

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

FLORIDA | Board of Nursing Home Administrators
DRAFT MINUTES
March 18, 2016
Teleconference
Florida Department of Health
4042 Bald Cypress Way Tallahassee, Florida 32399

Henry Gerrity, III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice-Chair

Dr. Anthony B. Spivey, DBA
Executive Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

Section I started at 9:02AM

Section I concluded at 9:03AM

General Board Business started at 9:00A.M.

I. The meeting was called to order by Mr. Gerrity, Chair. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Henry Gerrity, III, NHA, Chair
Scott Lipman, MHSA, NHA, Vice-Chair
Michael Helmer, BA
Patricia Feeney, RN, BSN, HCRM
Christine Hankerson, MSN, MS/P PhD, RN
William Phelan, MS, CAE

STAFF PRESENT

Anthony B. Spivey, DBA, Executive Director
Michele L. Jackson, Regulatory Consultant Supervisor
Frank Gruenwald III, Regulatory Specialist II

NOT PRESENT:

Chantelle Fernandez, MBA, NHA (absence excused by chair)

BOARD COUNSEL:

Lawrence Harris, Assistant Attorney General
Office of the Attorney General

Court Reporter:

For the Record
Contact: Kay Fitchner
(850) 222-5491

Section II started 9:03AM

Section II concluded at 9:04AM

II. APPROVAL OF MEETING MINUTES

- a. November 20, 2015 – Teleconference
The board reviewed the minutes and no exceptions were noted.

Action: Motion to accept the minutes was made by Michael Helmer and seconded by Henry Gerrity.
Vote: 6 yeas / 0 opposed. Motion carried.

Section III started at 9:004AM

Section III ended at 9:09AM

III. FINAL ORDER ACTION

- 1. Julius I. Ast – Case 2015-27898

1 The board tabled action on this until the next meeting to allow the prosecuting attorney to
2 appear and present the case.

3
4 **Action:** Motion to table the case was made by Christine Hankerson and it was seconded by
5 Michael Helmer.

6
7 Vote: 6 yeas / 0 opposed. Motion carried.

8
9 Section IV started at 9:09AM

10 Section IV concluded at 10:20AM

11 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW**

12
13 **a. Administrator-in-Training Program**

14
15 i. Keith Allan Franklin

16 Mr. Franklin was present for the meeting and represented by counsel, Ms. Karen
17 Goldsmith. Upon review of the application for the 2000 hour AIT program, the
18 board agreed all application requirements were met by Mr. Franklin.

19
20 **Action:** Henry Gerrity motioned to accept the application and it was seconded by
21 William Phelan.

22
23 Vote: 5 yeas / 1 opposed by Christine Hankerson

24
25 ii. Sylvana L. Shaffer – Ms. Shaffer notified the board and withdrew her application. No
26 action was taken by the board.

27
28 iii. Jermaine A. Sims – Mr. Sims was present for the meeting and not represented by
29 counsel. The board reviewed the application for the 1000-hour program. After
30 discussion of the application the board denied the request but did agree Mr. Sims
31 was eligible for the 2000-hour program.

32
33 **Action:** Henry Gerrity motioned to deny the application and approve it for the 2000-
34 hour program if Mr. Sims chose to do so; Patricia Feeney seconded the motion. Mr.
35 Sims agreed to the board's action.

36
37 Vote: 6 yeas / 0 opposed. Motion passes.

38
39 iv. Laura Ann Tubbs – Ms. Tubbs was present and not represented by counsel. Ms.
40 Tubbs submitted a request to the board to waive the AIT program. The board that
41 this is a statutory requirement and does not have the authority to waive the
42 program. Based on Ms. Tubbs' experience the board noted she is eligible for the
43 1000-hour AIT program.

44
45 **Action:** Henry Gerrity motioned to deny the request and approve Ms. Tubbs's
46 application for the 1000-hour program, Michael Helmer seconded the motion.

47
48 Vote: 6 yeas / 0 opposed. Motion passes.

1
2 **b. Nursing Home Administrator**
3

- 4 i. Frances Ann Adams – Ms. Adams was present for the meeting and not represented
5 by counsel. After review of the application the board agreed Ms. Adams met the
6 qualifications for licensure.
7

8 **Action:** Henry Gerrity motioned to approve the application, and William Phelan
9 seconded the motion.
10

11 Vote: 6 yeas / 0 opposed.
12

- 13 ii. Mykelle Henry – Ms. Henry was present and not represented by counsel. After
14 review of the application the board agreed Ms. Henry met the qualifications for
15 licensure.

16 **Action:** Scott Lipman motioned to approve the application, and Christine Hankerson
17 seconded the motion. Motions passes.
18

19 Section V started at 10:20AM

20 Section V concluded at 10:25AM

21 **V. CONTINUING EDUCATION COURSE APPLICATIONS:**
22
23

- 24 a. Provider – QUE TECH, LLC a/k/a CARE CEUS

25 There was no representative for QUE TECH. The board reviewed the course hours for the
26 provider as there was a concern in the method of rounding the hours to match the board
27 requirements. After reviewing the information presented by QUE TECH the board agreed
28 the provider has addressed the concerns of the board in it course numbering methods.
29

30 **Action:** Henry Gerrity motioned to accept the course offerings presented by QUE TECH and
31 Christine Hankerson seconded the motion. Motion passes.
32

33 Vote: 6 yeas / 0 opposed.
34

35 Section VI started at 10:25AM

36 Section VI concluded at 10:35AM

37 **VI. RATIFICATIONS:**
38

39 **a. Licensure**
40

- 41 i. Nursing Home Administrators – Motioned by Christine Hankerson to accept license
42 numbers 5829-5881; seconded by Henry Gerrity.

