

**FLORIDA** | Board of Nursing Home Administrators

**DRAFT MINUTES**

August 8, 2019

Hilton Garden Inn  
6850 Westwood Boulevard  
Orlando, Florida 32821



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 Thursday, August 8, 2019, commencing at 9:00 a.m. This meeting was held at the Hilton Garden Inn, 6850 Westwood Boulevard, Orlando, Florida 32821, 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: 9:04 a.m.**

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

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

10  
11           **Board Staff Present:**

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

15  
16           **Board Counsel:**

- 17  
18           Rachelle Munson, Assistant Attorney General

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20           **Prosecution Services:**

- 21  
22           Rose Garrison, Assistant General Counsel

23  
24           **Court Reporter:**

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

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29           **Section I ended: 9:06 a.m.**

30           **Section II began: 9:06 a.m.**

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

33  
34           **a.    April 5, 2019**

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

37 Helmer.

38

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

40

41 **Section II ended:**

42 **Section III began:**

43 **III. PROSECUTION REPORT**

44

45 Ms. Garrison provided statistics regarding the prosecutions currently open in the  
46 Department.

47

48 Total cases: 15

49 Cases older than one year continued for prosecution: 8

50

51 **Action:** Motion to continue prosecuting cases over one year made by Ms. Kocik. Second made  
52 by Dr. Hankerson.

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

54

55 **Section III ended: 9:09 a.m.**

56 **Section IV began: 9:09 a.m.**

57

58 **IV. FINAL ORDER ACTION:**

59

60 **a. INFORMAL HEARING**

61

62 **i. Jeffrey A. Gerst, NHA**

63 **Case No.: 2017-22488**

64

65 Present. Not represented by counsel. Rose Garrison presented case details and recommended  
66 penalty.

67

68 **Action:** Motion to find that the respondent was properly served and has requested an informal  
69 hearing made by Dr. Hankerson. Second made by Ms. Kocik.

70

71 **Vote:** 4 yeas/0 opposed. Motion Carried. Mr. Helmer recused.

72

73 **Action:** Motion to adopt the findings of fact as set forth in the administrative complaint made  
74 by Ms. Kocik. Second made by Dr. Hankerson.

75

76 **Vote:** 4 yeas/0 opposed. Motion Carried. Mr. Helmer recused.

77

78 **Action:** Motion to adopt the materials and any addendum materials into evidence in this  
79 proceeding made by Ms. Kocik. Second made by Dr. Hankerson.

80

81 **Vote:** 4 yeas/0 opposed. Motion Carried. Mr. Helmer recused.

82 **Action:** Motion to adopt the conclusions of law set forth in the administrative complaint and  
83 find that it constitutes a violation of the board’s practice act made by Ms. Kocik. Second made  
84 by Dr. Hankerson.

85  
86 **Vote:** 4 yeas/0 opposed. Motion Carried. Mr. Helmer recused.

87  
88 **Section IV tabled: 9:20 a.m.**

89 **Section V began: 9:20 a.m.**

90  
91 **V. PETITION FOR WAIVER/VARIANCE**

92  
93 **a. Debra A. Luther**

94  
95 Not present, nor represented by counsel.

96  
97 **Action:** Motion to deny the petition made by Ms. Kocik. Second made by Dr. Hankerson.

98  
99 **Vote:** 5 yeas/0 opposed. Motion Carried.

100  
101 **Section V ended: 9:25 a.m.**

102 **Section VI began: 9:25 a.m.**

103  
104 **VI. APPLICATION FOR REVIEW**

105  
106 **a. Tamika Omodara**

107  
108 Not present, nor represented by counsel.

109  
110 **Action:** Motion to deny the application for licensure made by Dr. Hankerson. Second made by  
111 Ms. Kocik.

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

114  
115 **b. Timothy O’Connor**

116  
117 Not present, nor represented by counsel.

118  
119 **Action:** Motion to deny the application for licensure made by Ms. Kocik. Second made by Dr.  
120 Hankerson.

