

FLORIDA | Board of Nursing Home Administrators

DRAFT
December 12, 2014

Tampa, Florida



Henry Gerrity, III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice-Chair

Adrienne Rodgers, BSN, JD
Executive Director

1 **Section I:** The meeting was called to order by Mr. Lipman, Vice Chair, at approximately 9:02 a.m. Those present for all or part of the
2 meeting included the following:
3

4 **General Board Business started: 9:02 a.m.**

5
6 **MEMBERS PRESENT:**

7 Scott Lipman, MHSA, NHA, Vice-Chair
8 Chantelle Fernandez, MBA, NHA
9 Patricia Feeney, RN, BSN, HCRM
10 Michael Helmer, BA

6 **STAFF PRESENT:**

Adrienne Rodgers, Executive Director
Michele Jackson, Regulatory Supervisor/Consultant

11
12 **MEMBERS EXCUSED:**

13 Henry Gerrity, III, NHA, Chair
14 (absence approved at September 19, 2014 meeting)
15 Christine Hankerson, MSN, MS/P, Ph.D., RN
16 Motion to excuse Dr. Hankerson's absence made by Mr. Helmer, seconded by Ms. Fernandez.
17 Vote: 4 yeas / 0 opposed; motion carried
18

19 **BOARD COUNSEL:**

20 Deborah Bartholow Loucks, Assistant Attorney General
21 Office of Attorney General
22

23 **PROSECUTOR:**

24 Lealand McCharen, Assistant General Counsel
25 Prosecution Services, Office of the General Counsel
26

27 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
28 *this meeting can be found online: <http://floridasnursinghomeadmin.gov/>*
29

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

31
32 **SECTION II: APPROVAL OF MINUTES:**

33
34 September 19, 2014 – Full Board Meeting

35
36 Motion to accept the minutes was made by Mr. Helmer and seconded by Ms. Fernandez.
37 Vote: 4 yeas / 0 opposed
38

39 **Section II ended: 9:05 a.m.**

40 **Section IV started: 9:05 a.m.**

41
42 **SECTION IV: CURRENT ADMINISTRATOR-IN-TRAINING REQUEST FOR EXTENSION**

43
44 **Request for extension of time to complete training by Kalman Lebovics**

45 Mr. Lebovics was not present and was not represented by counsel.
46

47 Mr. Lebovics was approved to begin a 2000 hour AIT program on March 6, 2014, with a start date of May 1, 2014. Mr.
48 Lebovics' first quarter report was approved on November 12, 2014. Mr. Lebovics requested a one month extension of time
49 to complete the program.

50
51 Ms. Fernandez communicated with Mr Lebovics and asked him to come before the Board. She felt she did not have enough
52 information to approve the request. Mr. Lipman stated the first quarter report was due in August 2014 but not received until
53 November and the second quarter report has not yet been received.
54

55 Motion to deny the request for an extension of the AIT program made by Ms. Fernandez and seconded by Ms. Feeney.
56 Vote: 4 yeas / 0 opposed; motion carried.
57

58 **Section IV: CURRENT A-I-T REQUEST ended: 9:08 a.m.**

1 **Section IV: Applicants Presented for Board Review began at 9:08 am**

2
3 **1. APPLICANTS PRESENTED FOR BOARD REVIEW**

4
5 **Kathleen Elizabeth Brinser**

6 Applicant was present and was not represented by counsel.

7
8 Applicant applied for a license as a Nursing Home Administrator by examination. Applicant did not demonstrate she had
9 performed in an executive management role for her one year experience.

10
11 Applicant described experience in her management role at the facility. Stated she was the second in command of the facility.
12 The organizational chart submitted is the current status of positions and does not reflect her role as it existed prior to the
13 chain of command change. She exercised the same authority as the administrator but under the administrator's supervision.

14
15 Ms. Fernandez stated she did not see the management experience. Mr. Lipman stated the responsibilities appeared to be more
16 of a human resource person experience. Applicant was asked to submit a new organizational chart and to look at what
17 directives were given to the various departments.

18
19 **Action Taken:** Mr. Helmer made a motion to table the matter to the afternoon, which was seconded by Ms. Feeney.
20 Vote: 4 yeas / 0 opposed; motion carried

21
22 **9:20 am**

23
24 **Tracey Lynn Rickabaugh**

25 Applicant was present and was not represented by counsel. Kathleen Sylvia preceptor was also present.

26
27 Applicant applied for a license as a Nursing Home Administrator by examination. Applicant did not demonstrate she had
28 performed in an executive management role for her one year experience.

