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FLORIDA | Board of Nursing Home Administrators

DRAFT MINUTES

July 23, 2018

Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399

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

Participant Code: 7342425515



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 Monday, July 23, 2018, commencing at 10:01 a.m. This meeting was held at the 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

Section I began at 10:01 a.m.

I. CALL TO ORDER (Roll Call)

Roll was called by Gail Curry

BOARD MEMBERS PRESENT:

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

BOARD STAFF PRESENT:

- Anthony Spivey, DBA, Executive Director
- Gail Curry, Program Operations Administrator
- Carla Raby, Regulatory Supervisor
- Frank Grunewald, Regulatory Specialist II
- Keri Kilgore, Regulatory Specialist II

BOARD COUNSEL PRESENT:

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

PROSECUTION COUNSEL:

- Rose Garrison, Assistant General Counsel

COURT REPORTER:

- For the Record
- (850) 222-5491

76
77 Henry Garrity, Board Chair, asked Scott Lipman, Vice-Chair, if he could chair the meeting.
78 Meeting was turned over to Scott Lipman.
79

80 **OTHER PARTICIPANTS:**

81 Deborah Franklin, Florida Healthcare Association
82

83 **Section I ended at 10:03 a.m.**
84 **Section II began at 10:03 a.m.**
85

86 **II. APPROVAL OF MINUTES:**

87
88 a. April 20, 2018

89
90 b. March 28, 2018

91 **Board Action:** Motion to accept the minutes from April and March as written was made by Mr.
92 Helmer. Seconded by Mr. Phelan. **Vote:** 7 yeas / 0 opposed; motion carried.
93

94 **Section II ended at 10:05 a.m.**
95 **Section II began at 10:05 a.m.**
96

97 **III. PETITION FOR VARIANCE/WAIVER:**

98
99 a. Michael Buxton
100 Not on the phone call.
101

102 Intern Matthew Projahan, from Lutheran Haven Nursing Home, was speaking on behalf of
103 Mr. Buxton to try to get approval of the Administrator in Training program. Mr. Projahan
104 gave a statement on the qualities of the facility. The facility has difference stages of care,
105 from memory care, assisted living, and a nursing home facility. It was a one-star facility but
106 after Mr. Buxton took over it has become five-star facility. Mr. Projahan would like the
107 opportunity to train in the facility with this staff. This is a fifty-six-bed nursing home facility
108 along with an assisted living facility that has fifty-seven beds.
109

110 **Discussion:** Ms. Kocik has some concerns with waiving the current rule for sixty beds. If the
111 board approves this request at what point does the board cross the line of others coming to
112 the board with facilities under the sixty beds. This is the part that she finds difficult. Ms.
113 Munson restated the petition for variance/waiver for clarification. Referencing the rule
114 64B10-16.003 and 64B10-11.002. Mr. Buxton sent an email to the board office which Ms.
115 Munson replied to letting him know that the email was not sufficient for a Petition. The rule
116 applies to the Nursing Home not, Assisted Living Facilities. Ms. Hankerson also agrees that
117 the description in 64B10-16.003 references Nursing Home Facilities under the terms of
118 Florida Statute 400. Assisted Living Facilities have different types of oversights and
119 regulations. Ms. Hankerson stated that this can set a precedence in the future if this was
120 approved.

121 Mr. Helmer believes that the number of beds shouldn't play a role in approving the facility.
122 It should be the quality of the institution and the behavior that is followed in installing that
123 program. Wants to look having the statute changed. Mr. Lipman asked Ms. Munson if the
124 petition was submitted correctly. It has not met the proper petition format. Since the
125 petition is not a valid petition it shouldn't be moved forward.
126
127

128 **Board Action:** Motion to deny the request based on the petition not being legally sufficient, doesn't
129 meet the guideline in the rules and statutes, and the information from legal **counsel** was made by
130 Ms. Hankerson. Seconded by Mr. Gerrity. **Vote:** 6 yeas / 1 opposed; Mr. Phelan; motion carried.
131

- 132 b. Additional materials received July 5, 2018
- 133 c. My response on how to properly file petitions for variance or waiver
- 134 d. 2018 Florida Statutes

