

**FLORIDA** | Board of Nursing Home Administrators

**DRAFT MINUTES**

April 10, 2020

Florida Department of Health  
4042 Bald Cypress Way  
Tallahassee, Florida 32399



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 10, 2020, commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida, at meet me number (888) 585-9008, participant code 136-103-141, 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            Roll was called by Carla Raby

3            **BOARD MEMBERS PRESENT:**

4  
5            Henry Gerrity, III, NHA Chair (Absence excused)  
6            Scott Lipman, MHSA, Vice- Chair (Acting Chair)  
7            Chantelle Kocik, MBA, NHA (Absence excused)  
8            Christine Hankerson, MSN, MS/P, Ph.D., RN  
9            Michael Helmer, BA

10  
11           **BOARD STAFF PRESENT:**

12  
13           Dr. Anthony Spivey, DBA, Executive Director  
14           Carla Raby, Regulatory Supervisor  
15           Keri Kilgore, Regulatory Specialist II  
16           Frank Grunewald, Regulatory specialist II

17  
18           **BOARD COUNSEL PRESENT:**

19  
20           Rachele Munson, Assistant Attorney General  
21           Office of the Attorney General

22  
23           **POSECUTION COUNSEL:**

24  
25           Rose Garrison, Assistant General Counsel

26  
27           **COURT REPORTER:**

28  
29           For the Record  
30           (850) 222-5491

31  
32           **Section I ended: 9:06 a.m.**

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

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**II. APPROVAL OF MINUTES:**

**January 14, 2020**

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

**Vote:** 3 yeas/0 opposed. Motion Carried.

**Section II ended: 9:07 a.m.**

**Section III began: 9:07 a.m.**

**III. PROSECUTION REPORT**

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

Total cases: 31

Cases older than one year continued for prosecution: 3

Total cases of 11 are prepared and ready for Probable Cause. Ms. Garrison stated that her office will be requesting a PCP meeting in the near future.

**Board Action:** Motion to continue prosecuting cases over one year made by Dr. Hankerson. Second made by Mr. Lipman.

**Vote:** 3 yeas/0 opposed. Motion Carried.

**Section III ended: 9:08 a.m.**

**Section IV began: 9:08 a.m.**

**IV. PETITION FOR WAIVER/VARIANCE:**

**a. Warren R. Keene**

Not present, not represented by counsel. Board counsel Rachele Munson presented the details of the Petition to the Board.

Dr. Hankerson addressed her concerns to the Board on the Petition that was submitted. Dr. Hankerson has several questions that she would like to address to Mr. Keene.

Mr. Lipman addressed his concerns to the Board on CE hours verses College Credit hours. College courses allow for 3 credit hours per course, to allow courses to be taken in more than one domain of practice.

Board staff Keri Kilgore addressed the Board. Asking if the Board would like her to contact

79 Mr. Keen. So that they can address their questions to his Petition. Mr. Lipman agreed to table  
80 the Petition and move to the next line item. If Mr. Keene is contacted and calls in. the Board  
81 will then address his Petition.

82  
83 **Vote:** 3 yeas/0 opposed. Motion Carried.

84  
85 Mr. Keene was able to be reached by phone Mr. Keene presented his request for Waiver of in  
86 person CE's to reactivate his license from Delinquent/Active to Clear/Active.

87  
88 There was a discussion between Mr. Keene and the Board members. Regarding how many CE  
89 hours were needed for Mr. Keene to be able to reactivate his license. Mr. Keene currently needs  
90 a total of 50 hours, 30 hours for the 2016 – 2018 and 20 hours for the 2018 -2020 renewal  
91 period.

92  
93 **Board Action:** Motion made to deny the Waiver by Scott Lipman. Second made by Dr.  
94 Hankerson.

95  
96 **Vote:** 3 yeas/0 opposed. Motion Carried.

97  
98 Denial was based on F.A.C. Chapter 64B10-15.001(2)(C)(3).

