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FLORIDA | Board of Nursing Home Administrators

DRAFT MINUTES

April 28, 2017

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399

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

Participant Code: 7342425515

DRAFT



Henry Gerrity, III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice-Chair

Anthony Spivey, DBA
Executive Director

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The Florida Board of Nursing Home Administrators held a meeting on Friday, April 28, 2017, commencing at 9:03 a.m. The 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.

AGENDA

General Board Business began at: 9:03 a.m.

Gail Curry called the roll. Those present for all or part of the meeting included the following:

I. CALL TO ORDER (Roll Call):

BOARD MEMBERS PRESENT:

- Henry Gerrity, III, NHA, Chair
- Scott Lipman, MHSA, NHA, Vice-Chair
- Chantelle Kocik, MBA, NHA
- Christine Hankerson, MSN, MS/P, Ph.D., RN
- Michael Helmer, BA
- William Phelan, MS, CAE

EXCUSED:

- Patricia Feeney, RN, BSN, HCRM

BOARD STAFF PRESENT:

- Anthony Spivey, D.B.A., Executive Director
- Gail Curry, Program Operations Administrator
- Savada Knight, Regulatory Supervisor/ Consultant
- Frank Grunewald, III, Regulatory Specialist II
- Kellee Crowson, Regulatory Specialist II

Board Counsel:

- Rachelle Munson, Assistant Attorney General
Office of the Attorney General
- Lawrence Harris, Assistant Attorney General
Office of the Attorney General

Court Reporter:

- For the Record

Meeting was turned over to Mr. Gerrity, Board Chair.

1 Section II started at 9:04 a.m.

2
3 **II. APPROVAL OF MINUTES:**

4
5 **a. January 13, 2017 (Teleconference)**

6 **Board Action:** Motion to accept the minutes as written was made by Mr. Helmer. Seconded by
7 Ms. Hankerson. Vote: 6 yeas / 0 opposed; motion carried.

8 Section II concluded at 9:05 a.m.

9 Section III started at 9:05 a.m.

10
11 **III. PETITIONS WITH APPLICATIONS:**

12
13 **a. Nikki Jeune**

14 **Not present, not represented by counsel.**

15 **Ms. Jeune is seeking an extension of time by submission of a Petition for Variance or**
16 **Waiver of rule 64B10-11.002(1).**

17
18 Mr. Harris gave an overview of the filed petition.

19
20 **Discussion:** There was some discussion between the Board Members, Mr. Harris, Board
21 Counsel about the Petition for Variance/Waiver of Rule 64B10-11.002(1).

22
23 **Action:** Motion to grant the Petition for Variance/Waiver finding that Ms. Jeune has
24 demonstrated that she will achieve the purpose of the underlying statute by other means and
25 that application of the rule had issue to her particular facts and circumstances will be an undue
26 hardship and condition grant of the Petition for Variance/Waiver for 6 months was made by Ms.
27 Hankerson. Seconded by Mr. Phelan.
28 Vote: 6 yeas / 0 opposed; motion carried.

29
30 **b. Brian Brinkerhoff**

31 **Present, without counsel.**

32 **Review of the application and supporting documentation to determine if it meets the**
33 **requirements of Florida Statute 468.1695.**

34
35 Mr. Harris gave an overview of the application and the negative answer to discipline and
36 criminal history questions on the application.

37
38 Mr. Brinkerhoff gave complete details of the incidents.

39
40 **Discussion:** The Board members asked Mr. Brinkerhoff some questions to clarify the
41 incidents and there was some discussion concerning the incidents.

42
43 **Action:** Motion to approve the application was made by Mr. Lipman. Seconded by Ms. Kocik.
44 Vote: 6 yeas / 0 opposed; motion carried.

