

**FLORIDA** | Board of Nursing Home Administrators

DRAFT Minutes  
June 20, 2014

Orlando, Florida



Henry Gerrity, III, NHA  
*Chair*

Scott Lipman, MHSA, NHA  
*Vice-Chair*

Adrienne Rodgers, BSN, JD  
*Executive Director*

Sharon Guilford, CPM  
*Program Operations Administrator*

1 The meeting was called to order by Mr. Gerrity, Chair, at approximately 9:00 a.m. Those present for all or part of the  
2 meeting included the following:  
3

4 **General Board Business started: 9:00 a.m.**

5  
6 **MEMBERS PRESENT:**

7 Henry Gerrity, III, NHA, Chair  
8 Scott Lipman, MHSA, NHA, Vice-Chair  
9 Chantelle Fernandez, MBA, NHA  
10 Patricia Feeney, RN, BSN, HCRM  
11 Tom Schroepfel, BA  
12 Christine Hankerson, MSN, MS/P, Ph.D., RN  
13 Michael Helmer, BA  
14

**STAFF PRESENT:**

Adrienne Rodgers, Executive Director  
Sharon Guilford, Program Operations Administrator

**DOH/Bureau of Health Care Practitioner Regulation, MQA**

Cassandra Pasley, Bureau Chief

15 **BOARD COUNSEL:**

16 Lawrence Harris, Assistant Attorney General  
17 Office of Attorney General  
18

19 **PROSECUTOR:**

20 Lealand McCharen, Assistant General Counsel  
21 Prosecution Services, Office of the General Counsel  
22 Department of Health  
23  
24

25 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline.*  
26 *AUDIO from this meeting can be found online: <http://floridasnursinghomeadmin.gov/>*  
27

28 **General Board Business started: 9:02 a.m.**

29  
30 **APPROVAL OF MINUTES:**

31  
32 **April 18, 2014 – Telephone Conference Call**

33  
34 Ms. Hankerson noted the following correction(s) to the minutes:  
35 Page 7, line 1 - changing July 20, 2014 to July 14, 2014  
36

37 **Mr. Helmer moved to accept the minutes as amended. Mr. Schroepfel seconded and carried 7/0.**

38  
39 Ms. Rodgers and Mr. Harris provided an overview of s. 456.003, 120.542, 120.52, F.S., actions the board may take during  
40 the meeting.  
41

42 **General Board Business started: 9:20 a.m.**

43 **Other Board Actions started: 9:20 a.m.**

44  
45 **PETITION FOR VARIANCE OR WAIVER – Christine G. Linan – Rule 64B10-11.002, F.A.C. – Eligibility for**  
46 **Licensure**

47  
48 Ms. Linan was neither present nor represented by counsel.  
49

50 The petitioner requested a variance or waiver from Rule 64B10-11.002, F.A.C. She had applied for licensure in September  
51 2013, but did not submit payment with her application until February 2014. Rule 64B10-11.002, F.A.C., was amended effective  
52 December 2, 2013, to require a college internship of at least 650 hours. Ms. Linan believed the requirements of the rule, as modified,  
53 should not be applied to her application, but rather the language in place at the time she applied in September, 2013.

1 Mr. Schroepfel stated the application was received on March 14, 2014, but was signed on September 16, 2013.

2  
3 **After discussion ensued, Ms. Fernandez moved to require her appearance at the next two board meetings. Ms.**  
4 **Hankerson seconded and carried 7/0.**

5  
6 **Other Board Actions ended: 9:33 a.m.**

7 **Application Actions started: 9:33 a.m.**

8  
9 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

10  
11 Ms. Rodgers and Mr. Harris provided an overview of the applications being presented before the board.

12  
13 **Walter F. Gibson – Administrator in Training (AIT) (Current)**

14  
15 Mr. Gibson was present but was not represented by counsel.

16  
17 Mr. Gerrity provided the staff's comments. The applicant was before the board for review of his application to approve  
18 his second quarterly AIT report. Ms. Jackie Aftanas-Ashe, Preceptor, had notified the Board staff that Mr. Gibson was no  
19 longer an AIT at West Bay Care and Rehabilitation Center and would not sign off on his second quarterly report. Mr.  
20 Gibson attempted to find other supervisors and co-workers at the facility who would verify his report, but was unable to  
21 secure any signatures. In addition, the applicant requested an extension of time to complete the AIT program.

