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.

I. CALL TO ORDER (Roll Call)

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

Board Staff Present:

Dr. Anthony Spivey, DBA, Executive Director
Gail Curry, Program Operations Administrator

Board Counsel:

Rachelle Munson, Assistant Attorney General

Prosecution Services:

Rose Garrison, Assistant General Counsel

Court Reporter:

American Court Reporting- Suzette Bragg
407-896-1813

Section I ended: 9:06 a.m.

Section II began: 9:06 a.m.

II. APPROVAL OF MINUTES:

a. April 5, 2019

Action: Motion to approve the meeting minutes made by Dr. Hankerson. Second made by Mr.
III. PROSECUTION REPORT

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

Total cases: 15
Cases older than one year continued for prosecution: 8

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

Vote: 5 yeas/0 opposed. Motion Carried.

Section III ended: 9:09 a.m.
Section IV began: 9:09 a.m.

IV. FINAL ORDER ACTION:

a. INFORMAL HEARING

  i. Jeffrey A. Gerst, NHA
     Case No.: 2017-22488

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

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

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

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

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

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

  Vote: 4 yeas/0 opposed. Motion Carried. Mr. Helmer recused.
**Action:** Motion to adopt the conclusions of law set forth in the administrative complaint and find that it constitutes a violation of the board’s practice act made by Ms. Kocik. Second made by Dr. Hankerson.

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

Section IV tabled: 9:20 a.m.
Section V began: 9:20 a.m.

V. **PETITION FOR WAIVER/VARIANCE**

a. **Debra A. Luther**

Not present, nor represented by counsel.

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

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

Section V ended: 9:25 a.m.
Section VI began: 9:25 a.m.

VI. **APPLICATION FOR REVIEW**

a. **Tamika Omodara**

Not present, nor represented by counsel.

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

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

b. **Timothy O’Connor**

Not present, nor represented by counsel.

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

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

Section VI ended: 9:34 a.m.
Section VII began: 9:34 a.m.

VII. **RATIFICATION:**
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**
iv. 64B10-15.001 (currently adopted rules)

v. 64B10-15.001 (proposed changes to subparagraph 1)

vi. 64B10-15.003 (Repeal proposal)

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

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

**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 Dr. Hankerson.

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

vii. 64B10-11.011 (Provisional Licensure – Repealed)

viii. 468.1735 (Provisional Licensure)

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

ix. Application for Nursing Home Administrator by Endorsement

x. Application for Nursing Home Administrator by Re-Examination

xi. Application for Nursing Home Administrator by Examination

xii. Nursing Home Administrator-In-Training

xiii. Nursing Home Administration Preceptor Certification

xiv. 64B10-11.001

xv. 64B10-11.003

xvi. 64B10-16.001
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.
Vote: 5 yeas/ 0 opposed. Motion carried.

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

Section X ended: 12:16 p.m.
Section XI began: 12:16 p.m.

XI. OLD BUSINESS:

None

Section XI ended: 12:16 p.m.
Section XII began: 11:13 a.m.

XII. NEW BUSINESS:

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

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

Section XII ended: 11:47 a.m.
Referred back to Section IX at 11:47 a.m.
Section XIII began: 12:27 p.m.

XIII. COMMITTEE REPORTS

a. AIT/Preceptor – Kocik/Gerrity/Lipman

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

b. Budget – Helmer

Mr. Helmer presented the budget report.

c. Continuing Education – Feeney

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

d. Credentials – Lipman
i. NHA Licensure Requirement Summary

Nothing to report

e. Disciplinary Compliance – Hankerson

Nothing to report

e. Healthiest Weight – Hankerson

Dr. Hankerson advised of wellness councils, institutes, and programs.

g. Legislation – Helmer

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

h. Probable Cause – Kocik

Ms. Kocik announced the upcoming PCP meeting.

i. Rules – Feeney

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

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

Vote: 5 yeas/ 0 opposed. Motion carried.

j. Unlicensed Activity – Feeney

Nothing to report

Section XIII ended: 12:43 p.m.  
Section XIV began: 12:43 p.m.

XIV. PUBLIC COMMENTS:

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

Sonja Jorgensen – Thanked the board for the opportunity to attend the meeting and she
believes everyone should attend to become educated of what the board does for the profession.

Section XIV ended: 12:45 p.m.
Section XV began: 12:45 p.m.

XV. NEXT MEETING DATE:

October 4, 2019

Section XV ended: 12:45 p.m.
Section XVI began: 12:45 p.m.

XVI. ADJOURNMENT:

Meeting adjourned at 12:45 p.m.