

Board of Nursing Home Administrators

October 2020 Conference Call Draft Meeting Minutes

October 30, 2020 at 9:00 A.M. EST

Meet Me #:

888-585-9008

Participation Code:

136-103-141



Henry Gerrity III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice Chair

Anthony B. Spivey, DrBA
Executive Director

**Florida Board of Nursing Home Administrators Meeting Draft Minutes
October 30, 2020**

Participants in these public meetings were made aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

Board Members:

Henry Gerrity III, NHA – Chair
Scott Lipman, MHSA, NHA– Vice Chair
Christine Hankerson, MSN, MS/P, Ph.D., RN
Michael Helmer, BA, Consumer
Vacant

Attorneys:

Rachelle Munson, Assistant Attorney General
Zachary Bell, Assistant Attorney General

Board Staff:

Anthony B. Spivey, DrBA - Executive Director
Dontavia Wilson, Program Operations Administrator
Gail Curry, Regulatory Supervisor Consultant
Frank Grunewald, Regulatory Specialist II
Keri Kilgore, CE, Regulatory Specialist II

Court Reporter:

For the Record – (850) 222-5491

Call to Order

The meeting was called to order by the Executive Director at 9:02 a.m.

Roll Call

Board Members:

Henry Gerrity III, NHA – Chair
Scott Lipman, MHSA, NHA – Vice Chair
Christine Hankerson, MSN, MS/P, Ph.D., RN
Michael Helmer, BA, Consumer

Attorneys:

Rachelle Munson, Assistant Attorney General
Zachary Bell, Assistant General Counsel

Board Staff:

Anthony B. Spivey, DrBA - Executive Director
Dontavia Wilson, Program Operations Administrator
Gail Curry, Regulatory Supervisor Consultant
Frank Grunewald, Regulatory Specialist II
Keri Kilgore, CE, Regulatory Specialist II

Mr. Gerrity asked Mr. Lipman to chair the meeting. Mr. Lipman agreed to chair the meeting.

Approval of Minutes

1. August 14, 2020- A motion was made by Hankerson to approve the August 14, 2020 minutes. Motion passed unanimously.

Prosecutor's Report

Report was given by Zachary Bell. Mr. Bell asked the Board to allow Prosecution Services to continue to prosecute cases that were a year old or older.

Motion was made by Hankerson to allow Prosecution Services to continue to prosecute cases that were a year old or older and to accept the report as is. Motion passed unanimously.

Petition for Declaratory Statement

1. Lindsay Peterson, Ph.D., Director of the Long-term Care Internship program at the University of South Florida - Present. Dr. Peterson wanted to have clarification on including online training programs for the 650-hour education requirements. She requested that the board approve the training program to use no more than 162.50 online learning hours to meet the requirements (discretionary hours).

There was discussion between the Board members and Dr. Peterson regarding discretionary hours (everything the student encounters such as patient care, facility and environmental issues, etc.) and what that entailed as part of their learning. Ms. Munson stated that this could be a Petition of Variance/Waiver, instead of a Declaratory Statement. Ms. Munson asked what rule Dr. Peterson was referencing. Ms. Munson believes that Dr. Peterson was referencing Rule 64B10-16.005(4)(g), F.A.C, the reference of 25% from the rule language. Ms. Hankerson indicated that she thinks it is too broad to be considered for a Declaratory Statement. Ms. Munson agreed with Ms. Hankerson.

Ms. Munson indicated that she believes that it is too vague to move forward based on the perimeters Dr. Peterson is seeking approval on. Mr. Lipman indicated that he does not believe the rule provides how the education must be administered. Ms. Munson asked staff if there was any historical perspective. Ms. Munson indicated that based on the discussion it appears that Dr. Peterson can move forward without the Declaratory Statement.

Dr. Peterson requested to withdraw her Petition for a Declaratory Statement. A motion was made by Hankerson to accept the withdrawal of the Petition. Motion passed unanimously.

Ratification

Licensure

1. Nursing Home Administrators- License Numbers 6594-6625- A motion was made by Hankerson to approve the ratification of Nursing Home Administrators license numbers 6594-6625. Motion passed unanimously.
2. Administrator-in-Training
 - a. 1,000-hour- File Numbers 6278-6276- A motion was made by Hankerson to accept ratification of AIT 1,000-hour file numbers 6278-6276. Motion passed unanimously.
 - b. 2,000-hour- File Numbers 6261-6252- A motion was made by Lipman to accept ratification of AIT 2,000-hour file numbers 6261-6252. Motion passed unanimously.
3. Preceptors- File Numbers 4810-5506- A motion was made by Lipman to accept ratification of Preceptor file numbers 4810-5506. Motion passed unanimously.

Continuing Education

CE Providers and Courses approved by CE Committee Chair- A motion was made by Hankerson to accept the Continuing Education as presented. Motion passed unanimously.