29
30 Applicant gave an overview of her work and stated she is working as an Assistant Administrator. Ms. Sylvia spoke on behalf
31 of the experience of the applicant stating the applicant was given full responsibility with Ms. Sylvia "walking by her side."

32
33 Ms. Fernandez does not see a correlation between what is written in the application package and what the applicant is stating
34 today. Ms. Feeney stated she only sees a problem with the way that the organizational chart is written and that otherwise she
35 found the experience sufficient.

36
37 **Action Taken:** Ms. Feeney made a motion to approve the applicant to sit for the examination, Mr. Helmer seconded.
38 Vote: 4 yeas / 0 opposed; motion carried.

39
40 **9:35 am**

41
42 **Donna L. Spangler**

43 Applicant was present and was not represented by counsel.

44
45 Applicant applied for a license as a Nursing Home Administrator by examination. Applicant did not demonstrate she had
46 performed in an executive management role for her one year experience.

47
48 Applicant presented information about her management experience and stated there is no position of Assistant Administrator.

49
50 Mr. Lipman stated he saw nothing in the application that gave her the sole responsibility as the administrator.

51
52 **Action Taken:** Ms. Fernandez made a motion to deny the application for licensure, Ms. Feeney seconded the motion.

53
54 Applicant agreed to withdraw the application.

55
56 **Action Taken:** Ms. Fernandez made a motion to allow the withdrawal of the application, Ms. Feeney seconded the motion.
57 Vote: 4 yeas / 0 opposed; motion carried.
58

1 **9:41 am**

2
3 **Kristy Sue Tolley**

4 Applicant was present was not represented by counsel.

5
6 Applicant applied for a license as a Nursing Home Administrator by examination. Applicant did not demonstrate she had
7 performed in an executive management role for her one year experience.

8
9 Applicant gave details of her experience.

10
11 **Action Taken:** Ms. Fernandez made a motion to approve the applicant to sit for the examination, Mr. Helmer seconded.
12 Vote: 4 yeas / 0 opposed; motion carried.

13
14 **9:47 am**

15
16 **Christine Georgette Linan**

17 Applicant was present and was not represented by counsel.

18
19 Applicant applied for a license as a Nursing Home Administrator by examination. Applicant had completed an internship
20 program within a college/university affiliated program, which did not meet the requirements of rule. Applicant did not
21 demonstrate that the educational requirements of rule 64B10-11.001, F.A.C., had been met. Applicant had already asked for
22 Variance/Waiver and was denied.

23
24 Applicant gave information in support of her application. She is not currently working in a nursing home.

25
26 Mr. Lipman stated that employment history regarding Woodlands Care Center gives LNHA as the description and the designation is that
27 for a Licensed Nursing Home Administrator but applicant was never licensed. In addition, the applicant only completed 88 hours in an
28 internship which does not even meet the previous version of the rule that required 500 hours.

29
30 Applicant stated she would withdraw her application.

31
32 **Action Taken:** Ms. Fernandez made a motion to accept withdrawal of application and Mr. Helmer seconded the motion.
33 Vote: 4 yeas / 0 opposed; motion carried.

34
35 **Section IV ended: 9:57 a.m.**

36 **Section IX started: 9:58 a.m.**

37
38
39 **SECTION IX: BOARD COUNSEL'S REPORT:**

40
41 1. **Rules Status Report – November 2014**

42
43 2. **Discussion of Rule 64B10-11.002, F.A.C.**

44 Ms. Loucks stated that a workshop had been conducted on the rule in November 2013. And referred the Board to Mr. Harris'
45 revisions and memorandum.

46
47 Present was Carol Berkowitz representing the Florida Healthcare Association (FHA). Ms. Berkowitz handed out language
48 that the FHA suggested to amend the rule. The FHA supported delegating approval to the Credentialing Committee Chair
49 except in instances where there were questions.

50
51 Present also was Dr. Katherine Hyer from University of South Florida who asked the Board to include under rule 64B10-
52 11.002(2)(a), F.A.C., the term "long term care administration." Ms. Loucks stated that current language tracks the statute
53 and adding this designation could be seen as expanding the statute. The suggestion was made to give Board staff direction
54 that this program is the equivalent.