22  
23 **After further discussion, Ms. Hankerson moved to deny the second quarterly report. Ms. Fernandez seconded and**  
24 **carried 7/0.**

25  
26 **Deanne Y. Cutler – Nursing Home Administrator**

27  
28 Ms. Cutler was present but was not represented by counsel.

29  
30 Mr. Gerrity provided the staff's comments. The applicant was before the board for review of her application for licensure  
31 as a Nursing Home Administrator by examination and one year's managerial experience. Ms. Cutler completed a five  
32 month long Administrator-in-Training program in Texas and was an Assistant Administrator for nine months. Ms. Cutler  
33 passed the NAB examination in July 2012.

34  
35 Ms. Cutler addressed the board. She indicated the school transcripts that were submitted to the board office for review.

36  
37 The board requested staff to contact the board office to determine if all the transcripts were received.

38  
39 **Douglas Paul Feller**

40  
41 Mr. Feller was present but was not represented by counsel.

42  
43 Mr. Gerrity provided the staff's comments. The applicant was before the board for review of his application for licensure  
44 as a Nursing Home Administrator under Rule 64B10-11.002(2)(b)2.b., F.A.C., based on one year's managerial  
45 experience. Mr. Feller is licensed in Alabama having passed the NAB. The facilities in which Mr. Feller worked  
46 included skilled nursing, assisted living, independent living and home health care; therefore, the staff was unable to  
47 determine whether the one year's managerial experience fell into the appropriate category.

48  
49 **Mr. Gerrity moved to approve Mr. Feller's application. Mr. Lipman seconded and carried 6/1 with Mr.**  
50 **Schroepfel opposed.**

51  
52 **Deanne Y. Cutler – Nursing Home Administrator (continued)**

1 **After further discussion, Mr. Lipman moved to approve Ms. Cutler’s application. Mr. Helmer seconded and**  
2 **carried 7/0.**

3  
4 **Daniel T. Melton - Nursing Home Administrator**

5  
6 Mr. Melton was present but was not represented by counsel. Mr. Sean Nelson was present and addressed the board on  
7 behalf of Mr. Melton.

8  
9 Mr. Gerrity provided the staff’s comments. The applicant was before the board for review of his application for licensure  
10 as a Nursing Home Administrator under Rule 64B10-11.002(2)(b)2.b., F.A.C., based on one year’s managerial  
11 experience. Mr. Melton corrected his application after incorrectly checking “AIT” experience. It appeared that Mr.  
12 Melton did not perform in the role of executive manager by performing the same duties, with the same skills, of a licensed  
13 NHA. Under his Assistant Administrator job duties and experience, it appeared he did not meet the experience. Although  
14 Mr. Melton did rounds through the departments and made improvements in those departments, it did not appear that he  
15 performed executive level duties. At his request, Mr. Melton was approved to sit for the national and laws and rules  
16 examination prior to coming before the Board.

17  
18 The board asked Mr. Melton to provide an overview of his duties.

19  
20 Mr. Melton provided a detailed description of his duties within the company.

21  
22 **After further discussion, Mr. Helmer moved to approve Mr. Melton’s application. Ms. Feeney seconded and**  
23 **carried 7/0.**

24  
25 **Leonora Smith - Nursing Home Administrator**

26  
27 Ms. Smith was present but was not represented by counsel.

28  
29 Mr. Gerrity recused himself from participating due to his position as Ms. Smith’s preceptor.

30  
31 Mr. Harris provided the staff’s comments. The applicant was before the board for review of her application for licensure  
32 as a Nursing Home Administrator under rule 64B10-11.002(2)(b)2.b., F.A.C., based on one year’s managerial experience.  
33 It appeared that Ms. Smith did not perform in the role of executive manager by performing the same duties, with the same  
34 skills, of a licensed NHA. The organizational chart does not have Social Services or its equivalent as a department. Ms.  
35 Smith’s work history did not appear to be her current employer.

36  
37 Ms. Smith stated that she had withdrawn her application due to health reasons. However, since then her duties increased  
38 within the nursing home.

39  
40 **After further discussion, Mr. Helmer moved to approve Ms. Smith’s application. Ms. Hankerson seconded and**  
41 **carried 7/0.**

42  
43 **Carol Thibeaut - Nursing Home Administrator**

44  
45 Ms. Thibeaut was present but was not represented by counsel.