Continuing Education

NHA Courses approved CE Committee Chair

NHA CE Chair Memo- Ms. Hankerson gave the report and thanked Keri Kilgore for helping her with questions and things. A motion was made by Lipman to approve the CE report. Motion passed unanimously.

Board Counsel Report

1. September Rules Report- Ms. Munson let the board know that all applications and rules applicable to the applications were effective on October 21, 2020 or October 25, 2020. This includes 64B10-11.001, 64B10-11.003, 64B10-11.013, 64B10-16.001, 64B10-16.002.
2. October Rules Report
 - a. Rule 64B10-12.001- Fees- Rule 64B10-12.001(11) and Rule 64B10-12.001(12) both reference \$325.00. Renewal and Reactivation fees. Would like to update the rule 64B10-16.200. The Board decided to leave this as is.
 - b. Rule 64B10-13.200-Inactive Status and Renewal of Inactive License- References the old fee rule. Updating the rule 64B10-16.200 to reflect 64B10-12.001 (11), 64B10-12.001 (12), reactivation. A motion was made by Lipman to allow the update the rule 64B10-13.200. Motion passed unanimously.

Ms. Munson asked the Board *“Will the proposed rule amendment have an adverse impact on the small business or be likely to directly or indirectly increase regulatory cost to any industry including government in excess of \$200,000 in the aggregate in Florida within one year of the implementation of the rule?”*

A motion was made by Lipman that the rule change would not have an impact. Motion passed unanimously.

Ms. Munson asked the Board *“Should a violation of this rule or any part of this rule be designated a minor violation?”*

A motion was made by Lipman that the rule would not be designated a minor violation was made by Lipman. Motion passed unanimously.

Ms. Munson asked the Board *“Should there be a Sunset provision be placed within the rule?”*

A motion was made by Hankerson that the rule would not need a sunset provision to be placed in the rule. Motion passed unanimously.

3. Ms. Munson informed the Board that the emergency rule regarding continuing education would expire on May 22.
4. Ms. Munson provided information of the recent anti-trust case with SmileDirectClub LLC v. the Georgia Board. This was presented for information only.

Chair/Vice Chair Report

Neither the Chair nor the Vice Chair had anything new to report.

Executive Director’s Report

1. Dr. Spivey informed the Board about a request he received from Dr. Terry Goodman, who would like to know if the Board would approve a six-hour preceptor training course via zoom. Discussion ensued. During the discussion it was stated that if Dr. Goodman was approved for a live course, he would have

to submit documentation that indicates the method of presentation had changed (change of venue). Dr. Spivey informed the Board that he will relay the information to Dr. Goodman.

2. Continuing Education on Human Trafficking- Dr. Spivey reminded everyone that this course is due to be taken by January 1, 2021. He also indicated that there is poster and reminders being sent out.
3. Annual Delegation of Authority- A motion was made by Hankerson to accept the Annual Delegation of Authority. Motion passed unanimously.

Old Business

Hankerson asked about finding the Healthy Weight information on the board website because it was in the Board Meeting Minutes. Dr. Spivey explained there are banners on the website and that he will send the information to the Board Members.

New Business

Additional Continuing Education (Gerrity)

Gerrity asked if you already have 40 hours of continuing education after the September renewal, say in October, would courses taken after the renewal date count towards the new biennium? He was informed that if you have renewed by September deadline then the courses taken after the deadline will count for the next renewal.

Emotional Support Animals- Senate Bill 1084

Dr. Spivey explained the details of the Senate Bill 1084 and Section 456.072, F.S., disciplinary guidelines. He also explained that if someone makes a fraudulent report about an emotional support animal they can be disciplined. If the Board feels it is necessary for discipline to be placed in rules they can do so. The Board agreed that they did not feel any changes needed to be made to the disciplinary guidelines.

Committee Reports

- a. **AIT/Preceptor –Gerrity/Lipman-** Nothing to report.
- b. **Budget – Helmer-** Dr. Spivey gave the report.
- c. **Continuing Education – Hankerson-** Nothing to report.
- d. **Credentials – Lipman-** Nothing to report.
- e. **Disciplinary Compliance – Hankerson-** Nothing to report.
- f. **Healthiest Weight – Hankerson-** Nothing to report.
- g. **Legislation – Helmer-** Nothing to report.
- h. **Probable Cause – Lipman-** Nothing to report.
- i. **Rules – Gerrity-** Nothing to report.
- j. **Unlicensed Activity – Gerrity-** Nothing to report.

Public Comments

Debby Franklin from Florida Healthcare Association wanted to thank Dr. Spivey, Christine Hankerson, Keri Kilgore, and the Board for all the assistance with continuing education during this trying time.

Next Meeting Date

January 15, 2021

Adjournment

A motion was made by Hankerson to adjourn the meeting. Motion passed unanimously.

Meeting adjourned at 10:39 a.m.