55
56 Mr. Lipman stated that a problem arose for students graduating and applying for licensure after the date the rule changed to
57 require 650 hours but having completed their internship prior to the change. He believed there was no way these individuals
58 could complete the additional 150 hours and suggested a broader timeframe for being able to approve applicants caught by

1 this change. He suggested that language stating “completing internship by January 1, 2014” would seem to take care of that
2 problem.
3

4 The Board determined that the whole AIT program rule needed tweaking. The Board agreed that Board Counsel Lawrence
5 Harris needs to review the comments from today and the language suggested by the FHA, and provide a draft at the next
6 meeting.
7

8 **3. Discussion of Rule 64B10-11.003, F.A.C.**

9 Present was Carol Berkowitz representing the FHA.

10
11 Mr. Lipman suggested that if someone had taken the examination and passed it, then the applicant should not have to take the
12 examination again. The Board questioned why the language about failing to pass the examination the first time was written.
13

14 The Board agreed that Board Counsel Lawrence Harris needs to review the comments from today and the language suggested
15 by the FHA, and provide a draft at the next meeting.
16

17 **Section IX ended: 10:26 a.m.**

18
19 **The Board took a break**
20 **Meeting reconvened at 10:46 a.m.**
21

22 **Section IV: Applicants Presented for Board Review resumed**
23

24 **Ceceile Annette Carroll-Byfield**

25 Applicant was present and was not represented by counsel.
26

27 Applicant applied for a license as a Nursing Home Administrator by endorsement. Applicant holds a Nursing Home
28 Administrator license from New York. That state’s requirements for licensure are substantively different from those of
29 Florida. Applicant’s application does not reflect that he met the requirements for endorsement under section 468.1705, Fla.
30 Stat.
31

32 Applicant presented information regarding her experience of 4 years. Applicant also described gap in employment
33

34 The difference between Florida and New York is in regard to the number of hours under the Administrator in Training (AIT) program.
35 Mr. Lipman suggested amending the application to one-year management experience and sit for the examination.
36

37 **Action Taken:** Ms. Fernandez made a motion to allow amendment of the application to one-year experience and to take the
38 examination, seconded by Ms. Feeney. The Applicant agreed to amend her application.
39

40 Vote: 4 yeas / 0 opposed; motion carried.
41

42 **10:59 a.m.**

43 **Jacob Daryl Rolfe Mitchell**

44 Applicant was present and was not represented by counsel.
45

46 Applicant applied for a license as a Nursing Home Administrator by examination. Applicant did not demonstrate he had
47 performed in an executive management role for his one year experience.
48

49 Applicant provided information about his managerial experience.
50

51 **Action Taken:** Ms. Fernandez made a motion to allow the applicant to sit for the examination, Ms. Feeney seconded the
52 motion.
53

54 Vote: 4 yeas / 0 opposed; motion carried.
55

56 **11:06 a.m.**
57
58

1 **Sarah Ann Miller**

2 Applicant was present and was not represented by counsel. Other representative: Dr. Kathryn Hyer from the University of
3 South Florida.

4
5 Applicant applied for a license as a Nursing Home Administrator by examination. Applicant had completed an internship
6 program within a college/university affiliated program. Applicant did not demonstrate that the educational requirements of
7 rule 64B10-11.001, F.A.C., had been met.

8
9 Mr. Lipman indicated that this applicant fell into the problem of the rule change. He also saw a documentation problem with
10 the certificate of internship, which indicated October 2013 for her internship.

11
12 Action Taken: Ms. Fernandez made a motion to approve the applicant for examination, Ms. Feeney seconded the motion.
13 Vote: 4 yeas / 0 opposed; motion carried.

14
15 **Section IV concluded at 11:13 am**

16 **Section III started: 11:14 a.m.**

17
18
19 **SECTION III: FINAL ORDERS ACTION**

20
21 **1. Settlement Agreement**

22
23 a. Brian David Bentz – Case number 2010-14277

24 No Board member was recused due to participation on the Probable Cause Panel.

25
26 Respondent was present and was represented by Counsel, Jonathan S. Grout.

27
28 Respondent was charged in two count administrative complaint alleging violation of section 456.1755(1)(k),
29 Fla. Stat., for repeatedly acting in a manner inconsistent with the health, safety, or welfare of patients of the
30 facility in which he is the administrator; and violation of section 456.1755(1)(n), Fla. Stat., for committing
31 negligence or misconduct in the practice of nursing home administration. The Department recommended
32 dropping Count II, which alleged violation of section 456.1755(1)(n), Fla. Stat.

