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.*

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<tbody>
<tr>
<td>1</td>
<td><strong>CALL TO ORDER (Roll Call)</strong></td>
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<tr>
<td>2</td>
<td>Henry Gerrity, III, NHA Chair</td>
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<td>3</td>
<td>Scott Lipman, MHSA, Vice-Chair</td>
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<td>4</td>
<td>Chantelle Kocik, MBA, NHA <em>(Absence excused)</em></td>
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<td>5</td>
<td>Patricia Feeney, RN, BSN, HCRM <em>(Absence excused)</em></td>
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<td>6</td>
<td>Christine Hankerson, MSN, MS/P, Ph.D., RN</td>
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<td>7</td>
<td>Michael Helmer, BA William Phelan, MS, CAE</td>
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<td><strong>Board Staff Present:</strong></td>
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<td>8</td>
<td>Dr. Anthony Spivey, DBA, Executive Director</td>
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<td>9</td>
<td>Gail Curry, Program Operations Administrator</td>
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<td>10</td>
<td><strong>Board Counsel:</strong></td>
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<td>11</td>
<td>Rachelle Munson, Assistant Attorney General</td>
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<td>12</td>
<td><strong>Prosecution Services:</strong></td>
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<td>13</td>
<td>Rose Garrison, Assistant General Counsel</td>
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<td>14</td>
<td>Chad Dunn, Assistant General Counsel</td>
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<tr>
<td>15</td>
<td><strong>Court Reporter:</strong></td>
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<td>16</td>
<td>American Court Reporting- Suzette Bragg</td>
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<td>17</td>
<td>407-896-1813</td>
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*Section I ended: 9:14 a.m.*

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

**II. APPROVAL OF MINUTES:**

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<tr>
<td>1</td>
<td><strong>a. January 11, 2019</strong></td>
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<td>2</td>
<td><strong>Action:</strong> Motion to approve the meeting minutes made by Dr. Hankerson. Second made by Mr. Helmer.</td>
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Vote: 5 yeas/0 opposed. Motion Carried.

Section II ended: 9:14 a.m.
Section IV taken out of order at 9:14 a.m.
Section III began: 9:50 a.m.

III. APPLICATION FOR REVIEW

a. Blake Bell

Not Present, nor represented by counsel.

Action: Motion to approve the application made by Mr. Lipman. Second made by Mr. Gerrity.

Vote: 5 yeas/0 opposed. Motion Carried

Section III ended: 9:52 a.m.
Section IV began: 9:14 a.m.

IV. PROSECUTION REPORT

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

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

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

Vote: 5 yeas/0 opposed. Motion carried.

Section IV ended: 9:18 a.m.
Section V began: 9:18 a.m.

V. FINAL ORDER ACTION:

a. SETTLEMENT AGREEMENT

i. Mark D. Rayner, NHA
   Case No.: 2017-21742

Present. Not represented by counsel.
Assistant General Counsel, Rose Garrison presented the facts related to the case as well as the proposed settlement agreement.

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

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

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

### VI. RATIFICATION:

#### a. Licensure

##### i. Nursing Home Administrators

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

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

##### ii. Nursing Home Administrators (Exam)

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

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

##### iii. Administrator-in-Training

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

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

##### iv. Preceptors

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

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

#### b. Continuing Education

##### i. Continuing Education Providers & Courses approved by CE Committee Chair

##### ii. Continuing Education Providers & Courses approved by Board Staff
Action: Motion to ratify the approval of courses made by Dr. Hankerson. Second made by Mr. Gerrity.

Vote: 5 yeas/ 0 opposed. Motion carried.

Section VI ended: 9:57 a.m.
Section VII began: 9:57 a.m.

VII. BOARD COUNSEL REPORT:

i. March Rules Report
ii. Rule Discussion for 64B10-15.001

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

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

Vote: 5 yeas/ 0 opposed. Motion carried.

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.

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

Vote: 5 yeas/ 0 opposed. Motion carried.

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

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

Vote: 5 yeas/ 0 opposed. Motion carried.

iii. NAB Continuing Education
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.

Section VII ended: 10:10 a.m.
Section VIII began: 10:10 a.m.

VIII. CHAIR/VICE CHAIR REPORT:

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

Section VIII ended: 10:11 a.m.
Section IX began: 10:11 a.m.

IX. EXECUTIVE DIRECTOR’S REPORT:

i. Health History Questions

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.

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.

Vote: 5 yeas/ 0 opposed. Motion carried.

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

Vote: 5 yeas/ 0 opposed. Motion carried.

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.

Action: Motion to approve the board’s response made by Mr. Gerrity. Second made by Mr. Lipman.
Vote: 5 yeas/ 0 opposed. Motion carried.

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

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

ii. National Administrator Board (NAB)

Addressed in Section VII

Section IX ended: 10:15 a.m.
Section X began: 10:15 a.m.

X. OLD BUSINESS:

None

Section X ended: 10:15 a.m.
Section XI taken out of order: 10:22 a.m.

XI. NEW BUSINESS:

Department Liaison for Unlicensed Activity, Mr. Sidronio Casas provided
information and statistics of unlicensed activity.

Section XI ended: 10:28 a.m.
Section XII taken out of order at: 10:15 a.m.

XII. COMMITTEE REPORTS:

a. AIT/Preceptor – Kocik/Gerrity/Lipman

Nothing to report

b. Budget – Helmer

Nothing to report

c. Continuing Education – Feeney

Nothing to report
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

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XIII. PUBLIC COMMENTS:

   None

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Section XII ended: 10:22 a.m.
Section XIII began: 10:28 a.m.
Section XIII ended: 10:28 a.m.
Section XIV began: 10:28 a.m.
XIV. **NEXT MEETING DATE:**

August 8, 2019

Section XIV ended: 10:29 a.m.
Section XV began: 10:29 a.m.

XV. **ADJOURNMENT:**

Meeting adjourned at 10:29 a.m.