

1 The Florida Board of Nursing Home Administrators did hold a meeting on Friday, January 13,
2 2017, commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald
3 Cypress Way, Tallahassee, Florida, at meet me number (888) 670-3525, participant code
4 7342425515, to which all persons were invited to attend. Participants in this public meeting were
5 made aware that these proceedings were being recorded and that an audio file of the meeting will
6 be posted to the board's website.

7
8 **AGENDA**

9
10 **General Board Business started: 9:00 a.m.**

11
12 **I. CALL TO ORDER (Roll Call):**

13 Gail Curry called the roll.

14
15 **Board Members Present:**

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

22
23 **Excused:**

24 Patricia Feeney, RN, BSN, HCRM

25
26 **Board Staff Present:**

27 Anthony Spivey, D.B.A., Executive Director
28 Gail Curry, Program Operations Administrator
29 Savada Knight, Regulatory Supervisor/ Consultant
30 Frank Grunewald, III, NHA Processor
31 Kellee Crowson, NHA Processor

32
33 **Board Counsel:**

34 Lawrence Harris, Assistant Attorney General
35 Office of Attorney General

36
37 **Court Reporter:**

38 American Court Reporting

39
40 Meeting was turned over to Chair, Henry Gerrity.

41
42 **General Board Business ended at 9:06 a.m.**

43 **Section II started at 9:06 a.m.**

44
45 **II. APPROVAL OF MINUTES:**

46
47 a. September 16, 2016 (this should be September 30, 2016)

48
49 b. June 24, 2016

50

1 **Action:** Motion to approve the September 30, 2016 and the June 24, 2016 minutes
2 was made by Mr.Helmer. Seconded by Dr. Christine Hankerson.
3 6 years / 0 opposed; motion carries
4

5
6 **Section II ended at 9:06 a.m.**
7 **Section III started at 9:07 a.m.**
8

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

- 10
11 c. Nikki Jeune
12 Not present

13
14 Ms. Jeune is looking to extend her application.

15 **Discussion:** No discussion.

16
17
18 **Action:** Motion to accept her request for a 6 month extension to obtain her AIT
19 1000 hours of training was made by Christine Hankerson.

20
21 **Discussion:** Larry Harris suggests that her request gets tabled until the next
22 meeting based on a discussion on the 1 year rule that will be held later in the
23 agenda. Ms. Jeune should have filed a variance/waiver, not a request. The board
24 doesn't have the authority to grant a request. This would allow time for Ms.
25 Jeune to file a Petition for Variance/Waiver for the next meeting. If the Board
26 votes to amend the rule to take away the 1 year rule it would give her the time
27 she is asking for. Ms. Hankerson asked if Ms. Jeune was given the information
28 regarding the Petition for Waiver/Variance. Doesn't show whether she was or
29 not. Ms. Hankerson doesn't want any hardship for Ms. Jeune if she didn't know.
30

31 **Action:** Motion to amend the motion to table her request until the following
32 meeting in April was made by Dr. Christine Hankerson. Seconded by Henry
33 Gerrity.
34 6 years / 0 opposed; motion carries
35

- 36 d. Bridgette Dawson, Administrator-in-Training Assistance with Preceptor
37 Not on the call. Ms. Dawson joined later in the discussion.

38
39 Ms. Dawson is looking for an Administrator-in-Training Assistance with
40 Preceptor.

41
42 **Discussion:** Mr. Gerrity said he would talk to her to see if he can assist her. Mr.
43 Gerrity wants the Board office to be sure the list is up to date. Dr. Hankerson is
44 concerned with the amount of time and energy she has gone through and her
45 willingness to go anywhere in the state to find a Preceptor. Chantelle Kocik gave
46 her experience in trying to find a Preceptor. Much discussion was held among
47 board members.
48

49 Ms. Dawson joined the meeting earlier and has been following the discussion.
50 She explained her journey trying to find an AIT Preceptor. There are companies
51 out there that will find an AIT for you for \$6,000. Dr. Gerrity asked if this was

1 happening in Florida. This would be illegal in Florida. There are many
2 roadblocks. Mr. Gerrity will assist Ms. Dawson.

3
4 Dr. Spivey will contact the Investigation staff and give them the information
5 regarding the companies requiring money to locate an AIT program.