46  
47 Mr. Gerrity provided the staff’s comments. The applicant was before the board for review of her application for licensure  
48 as a Nursing Home Administrator under Rule 64B10-11.002(2)(b)2.c., F.A.C. based on one year’s managerial experience.  
49 It appeared that Ms. Thibeaut did not perform in the role of executive manager by performing the same duties, with the  
50 same skills, of a licensed NHA. Ms. Thibeaut fulfilled the requirements for NHA licensure in the state of Ohio and is  
51 licensed in that state. However, it appears that her one year of experience was not in a skilled nursing facility as required  
52 under rule 64B10-11.002(2)(b)2.c., F.A.C.

1 Ms. Thibeaut addressed the board regarding her experience and education.

2  
3 **After further discussion, Mr. Helmer moved to approve Ms. Thibeaut's application. Ms. Feeney seconded and**  
4 **carried 7/0.**

5  
6 **RATIFICATION OF LICENSURE:**

7  
8 **Nursing Home Administrators**

9  
10 **Ms. Feeney moved to ratify the ratification of Nursing Home Administrator licenses numbered 5548 through 5583.**  
11 **Ms. Fernandez seconded and carried 7/0.**

12  
13 **Nursing Home Administrators (Exam)**

14  
15 **Ms. Fernandez moved to ratify the ratification of applicants Pamela Joan Gambardella – Robert A Tunila to sit for**  
16 **examination(s). Ms. Feeney seconded and carried 7/0.**

17  
18 **Administrator-in-Training**

19  
20 **Ms. Feeney moved to ratify the ratification of applicants Dezrene Spence – John Kelly to begin an Administrator-**  
21 **In-Training program. Ms. Fernandez seconded and carried 7/0.**

22  
23 **Preceptors**

24  
25 **Ms. Fernandez moved to ratify the ratification of applicants approved as a Preceptor: Kimberly Renee Bradley-**  
26 **Hamilton, David Lenny Randazzo, and Dianne Marie O'Sullivan. Mr. Lipman seconded and carried 7/0.**

27  
28 **Application Actions ended: 12:16 p.m.**

29 **General Business started: 12:16 p.m.**

30  
31 **CHAIR/VICE CHAIR REPORT:**

32  
33 **Future agenda items**

- 34  
35  
36  
37  
38
- 64B10-15 – Continuing Education
  - Hotel (parking fee and check out later than 11:00 a.m.)
  - 64B10-11.002 – Eligibility for Licensure
  - Discuss legislative proposals

39  
40 **EXECUTIVE DIRECTOR'S REPORT:**

41 Ms. Rodgers requested the board to review the delegation of authority as presented. This will allow the board to continue  
42 functioning in between board meetings.

43  
44 **Ms. Fernandez moved to approve the delegation of authority but to include allowing the Board Chair to determine**  
45 **if an individual's personal appearance is required. Mr. Lipman seconded and carried 7/0.**

46  
47 Ms. Rodgers provided an update on SB 670 relating to Nursing Home Litigation. She stated that the Bill was approved by  
48 the Governor on June 13, 2014.

49  
50 **BOARD COUNSEL'S REPORT:**

51  
52 **Rule Status Report**

1 Mr. Harris updated the Board on the status of Rules 64B10-11.001 and 11.003, F.A.C., for which JAPC's letters were  
2 received identifying the following concerns: SERC compliance; typographical errors in the form; need to re-number  
3 certain provisions due to the changes; no statutory authority for requiring a notary on the form; no statutory authority for  
4 requiring certified documents. Copies of Notice of Proposed Rule, JAPC letters with Board Counsel's response, forms  
5 MQA-NHA002 and MQA-1129, and Board Counsel's memo were included in the Board's materials.  
6

7 Mr. Harris stated that the Board must approve the changes to the form, and vote to change the form to address JAPC  
8 concerns. If the form is revised, the Board must then vote to issue a Notice of Change to the rule, as proposed, to include  
9 the new, updated/revised form. The Board must discuss whether any substantive changes to the text of the rules should be  
10 made. If so, the Board would vote to make changes, go through the "is a SERC required", and the statutory questions to  
11 determine if the changes to the rule require preparation of a SERC. Each step requires a vote.  
12