99  
100 **Section IV tabled: 9:15 a.m.**

101 **Section V began: 9:15 a.m.**

102  
103 **V. APPLICATION FOR REVIEW:**

104  
105 **a. Denene Hurst**

106  
107 Present, and represented by counsel Rachel Clark. Applicants counsel gave introduction  
108 to the applicants Endorsement application.

109  
110 Dr. Hankerson stated that the Florida Statutes requires that applicants by Endorsement  
111 are required to have a Baccalaureate degree.

112  
113 Board staff Frank Grunewald stated that Ms. Hurst had a previous application denied in  
114 2009 due to not meeting the education requirement. Ms. Hurst still does not have a  
115 Baccalaureate degree.

116  
117 **Action:** Motion to approve application made by Mr. Lipman. Second made by Mr.  
118 Helmer.

119  
120 **Vote:** 0 yeas/1 opposed. Motion Failed.

121  
122 **Action:** motion made by applicant's counsel Rachel Clark to be allowed to withdraw the  
123 application for Licensure by Endorsement in lieu of the application being denied.

124

125 **Action:** Dr. Hankerson moved to accept the request to withdraw the application for  
126 Licensure by Endorsement. Second made by Mr. Lipman.

127  
128 **Vote:** 3 yeas/0 opposed. Motion Carried.

129  
130 **Section V put on hold: 9:44 a.m.**

131 **Refer to Section to IV from 9:44 a.m. to 10:08 a.m.**

132 **Refer back to Section V continued: 10:08 a.m.**

133  
134 **b. Holly Schade**

135  
136 Present with no legal representation. Ms. Schade gave her explanation of the discipline  
137 That Occurred 27 years ago on her then out of state RN license. Ms. Schade has also  
138 obtained her NHA license in another state and has had no additional discipline Ms.  
139 Schade is applying by endorsement.

140  
141 **Action:** Motion to approve application by endorsement made by Dr. Hankerson. Second  
142 made by Mr. Lipman.

143  
144 **Vote:** 3 yeas/0 opposed. Motion Carried.

145  
146 **c. Timothy O'Connor**

147  
148 Present with no legal representation. Mr. O'Connor answered questions asked by the  
149 Board members reference his AIT license in New York. Frank Grunewald provided the  
150 number of AIT hours that Mr. O'Connor has are sufficient.

151  
152 **Action:** Motion to approve application by examination made by Mr. Lipman. Seconded by  
153 Dr. Hankerson.

154  
155 **Vote:** 3 yeas/0 opposed. Motion Carried.

156  
157 **Section V ended: 10:15 a.m.**

158 **Section VI began: 10:15 a.m.**

159  
160 **VI. RATIFICATION:**

161  
162 **a. Licensure**

163  
164 **i. Nursing Home Administrators**

165  
166 **Action:** Motion to ratify the approval of licensee made by Mr. Lipman. Second  
167 made by Dr. Hankerson.

168  
169 **Vote:** 3 yeas/ 0 opposed. Motion Carried.

170

171  
172 **ii. Administrator-in-Training**  
173

174 **Action:** Motion to ratify the of 1,000-hour licensees made by Mr. Lipman. Second made  
175 by Dr. Hankerson.

176  
177 **Vote:** 3 yeas/0 opposed. Motion Carried.

178  
179 **Action:** Motion to ratify the of 2,000-hour licensees made by Mr. Lipman. Second made  
180 by Dr. Hankerson

181  
182 **Vote:** 3 yeas/0 opposed. Motion Carried.

183  
184 **iii. Preceptors**  
185

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

188  
189 **Vote:** 3 yeas/0 opposed. Motion Carried

190  
191 **b. Continuing Education**  
192

193 **i. CE Providers & Courses approved by Board Staff**  
194

195 **Action:** Motion to ratify the approval of the NAB courses made by Dr. Hankerson.  
196 Seconded by Mr. Helmer.

