

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.

AGENDA

Section I began: 9:03 a.m.

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

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

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10 **Board Staff Present:**

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- 12 Lucy Gee, Director of Medical Quality Assurance
13 Mark Whitten, Bureau Chief of Healthcare Practitioner Regulation
14 Dr. Anthony Spivey, DBA, Executive Director
15 Gail Curry, Program Operations Administrator

16

17 **Board Counsel:**

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- 19 Rachelle Munson, Assistant Attorney General

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21 **Court Reporter:**

22

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

25

26 **Section I ended: 9:05 a.m.**

27 **Section II began: 9:05 a.m.**

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29 **II. APPROVAL OF MINUTES:**

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31 **a. July 23, 2018**

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33 **Action:** Motion to approve the minutes made by Ms. Hankerson. Second made by Mr.
34 Helmer.

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36 **Vote:** 5 yeas / 0 opposed. Motion carried.

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b. August 8, 2018

Action: Motion to approve the minutes made by Mr. Helmer. Second made by Ms. Hankerson.

Vote: 5 yeas / 0 opposed. Motion carried.

Section II ended: 9:07 a.m.
Section III began: 9:07 a.m.

III. PROSECUTION REPORT

Dr. Spivey provided statistics regarding the prosecutions currently open in the Department.

Total cases: 20
Under legal review: 17
Cases older than one year continued for prosecution: 9

Mr. Gerrity asked how to move the cases faster. Ms. Kocik suggested a breakdown of reasons of why there may be a delay. Ms. Hankerson concurred that it would be helpful to have a reason. Ms. Hankerson sought more information of whether it could be a process delay or turnover of staff. Ms. Hankerson advised that it would assist the board in determining whether to approve the extension of time on cases over a year.

Action: Motion to request more information that indicates how long beyond a year and reason(s) for needing additional time to be addressed at the next board meeting made by Ms. Hankerson. Second made by Mr. Gerrity.

Vote: 5 yeas/ 0 opposed. Motion carried.

Section III ended: 9:15 a.m.
Section IV began: 9:15 a.m.

IV. RATIFICATION:

a. Licensure

i. Nursing Home Administrators

Action: Motion to approve the ratification of licensees made by Mr. Gerrity. Second made by Ms. Kocik.

Vote: 5 yeas / 0 opposed. Motion carried.

ii. Nursing Home Administrators (Exam)

Action: Motion to approve the ratification of licensees made by Mr. Gerrity. Second

83 made by Mr. Lipman.

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85 **Vote:** 5 yeas / 0 opposed. Motion carried.

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87 **iii. Administrator-in-Training**

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89 **Action:** Motion to approve the ratification of licensees made by Mr. Gerrity. Second made by
90 Mr. Helmer.

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92 **Vote:** 5 yeas / 0 opposed. Motion carried.

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94 **iv. Preceptors**

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96 **Action:** Motion to approve the ratification of licensees made by Mr. Gerrity. Second made by
97 Mr. Lipman.

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99 **Vote:** 5 yeas / 0 opposed. Motion carried.

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101 **b. Continuing Education**

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103 **i. Continuing Education Providers & Courses approved by CE Committee**
104 **Chair**

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106 **Action:** Motion to approve the ratification of continuing education courses made by Ms.
107 Kocik. Second made by Mr. Gerrity.

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109 **Vote:** 5 yeas / 0 opposed. Motion carried.

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

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113 **Action:** Motion to approve the ratification of continuing education courses made by Ms.
114 Kocik. Second made by Mr. Gerrity.

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116 **Vote:** 5 yeas / 0 opposed. Motion carried.

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118 **Section IV ended: 9:19 a.m.**

119 **Section V began: 9:19 a.m.**

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121 **V. BOARD COUNSEL REPORT:**

122 **a. Rule Report**

123 **1.) September 2018 Rules Report**

124 **2.) August 2018 Rules Report**

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126 Ms. Munson advised that the licensure application still remains open for rulemaking
127 development.

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b. Annual Regulatory Plan 2018-2019

Action: Motion to ratify the approval of the annual regulatory plan as submitted made by Ms. Kocik. Second made by Ms. Hankerson

Vote: 5 yeas / 0 opposed. Motion carried.

**c. Minor Violations Comment: Rule 64B10-14.005 **

d. Rule 64B10-15.001

1.) Current Rulemaking Issues

Public Comment

JAPC Letter – September 4, 2018

JAPC Response Letter – September 6, 2018

2.) New Issue for Consideration regarding 64B10-15.001(7)

Current language vs. Former Language Comparison

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.