1 Section III concluded at 9:35 a.m.

2 Section IV started at 9.35 a.m.

3 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW:**

4

5 **a. Glenda Lynn**

6 **Present, without counsel.**

7 **Is looking for approval to take the NAB before she graduates.**

8

9 **Discussion:** Ms. Lynn explained the need for her to take the exam before she
10 finishes her hours due to NAB changing their study materials. Mr. Harris gave his legal
11 perspective. Board Members agree that this is an exam change and the Board has no
12 legal grounds to allow her to take the exam before she meets the criteria.
13

14 **Action:** Motion to deny her request to sit for the examination prior to the AIT requirements
15 being met was made by Ms. Kocik. Seconded by Mr. Gerrity.
16 Vote: 6 yeas / 0 opposed; motion carried.
17

18 Section IV concluded: 9:45 a.m.

19 Section V began: 9:45 a.m.

20

21 **V. RATIFICATION:**

22

23 **a. Licensure**

24

25 **i. Nursing Home Administrators**

26 6016 – 6053

27 **Action:** Motion to ratify the issuance of Nursing Home Administrator licenses numbers
28 6016 - 6053, was made by Ms. Hankerson. Seconded by Mr. Gerrity. Vote: 6 yeas / 0
29 opposed; motion carried.

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

31 **Action:** Motion to approve eligibility for the Nursing Home Administrators Exam file
32 numbers 5582 thru and to include 4893 was made by Ms. Hankerson. Seconded by Mr.
33 Gerrity. Vote: 6 yeas / 0 opposed; motion carried

34 **iii. Administrator-in-Training**

35 **Action:** Motion to approve the Administrator-in-Training program for 1,000 hours, to
36 begin with file number 5595 thru and including file 5633 was made by Ms. Hankerson.
37 Seconded by Mr. Gerrity. Vote: 6 yeas / 0 opposed; motion carried.

38 **Action:** Motion to approve the Administrator-in-Training program for 2,000 hours, to
39 begin with file number 5590 thru 5527 was made by Mr. Gerrity. Seconded by Mr.
40 Phelan. Vote: 6 yeas / 0 opposed; motion carried.

1 **iv. Preceptors**
2 **Action:** Motion to approve the Preceptors files 5193 thru 3563 was made by Mr. Gerrity.
3 Seconded by Mr. Phelan. Vote: 6 yeas / 0 opposed; motion carried.

4 **b. Continuing Education Providers & Courses approved by CE Chair**

5
6 **i. Core Training approved by CE Broker**

7 **Action:** Motion to approve the 3 courses that Ms. Feeney approved that would include,
8 What's New with Medication Changes in Regulations, Enriching Alternative Medicine
9 with Essential Oils and Utilizing Skilled Documentation was made by Ms. Hankerson.
10 Seconded by Mr. Helmer. Vote: 6 yeas / 0 opposed; motion carried.

11 **ii. CE Providers & Courses approved by CE Committee Chair**

12 **Board Action:** Motion to approve Mr. Campbell and Associates training for the Assisted
13 Living Administrators Core Training course was made by Ms. Hankerson. Seconded by
14 Mr. Helmer. Vote: 6 yeas / 0 opposed; motion carried.

15 **Section VI concluded: 10:02 a.m.**

16 **Section VII began: 10:02 a.m.**

17 **VI. AIT SPREADSHEET:**

18 FYI for previous discussion for the NAB changes.

19 No action required.

20 **Section VII concluded: 10:03 a.m.**

21 **Section VIII resumed: 10:03 a.m.**

22 **VII. PROSECUTION REPORT:**

23 There are currently 16 open disciplinary cases in the PSU Detailed Inventory.

24 Under Legal Review: 16

25 PC recommendation made or no PC found and not yet closed: 0

26 Probable cause found/waived: 0

27 Awaiting final action: 0

28 Cases Older Than One Year:

29 - 2015: 5

30 -2016: 4

31 **Action:** Motion to extend this report until the July 7th meeting to have the prosecutor present
32 to the board the 9 outstanding cases from 2015 and 2016 was made by Mr. Gerrity. Second by
33 Ms. Hankerson. Vote: 6 yeas / 0 opposed; motion carried.

34 **Section VIII concluded: 10:10 a.m.**

1 **Section IX began: 10:10 a.m.**
2

3 **VIII. BOARD COUNSEL REPORT:**
4

5 **a. Proposed Changes to Rule 64B10-14.004**

6 Ms. Munson responded to the JAPC letter and the changes will not have any further
7 problems. If approved by the board Ms. Munson will move forward with submitting a
8 notice of change. Moving the process forward.

9 **Action:** Motion to note changes so the process can move forward was made by Ms.
10 Hankerson. Second by Mr. Lipman. Vote: 6 yeas / 0 opposed; motion carried.

