

**FLORIDA** | Board of Nursing Home Administrators

DRAFT MINUTES

September 30, 2016

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399

Conference Call Meet Me Number: (888) 670-3525

Participant Code: 7342425515



Henry Gerrity, III, NHA

*Chair*

Scott Lipman, MHSA, NHA

*Vice-Chair*

Anthony Spivey, DBA

*Executive Director*

The Florida Board of Nursing Home Administrators did hold a meeting on Friday, September 30, 2016, commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida, at meet me number (888) 670-3525, participant code 7342425515, to which all persons were invited to attend. Participants in this public meeting were made aware that these proceedings were being recorded and that an audio file of the meeting will be posted to the board's website.

## **I. CALL TO ORDER**

The board meeting was called to order at 9:00am

### **MEMBERS PRESENT:**

Roll was called by Gail Curry

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

### **STAFF PRESENT:**

Anthony Spivey, D.B.A., Executive Director  
Gail Curry, Program Operations Administrator  
Savada Knight, Regulatory Supervisor/ Consultant  
Frank Grunwald, III, NHA Processer  
Keri, Kilgore, NHA Processer

### **BOARD COUNSEL:**

Deborah Loucks, Esq., Assistant Attorney General 29  
Office of Attorney General

### **Court Reporter:**

## **II. APPROVAL OF MINUTES:**

a. June 24, 2016 – Teleconference

Approval of the June 24, 2016 minutes will be viewed at the next Board meeting.

## **III. APPLICANTS PRESENTED FOR BOARD REVIEW:**

a. Lisa Desmarreau  
Present without counsel

Ms. Desmarteau is asking for review of her application and supporting documents to see if it meets the requirements of Florida Statute 468.1705 for approval of her application.

**Discussion:** Ms. Desmarteau gave her leadership experience from the last 18 years. Board members gave Ms. Desmarteau the option to get the administrator on the conference call. Ms. Desmarteau will try to get the administrator on the phone. Board members would like to see an organizational chart of what her responsibilities were as the Chief Financial Officer. Ms. Desmarteau has waived her 90 days. Deborah Loucks gave Ms. Desmarteau her options of either withdrawing her application or having the Board voting on the application with the presented information. Board members are looking for more detailed experience from former employers.

Ms. Desmarteau disconnected from the call to try to get her employer on the call with her

**b. Tamarah Ann Dicus-Wilbert**

Present with attorney, John Grout

Ms. Dicus-Wilbert is asking for review of her application and supporting documents to see if it meets the requirements of Florida Statute 468.1705 for approval of her application.

**Discussion:** Ms. Dicus-Wilbert does not have a Bachelor's degree. She has been a Nursing Home Administrator in Colorado and Virginia since 1999. She also holds licenses in both those states. These state licenses are equivalent to Florida requirements. There is a Bachelor's degree requirement for Virginia and she holds a license in that state.

**Action:** Christine Hankerson motioned to allow her to sit for the required examination. Second by Henry Gerrity.

Vote: 6 yeas / 0 opposed. Motion carries.

**c. Paula Twitty**

**Not Present, no counsel**

Ms. Twitty is asking for review of her application and supporting documents to see if it meets the requirements of Rule 64B10-11.003, F.A.C. for approval of her application.

**Discussion:** After discussion of the dates it was decided she should have an opportunity to sit for the examination.

**Action:** Henry Gerrity motioned to extend her application for 6 months while she takes the required examination. Second by Christine Hankerson.

Vote: 6 yeas / 0 opposed. Motion carries.

**d. Michael Ray**

**Present, without counsel**

Mr. Ray is asking for review of his documentation to determine if the courses he completed can be approved according to Rule 64B10-15.002(1), (2) and (3) for hours to be applied towards the license's renewal.

**Discussion:** Mr. Ray has since taken more CE's to complete his renewal. He did ask for the clarification for approving CE's. Ms. Feeney gave an explanation. Ms. Hankerson asked for him to explain how the courses he took related to Nursing Home Administrators.

**Action:** Ms. Hankerson motioned to accept the 20 contact hours as reflected by Nova Southeast University as related to Conflict Resolution in Healthcare. Second by Henry Gerrity.

Vote: 6 yeas / 1 opposed, Patricia Feeney, Motion carries.

Roll call for revote:

Gerrity Yes

Lipman No

Feeney No

Hankerson Yes

Helmer No

Phelan Yes

**Discussion:** Mr. Lipman would like to see some of the hours approved but not all 20. Ms. Feeney disagrees that these are not good for CE hours. Dr. Spivey explained that Mr. Ray has renewed his license with additional CE's. Mr. Ray would like to withdraw his petition.