135
136 **Section III ended at 10:35 a.m.**
137 **Section IV began at 10:35 a.m.**
138

139 **IV. RATIFICATION:**

140 **a. Licensure**

- 141 **i. Nursing Home Administrators**
- 142 6208 - 6238

143 **Board Action:** Motion to approve the NHA 6208 – 6238 was made by Mr. Gerrity. Seconded by Ms.
144 Hankerson **Vote:** 7 yeas / 0 opposed; motion carried.
145

- 146 **ii. Nursing Home Administrators (Exam)**

- 147
- 148 **iii. Administrator-in-Training**
- 149 5825 – 5809 (1000) 5841 – 5776 (2000)

150 **Board Action:** Motion to approve the NHA Exams 5825 – 5809 was made by Ms. Kocik. Seconded by
151 Ms. Hankerson. **Vote:** 7 yeas / 0 opposed; motion carried.
152

- 153 **iv. Preceptors**
- 154 5304

155 **Board Action:** Motion to approve the Preceptors 5304 was made by Ms. Kocik. Seconded by Mr.
156 Phelan. **Vote:** 6 yeas / 1 opposed; Mr. Phelan; motion carried.
157

158
159 **b. Continuing Education**

- 160 **i. Continuing Education Providers & Courses approved by CE Committee**
- 161 **Chair**

162 **Board Action:** Motion to approve the Children’s Medical Services was made by Ms. Kocik. Seconded
163 by Mr. Phelan. **Vote:** 7 yeas / 0 opposed; motion carried.

164

165 **ii. Continuing Education Providers & Courses approved by Board Staff**

166

167 **Board Action:** Motion to approve Continuing Education Providers & Courses approved by Board
168 Staff was made by Ms. Kocik. Seconded by Ms. Hankerson. **Vote:** 7 yeas / 0 opposed; motion
169 carried.

170

171 **iii. Transcript Review**

172 a. Transcript Request for Continuing Education Credit from Sally Hemlepp.

173

174 **Discussion:** Ms. Feeney has 3 questions for the board to address. Should the college be accredited,
175 must it be within the Domains of Practice, and every credit hours from a college is given 5 continuing
176 education hours, (CEU’s), should it be less CEU’s? This seems like an excess amount of CEU’s. Ms.
177 Munson referenced the rule 64B10-15.001(3) and 64B10-15.001(5) and explained that this rule is on the
178 agenda for approval of proposed language changes. College credit was not part of the rule package, so
179 the package will move forward if approved. The college credit hours could hold up the package if it is
180 changed at this time. The rule can be opened later to have the college credit hours looked at. It was
181 recommended that the college course be approved before the course is taken. There needs to be more
182 discussion on this issue.

183

184 **Board Action:** Motion to approve the transcript for continuing education was made by Ms.
185 Hankerson. Seconded by Mr. Gerrity. **Vote:** 7 yeas / 0 opposed; motion carried.

186

187 **Section IV ended at 10:40 a.m.**

188 **Section V began at 10:40 a.m.**

189

190 **V. PROSECUTION REPORT:**

191 Ms. Hankerson asked how did the cases 1 year or older increase from the last meeting.

192 **Board Action:** Motion to approve prosecution report as it stands, however in the future the approval
193 of the reports will be contingent upon attendance of PSU at the board meeting and to allow
194 prosecution services to continue to prosecute cases over one year old was made by Ms. Hankerson.
195 Seconded by Mr. Gerrity. **Vote:** 7 yeas / 0 opposed; motion carried.

196

197 **Section V ended at 10:42 a.m.**

198 **Section VI began at 10:42 a.m.**

199

200 **VI. BOARD COUNSEL REPORT:**

201 a. May 2018

202 b. June 2018

203 Rule 64B10-11.001 is still open for development. This is the application for licensure
204 and it is still being reviewed at by the department. Once additional information
205 becomes available we will move forward with the discussion for the rule making
206 process.

