# FLORIDA | Board of Nursing Home Administrators

### **DRAFT MINUTES**

September 21, 2018

Embassy Suites by Hilton 4955 Kyngs Heath Rd. Kissimmee, Florida 32746



Henry Gerrity III, NHA, *Chair* Scott Lipman, MHSA, *Vice-Chair* Anthony Spivey, DBA, *Executive Director*  The Florida Board of Nursing Home Administrators held a meeting on Friday, September 21, 2018, commencing at 9:00 a.m. This meeting was held at the Embassy Suites by Hilton, 4955 Kyngs Heath Road, Kissimmee, Florida 32746, 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.

### <u>AGENDA</u>

#### Section I began: 9:03 a.m.

#### 1 I. CALL TO ORDER (Roll Call)

2 Henry Gerrity, III, NHA Ch	air
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- Scott Lipman, MHSA, Vice Chair 3
- Chantelle Kocik, MBA, NHA 4
- 5 Patricia Feeney, RN, BSN, HCRM (Absence Excused)
- Christine Hankerson, MSN, MS/P, Ph.D., RN 6
- 7 Michael Helmer, BA
- 8 William Phelan, MS, CAE (Absence Excused)

#### **Board Staff Present:**

- Lucy Gee, Director of Medical Quality Assurance 12
- Mark Whitten, Bureau Chief of Healthcare Practitioner Regulation 13 14
  - Dr. Anthony Spivey, DBA, Executive Director Gail Curry, Program Operations Administrator
- 15 16
- 17 **Board Counsel:**
- Rachelle Munson, Assistant Attorney General 19

## **Court Reporter:**

23 American Court Reporter-Suzette Bragg (407) 896-1813 24

#### 26 Section I ended: 9:05 a.m. Section II began: 9:05 a.m.

#### II. 29 **APPROVAL OF MINUTES:**

- July 23, 2018 31 a.
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- Action: Motion to approve the minutes made by Ms. Hankerson. Second made by Mr. 33 Helmer. 34 35
- Vote: 5 yeas / 0 opposed. Motion carried. 36
- 37

38		b. August 8, 2018
39		
40		Action: Motion to approve the minutes made by Mr. Helmer. Second made by Ms.
41		Hankerson.
42		
43		<b>Vote:</b> 5 yeas / 0 opposed. Motion carried.
44		
45 46		Section II ended: 9:07 a.m. Section III began: 9:07 a.m.
40 47		Section III began. 9.07 a.m.
48	III.	PROSECUTION REPORT
49		
50		Dr. Spivey provided statistics regarding the prosecutions currently open in the Department.
51		
52		Total cases: 20
53		Under legal review: 17
54 55		Cases older than one year continued for prosecution: 9
56		Mr. Gerrity asked how to move the cases faster. Ms. Kocik suggested a breakdown of reasons
57		of why there may be a delay. Ms. Hankerson concurred that it would be helpful to have a
58		reason. Ms. Hankerson sought more information of whether it could be a process delay or
59		turnover of staff. Ms. Hankerson advised that it would assist the board in determining whether
60		to approve the extension of time on cases over a year.
61		
62		Action: Motion to request more information that indicates how long beyond a year and
63		reason(s) for needing additional time to be addressed at the next board meeting made by Ms.
64		Hankerson. Second made by Mr. Gerrity.
65		
66		Vote: 5 yeas/ 0 opposed. Motion carried.
67		
68		Section III ended: 9:15 a.m.
69		Section IV began: 9:15 a.m.
70		
71	IV.	RATIFICATION:
72		a. <u>Licensure</u>
73		i. Nursing Home Administrators
74		
75		Action: Motion to approve the ratification of licensees made by Mr. Gerrity. Second
76		made by Ms. Kocik.
77		Vieter 5 mars / 0 mars 1 Marian annie 1
78 70		<b>Vote:</b> 5 yeas / 0 opposed. Motion carried.
79 80		ii. Nursing Home Administrators (Exam)
80 81		n. Tursing frome Auministrators (Baam)
82		Action: Motion to approve the ratification of licensees made by Mr. Gerrity. Second