Action: Motion to identify the definition of Rule 64B10-15.001 made by Mr. Gerrity. Second made by Ms. Hankerson.

Vote: 5 yeas / 0 opposed. Motion carried.

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.

Number of continuing education hours available per biennium for licensees who act as a preceptor for an internship.

163 Ms. Munson advised that a current licensee contacted the board regarding receiving credit for
164 acting as a preceptor for two internships. Ms. Munson explained that the rule language
165 previously indicated a maximum of five hours credit per biennium for completion of a
166 preceptorship, but the term “maximum” has since been removed. Ms. Munson asked for
167 clarification of the board’s intent and whether only one internship is allowed. Mr. Lipman
168 suggested changing the language “credits for that biennium” to “per biennium” and that the
169 board should define an internship versus administrator in training. Mr. Lipman agreed to work
170 with Ms. Munson to create clean language and will revisit the issue at the next board meeting.
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172 **Section V ended: 10:10 a.m.**

173 **Section VI began: 10:10 a.m.**

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175 **VI. CHAIR/VICE CHAIR REPORT:**

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177 Mr. Gerrity advised of the ongoing AIT programs and upcoming preceptor interviews. Mr.
178 Lipman advised that there has been little change in the amount of preceptor applications
179 received.

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181 **Section VI ended: 10:11 a.m.**

182 **Section VII began: 10:11 a.m.**

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184 **VII. EXECUTIVE DIRECTOR’S REPORT:**

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186 Dr. Spivey provided information of the upcoming annual meeting and advised that the meeting
187 will be more interactive for Chairs and Vice Chair participation.

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189 Dr. Spivey advised that he does not foresee any board appointments in the near future
190 due to transitioning to a new governor.

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192 **i. Delegation of Authority**

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194 **Action:** Motion to approve the matrix as presented made by Mr. Lipman. Second
195 made by Ms. Hankerson.

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197 **Vote:** 5 yeas / 0 opposed. Motion carried.

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199 **ii. Spotlight ULA**

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201 Dr. Spivey advised of the quarterly publications made by the department to combat
202 unlicensed activity.

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204 **iii. Health History Questions**

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206 Dr. Spivey explained that the department determined that some of the health history
207 questions appear to be too invasive and will be replaced with additional questions to allow
208 applicants to answer accurately.

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210 **Section VII ended: 10:24 a.m.**
211 **Section VIII began: 10:24 a.m.**

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213 **VIII. OLD BUSINESS:**

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215 None

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217 **Section VIII ended: 10:24 a.m.**
218 **Section IX began: 10:24 a.m.**

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220 **IX. NEW BUSINESS:**

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222 None

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224 **Section IX ended: 10:25 a.m.**
225 **Section X began: 10:25 a.m.**

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227 **X. COMMITTEE REPORTS:**

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229 **a. AIT/Preceptor – Kocik/Gerrity/Lipman**

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231 Nothing to report.

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233 **b. Budget – Helmer**

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235 Nothing to report.

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237 **c. Continuing Education – Feeney**

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239 Nothing to report.

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241 **d. Credentials – Lipman**

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243 **i. NHA Licensure Requirement Summary**

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245 Nothing to report.

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247 **e. Disciplinary Compliance – Hankerson**

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249 Nothing to report.

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251 **f. Healthiest Weight – Hankerson**

252 Nothing to report.

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254 **g. Legislation – Helmer**

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256 Nothing to report.

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258 **h. Probable Cause – Kocik**

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260 Nothing to report.

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262 **i. Rules – Feeney**

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264 Nothing to report.

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266 **j. Unlicensed Activity – Feeney**

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268 Nothing to report.

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270 **Section X ended: 10:27 a.m.**

271 **Section XI began: 10:27 a.m.**

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273 **XI. PUBLIC COMMENTS**

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275 None

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277 **Section XI ended: 10:27 a.m.**

278 **Section XII began: 10:27 a.m.**

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280 **XII. PROPOSED 2019 BOARD MEETING DATES**

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282 January 11, 2019 (Teleconference); April 12, 2019 changed to April 5, 2019 (Teleconference or
283 Live); July 12, 2019 changed to sometime between August 4-8, 2019 (Live) during the Florida
284 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.

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288 **Section XII ended: 10:32 a.m.**

289 **Section XIII began: 10:32 a.m.**

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291 **XIII. NEXT MEETING DATE:**

292 January 11, 2019

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294 **Section XIII ended: 10:32 a.m.**

295 **Section XIV began: 10:32 a.m.**

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297 **XIV. ADJOURNMENT:**

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299 Meeting adjourned at 10:32 a.m.