197  
198 **Vote:** 3 yeas/0 opposed. Motion Carried.

199  
200  
201 **Section VI ended: 10:21 a.m.**

202 **Section VII began: 10:21 a.m.**  
203

204 **VII. BOARD COUNSEL REPORT:**  
205

206 **i. March Rules Report**  
207

208 Ms. Munson presented the rules report. Also provided was information on the response from  
209 JAPC to the updated NHA applications that were submitted. Ms. Munson explained that the  
210 current application for Examination & Endorsement/Temporary are being divided into three  
211 different applications for better clarification on how to apply. It was also addressed the  
212 difference in the language of the Preceptor application the rule states training seminar and the  
213 application states training course.  
214

215 **Action:** Motion made to allow Board counsel to correct any inconsistencies with the language  
216 for the Preceptor training to reflect seminar made by Mr. Lipman. Second made by Dr.

217 Hankerson.

218

219 **Vote:** 3 yeas/0 opposed. Motion Carried.

220

221 **Action:** Motion made to separate the application for Examination & Endorsement/Temporary  
222 Into 3 different applications by Dr Hankerson. Second made by Mr. Lipman.

223

224 **Vote:** 3 yeas/0 opposed. Motion Carried.

225

226 Statement of Estimated Regulatory Costs (SERC) Question were asked by Board  
227 Counsel Rachel Munson. Rules will need to be updated with new revised date.

228

229 1. Will the proposed Rule amendment have an adverse impact on the small business or be likely to  
230 directly or indirectly increase regulatory cost to any industry including Government in excess of  
231 \$200,000 in the aggregate in Florida within 1 year of after the implementation of the rule?  
232

233 **Action:** Motion that there will be no impact made by Mr. Lipman. Second made by Mr.  
234 Helmer.

235

236 **Vote:** 3 yeas/0 opposed. Motion Carried.

237

238 2. Should a violation of this rule or any part of this rule be designated a minor violation?  
239

240 **Action:** Motion made by Mr. Lipman to say it will not. Second made by Mr. Helmer.

241

242 **Vote:** 3 yeas/0 opposed. Motion Carried.

243

244 3. Is it the recommendation of this Board that this rule or intended change to the rule include a  
245 Sunset Provision?  
246

247 **Action:** Motion made by Mr. Lipman that it will not have a Sunset rule. Second made by Mr.  
248 Helmer.

249

250 **Vote:** 3 yeas/0 opposed. Motion Carried.

251

252 **Section VII ended: 10:44 a.m.**

253 **Section VIII began: 10:44 a.m.**

254

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

256

257 Mr. Lipman reported that the NAB meeting has been canceled and will be rescheduled  
258 sometime in the future. Also, how the continuing education requirements due to the  
259 Corona/COVID-19 Virus are impacting upcoming renewals. Board had a discussion about the  
260 current COVID-19 impact on CE credits.

261

262 **Section VIII ended: 10:47 a.m.**

263 **Section IX tabled: 10:47 a.m.**  
264 **Refer to section IX i & iii from 11:15 a.m. to 11:18 a.m.**  
265 **Section X began: 11:18 a.m.**  
266

267 **IX. EXECUTIVE DIRECTOR'S REPORT:**

268  
269 Dr. Spivey address the current situation on the Testing Centers due to COVID-19. Most centers  
270 are currently closed. Other centers are open but are limiting the number of individuals to test at  
271 one time. They are following all Social Distancing recommendations. The NAB testing centers  
272 are currently closed.  
273

274 **X. OLD BUSINESS:**

275  
276 Dr. Hankerson would like to see the Healthiest Weight link on the NHA website. Carla Raby  
277 advised that a ticket was submitted to add the link to the website. Ticket will be reviewed again.  
278

279 **Section X ended: 11:20**  
280 **Refer back to XI section ii: 11:20 a.m. to 11:27 a.m.**  
281