83 84		made by Mr. Lipman.
85 86		Vote: 5 yeas / 0 opposed. Motion carried.
87		iii. Administrator-in-Training
88		
89 90		Action: Motion to approve the ratification of licensees made by Mr. Gerrity. Second made by Mr. Helmer.
91		
92		Vote: 5 yeas / 0 opposed. Motion carried.
93		
94		iv. Preceptors
95		
96		Action: Motion to approve the ratification of licensees made by Mr. Gerrity. Second made by
90 97		Mr. Lipman.
97 98		Mi. Lipinan.
99		Vote: 5 yeas / 0 opposed. Motion carried.
100		vole. 5 yeas / 6 opposed. Motion carried.
101		b. <u>Continuing Education</u>
102		
103		i. Continuing Education Providers & Courses approved by CE Committee
104		Chair
105		
106		Action: Motion to approve the ratification of continuing education courses made by Ms.
107		Kocik. Second made by Mr. Gerrity.
108		
109		Vote: 5 yeas / 0 opposed. Motion carried.
110 111		ii. Continuing Education Providers & Courses approved by Board Staff
112		n. Continuing Education 1 formers & Courses approved by Doard Starr
113		Action: Motion to approve the ratification of continuing education courses made by Ms.
114		Kocik. Second made by Mr. Gerrity.
115		
116		Vote: 5 yeas / 0 opposed. Motion carried.
117		5 11
118		Section IV ended: 9:19 a.m.
119		Section V began: 9:19 a.m.
120		
121	V.	BOARD COUNSEL REPORT:
122		a. <u>Rule Report</u>
123		1.) September 2018 Rules Report
124		2.) August 2018 Rules Report
125		
126 127		Ms. Munson advised that the licensure application still remains open for rulemaking development.

128	b. <u>Annual Regulatory Plan 2018-2019</u>
129	
130 131	Action: Motion to ratify the approval of the annual regulatory plan as submitted made by Ms. Kocik. Second made by Ms. Hankerson
132	
133	Vote: 5 yeas / 0 opposed. Motion carried.
134	
135	c. <u>Minor Violations Comment: Rule 64B10-14.005</u>
136	d. <u>Rule 64B10-15.001</u>
137	
138	1.) Current Rulemaking Issues
139	Public Comment
140	JAPC Letter – September 4, 2018
141	JAPC Response Letter – September 6, 2018
142	
143	2.) New Issue for Consideration regarding 64B10-15.001(7)
144	Current language vs. Former Language Comparison
145	
146 147 148 149 150	Ms. Munson advised that the Joint Administrative Procedure Committee (JAPC) sought clarification by the board regarding the proposed rule language. Discussion ensued amongst the board regarding the definition and understanding of a contact hour and the amount of required minutes. Ms. Hankerson suggested that JAPC review each board's rule to ensure consistency amongst all boards and answer any questions as it relates to the definition.
151	
152 153	Action: Motion to identify the definition of Rule 64B10-15.001 made by Mr. Gerrity. Second made by Ms. Hankerson.
154	
155	Vote: 5 yeas / 0 opposed. Motion carried.
156	
157 158	Ms. Munson advised that if JAPC does not accept the board's response, she will follow up with Dr. Spivey to schedule a telephone conference to revisit the issue.
159	
160 161 162	Number of continuing education hours available per biennium for licensees who act as a preceptor for an internship.

