2
3 Mr. Yearick was present but was not represented by counsel.

4
5 Mr. Yearick requested a variance and waiver from Rule 64B10-15.0021, F.A.C. Mr. Yearick completed a 40 hour Guardianship course from
6 a non-approved provider and requested that this course be accepted toward his continuing education courses. The following deficiencies in the
7 petition were noted: Lack of specificity for which particular rule the variance and waiver was sought; no statement as to how the variance/waiver
8 would serve the underlying purposes of the implemented statute; and no specific facts that demonstrate a substantial hardship or violation of the
9 principles of fairness.

10
11 **Action Taken:** Ms. Fernandez made a motion to deny the Petition for Variance/Waiver of Rule 64B10-15.0021, F.A.C., based upon
12 the noted deficiencies. Mr. Gerrity seconded and the motion carried 7/0.

13
14 **Other Actions ended: 10:34 a.m.**

15 **Application Actions started: 10:34 a.m.**

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

18
19 **William J. Delaney, NHA**

20
21 Mr. Delaney was present but was not represented by counsel.

22
23 Mr. Delaney's application was before the Board for review of his application because of disciplinary actions taken in Delaware.

24
25 **Action Taken:** After discussion, Ms. Lipman made a motion to approve the license. Ms. Feeney seconded and the motion carried
26 7/0.

27
28 **Skylar J. Melnick, NHA**

29
30 Ms. Melnick was present but was not represented by counsel.

31
32 Ms. Melnick's application was before the Board on March 5, 2014, because of the one year of executive management experience. The
33 Board requested the applicant to submit additional documents indicating the experience in the area of an Assistant Nursing Home
34 Administrator.

35
36 **Action Taken:** After discussion, Mr. Gerrity made a motion to approve. Ms. Feeney seconded and the motion carried 7/0.

37
38 **Laura Ann Noble – NHA**

39
40 Ms. Noble was present but was not represented by counsel.

41
42 Ms. Noble's application was denied at the March 5, 2014, Board meeting for failure to meet the requirements of an Administrator-in-
43 Training in 64B10-11.002(2)(b)2, F.A.C. Ms. Noble did not appear at the March 5, 2014, meeting due to a miscommunication on the
44 date scheduled for her appearance before the Board.

45
46 **Action Taken:** After discussion, Mr. Gerrity made a motion to reconsider the Notice of Intent to Deny. Mr. Schroepfel seconded
47 and the motion carried 7/0.

48
49 **Action Taken:** Ms. Feeney made a motion to deny licensure. Motion died for lack of second.

50
51 **Action Taken:** After discussion, Ms. Feeney made a motion to vacate the Notice of Intent to Deny and to approve Ms. Noble for
52 licensure. Mr. Gerrity seconded and the motion carried 7/0.

53
54 Mr. Gerrity left the meeting at 11:22 a.m. and returned at 11:30 a.m.

55
56 **Walter L. Concepcion – AIT**

57
58 Mr. Concepcion was neither present nor represented by counsel.

1
2 Mr. Concepcion's application was before the Board requesting a discontinuance of the training due to health reasons. He was
3 approved for a 2,000 hour program and had his first quarterly report approved. His second and third quarters reports were not timely
4 submitted nor has either been approved.

5
6 **Action Taken:** After discussion, Dr. Hankerson made a motion to deny the request to discontinue the program and allow Mr.
7 Concepcion to reapply without credit for the completed first quarter. Mr. Gerrity seconded and carried 7/0.

8
9 **Gwendolyn D. Walls**

10
11 Ms. Walls was present but was not represented by counsel.

12
13 Ms. Walls's application was before the Board for review of her application based on examination for a licensure. Ms. Walls was
14 issued a Licensed Practical Nurse license in 1991, which went Null/Void in 2001. She had outstanding discipline imposed by the
15 Florida Board of Nursing involving her testing positive for marijuana on a pre-employment drug screening.

16
17 **Action Taken:** After discussion, Ms. Feeney made a motion to approve. Mr. Schroepel seconded and carried 6/1 with
18 Dr. Hankerson opposed.

19
20 **RATIFICATION OF LICENSURE:**

- 21
22 • **Nursing Home Administrators**
23 (Melissa Decardenas, NHA 5526 – Brandon Richard Dresser, NHA 5542)

24
25 **Action Taken:** Dr. Hankerson made a motion to approve the ratification list as majority Board decision. Ms. Feeney seconded and
26 the motion carried 7/0.

- 27
28 • **Nursing Home Administrators -Examination**
29 (Brian Jay Smith – Stephanie Marie Norsen)

30
31 **Action Taken:** Dr. Hankerson made a motion to approve the ratification list as majority Board decision. Ms. Feeney seconded and
32 the motion carried 7/0.

- 33
34 • **Administrator-in-Training**
35 (Tina Motley – Jeffrey Strozier)

36
37 **Action Taken:** Dr. Hankerson made a motion to approve the ratification list as majority Board decision. Mr. Gerrity seconded and
38 the motion carried 7/0.