282 **XI. NEW BUSINESS:**

283  
284 i. CE Requirements  
285

286 Mr. Lipman addressed the Boards ability to waving the required 20 hours in person CE  
287 requirement. Being that there are online interactive courses/programs available. Dr.  
288 Hankerson agreed that for this renewal period only that waiving the 20 hours in person CE  
289 requirement would be appropriate.  
290

291 Discussion took place about the current Executive Order by the Governor to extend the  
292 renewal dates to professions that are currently being affected by COVID-19. If the NHA  
293 renewal will be affected this year and there is not an Executive Order in place it will then be  
294 addressed. The current Executive Order only covers renewals up to May 31, 2020. It only  
295 applies to licenses in a Clear/Active status.  
296

297  
298 ii. NHA Internship  
299

300 Discussion of letter received by Board office in reference to AIT's not being able to begin  
301 or continue due to COVID-19. The current AIT's are finding it difficult to complete training.  
302 The question is can off site and remote activities count towards the completion of the  
303 program. More information is needed. Frank Grunewald will respond and request additional  
304 information to what the school is requesting. As far as students meeting requirements.  
305

306 iii. 64B10-15.001  
307

308 Discussion to set a future meeting to review rule 64B10-15.001 language. To provide rule



309 changes just for the 2020 renewal only for licenses in a Clear/Active status.

310

311 Mr. Keene, requested that the licenses that are currently Delinquent/Active be considered  
312 when making the decision to waive the in-person CE requirement.

313

314 iv. 2021 Meeting Dates

315

316 January 15, 2021

317 April 9, 2021

318 July 27, 2021

319 October 22, 2021

320

321

322 Dr. Spivey advised that if any Board members have any issues with the dates to contact Gail  
323 Board office

324

325 **Section XII began: 11:27 a.m.**

326

327 **XII.**

**COMMITTEE REPORTS**

328

329 **a. AIT/Preceptor – Lipman**

330

331 Mr. Lipman reported that things are ongoing and coming through regularly.

332

333

**b. Budget – Helmer**

334

335 Gave an update

336

337

**c. Continuing Education – Hankerson**

338

339 Gave up date. As to files that she has reviewed they will be on the next meeting.

340

341

**d. Credentials – Lipman**

342

**i. NHA Licensure Requirement Summary**

343

344

Nothing to report.

345

346

**e. Disciplinary Compliance – Hankerson**

347

348

Nothing to report.

349

350

**f. Healthiest Weight – Hankerson**

351

352 Dr. Hankerson asked the Board office to check on the ticket for Healthiest  
353 Weight.

354

355 **g. Legislation – Helmer**

356

357 Nothing to report.

358

359 **h. Probable Cause – Kocik**

360

361 11 cases coming up for Probable Cause.

362

363 **i. Rules – Gerrity**

364

365 Mr. Gerrity will replace Ms. Feeney. Nothing to report.

366

367 **Unlicensed Activity – Kocik**

368

369 Ms. Kocik will replace Ms. Feeney Nothing to report.

370

371 **Section XII ended: 11:33 a.m.**

372 **Section XIII began: 11:33 a.m.**

373

374 **XIII. PUBLIC COMMENTS:**

375

376 Comments were made in reference to Administrators who are looking to reactivate their license  
377 from a delinquent status. The Board was asked to please keep this in mind when reviewing the  
378 rule.

379

380 The question was also asked how to get the 3 contact hours for attending a meeting. Since there  
381 there are not currently any live meetings taking place.

382

383 Board Counsel advised on when a petition should be submitted to the Board.

384

385 **Section XIII ended: 11:43 a.m.**

386 **Section XIV began: 11:43 a.m.**

387

388 **XIV. NEXT MEETING DATE:**

389

390 **August 6, 2020**

391

392 **Section XIV ended: 11:43 a.m.**

393 **Section XV began: 11:43 a.m.**

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**XV. ADJOURNMENT:**

Mr. Lipman adjourn the meeting at 11:47 a.m.

DRAFT