163 164 165 166 167 168 169 170 171 172 173 174		Ms. Munson advised that a current licensee contacted the board regarding receiving credit for acting as a preceptor for two internships. Ms. Munson explained that the rule language previously indicated a maximum of five hours credit per biennium for completion of a preceptorship, but the term "maximum" has since been removed. Ms. Munson asked for clarification of the board's intent and whether only one internship is allowed. Mr. Lipman suggested changing the language "credits for that biennium" to "per biennium" and that the board should define an internship versus administrator in training. Mr. Lipman agreed to work with Ms. Munson to create clean language and will revisit the issue at the next board meeting. Section V ended: 10:10 a.m. Section VI began: 10:10 a.m.
175	VI.	CHAIR/VICE CHAIR REPORT:
176		
177 178 179		Mr. Gerrity advised of the ongoing AIT programs and upcoming preceptor interviews. Mr. Lipman advised that there has been little change in the amount of preceptor applications received.
180		
181 182 183		Section VI ended: 10:11 a.m. Section VII began: 10:11 a.m.
184 185	VII.	EXECUTIVE DIRECTOR'S REPORT:
186 187		Dr. Spivey provided information of the upcoming annual meeting and advised that the meeting will be more interactive for Chairs and Vice Chair participation.
188 189 190		Dr. Spivey advised that he does not foresee any board appointments in the near future due to transitioning to a new governor.
191 192		i. Delegation of Authority
193 194 195 196		Action: Motion to approve the matrix as presented made by Mr. Lipman. Second made by Ms. Hankerson.
197 198		Vote: 5 yeas / 0 opposed. Motion carried.
199 200		ii. <u>Spotlight ULA</u>
201 202 203		Dr. Spivey advised of the quarterly publications made by the department to combat unlicensed activity.
203 204 205		iii. <u>Health History Questions</u>
205 206 207 208 209		Dr. Spivey explained that the department determined that some of the health history questions appear to be too invasive and will be replaced with additional questions to allow applicants to answer accurately.

212       VIII.       OLD BUSINESS:         214       None         215       None         216       Section VIII ended: 10:24 a.m.         217       Section IX began: 10:24 a.m.         218       Section IX began: 10:24 a.m.         219       IX.       NEW BUSINESS:         221       None         222       None         223       Section IX ended: 10:25 a.m.         224       Section IX ended: 10:25 a.m.         225       Section X began: 10:25 a.m.         226       Section X began: 10:25 a.m.         227       X.       COMMITTEE REPORTS:         228       Image: Section X began: 10:25 a.m.         229       a. AIT/Preceptor – Kocik/Gerrity/Lipman         230       Nothing to report.         231       Nothing to report.         232       Image: Section X began: 10:25 a.m.         233       b. Budget – Helmer         234       Image: Section X began: 10:25 a.m.         235       Nothing to report.         236       Image: Section X began: 10:25 a.m.         237       C. Continuing Education – Feeney         238       Image: Section X began: 10:25 a.m.         239       Nothing to report.<	210 211		Section VII ended: 10:24 a.m. Section VIII began: 10:24 a.m.
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<ul> <li>246</li> <li>247 e. Disciplinary Compliance – Hankerson</li> <li>248</li> <li>249 Nothing to report.</li> </ul>	245		Nothing to report.
248249Nothing to report.	246		
248249Nothing to report.	247		e. Disciplinary Compliance – Hankerson
249 Nothing to report.	248		• • •
			Nothing to report.
200	250		
<b>f. Healthiest Weight – Hankerson</b>			f. Healthiest Weight – Hankerson

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252	Nothing to report.
253	
254	g. Legislation – Helmer
255	
256	Nothing to report.
257	
258	h. Probable Cause – Kocik
259	
260	Nothing to report.
261	
262	i. Rules – Feeney
263	
264	Nothing to report.
265	
266	j. Unlicensed Activity – Feeney
267	
268	Nothing to report.
269	Grather V and de 10.27 a m
270 271	Section X ended: 10:27 a.m. Section XI began: 10:27 a.m.
272	Section AI began. 10.27 a.m.
272 273 XI.	PUBLIC COMMENTS
274	
275	Nore
275	None
276	
277	Section XI ended: 10:27 a.m.
278	Section XII began: 10:27 a.m.
279	
280 XII.	PROPOSED 2019 BOARD MEETING DATES
281	
282 283	January 11, 2019 (Teleconference); April 12, 2019 changed to April 5, 2019 (Teleconference or Live); July 12, 2019 changed to sometime between August 4-8, 2019 (Live) during the Florida
285	Healthcare Association meeting; October 4, 2019 (Teleconference or Live). Dr. Spivey advised
285	that unless there are any disciplinary cases or otherwise specified, all meetings shall be
286	teleconference.
287	
288	Section XII ended: 10:32 a.m.
289	Section XIII began: 10:32 a.m.
290	
291 XIII.	NEXT MEETING DATE:

# 8

January 11, 2019
Section XIII ended: 10:32 a.m.
Section XIV began: 10:32 a.m.
ADJOURNMENT:
Meeting adjourned at 10:32 a.m.