6
7 **Section III ended at 9:47 a.m.**

8 **Section IV started at 9:47 a.m.**

9
10 **IV. RATIFICATIONS:**

11
12 e. Licensure –

13
14 i. Nursing Home Administrators 5929 - 6015

15
16 **Action:** Motion to ratify the list 5929 - 5968 was made by Dr. Christine
17 Hankerson. Seconded by Henry Gerrity.
18 6 yeas / 0 opposed; motion carries

19
20 **Action:** Amend motion to include 5929 – 6015 was made by Dr. Christine
21 Hankerson. Seconded by Henry Gerrity.
22 6 yeas / 0 opposed; motion carries

23
24 ii. Nursing Home Administrators (Exam) 5456 – 5572

25
26 **Action:** Motion to approve the eligibility for Nursing Home Administrator
27 exams file numbers 5456 - 5572 for a total of 39 was made by Dr. Christine
28 Hankerson. Seconded by Henry Gerrity.
29 6 yeas / 0 opposed; motion carries

30
31 iii. Administrator-in-Training 5570 - 5537

32
33 **Action:** Motion to approve the Administrator-in-Training for a total of 15
34 was made by Dr. Christine Hankerson. Seconded by Henry Gerrity.
35 6 yeas / 0 opposed; motion carries

36
37 iv. Preceptors 5354 - 5792

38
39 **Action:** Motion to approve Preceptors 5354 - 5792 for a total of 5 was made
40 by Dr. Christine Hankerson. Seconded by Henry Gerrity.
41 6 yeas / 0 opposed; motion carries

42
43 *Scott Lipman noted that Nursing Home Administrators (Exam) file
44 numbers 5324, Dovellos, and 5423, Clark, were not included in the motion.

45
46 **Action:** Amend the motion to move file numbers 5324, Dovellos,
47 and 5423, Clark, for the 1,000 hour AIT to be moved to the proper listing
48 to approved as amended to Nursing Home Administrator exams and AIT
49 was made by Dr. Christine Hankerson. Seconded by Henry Gerrity.
50 6 yeas / 0 opposed; motion carries
51

1
2
3 f. Continuing Education –
4

5 i. Providers and Courses Approved by CE Chair
6

7 There was discussion held about the ACLS course. Keri Kilgore explained
8 that she sends these to Ms. Feeney and Ms. Feeney reviews all CE. She
9 doesn't have any information to give the Board.

10
11 **Action:** Motion to approve the CE provider courses with the exception of
12 Tom Campbell and Associates, ACLS Administrator Core Training, Tom
13 Campbell and Associates, ACLS Administrator Core Training, will be tabled
14 until the next meeting in April was by Henry Gerrity.
15 Seconded by Dr. Christine Hankerson.
16 6 yeas / 0 opposed; motion carries
17

18 **Section IV ended at 9:50 a.m.**

19 **Section V started at 9:50 a.m.**
20

21 **VIII. RULES REPORT:**
22

23 Larry Harris gave the rules report for October, November and December. Counsel has been
24 working hard on the rules. As of January Rules Report the AIT rules have been filed for adoption
25 and are effective as of January 9th. This includes all of the forms and the applications.
26

27 Continuing Education Rule, 15.001, was filed for adoption and is effective.
28

29 Fee rules, Chapter 12 rewrites, are effective. One rule with all the fees identified and the
30 individual fee rules have been repealed.
31

32 **Section II ended at 9:56 a.m.**

33 **Section III started at 9:56 a.m.**
34

35 **V. PROSECUTION REPORT:**
36

37 Nothing to report at this time.
38

39 **Section V ended at 9:57 a.m.**

40 **Section VIII started at 9:57 a.m.**
41

42 **VI. CHAIR/VICE-CHAIR REPORT:**
43

44 Nothing to report at this time.
45

46 **Section II ended at 9:58 a.m.**

47 **Section III started at 9:58 a.m.**
48
49
50

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

1
2 Dr. Spivey explained that a letter was written by one of the Board's concerning the Anti-trust
3 issue. They are going to resign at the next meeting in February if the Governor's office hasn't
4 addressed their concerns. Dr. Spivey gave reassurance to the board that they are protected under
5 Florida Statute 456.008 F.S. If there are monetary damages this will not be paid by the
6 department. Larry Harris told the Board that they try to do rulemaking to assist people in
7 receiving their licenses therefore he thought the possibility of this board being sued was very low.
8

9 Dr. Spivey stated the boards have been tasked to do another Rules reduction. He will be talking
10 with Board counsel, Larry Harris, to come up with recommendations. Dr. Spivey informed the
11 board to notify him or Larry Harris.
12

13 Dr. Spivey informed the board members that if they live within 50 miles of the meeting site their
14 room will not be paid for by the State. They may stay at the hotel but at their own expense.
15

16 Will be looking at 2018 meeting dates later in the agenda.
17

18 **Section II ended at 9:56 a.m.**

19 **Section III started at 9:56 a.m.**
20

21 **IX. QUASI-JUDICIAL AND QUASI-LEGISLATIVE:**

22
23 Larry Harris summarized this information that Ed Tellachea gave at the Chair /Vice Chair
24 meeting. He gave an overview for the other Board members.
25