- 39
40 • **Preceptors**
41 Chantelle Fernanded de Castro, NHA 4992
42 Lisa Wold, NHA 4968
43 Faulmann Adria, 3386
44 Mussari Adria, NHA 5087
45 Jay Mikosch, NHA 4149

46
47 **Action Taken:** Dr. Hankerson made a motion to approve the ratification list as majority Board majority decision. Ms. Feeney
48 seconded and the motion carried 7/0.

49
50 **Application Actions ended: 12:05 p.m.**
51 **General Board Business started: 12:05 p.m.**

52
53 **APPROVAL TO ATTEND NATIONAL ASSOCIATION OF LONG TERM CARE ADMINISTRATOR BOARDS (NAB) –**
54 **June 4-6, 2014 – Louisville, Kentucky**

55
56 The Board approved Mr. Lipman to attend the meeting.

57
58 Ms. Rodgers stated that there is no cost for the first Board member attending the event and a \$350.00 cost per additional attendee.

1 **CHAIR/VICE-CHAIRMAN REPORT:**

2
3 **Future Agenda Items**

4
5 No report.

6
7 **EXECUTIVE DIRECTOR'S REPORT:**

8
9 **Process Improvement**

10
11 Ms. Rodgers advised the Board that the Department's focus is on making the application process streamlined and to be able to reduce
12 the time it takes to issue a license to qualified applicants. One process improvement is making applicants eligible to take the Florida
13 Laws and Rules examination upon receipt of their application. Another matter being looked into is allowing the applicant to take any
14 national examination without waiting for the DOH approval of their application.

15
16 **Annual Delegation of Authority**

17
18 The Board reviewed the amended Annual Delegation of Authority matrix provided by Mr. Jusevitch, Acting Executive Director. After
19 a lengthy discussion Mr. Harris stated that the Board could continue the matter until the next meeting.

20
21 **House Bill 7015**

22
23 **HB 7015** was approved by the Governor 03/31/2014 -.The Board was informed that HB 7015, a Department of Health bill, in Section
24 27, 456.013(13), F.S., waives the initial licensing/application/unlicensed activity fees for spouses of military veterans honorably
25 discharged within specified timeframes. Section 28 amends 456.024(3), F.S., a person who served or is serving as a health care
26 provider will submit a separate application form and have fees waived so long as they meet specified conditions.

27
28 **Senate Bill 1066**

29
30 **SB 1066**, was still in the Senate, which will increase the number of members of the Board of Nursing Home Administrators who must
31 be licensed NHA and decreasing the number of members who must be other healthcare practitioners; revising the number of
32 qualification of applicants who may sit for the licensed NHA examination to include an applicant with a master's degree in certain
33 subjects; and repealing section 468.1735, F.S. (provisional license issued to the person who is designated as the responsible person
34 next in command in the event of the administrator's departure).

35
36 **Update on Nursing Homes in Florida**

37
38 Ms. Rodgers provided an overview of the list of active providers with the number of beds per county. There was no action necessary.

39
40 Mr. Gerrity left the meeting at 12:05 p.m.

41
42 **COMMITTEE REPORTS:**

43
44 Mr. Helmer expressed concerns about questions posed to him about the Board on his FaceBook page. Mr. Harris advised that there
45 are limitations on what a Board member can address, but those limitations go toward the role of a Board member; that a Board
46 member does not lose his ability to speak as an individual.

47
48 **Continuing Education – Ms. Feeney**

- 49
50
 - **Academy of Florida Elder Law Attorneys – Unlicensed Practice of Law & Medicaid Planning – Board Review**

51
52 **Action Taken:** After discussion, Dr. Hankerson made a motion to approve. Ms. Feeney seconded and the motion carried 6/0.

- 53
54
 - **Florida Chapter ACHCA – Preventing Medical Error – Board Review**

55
56 **Action Taken:** After discussion, Dr. Hankerson made a motion to approve. Mr. Lipman seconded and the motion carried 6/0.

1 The Board requested to have a meeting on June 14, 2014, in Orlando. The Board requested the following agenda items be placed on
2 the next agenda: AIT/PRECEPTOR; Budget; Credentials; Disciplinary Compliance; Healthy Weight; Legislative; Probable Cause;;
3 Unlicensed Activity and the Board counsel's reports on:

4 Rule Status

5 Discussion of Rule 64B10-11.002, F.A.C. – Eligibility for Licensure

6 Discussion of Rule 64B10-11.003, F.A.C. – Reexamination

7 Discussion of Rule 64B10-12.002, F.A.C. – Application for Licensure

8 Discussion of Rule 64B10-16.001, F.A.C. – General Information
9

10 **General Board Business concluded at: 12:45 p.m.**

11
12 **ADJOURNMENT:**

13
14 The meeting was adjourned at 12:45 p.m.