

**FLORIDA** | Board of Nursing Home Administrators

**DRAFT MINUTES**

April 5, 2019

Rosen Plaza Hotel  
9700 International Drive  
Orlando, Florida 32819



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, April 5, 2019, commencing at 9:00 a.m. This meeting was held at the Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, 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: 9:13 a.m.**

1       **I.       CALL TO ORDER (Roll Call)**  
2

3           Henry Gerrity, III, NHA Chair  
4           Scott Lipman, MHSA, Vice-Chair  
5           Chantelle Kocik, MBA, NHA (*Absence excused*)  
6           Patricia Feeney, RN, BSN, HCRM (*Absence excused*)  
7           Christine Hankerson, MSN, MS/P, Ph.D., RN  
8           Michael Helmer, BA William Phelan, MS, CAE  
9

10       **Board Staff Present:**

11  
12           Dr. Anthony Spivey, DBA, Executive Director  
13           Gail Curry, Program Operations Administrator  
14

15       **Board Counsel:**

16  
17           Rachelle Munson, Assistant Attorney General  
18

19       **Prosecution Services:**

20  
21           Rose Garrison, Assistant General Counsel  
22           Chad Dunn, Assistant General Counsel  
23

24       **Court Reporter:**

25  
26           American Court Reporting- Suzette Bragg  
27           407-896-1813  
28

29       **Section I ended: 9:14 a.m.**

30       **Section II began: 9:14 a.m.**

31  
32       **II.       APPROVAL OF MINUTES:**  
33

34       **a.       January 11, 2019**

35  
36           **Action:** Motion to approve the meeting minutes made by Dr. Hankerson. Second  
37           made by Mr. Helmer.

38 **Vote:** 5 yeas/0 opposed. Motion Carried.

39  
40 **Section II ended: 9:14 a.m.**  
41 **Section IV taken out of order at 9:14 a.m.**  
42 **Section III began: 9:50 a.m.**  
43

44 **III. APPLICATION FOR REVIEW**

45  
46 **a. Blake Bell**

47  
48 Not Present, nor represented by counsel.

49  
50 **Action:** Motion to approve the application made by Mr. Lipman. Second made  
51 by Mr. Gerrity.

52  
53 **Vote:** 5 yeas/0 opposed. Motion Carried

54  
55 **Section III ended: 9:52 a.m.**  
56 **Section IV began: 9:14 a.m.**  
57

58 **IV. PROSECUTION REPORT**

59  
60 Mr. Dunn provided statistics regarding the prosecutions currently open in the  
61 Department.

62  
63 Total cases: 14  
64 Recommended probable cause: 4  
65 Probable Cause Found: 1  
66 Cases older than one year continued for prosecution: 7

67  
68 **Action:** Motion to continue prosecuting cases older than one year made by Mr.  
69 Helmer. Second made by Mr. Gerrity.

70  
71 **Vote:** 5 yeas/ 0 opposed. Motion carried.

72  
73 **Section IV ended: 9:18 a.m.**  
74 **Section V began: 9:18 a.m.**  
75

76 **V. FINAL ORDER ACTION:**

77  
78 **a. SETTLEMENT AGREEMENT**

79  
80 **i. Mark D. Rayner, NHA**  
81 **Case No.: 2017-21742**

82  
83 Present. Not represented by counsel.

84 Assistant General Counsel, Rose Garrison presented the facts related to the case as  
85 well as the proposed settlement agreement.

86  
87 **Action:** Motion to dismiss the case made by Mr. Gerrity. Second made by Mr.  
88 Phelan.

89  
90 **Vote:** 3 yeas/ 1 opposed. Motion carried. Mr. Helmer was recused.

91  
92 **Section V ended: 9:52 a.m.**  
93 **Section VI began: 9:52 a.m.**

94  
95 **VI. RATIFICATION:**

96  
97 **a. Licensure**

98  
99 **i. Nursing Home Administrators**

100  
101 **ii. Nursing Home Administrators (Exam)**

102  
103 **Action:** Motion to ratify the approval of licensees made by Mr. Gerrity. Second  
104 made by Dr. Hankerson.

105  
106 **Vote:** 5 yeas/ 0 opposed. Motion carried.

107  
108 **iii. Administrator-in-Training**

109  
110 **Action:** Motion to ratify the approval of licensees made by Mr. Gerrity. Second  
111 made by Dr. Hankerson.

112  
113 **Vote:** 5 yeas/ 0 opposed. Motion carried.

114  
115 **iv. Preceptors**

116  
117 **Action:** Motion to ratify the approval of licensees made by Mr. Gerrity. Second  
118 made by Mr. Helmer.

119  
120 **Vote:** 5 yeas/ 0 opposed. Motion carried.

121  
122 **b. Continuing Education**

123  
124 **i. Continuing Education Providers & Courses approved by CE**  
125 **Committee Chair**

126  
127 **ii. Continuing Education Providers & Courses approved by Board**  
128 **Staff**

130 **Action:** Motion to ratify the approval of courses made by Dr. Hankerson. Second  
131 made by Mr. Gerrity.

132  
133 **Vote:** 5 yeas/ 0 opposed. Motion carried.

134  
135 **Section VI ended: 9:57 a.m.**

136 **Section VII began: 9:57 a.m.**

137  
138 **VII. BOARD COUNSEL REPORT:**

139  
140 **i. March Rules Report**

141 **ii. Rule Discussion for 64B10-15.001**

142  
143 Ms. Munson presented the current rules report. Ms. Munson advised that the board  
144 previously had discussion relating to licensees requesting contact hours for  
145 internships. During that discussion, the board agreed on a limitation of the amount of  
146 hours allowed. Ms. Munson presented the most current rule language for board  
147 review and discussion.