**Action:** Motion to accept the withdrawal of Mr. Ray's petition was made by Henry Gerrity. Second by Ms. Hankerson.

Vote: 6 yeas / 0 opposed. Motion carries

Deborah Loucks did invite Mr. Ray to be part of the rule making on this issue.

**Lisa Desmarteau** called back in. Morris Funk isn't available at this time. She would like to table this until next meeting in January. Scott Lipman would allow her to submit the letter to him for approval if the board would allow him to do that.

**Action:** Motion to accept Scott Lipman's request was made by Ms. Feeney. Second by Mr. Helmer.

Vote: 6 yeas/0 opposed, motion carries

#### **IV. RATIFICATIONS:**

##### **a. Licensure –**

##### **i. Nursing Home Administrators**

License numbers 5925 - 5952

**Action:** Mr. Gerrity motioned to ratify license numbers 5884-5952. Second by Ms. Hankerson.

Vote: 6 yeas / 0 opposed, motion carries

##### **ii. Nursing Home Administrators (Exam)**

License numbers 5275 - 5495

**Action:** Ms. Hankerson motioned to ratify license numbers 5275-5495. Second by Mr. Gerrity.  
Vote: 6 yeas / 0 opposed, motion carries

### **iii. Preceptors**

License numbers 4780 - 5372

**Action:** Ms. Hankerson motioned to ratify license numbers 4780 - 5372. Second by Mr. Gerrity.  
Vote: 6 yeas / 0 opposed, motion carries

### **b. Continuing Education –**

#### **i. Providers and Courses Approved by CE Chair**

**Action:** Ms. Feeney motioned to approve Providers and Courses. Second by Mr. Gerrity.  
Vote: 6 yeas / 0 opposed, motion carries

### **V. PROSECUTION REPORT:**

**Action:** Mr. Gerrity motioned to accept the prosecutors report as presented. Second by Mr. Lipman.  
Vote: 6 yeas / 0 opposed, motion carries

**Action:** Motion made by Mr. Gerrity to allow Prosecution services to continue prosecuting cases over a year old. Second by Ms. Feeney.  
Vote: 6 yeas / 0 opposed, motion carries

### **VI. CHAIR/VICE-CHAIR REPORT:**

Ms. Hankerson attended the Chair/Vice Chair meeting in Tallahassee. Each Board was asked for an accomplishment in the past year. Most all Boards talked about the changes in their Rules. There was also talk about the SWAT Analysis. A couple of things that came from that discussion were the teleconference call vs face to face meetings. All Boards like in face meeting. You get more participants and better representation when people are trying to talk. Department of Health said they would look into this. Louise gave a very in depth report and Explained some of the regulations and what they are doing. Board members can talk to people about rule making if they are asked a question. Our Board was not very well represented in the SWAT survey. Mr. Helmer followed up by saying it was a good meeting and there was a lot of conversation by the staff that was very informative.

#### **a. Future Agenda Items**

Ms. Hankerson would like to see what other Boards do for CE. CE procedures need to be worked on so they will be meaningful but not so obstructive that they can't take care of that.

Mr. Helmer talked about looking at in person meeting.

### **VII. EXECUTIVE DIRECTOR'S REPORT:**

#### **a. Aundrea Leonard, NHA**

FYI only. Larry Harris has already addressed this. Her petition was not in the required format. Mr. Harris has contacted Ms. Leonard.

### **VIII. PUBLIC HEARING ON RULES 64B10-16.001 - .007 (AIT Rules):**

Deborah Loucks explained that Mr. Harris had made changes based on the Joint Administration Procedures Committee concerns.

- a. 16.00x NPR.03 28 16
- b. 16.00x NOC.08 05 16
- c. 1600x letter from JAPC response 08 15 16
- d. Edits to Resolve JAPC concerns 09 01 16
- e. NHA admin-in-training NHA0003 Final Second revised 09 01 16
- f. NHA application preceptor Final Second revised 09 01 16

**Action:** Motion to approve the changes to 64B10 as noted was made by Ms. Hankerson. Second by Mr. Gerrity.

Vote: 6 yeas / 0 opposed, motion carries

**Action:** Motion to approve the changes to the application forms and the rules incorporating those revisions was made by Mr. Gerrity. Second by Ms. Hankerson.