207 c. Proposed language changes to 64B10-15.001

208 d. 64B10-15.001 Current Language

209 e. Choice A – Proposed Language Change to 15.001

210 f. Choice B – Proposed Language Change to 15.001

211 g. Annual Regulatory Plan 2017-2018

212 Ms. Munson explained the purpose of this is to have each agency under the direction
213 of the governor is required to submit to the Office of Physical Accountability and
214 Regulatory Reform a regulatory plan that identifies and describes each rule that the
215 agency expects to begin promulgating within the next twelve-month period. This
216 report is due by October 1, so it is being presented so it can be facilitated and executed
217 by the proper deadline. Rule 64B10-11.001 will be included in this plan.

218 **Board Action:** Motion to delegate the Board Chair to work with Board Council on the Annual
219 Regulatory Plan for 2017-2018 was made by Ms. Hankerson. Seconded by Ms. Kocik.

220 **Vote:** 7 yeas / 0 opposed; motion carried.

221

222 **Section VI ended at 11:30 a.m.**

223 **Section V began at 11:30 a.m.**

224

225 **MOVED BACK TO SECTION V. PROSECUTION REPORT:**

226

227 Ms. Garrison gave the Prosecution Report.

228 Ms. Hankerson asked how did the cases 1 year or older increase from the last meeting. Ms. Garrison
229 explained that these 2 cases were on the edge of turning over to 1 year old. She also explained that
230 they are now fully staffed and are working to decrease the number of cases. Ms. Hankerson also asked
231 what the holding status referenced. Ms. Garrison explained this is when an investigator is trying to
232 obtain patient records of some records that are under subpoena and they are getting push back on
233 providing those records and so it goes into a holding status. The holding status can be varied
234 depending on the date of the probable cause panel.

235 **Section V ended at 11:38 a.m.**

236 **Returned to Section VI began at 11:38 a.m.**

237

238 e. Choice A – Proposed Language Change to 64B10-15.001

239 f. Choice B – Proposed Language Change to 64B10-15.001

240 Ms. Munson explained that she believes that choice B was the choice of the Board but wants to be
241 clear. Ms. Hankerson asked if the five contact hours is under statute. It is under the rules. There was
242 discussion between board members on the number of hours that should be awarded for each college
243 credit. Choice A would read “a licensee shall have a minimum of 20 contact hours that include

244 personal attendance and/or college classroom credits in a live classroom presentation.” Choice B
245 language would stay the same but include “college courses that are attended online.” Both choices
246 would require a transcript. Take 3 out and add A and B. Ms. Munson explained that this language will
247 need to be reworked and presented to the board for approval. Mr. Lipman will amend/edit the rule
248 language and get it to Ms. Monson by the end of the week. All board members agree to the language
249 change and the special meeting to take place on August 8th at 10:00 a.m. Choice B is the proposed
250 language choice.

251 **Board Action:** A special meeting will be held on Aug. 8 at 10:00 a.m. by telephone to vote on the
252 proposed language change.

253

254 **Section VI ended at 12:06 p.m.**

255 **Section VIII began at 12:06 p.m.**

256

257 **VIII. CHAIR/VICE CHAIR REPORT:**

258 Mr. Gerrity announced that last week was the Healthcare Conference at which they made a
259 presentation to the administrators that were taking the exam. That presentation went well.

260 Mr. Lipman was at National Administrator Boards, NAB, in June. NAB is pushing heavily to do the
261 license for the three disciplines, Community and Homebased Services, ALS Services and Administrator
262 and Nursing Home Administrators, NAB wants to standardize the process throughout the United States
263 to allow for greater reciprocity to other states. NAB is also setting up a continuing education system.

264 **Section VIII ended at 12:08 p.m.**

265 **Section X began at 12:08 p.m.**

266

267 **IX. EXECUTIVE DIRECTOR’S REPORT:**

268 Proposed 2019 meeting dates. Please advise Ms. Curry if these dates are acceptable to everyone.

269 Jan 11, 2019 – Telephone Conference Call

270 April 12, 2019 – Orlando

271 July 12, 2019 – Telephone Conference Call

272 Oct. 4, 2019 - Orlando

273

274 **Section IX ended at 12:12 p.m.**

275 **Section XI began at 12:12 p.m.**

276

277 **XI. NEW BUSINESS:**

278 Ms. Hankerson gave feedback from the Board Chair/Vice Chair meeting. Supporting documents
279 and applications will soon all be online, there was information about having volunteer
280 opportunities for underserved communities and what disciplines would be included and what
281 kind of CE credits would be received for that. It was proposed to the Department of Health that
282 Medical Errors go down to one hour instead of two hours. Department counsel told us not to
283 text information to board staff or board counsel. It is better to email or call them on the
284 telephone. Do not reply to everyone on the board when something is forthcoming. Unlicensed
285 Activity is moving from South Florida to Central Florida. Also, only 2% of Board Members
286 responded to the surveys.