26 **QUASI-JUDICIAL** – To adjudicate the rights of someone. Deciding to grant or deny an
27 application for licensure and imposing discipline. You cannot receive outside information.
28

29 **QUASI-LEGISLATIVE** – acting as a legislator. To gain information to make policies and rules.
30

31 **Section II ended at 10:05 a.m.**

32 **Section III started at 10:05 a.m.**
33

34 **X. BOARD COUNSEL REPORT**

35
36 g. 11.001 Letter from JAPC 11 28 16

37 h. 11.001 Letter to JAPC 12 02 16
38

39 i. 11.001 11.003 Suggested Changes to Rule as Proposed

40 Two concerns that Ms. Holiday has, first being the reference to the rule regarding
41 fees for review of examinations. The Department of Health no longer gives the
42 exam. This rule was repealed therefore it needs to be dropped from the language.

43 The second is referring to the Candidate Information Booklet referenced in the
44 application. Recommendation from Mr. Harris would be to delete this language
45 in the application. Further recommendations would be to delete the reference to
46 the test booklet and also take out the testing services link. Take out the 30 day
47 reference for exam results. Take out the reference to the test review.
48

49 **Action:** Motion to delete “Please download the candidate information booklet for
50 this examination from the testing services at website and please allow 30 days

1 after you receive your test results for the office to process your grade results.”
2 Fee schedules need to be deleted also was made by Ms. Hankerson.

3
4 **Amended motion:** To add to the NAB website to the Boards website to direct
5 the candidates to the Candidate Information Booklet.

6 Seconded by Mr. Gerrity.

7 5 yeas / 0 opposed: motion carries

8
9 Mr. Harris addressed rule 64B10-11.003 F.A.C. rule as no longer being good
10 language. Would like to make the change to delete the language that would allow
11 the application to expire in one year. Replacing the language would allow the
12 application to stay open as long as the applicant is eligible for the exam. If the
13 board would like for him to research the possibility if requiring remediation if the
14 applicant fails the exam a certain number of times he will look into this. Mr.
15 Gerrity, Mr. Lipman and Ms. Kocik are not in favor of leaving the application
16 open. Ms. Hankerson would like to further the discussion at the next meeting.

17
18 **Action:** Motion to update the application to reference the date of revision to 2017
19 was made by Mr. Gerrity. Seconded by Ms. Hankerson.

20 6 yeas / 0 opposed: motion carries

21
22 Mr. Harris asked the Board since they have voted to make changes to
23 incorporated rules of the Board of Nursing Home Administrators you are
24 required to consider whether the changes to your forms will be likely to be an
25 adverse impact on small businesses or will likely increase regulatory costs to any
26 entities including the government in excess of \$200,000 within one year of
27 implantation of the rules?

28
29 If your answer to either one of those questions is “yes” then you must prepare a
30 SERC document before you can continue.

31
32 If your answer is “no” you need to consider whether the impact regulatory costs
33 to any entity could exceed \$1,000,000 within 5 years. If that answer is yes this
34 would require rule ratification.

35
36 **Action:** Motion that this will not have a financial impact was made by Mr.
37 Gerrity. Seconded by Mr. Helmer.

38 6 yeas / 0 opposed: motion carries

39
40 j. NHA Reexamination Form 1129 January 2017 REV
41 NHA Exam Endorsement Form 002

42
43 k. 11.002 Suggested Amendments Jan 2017

44
45 The language in the rule states that you must have a bachelor’s degree to get a
46 license by endorsement. Mr. Harris is suggesting that the language be changed to
47 having passed the NAB and a bachelor’s degree or course equivalent to get a
48 license by endorsement.

49
50 **Discussion:** Mr. Gerrity wanted to know what the lowest level of education that a
51 person could have to be licensed in another state. Mr. Lipman said this could be

1 as low as high school education. This invoked much discussion among the board
2 members. They have concerns about the level of education required. At this time
3 the board decided to table this rule until a later date. They suggested maybe have
4 this as part of the rule reduction project.

5
6 **Action:** This will be tabled for further discussion at a later date.

- 7
8 l. 12.001 JAPC Letter 10 11 16
9 m. 12.001 JAPC response 10 21 16
10 n. 12.001 to correct error

11
12 Mr. Harris told the board that the word “not” was omitted to this rule. Asking
13 that “not” be added. The rule should read Initial license fee, whether by
14 examination or endorsement, is \$500 and an applicant may NOT receive a
15 refund.

16
17 **Action:** Motion to pass that the word “not” be added to 64B10-12.001 as it
18 relates to the fee be added was made by Ms. Hankerson. Seconded by Mr.
19 Gerrity.

20 6 yeas / 0 opposed; motion carries

21
22 If your answer to this questions is “yes” then you must prepare a SERC
23 document before you can continue.