Vote: 6 yeas / 0 opposed, motion carries

Deborah Loucks asked the Statement of Estimated Regulatory Costs question. Will these proposed rule amendments have an adverse effect on small business or will the proposed amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year of implementation of the rules?

**Action:** Motion that it will not was made by Ms. Hankerson. Second by Mr. Gerrity.

Vote: 6 yeas / 0 opposed, motion carries

### **IX. BOARD COUNSEL REPORT:**

- 1. 64B10-11.001

**Action:** Motion to update the rules as noted was made by Mr. Gerrity. Second by Ms. Hankerson.

Vote: 6 yeas / 0 opposed, motion carries

Deborah Loucks asked the Statement of Estimated Regulatory Costs question. Will these proposed rule amendments have an adverse effect on small business or will the proposed amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year of implementation of the rules?

**Action:** Motion that it will not was made by Ms. Hankerson. Second by Mr. Gerrity.

Vote: 6 yeas / 0 opposed, motion carries

- 2. 64B10.11.003

**Action:** Motion to approve the changes to 64B10-11.003, re-examinations, as noted was made by Ms. Hankerson. Second by Mr. Gerrity.

Vote: 6 yeas / 0 opposed, motion carries

Deborah Loucks asked the Statement of Estimated Regulatory Costs question. Will these proposed rule amendments have an adverse effect on small business or will the proposed amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within one year of implementation of the rules?

**Action:** Motion that it will not was made by Ms. Hankerson. Second by Mr. Gerrity.

Vote: 6 yeas / 0 opposed, motion carries

3. 2016-222 LOF and Stats

FYI for new disciplinary actions.

4. 2016-2017 Annual Regulatory Plan

Has been submitted to the Department of Health and is posted on their website.

a. Rule 64B10-11.001 and 11.003 – Review and Discussion

b. Rule 64B10 – 14.005 – Review and Discussion

**Action:** Table until next meeting. Would like clarification on the changes.

c. Draft Annual Regulatory Plan – Review and Approval

d. Rules Status Report – August 2016

Notice of changes will be filed.

**X. COMMITTEE REPORTS:**

a. AIT/Preceptor – Fernandez/Gerrity/Lipman

Mr. Gerrity reported that he has been receiving a lot more contacts for Preceptors. Florida Healthcare had their training for Preceptor and refresher course in August. Every week he is getting more people calling for an interview. Mr. Lipman did say September is a busy month due to the graduation in August.

b. Budget – Helmer

One of the papers he received at the state meeting was a Profession Revenue and Expenditures Projections for all Boards in the Department of Health. For our Board Ending cash balance for June 2016 was \$269,000. Estimated revenue for 2016-2017 was \$665,000. Estimated expenses for 2016-2017 is \$337,000. End of cash balance for 6/30/2017 is estimated at \$597,000.

c. Continuing Education – Feeney

Nothing to add at this time.

d. Credentials – Lipman

A few little issues that come up every now and then that he has to bring to the board.

e. Disciplinary Compliance – Hankerson

Nothing for us. Other boards have a lot of them. Looks good for us.

f. Healthiest Weight – Hankerson

The parks person gave a representation on the new prescription activity pad they are using to help keep children healthy. This also gives them a free pass into a park in Florida. Next face to face meeting she will bring in some tools in for everyone to bring into the workplace. She requested information from the Healthy Weight department to distribute.

g. Legislation – Helmer

Nothing to report on legislation.

h. Probable Cause - Helmer

Had a meeting last week and everything went well.

i. Rules – Feeney

Nothing to add.

j. Unlicensed Activity – Dr. Spivey

Dr. Spivey explained that at the Chair/Vice Chair meeting it was decided that reports from the Unlicensed Activity area to give updates on what is going on in your area. These will start to be placed on the agendas in the future.

k. NHA Licensure Requirement Summary

This is in everyone packet for review.

**XI. OLD BUSINESS:**

**XII. NEW BUSINESS:**

**XIII. NEXT MEETING DATE:**

a. January 13, 2017 – Orlando

There was discussion on locations. Also, possibility to have all new licensees to attend a meeting within 1 year from licensure.

**XIV. 2017 PROPOSED MEETING DATES:**

a. January 13 – Teleconference

b. April 28 – Orlando - Ms. Feeney will not be available

c. July 7 – Teleconference

d. August 25 – Orlando

e. October 20 – Teleconference

Ms. Hankerson will not be able to confirm until her employer sets the calendar for 2017.

**XV. ADJOURNMENT**

There being no further business the meeting adjourned at 10:45.