148  
149 **Action:** Motion to open Rule 64B10-15.001 for development made by Mr. Gerrity.  
150 Second made by Dr. Hankerson.

151  
152 **Vote:** 5 yeas/ 0 opposed. Motion carried.

153  
154 Ms. Munson asked whether the proposed rules would have adverse impacts on small  
155 business and whether regulatory costs would exceed two hundred thousand dollars  
156 within one year of implementation. The board agreed there would be no adverse  
157 impact or increase of costs.

158  
159 **Action:** Motion to approve the board's response made by Mr. Gerrity. Second made  
160 by Mr. Lipman.

161  
162 **Vote:** 5 yeas/ 0 opposed. Motion carried.

163  
164 Ms. Munson asked whether the proposed rules would be subject to a minor  
165 violation. Minor violation means that it will not directly affect the public health,  
166 safety, or welfare and is able to be resolved with citation or notice of non-  
167 compliance. The board agreed there would be no minor violations.

168  
169 **Action:** Motion to approve the board's response made by Mr. Gerrity. Second made  
170 by Mr. Lipman.

171  
172 **Vote:** 5 yeas/ 0 opposed. Motion carried.

173  
174 **iii. NAB Continuing Education**

- 176           iv.    **64B10-15.001**  
177           v.    **64B-5.001**

178  
179  
180  
181  
182  
183  
184  
185

The National Association of Long-Term Care Administrator Board (NAB) submitted request for the board to allow them to report continuing education hours on behalf of their providers. Ms. Munson explained the intent of NAB’s request. The board felt as though they would lose control of the approval process for continuing education. Ms. Munson advised that she does not believe the board has authority to allow NAB to report hours of completion for providers.

186           **Section VII ended: 10:10 a.m.**  
187           **Section VIII began: 10:10 a.m.**

188

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

190  
191  
192

Mr. Gerrity reported that monitoring and preceptor interviews were going well.

193           **Section VIII ended: 10:11 a.m.**  
194           **Section IX began: 10:11 a.m.**

195

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

197

198           **i.     Health History Questions**

199

Dr. Spivey explained that the department determined that some of the health history questions appear to be too invasive and most boards are replacing the history questions with alternate questions to allow applicants to answer accurately. Dr. Spivey encouraged the board to follow suit.

200

**Action:** Motion to remove the current health history questions and replace with the newly suggested questions made by Dr. Hankerson. Second made by Mr. Gerrity.

206

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

207

**Action:** Motion to open Rule 64B10-11.001 for development made by Mr. Lipman. Second made by Mr. Gerrity.

210

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

211

Ms. Munson asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. The board agreed there would be no adverse impact or increase of costs.

215

**Action:** Motion to approve the board’s response made by Mr. Gerrity. Second made by Mr. Lipman.

219

220

221

222

223 **Vote:** 5 yeas/ 0 opposed. Motion carried.  
224  
225 Ms. Munson asked whether the proposed rules would be subject to a minor violation.  
226 Minor violation means that it will not directly affect the public health, safety, or  
227 welfare and is able to be resolved with citation or notice of non-compliance. The  
228 board agreed there would be no minor violations.  
229  
230 **Action:** Motion to approve the board’s response made by Mr. Gerrity. Second made  
231 by Mr. Lipman.  
232  
233 **ii. National Administrator Board (NAB)**  
234  
235 Addressed in Section VII  
236  
237 **Section IX ended: 10:15 a.m.**  
238 **Section X began: 10:15 a.m.**  
239  
240 **X. OLD BUSINESS:**  
241  
242 None  
243  
244 **Section X ended: 10:15 a.m.**  
245 **Section XI taken out of order: 10:22 a.m.**  
246  
247 **XI. NEW BUSINESS:**  
248  
249 Department Liaison for Unlicensed Activity, Mr. Sidronio Casas provided  
250 information and statistics of unlicensed activity.  
251  
252 **Section XI ended: 10:28 a.m.**  
253 **Section XII taken out of order at: 10:15 a.m.**  
254  
255 **XII. COMMITTEE REPORTS:**  
256  
257 **a. AIT/Preceptor – Kocik/Gerrity/Lipman**  
258  
259 Nothing to report  
260  
261 **b. Budget – Helmer**  
262  
263 Nothing to report  
264  
265 **c. Continuing Education – Feeney**  
266  
267 Nothing to report  
268

269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310

**d. Credentials – Lipman**  
**i. NHA Licensure Requirement Summary**

Nothing to report

**e. Disciplinary Compliance – Hankerson**

Nothing to report

**f. Healthiest Weight – Hankerson**

Dr. Hankerson advised that a new life course is being offered for free to certain healthcare professions.

**g. Legislation – Helmer**

Mr. Helmer asked Ms. Debbie Franklin of the Florida Healthcare Association to come forward and speak on his behalf. Ms. Franklin spoke about proposed bills and issues related to funding.

**h. Probable Cause – Kocik**

Nothing to report

**i. Rules – Feeney**

Nothing to report

**j. Unlicensed Activity – Feeney**

Nothing to report

**Section XII ended: 10:22 a.m.**  
**Section XIII began: 10:28 a.m.**

**XIII. PUBLIC COMMENTS:**

None

**Section XIII ended: 10:28 a.m.**  
**Section XIV began: 10:28 a.m.**



311 **XIV. NEXT MEETING DATE:**

312

313 **August 8, 2019**

314

315 **Section XIV ended: 10:29 a.m.**

316 **Section XV began: 10:29 a.m.**

317

318 **XV. ADJOURNMENT:**

319

320 Meeting adjourned at 10:29 a.m.