287 Mr. Gerrity would like to have a discussion on the next meeting concerning who can be a
288 preceptor. Mr. Liman explained that the discussion in the past determined a Petition for
289 Variance or Waiver would be the route to pursue your Administrator in Training and a
290 Preceptor. Mr. Gerrity is fine with this outcome.

291 **Section XI ended at 12:12 p.m.**

292 **Section X began at 12:12 p.m.**

293 **X. OLD BUSINESS:**

294 No old business.

295 **Section X ended at 12:12 p.m.**

296 **Section XII began at 12:12 p.m.**

297 **XII. COMMITTEE REPORTS:**

298 a. AIT/Preceptor – Kocik/Gerrity/Lipman

299 Mr. Gerrity stated AIT is still ongoing. Asked Preceptors to check the AIT paperwork to make
300 sure that prior to submission that whatever hours are being recorded under each domain
301 that there is a summary to respond to those hours. Mr. Lipman AIT are still coming and still
302 being reviewed on a regular basis. These are better than they were a few years ago.

303

304 b. Budget – Helmer

305 Mr. Helmer thanked the Board for allowing him to attend the Chair/Vice Chair meeting in
306 Tallahassee. He noted that the budget report is placed on each agenda for the boards
307 review.

308

309 c. Continuing Education – Feeney

310 Nothing to add.

311

312 d. Credentials – Lipman

313 i. NHA Licensure Requirement Summary

314

315 The office is handling most of the information. Still continuing to receive AIT's and new
316 license applications.

317

318 e. Disciplinary Compliance – Hankerson

319 Nothing on discipline.

320

321 f. Healthiest Weight – Hankerson

322 Lifestyle in the home and work place is a lot of sitting and it would be good to have a
323 program to focus on a healthy lifestyle. It is good to have programs that relate to physical
324 activity. This will affect your insurance bottom line.

325

326 g. Legislation – Helmer

327 Nothing new.

328

329 h. Probable Cause – Kocik

330 There is a new meeting coming up on August 10.

331

332 i. Rules – Feeney

333 Nothing currently.

334

335 j. Unlicensed Activity – Feeney

336 Nothing currently.

337

338 **Section XII ended at 12:21 p.m.**

339 **Section XIII began at 12:21 p.m.**

340 **XIII. PUBLIC COMMENTS**

341 Deborah Franklin, Florida Healthcare, would like to give the board something to think about
342 when they are looking at the rules, after having taught the Preceptor and refresher program
343 this past week there is an area that is not being covered at all. As Senior Director of quality care
344 and wanting to make sure quality improves there is nothing the guidelines that preceptors
345 must include quality or risk management. Risk management is a requirement in chapter 400.
346 When you open that rule and start evaluating the preceptor requirements you might want to
347 add into that section that they do some training on risk management and quality.

348 Mr. Lipman asked Ms. Franklin to submit any recommendations for changes to the rule to the
349 board.

350 **Section XIII ended at 12:26 p.m.**

351 **Section XIV began at 12:26 p.m.**

352 **XIV. NEXT MEETING DATE:**

353 August 8, 2019 – Telephone Conference Call.

354 September 21, 2018

355 **Section XIV ended at 12:27 p.m.**

356 **Section XV began at 12:27 p.m.**

357 **XV. ADJOURNMENT:**

358

359 **Action:** Motion to adjourn was made by Ms. Hankerson. Second by Mr. Phelan.

360 **Vote:** 7 yeas / 0 opposed; motion carried.

361

362 **Meeting adjourned at 12:27 p.m.**

363