33
34 The proposed settlement agreement provided for: a letter of concern; fine in the amount of \$1,000; costs in the
35 amount of \$3,500; six (6) hours of continuing education in areas to be determined by the Board.

36
37 Both Respondent and his attorney addressed the Board. Applicant agreed to waive attorney fees if the case was
38 dismissed.

39
40 **Action Taken:** Motion to dismiss the Administrative Complaint made by Ms. Feeney, seconded by Mr.
41 Helmer.

42 Vote: 4 yeas / 0 opposed; motion carried.

43
44 **Section III, Discipline, concluded at 11:42 a.m.**

45 **Section III, Petition for Variance/Waiver, started: 11:43 a.m.**

46
47
48 **SECTION III: PETITION FOR VARIANCE/WAIVER**

49
50 Petition for Variance/Waiver by Carolyn Moore – Rule 64B10-15.0021(1), Florida Administrative Code (F.A.C.).
51 Petitioner was present and was not represented by counsel.

52
53 Petitioner requested a variance/waiver from Rule 64B10-15.002(3), F.A.C., providing a total of 34.5-hours of continuing
54 education credits for a food training seminar, a home study course, and participation on a national task force for long term
55 care.

56
57 Petitioner gave additional information regarding courses she participated in but were not pre-approved by the Board.
58

1 Motion to table for additional information to be provided in one hour made by Ms. Fernandez and seconded by Mr. Helmer.
2 Vote 4 yeas / 0 opposed; motion carried.
3

4 Petitioner reported she needed 8 hours of credit. Ms. Moore waived the 90-days for the Board to act on her petition.
5

6 **Action Taken:** Motion to table the matter made by Mr. Helmer until additional information received and reviewed by the
7 Board, seconded by Ms. Fernandez.
8 Vote: 4 yeas / 0 opposed; motion carried.
9

10 If approved by Ms. Feeney as Continuing Education Committee Chair, the matter may come back to the Board for
11 ratification.
12

13 **Section III ended: 12:00 p.m.**

14 **Section V started: 12:00 p.m.**
15

16 **SECTION V: DISCUSSION REGARDING LAWS AND RULES EXAMINATION**

17 1. Zohre Bahrayni, Ph.D., Department of Health Psychometrician was not present.
18 Department of Health requested that the Board consider changing the Laws and Rules Examination to a Continuing
19 Education course.
20

21 Board asked for the matter to be set for next meeting.
22
23

24 **Section V ended: 12:07 p.m.**

25 **Section VI started: 12:07 p.m.**
26
27

28 **SECTION VI: RATIFICATION OF LICENSES**

29
30 1. Individuals deemed eligible based on one year of management experience, completion of an AIT program, completion of
31 an internship program, or endorsement, license numbers listed on page 544 of the agenda. Licenses were issued after
32 approval of Board staff or Credentialing Committee.
33

34 Motion to ratify Nursing Home Administrator licenses numbered 5601 through 5675 was made by Ms. Fernandez and
35 seconded by Mr. Helmer.
36 Vote: 4 yeas / 0 opposed; motion carried.
37

38 2. Individuals Stanley Jean Rogers through Christopher Thomas Ray approved by Board staff, Credentialing Committee, or
39 full Board to sit for the Nursing Home Administrator laws and rules examination and/or the NAB examination.
40

41 Motion to ratify applicants to sit for examination(s) was made by Ms. Fernandez and seconded by Ms. Feeney.
42 Vote: 4 yeas / 0 opposed; motion carried.
43

44 3. Individuals approved by Board staff, Credentialing Committee or full Board to begin an Administrator-In-Training
45 program, on page 546.
46

47 Motion to ratify applicants issued license numbers 5254 through 5261 to begin an Administrator-In-Training program was
48 made by Mr. Helmer and seconded by Ms. Fernandez.
49 Vote: 4 yeas / 0 opposed; motion carried.
50

51 4. Individuals licensed in Florida as a Nursing Home Administrator and who met the requirements to become certified as a
52 Preceptor after a verbal interview with a Board member.
53

54 Motion to ratify applicants approved as a Preceptor: Eric J Weisz, Gregory Scott Robeerts, Su Chae Reynard, Daniel James
55 Jones, David Lynwood Prescott, Robert Luis Beckman, and Trentino Anthony Manco, was made by Ms. Fernandez and
56 seconded by Ms. Feeney.
57 Vote: 4 yeas / 0 opposed; motion carried.
58