121  
122 **Vote:** 5 yeas/0 opposed. Motion Carried.

123  
124 **Section VI ended: 9:34 a.m.**

125 **Section VII began: 9:34 a.m.**

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127 **VII. RATIFICATION:**

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**a. Licensure**

**i. Nursing Home Administrators**

**Action:** Motion to ratify the approval of licensee made by Ms. Kocik. Second made by Dr. Hankerson.

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

**ii. Administrator-in-Training**

**Action:** Motion to ratify the approval of 1,000-hour licensees made by Dr. Hankerson. Second made by Ms. Kocik.

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

**Action:** Motion to ratify the approval of 2,000-hour licensees made by Dr. Hankerson. Second made by Mr. Helmer.

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

**iii. Preceptors**

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

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

**b. Continuing Education**

**i. CE Providers & Courses approved by CE Committee Chair**

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

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

**Section VII ended: 9:37 a.m.**  
**Section VIII began: 9:37 a.m.**

**VIII. BOARD COUNSEL REPORT:**

- i. July Rules Report**
- ii. Annual Regulatory Plan**
- iii. Cover Memo - Rules**

- 173 **iv. 64B10-15.001 (currently adopted rules)**
- 174 **v. 64B10-15.001 (proposed changes to subparagraph 1)**
- 175 **vi. 64B10-15.003 (Repeal proposal)**
- 176

177 Ms. Munson presented the rules report and proposed revisions to the rules.

178  
179 **Action:** Motion to approve the proposed changes to rules 15.003 (repeal) and 15.001 made by  
180 Dr. Hankerson. Second made by Mr. Helmer.

181  
182 **Vote:** 5 yeas/ 0 opposed. Motion carried.

183  
184 Ms. Munson asked whether the proposed rules would have adverse impacts on small business  
185 and whether regulatory costs would exceed two hundred thousand dollars within one year of  
186 implementation. The board agreed there would be no adverse impact or increase of costs.

187  
188 **Action:** Motion to approve the board’s response made by Ms. Kocik. Second made by Mr.  
189 Helmer.

190  
191 **Vote:** 5 yeas/ 0 opposed. Motion carried.

192  
193 Ms. Munson asked whether the proposed rules would be subject to a minor violation. Minor  
194 violation means that it will not directly affect the public health, safety, or welfare and is able  
195 to be resolved with citation or notice of non-compliance. The board agreed there would be no  
196 minor violations.

197  
198 **Action:** Motion to approve the board’s response made by Ms. Kocik. Second made by Dr.  
199 Hankerson.

200  
201 **Vote:** 5 yeas/ 0 opposed. Motion carried.

- 202
- 203 **vii. 64B10-11.011 (Provisional Licensure – Repealed)**
- 204 **viii. 468.1735 (Provisional Licensure)**
- 205

206 Ms. Munson advised that some of the rules have been repealed due to duplication of the  
207 statutory requirements.

- 208
- 209 **ix. Application for Nursing Home Administrator by Endorsement**
- 210 **x. Application for Nursing Home Administrator by Re-Examination**
- 211 **xi. Application for Nursing Home Administrator by Examination**
- 212 **xii. Nursing Home Administrator-In-Training**
- 213 **xiii. Nursing Home Administration Preceptor Certification**
- 214 **xiv. 64B10-11.001**
- 215 **xv. 64B10-11.003**
- 216 **xvi. 64B10-16.001**

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**xvii. 64B10-16.002**

**Section VIII ended: 9:50 a.m.**  
**Referred back to Section IV from 9:50 a.m. to 11:01 a.m.**  
**Break 11:01 to 11:13 a.m.**  
**Skipped to Section XII at 11:13 a.m.**  
**Section IX began: 11:47 a.m.**

**IX. CHAIR/VICE CHAIR REPORT:**

**Section IX ended: 11:48 a.m.**  
**Section X began: 11:48 a.m.**

**X. EXECUTIVE DIRECTOR'S REPORT:**

Dr. Spivey announced that the Chair/Vice Chair meeting will be held on October 18, 2019 in Tallahassee, Fl and that the format of the meetings are to be more engaging. Dr. Spivey advised of the recent legislation regarding Telehealth.