43 **Action:** 6 yeas 0 opposed. Motion passed.
44

- 45 ii. Nursing Home Administrators (Exam) – Motioned by Christine Hankerson to accept
46 license numbers 5164- 5405, seconded by Henry Gerrity.

47 **Action:** 6 yeas 0 opposed. Motion passed.
48

1 iii. Administrator0in-Training - Motioned by Christine Hankerson to accept license numbers
2 5291-5283; seconded by Henry Gerrity.

3 **Action:** 6 yeas 0 opposed. Motion passed.
4

5 iv. Preceptors – Motioned by Henry Gerrity to accept license numbers 4580-5388;
6 seconded by Scott Lipman.

7 **Action:** 6 yeas 0 opposed. Motion passed.
8

9 **b. Continuing Education**

10
11 i. Providers and Courses Approved by CE Chair – Patricia Feeney motioned to accept the
12 courses for continuing education and Henry Gerrity seconded the motion.

13
14 **Vote:** 6 yeas / 0 opposed. Motion passes
15

16 ii. Providers and Courses Approved by Board Staff - – Patricia Feeney motioned to accept
17 the courses for continuing education and Henry Gerrity seconded the motion.

18
19 **Vote:** 6 yeas / 0 opposed. Motion passes.
20

21 Section VII started at 10:35AM

22 Section VII concluded at 10:36

23 **VII. PROSECUTION REPORT**

24 A prosecution report was made available to the board for review, which includes 13 open disciplinary
25 cases being reviewed by prosecution services.
26

27 Section VIII started at 10:36AM

28 Section VIII concluded at 10:37

29 **VIII. CHAIR/VICE-CHAIR REPORT**

30
31 a. Future Agenda Items

32 The board requested as a future agenda item the discussion of laws and rules for continuing
33 education in Rule 64B10-15.001, relative to whether the hours required biennially are
34 covered under the domains of practice so licensees are not duplicating their efforts in this
35 area. This was an item of concern presented by Lee Ann Griffin and Carol Berkowitz of the
36 Florida Health Care.
37

38 Section IX started at 10:37AM

39 Section IX concluded at 10:40AM

40 **IX. EXECUTIVE DIRECTOR'S REPORT**

41 Dr. Spivey announced to the board to report any professional accomplishments to him and the
42 information will be forwarded to the department for publishing on the website.
43

44 Section X started at 10:40AM

45 Section X concluded at 11:50PM

46 **X. BOARD COUNSEL'S REPORT**

47
48 a. Rules Status Report – February 2016

1 Mr. Lawrence provided an update of the rule repeal report in addition to other rules under
2 review by the board.

3
4 b. Rule 64B10-15.001, Florida Administrative Code – Discussion

5 The board reviewed this rule relative to continuing education and based on the discussion it
6 is being moved to the next agenda for discussion to review domains of practice and whether
7 laws and rules are being covered in both the CE rule and the domains of practice.
8

9 c. Anti- Trust Presentation

10 Mr. Lawrence provided a briefing on the Anti-trust information so board members aware of
11 activities that may be considered anti-competitive by the public. Mr. Lawrence provided
12 various examples for the board to consider.
13

14 d. Mr. Lawrence deferred to Ms. Griffin of Florida Health Care Association to discuss Rule
15 64B10-16.001. Ms. Griffin discussed sub-paragraph 10 of the rule, which provides language for
16 actions required by the AIT or preceptor to report a discontinuance of the program to the
17 department within 10 days. The board felt the language is ambiguous and does not give precise
18 direction to the AIT or preceptor. After discussion of the issue, the board agreed to review the
19 language and have new proposed language addressed at the next board meeting.
20

21
22 Section XI started at 11:50PM

23 Section XI concluded at 12:15PM

24 **XI. COMMITTEE REPORTS:**
25

26 a. AIT/Preceptor – Fernandez/Gerrity/Lipman – Mr. Gerrity stated the preceptor program is
27 ongoing as he reviews the preceptors. Mr. Lipman noted an NAB meeting will be held on
28 June 8-10, 2016, and will send information out on the meeting if anyone is interested. Mr.
29 Lipman indicated he cannot attend the meeting.
30

31 b. Budget – Helmer – no report

32 c. Continuing Education – Feeney – information previously reviewed by board in ratification
33 list.
34

35 d. Credentials – Lipman

36
37 i. NHA Licensure Requirement Summary – FYI only
38

39 e. Disciplinary Compliance – Hankerson – no report

40 f. Healthiest Weight – Dr. Hankerson directed the board’s attention to the board website for
41 information.
42

43 g. Legislation – Helmer – no report. Carol Berkowitz of Florida Health Care Association will
44 provide information to the board.
45

46 h. Probable Cause – Information only
47

48 i. Stats

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- i. Rules – Feeney – no report
- j. Unlicensed Activity – Feeney – no report

Section XII started at 12:15PM
Section XII concluded at 12:16PM

XII. OLD BUSINESS: - None

Section XIII started at 12:16PM
Section XIII concluded at 12:17

XIII. NEW BUSINESS: None

The board requested the next meeting be held face-to-face because of the number or rules to be reviewed. Dr. Spivey informed the board if no discipline cases are on the board the meeting will have to be a teleconference. However, a request will be submitted to management to request a face-to-face meeting because of the number of rule reviews that will be tentatively held on the afternoon of June 23 for full discussion at the board meeting on June 24. Dr. Spivey will keep the board informed as the request progresses.

Section XIV started at 12:17
Section XIV concluded at 12:18

XIV. NEXT MEETING DATE:

- a. June 24, 2016 – Orlando

XV. ADJOURNMENT – Meeting adjourned at 12:23PM