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 |
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| 39 | | |
| 40 | | Action: Motion to approve the minutes made by Mr. Helmer. Second made by Ms. |
| 41 | | Hankerson. |
| 42 | | |
| 43 | | Vote: 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 | | Vote: 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 |
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| 83 84 | | made by Mr. Lipman. |
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| 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. |
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| 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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| 213 214 214 215 216 217 217 | | | Section VIII began. 10.24 a.m. |
| 214 | | VIII. | OLD BUSINESS |
| 215None216Section VIII ended: 10:24 a.m.217Section IX began: 10:24 a.m.219IX.NEW BUSINESS:221None222None223Section IX ended: 10:25 a.m.224Section IX ended: 10:25 a.m.225Section X began: 10:25 a.m.226X.227X.228COMMITTEE REPORTS:228Section X began: 10:25 a.m.229a. AIT/Preceptor - Kocik/Gerrity/Lipman200b. Budget - Helmer231Nothing to report.232Section IX endet: I233b. Budget - Helmer234Section IX endet: I235Nothing to report.236Section IX endet: I237c. Continuing Education - Feeney238Section IX endet: I239Nothing to report.240i. NHA Licensure Requirement Summary243i. NHA Licensure Requirement Summary244Section IX endet: I245Nothing to report.246Section IX endet: I247e. Disciplinary Compliance - Hankerson248Nothing to report.249Nothing to report. | | , 111, | |
| 217Section VIII ended: 10:24 a.m.218Section IX began: 10:24 a.m.219IX.NEW BUSINESS:221None222None223Section IX ended: 10:25 a.m.224Section IX ended: 10:25 a.m.225Section X began: 10:25 a.m.226COMMITTEE REPORTS:227X.COMMITTEE REPORTS:228Section X began: 10:25 a.m.229a. ATT/Preceptor - Kocik/Gerrity/Lipman230Nothing to report.231Nothing to report.233b. Budget - Helmer234Section IX endet i I i i i i i i i i i i i i i i i i i | | | None |
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| 219 220IX.NEW BUSINESS:221None222None223Section IX ended: 10:25 a.m.225 226Section X began: 10:25 a.m.226COMMITTEE REPORTS:228.229 231 231 231 231 231 231 232A AIT/Preceptor - Kocik/Gerrity/Lipman230 231 231 231 231 231 233 231 233 231 231 231 231 231 231 231 231 231 231 231 232 233 233 231 231 231 231 232 233 233 233 233 234 235 235 236 237 236 237 238 239 239 239 231 241 241 241 241 241 241 241 241 241 242 243 243 243 244 245 244 245 245 247 247 247 247 248 249 249 244 249 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 245 244 244 245 244 244 245 244 244 245 244 244 245 244 244 245 244 244 244 245 244 244 244 244 244 244 244 244 244 244 244 244 244 <b< td=""><td>217</td><td></td><td></td></b<> | 217 | | |
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| 223 224 Section IX ended: 10:25 a.m. 225 Section X began: 10:25 a.m. 226 227 X. COMMITTEE REPORTS: 228 229 a. AIT/Preceptor - Kocik/Gerrity/Lipman 230 231 Nothing to report. 232 233 b. Budget - Helmer 234 235 Nothing to report. 236 237 c. Continuing Education - Feeney 238 239 Nothing to report. 240 241 d. Credentials - Lipman 242 243 i. NHA Licensure Requirement Summary 244 245 Nothing to report. 246 247 e. Disciplinary Compliance - Hankerson 248 249 Nothing to report. | 221 | | |
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| 225Section X began: 10:25 a.m.226X. COMMITTEE REPORTS:227X. COMMITTEE REPORTS:228a. AIT/Preceptor – Kocik/Gerrity/Lipman230a. AIT/Preceptor – Kocik/Gerrity/Lipman230Nothing to report.231Nothing to report.233b. Budget – Helmer2343235Nothing to report.2363237c. Continuing Education – Feeney2383239Nothing to report.2404. Credentials – Lipman2421. NHA Licensure Requirement Summary2444. Nothing to report.245Nothing to report.2464. Nothing to report.247e. Disciplinary Compliance – Hankerson2483. Nothing to report.249Nothing to report. | 223 | | |
| 226227X. COMMITTEE REPORTS:228229a. AIT/Preceptor - Kocik/Gerrity/Lipman230231Nothing to report.232233b. Budget - Helmer234235Nothing to report.236237c. Continuing Education - Feeney238239Nothing to report.240241d. Credentials - Lipman242243i. NHA Licensure Requirement Summary244245Nothing to report.246247e. Disciplinary Compliance - Hankerson248249Nothing to report. | 224 | | Section IX ended: 10:25 a.m. |
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| 229a. AIT/Preceptor – Kocik/Gerrity/Lipman230Nothing to report.231Nothing to report.233b. Budget – Helmer234.235Nothing to report.236.237c. Continuing Education – Feeney238.239Nothing to report.240.241d. Credentials – Lipman242.243. NHA Licensure Requirement Summary244.245Nothing to report.246.247e. Disciplinary Compliance – Hankerson248.249Nothing to report. | 227 | X. | COMMITTEE REPORTS: |
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| 237 c. Continuing Education – Feeney 238 239 Nothing to report. 240 241 d. Credentials – Lipman 242 243 i. NHA Licensure Requirement Summary 244 245 Nothing to report. 246 247 e. Disciplinary Compliance – Hankerson 248 249 Nothing to report. | 235 | | Nothing to report. |
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| 248249Nothing to report. | 247 | | e. Disciplinary Compliance – Hankerson |
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| f. Healthiest Weight – Hankerson | | | f. Healthiest Weight – Hankerson |

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| 252 | Nothing to report. |
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| 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: |

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