1
2 **Section VI ended: 12:09 p.m.**
3 **Section VII started: 12:09 p.m.**
4
5

6 **SECTION VII: CHAIR/VICE CHAIR REPORT:**
7

- 8 1. Future Agenda Items
9 a. The Board indicated an interest in reviewing the AIT rules
10 b. The Board indicated an interest in reviewing the one-year management experience
11

12 **Section VII ended: 12:10 p.m.**
13 **Section VIII started: 12:10 p.m.**
14
15

16 **SECTION VIII: EXECUTIVE DIRECTOR'S REPORT:**
17

- 18 1. Discussion regarding change of teleconference call scheduled December 18, 2015 due to conflict with another
19 Board meeting. Board staff to send out an email to Board members to look at December 4 or 11, 2015.
20

21 **Section VIII ended: 12:12 p.m.**
22 **Section X started: 12:12 p.m.**
23
24

25 **SECTION X: NEW BUSINESS:**

26 No new business
27

28 **Section X ended: 12:13 p.m.**
29 **Section XI started: 12:13 p.m.**
30
31

32 **SECTION XI: COMMITTEE REPORTS:**
33

- 34 1. AIT/PRECEPTOR – Fernandez/Gerrity/Lipman. Ms Fernandez and Mr. Lipman stated reports have improved.
35
36 2. Budget – Mr. Helmer. Ms. Rodgers reported the budget appeared to meet needs of the Board.
37
38 3. Continuing Education – Ms. Feeney. Ms. Meany has been a big help in getting materials to her.
39 a. Report of Continuing Education Providers and Courses approved by CE Committee Chair
40
41 Motion to ratify committee approval of course numbers 20-367909, 20-460295, 20-463464, 20-463833, 20-459742, 20-
42 459164, 20-463082, 20-459530, 20-460353, 20-420721, and 20-404073 made by Ms. Feeney, seconded by Mr. Helmer.
43 Vote: 4 yeas / 0 opposed. Motion carried.
44
45 b. Report of Continuing Education Providers and Courses approved by Board Staff
46
47 Motion to ratify board staff approval of course numbers 20-453996, 20-466143, and 20-463774 made by Ms. Fernandez,
48 seconded by Ms. Feeney.
49 Vote: 4 yeas / 0 opposed. Motion carried.
50
51 4. Credentials - Mr. Lipman reported
52
53 5. Disciplinary Compliance - Dr. Hankerson
54
55 6. Healthiest Weight - Dr. Hankerson. Ms. Rodgers stated materials were passed out for use with clients.
56
57 7. Legislation - Mr. Helmer had no report.
58

- 1 8. Probable Cause – Mr. Helmer had no additional report.
2 Statistics were made available for Board review.
3
4 9. Rules – Ms. Feeney had no report.
5
6 10, Unlicensed Activity - Ms. Feeney had no report.
7

8 The Board addressed election of 2015 officers.
9

10 Motion to nominate Henry Gerrity as Chair made by Mr. Helmer and seconded by Mr. Lipman.
11 Vote: 4 yeas / 0 opposed. Motion carried
12

13 Motion and Scott Lipman as Vice Chair made by Mr. Helmer seconded by Ms. Fernandez.
14 Vote: 4 yeas / 0 opposed. Motion carried
15

16 **Section XI concluded at 12:36 p.m.**
17 **The Board reconvened 1:55 p.m.**
18
19

20 **Section IV: Applicants Presented for Board Review resumed at 1:55 p.m.**
21

22 1. APPLICANTS PRESENTED FOR BOARD REVIEW
23

24 Kathleen Elizabeth Brinser – continued.

25 Applicant was present, was not represented by counsel, but Donna Lee Fabian, administrator of the facility, was present in
26 support.
27

28 Applicant provided additional documentation of her role during her one-year of management experience. Applicant and Ms.
29 Fabian provided overview of duties.
30

31 **Action Taken:** Ms. Fernandez made a motion to approve the applicant to sit for the examination, Mr. Helmer seconded.
32 Vote: 4 yeas / 0 opposed; motion carried.
33

34 **NEXT MEETING DATE** – February 20, 2015 in Orlando, Florida
35

36 **General Board Business concluded at: 2:24 p.m.**
37 **The Board adjourned at 2:24 p.m.**
38

39 **ADJOURNMENT**
40