24
25 If your answer is “no” you need to consider whether the impact regulatory costs
26 to any entity could exceed \$1,000,000 within 5 years. If that answer is yes this
27 would require a rule ratification.

28
29 **Action:** Motion that this will not have a financial impact was made by Ms.
30 Hankerson. Seconded by Mr.Gerrity.

31 6 yeas / 0 opposed: motion carries

- 32
33 o. 2016 222
34
35 p. 14.004 Suggested Revisions

36
37 Mr. Harris suggests amending the language from revocation and fine to be just
38 revocation. Dropping the fine from the language altogether.

39
40 **Discussion:** Mr. Harris has the following cleanup items as follows:
41 VV language will be deleted. Moved Denial of license from two offenses to one
42 offense.

43 Health Care Fraud \$2,500 and denial of license is in the wrong place. This will
44 be moved.

45 Drop fine from \$10,000 to \$5,000 to be consistent with 456.072(2).

46
47 **Action:** Motion to accept the changes suggested for the revisions to the first and
48 second offenses was made by Ms. Hankerson. Seconded by Mr. Gerrity.

49 6 yeas / 0 opposed: motion carries
50

1 If your answer to this question is “yes” then you must prepare a SERC document
2 before you can continue.

3
4 If your answer is “no” you need to consider whether the impact regulatory costs
5 to any entity could exceed \$1,000,000 within 5 years. If that answer is yes this
6 would require a rule ratification.

7
8 **Action:** Motion that this will not have a financial impact was made by Mr.
9 Gerrity. Seconded by Mr. Helmer.
10 6 yeas / 0 opposed: motion carries

11
12 q. 64B10-15 as of January 2017

13
14 **Section X ended at 11:35 a.m.**
15 **Section XI started at 11:35 a.m.**

16
17 **XI. COMMITTEE REPORTS:**

18
19 a. AIT/Preceptor – Kocik/Gerrity/Lipman

20
21 Mr. Gerrity said the only thing he is running into is forms being filed out
22 incorrectly. Mr. Lipman has some concerns that he is receiving all the
23 applications. Dr. Spivey wants to know if Mr. Lipman wants to receive
24 only the applications with issues. His answer was yes. Board staff to only
25 send applications with issues to Mr. Lipman for further review.

26
27 b. Budget – Helmer

28
29 Nothing to report at this time.

30
31 c. Continuing Education – Feeney

32
33 Nothing to report at this time.

34
35 d. Credentials – Lipman

36
37 Nothing to report at this time.

38
39 e. NHA Licensure Requirement Summary

40
41 Out of place.

42
43 f. Disciplinary Compliance – Hankerson

44
45 Nothing to report at this time.

46
47 g. Healthiest Weight – Hankerson

48
49 Ms. Hankerson encourages everyone to continue to share the website for Healthiest
50 Weight.

1
2 h. Legislation – Helmer
3

4 Nothing to report at this time. He did say that he liked the Quasi explanation.
5

6 i. Probable Cause –
7

8 Dr. Spivey explained that there is no discipline on the agenda. Therefore, the
9 meetings will be held on a telephone conference call. He also asked if it might be
10 Time to look at the committee. Right now the PCP panel consists of Terry
11 Goodman, Michael Helmer and Chantelle Kocik. Mr. Gerrity thinks the committee
12 is fine for now.
13

14 j. Rules – Feeney
15

16 Nothing to report at this time.
17

18 k. Unlicensed Activity – Feeney
19

20 Nothing to report at this time.
21

22 **Section XI ended at 11:44 a.m.**

23 **Section XII started at 11:44 a.m.**
24

25 **XII. OLD BUSINESS:**
26

27 Nothing to report at this time.
28

29 **Section XII ended at 11:44 a.m.**

30 **Section XIII started at 11:44 a.m.**
31

32 **XIII. NEW BUSINESS:**
33

34 Dr. Spivey introduced the possible 2018 meeting dates.

35 January 26, 2018

36 April 20, 2018

37 June 29, 2018

38 September 21, 2018
39

40 **Action:** Motion to approve 2018 meeting dates was made by Mr. Gerrity. Seconded by Mr.
41 Phelan.

42 6 yeas / 0 opposed; motion carries.
43

44 Lee Ann Griffin, Florida Healthcare Association, asked the board if a new facility could be a
45 training facility. The board agrees that a new facility can be a training facility.
46

47 **Section XIII ended at 11:51 a.m.**

48 **Section XIV started at 11:51 a.m.**
49

50 **XIV. NEXT MEETING DATE:**
51

1 r. April 28, 2017 – Orlando

2
3 **Section XIV ended at 11:52 a.m.**

4 **Section XV started at 11:52 a.m.**

5
6 **XV. ADJOURNMENT**

7
8 **The meeting was adjourned at 11:52 a.m.**

9
10