11 **b. 64B10-14.005**

12 Ms. Munson presented the minor violations. Our board is in compliance under rule
13 120.695, F.S.

14 **c. January 2017 Rules Report**

15 **d. March 2017 Rules Report**

16 **e. April 2017 Rules Report**

17 Ms. Munson presented the April 2017 Rules Report. This is a combination of the January
18 and March Rules Report. She referred to the matrix that is included in the agenda
19 materials.

20 **f. Memorandum of Voting Conflict for State Officers**

21 Ms. Munson clarified the Voting Conflict for State Officers. There is a form that will be
22 present at all meetings if you need to fill out one.

23 **g. Continuing Education (Hankerson)**

24 Ms. Hankerson referenced the website instruction for CE. She presented other Boards
25 CE requirements. Would like to update the CE requirements to take out "in person" and
26 include "home study". Need to have NHA Board come into line with other Boards
27 requirements and the way they can obtain their CE's.

28 **Action:** Place on next agenda for the board to look at the way the CE are obtained. Have
29 Board Members and possibly the two associations submit their ideas to the board staff
30 to be presented at the next board meeting.

31 **h. Clarification on determine credits for attending college courses (Feeney)**

32 Mr. Harris clarified the understanding of the college courses being approved for CE.

33 Place this back on the next agenda so that Ms. Feeney can present her concerns.

34 **i. Florida Laws and Rules Exam for Nursing Home Administrators (Lee Ann Griffin)**

35 No one is present from Florida Health Care to address this point.

1 **Section IX concluded: 10:30 a.m.**

2 **Section X Resumed: 10:30 a.m.**

3 **IX. CHAIR/VICE CHAIR REPORT:**

4 Mr. Gerrity talked about the Preceptors and the AIT reports. Mr. Lipman stated that the
5 NAB meeting is in June. At this meeting they will be talking about the new exam. Mr.
6 Lipman cannot attend. Dr. Spivey will attend if possible. Meeting is June 14 – 16. Ms.
7 Kocik will also look to see her availability.

8
9 **Section X concluded: 10:34 a.m.**

10 **Section XI began: 10:34 a.m.**

11 **X. EXECUTIVE DIRECTOR'S REPORT:**

- 12 a. **Agenda Ivviewer Tip**
- 13 b. **Chair/Vice Chair meeting to be held on September 18, 2017.**
- 14 c. **Rule reductions.**

15 **Section XI concluded: 10:37 a.m.**

16 **Section XII began: 10:37 a.m.**

17 **XI. OLD BUSINESS:**

18 Ms. Hankerson wanted an update on the issue of paying for a Preceptor. Dr. Spivey gave
19 and update and will check on this again.

20 **Section XII concluded: 10:38 a.m.**

21 **Section XIII began: 10:38 a.m.**

22 **XII. NEW BUSINESS:**

23 No new business.

24 **Section XIII concluded: 10:38 p.m.**

25 **Section XIV began: 10:38 p.m.**

26 **XIII. COMMITTEE REPORTS:**

27 a. **AIT/Preceptor – Kocik/Gerrity/Lipman**

28 Mr. Gerrity stated that the Preceptor have already been discussed. Nothing further.

29

30 b. **Budget – Helmer**

31 Nothing at this time.

32

33 c. **Continuing Education – Feeney**

34 Nothing at this time.

35

36 d. **Credentials – Lipman**

37 Nothing at this time.

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39 i. **NHA Licensure Requirement Summary**

40 Already reviewed earlier in the meeting.

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e. Disciplinary Compliance – Hankerson

Nothing at this time.

f. Healthiest Weight – Hankerson

Ms. Hankerson directed everyone to the Healthy Weight website. She encouraged everyone to sign up for tips and tricks that will be delivered to you once a week.

g. Legislation – Helmer

Nothing at this time.

h. Probable Cause – Helmer

Nothing at this time.

i. Rules – Feeney

Not present at this meeting

j. Unlicensed Activity – Feeney

Nothing at this time.

XIV. NEXT MEETING DATE: July 7, 2017

Section XIX concluded: 10:48 a.m.

Section XV began: 10:48 a.m.

XV. ADJOURNMENT

Mr. Gerrity adjourned the meeting at 10:48 a.m.

The meeting was adjourned at 10:48 a.m.