**i. Annual Delegation for Authority**

Dr. Spivey presented the Annual Delegation of Authority. The board had no issues with the existing authority.

Dr. Spivey presented the proposed licensure applications listed in **Section VIII**.

**Action:** Motion to approve the applications and approve rule changes to update the revised application dates made by Ms. Kocik. 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 Ms. Kocik. Second made by Mr. Helmer.

**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 Ms. Kocik. Second made by Mr.

263 Lipman.

264

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

266

267 Department Liaison for Unlicensed Activity, Mr. Sidronio (Chilo) Casas provided presentation  
268 regarding unlicensed activity.

269

270 **Section X ended: 12:16 p.m.**

271 **Section XI began: 12:16 p.m.**

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273 **XI. OLD BUSINESS:**

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275 None

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277 **Section XI ended: 12:16 p.m.**

278 **Section XII began: 11:13 a.m.**

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280 **XII. NEW BUSINESS:**

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282 Chief-Assistant Attorney General, Mr. David Bundy provided presentation on senior  
283 exploitation.

284

285 Dr. Hankerson suggested having board meetings in correlation with the Florida Health Care  
286 Association meeting.

287

288 **Section XII ended: 11:47 a.m.**

289 **Referred back to Section IX at 11:47 a.m.**

290 **Section XIII began: 12:27 p.m.**

291

292 **XIII. COMMITTEE REPORTS**

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

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296 Ms. Kocik reported that compliance is getting better. Mr. Lipman advised of an increase  
297 in AIT licenses.

298

299 **b. Budget – Helmer**

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301 Mr. Helmer presented the budget report.

302

303 **c. Continuing Education – Feeney**

304

305 Nothing to report. Dr. Hankerson suggested that students come to the board meetings.

306

307 **d. Credentials – Lipman**



308 **i. NHA Licensure Requirement Summary**

309  
310 Nothing to report  
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312 **e. Disciplinary Compliance – Hankerson**

313  
314 Nothing to report  
315

316 **f. Healthiest Weight – Hankerson**

317  
318 Dr. Hankerson advised of wellness councils, institutes, and programs.  
319

320 **g. Legislation – Helmer**

321  
322 Mr. Helmer advised that Tort reform and Medicaid/Medicare are being discussed.  
323

324 **h. Probable Cause – Kocik**

325  
326 Ms. Kocik announced the upcoming PCP meeting.  
327

328 **i. Rules – Feeney**

329  
330 Nothing to report. Ms. Munson presented the Annual Regulatory Plan for review.  
331

332 **Action:** Motion to delegate to Chair made by Dr. Hankerson. Second made by Mr. Helmer

333  
334 **Vote:** 5 yeas/ 0 opposed. Motion carried.  
335

336 **j. Unlicensed Activity – Feeney**

337  
338 Nothing to report  
339

340 **Section XIII ended: 12:43 p.m.**

341 **Section XIV began: 12:43 p.m.**

342

343 **XIV. PUBLIC COMMENTS:**

344

345 **Cameron Gordon-Forbes** - addressed the board and commented that he would like to have the  
346 board meeting at the Association meeting.

347

348 **Sonja Jorgensen** – Thanked the board for the opportunity to attend the meeting and she

349 believes everyone should attend to become educated of what the board does for the  
350 profession.

351

352 **Section XIV ended: 12:45 p.m.**

353 **Section XV began: 12:45 p.m.**

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355 **XV. NEXT MEETING DATE:**

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357 **October 4, 2019**

358

359 **Section XV ended: 12:45 p.m.**

360 **Section XVI began: 12:45 p.m.**

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362 **XVI. ADJOURNMENT:**

363

364 Meeting adjourned at 12:45 p.m.

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