13 Mr. Harris stated that the following rules became effective on February 10, 2014: 64B10-11.002, F.A.C.; 64B10-11.003,  
14 and 64B10-16.001, Florida Administrative Code. Rule 64B10-11.002, as adopted on November 12, 2013, became  
15 effective on December 2, 2013. Rules 64B10-12.012 and 64B10-16.002, F.A.C., became effective May 31, 2014.  
16

### 17 **64B10-11.001 – Application for Licensure Fee**

18 Mr. Harris provided an overview of JAPC's recommendations to the application form.  
19

20 **After further discussion, Ms. Hankerson moved to file a Notice of Change to Rule 64B10-11.001, F.A.C., and Form**  
21 **#DH-MQA-NHA002. Mr. Lipman seconded and carried 7/0.**  
22

23 **Ms. Hankerson moved that the proposed rule would not require a SERC due to a decrease in costs and approving**  
24 **the recommendations from JAPC; therefore, no SERC is required. Mr. Lipman seconded and carried 7/0.**  
25

26 **Ms. Hankerson moved that the proposed rule would not have any adverse impacts on small businesses. Mr.**  
27 **Lipman seconded and carried 7/0.**  
28

29 **Ms. Feeney moved that the proposed rule would not be likely to directly or indirectly increase regulatory costs to**  
30 **any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the**  
31 **implementation of the rule. Ms. Fernandez seconded and carried 7/0.**  
32

### 33 **64B10-11.003 - Reexamination**

34 Mr. Harris provided an overview of JAPC's recommendations to the application form.  
35

36 DH-MQA-1129  
37

38 Under the Instructions: Page one, paragraph 5: JAPC asked the board to provide statutory authority for the requirement of  
39 "certified or notarized documentation of final disposition to 'yes' answers." Mr. Harris requested the board not to make  
40 this change but to move forward with the remaining recommended changes: removing "not applicable" answer when the  
41 paragraph also provides that "All questions with a 'Yes or No' answer must be marked with either a 'Yes' or 'No' as no  
42 other response is acceptable, Question 8: renumbering the questions, and the correction to the License Verification to state  
43 Florida Board of Nursing Home Administrators.  
44

45 **After further discussion, Ms. Hankerson moved to file a Notice of Change to Rule 64B10-11.003, F.A.C., and Form**  
46 **#DH-MQA 1129. Mr. Lipman seconded and carried 7/0.**  
47

48 **Ms. Hankerson moved that the proposed rule would not require a SERC due to a decrease in costs and approving**  
49 **the recommendations from JAPC; therefore, no SERC is required. Mr. Lipman seconded and carried 7/0.**  
50

51 **Ms. Hankerson moved that the proposed rule would not have any adverse impacts on small businesses. Mr.**  
52 **Lipman seconded and carried 7/0.**  
53

1  
2 **Ms. Feeney moved that the proposed rule would not be likely to directly or indirectly increase regulatory costs to**  
3 **any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the**  
4 **implementation of the rule. Ms. Fernandez seconded and carried 7/0.**  
5

### 6 **Annual Regulatory Plan**

7

8 Mr. Harris advised that under Executive Order Number 11-72, each year the various agencies/boards must review  
9 existing rules and regulations to determine if there are duplicative or unnecessarily burdensome rules or regulations that  
10 should be modified or eliminated. To that end, the Board has been provided a list, called the Annual Regulatory Plan,  
11 which shows the rules of this Board that are or may be in need of modification or elimination.  
12

13 Mr. Harris stated that the Board approve a regulatory plan is required to be reported to Office of Fiscal Accountability  
14 and Regulatory Reform (OFARR) by July 1 each year.  
15

16 **Ms. Hankerson moved to accept the Annual Regulatory Plan. Ms. Feeney seconded and carried 7/0.**  
17

### 18 **64B10-11.002 – Eligibility for Licensure**

19

20 Mr. Harris stated that in November 2013, the Board voted to delegate to the Credentialing Committee the authority to  
21 review applications for licensure based upon one year's supervised direct management experience. Mr. Harris asked if the  
22 Board wanted to re-word the rule to reflect that delegation.  
23

24 **Mr. Lipman moved to file a Notice for Rule Development for Rule 64B10-11.002, F.A.C. Mr. Helmer seconded and**  
25 **carried 7/0.**  
26

### 27 **64B10-12.002 – Application for Licensure**

28

29 The regulatory costs changed due to the rule revision.  
30

31 Mr. Harris stated that the persons affected by the change are the 383 active preceptors who were paying \$50/renewal. This  
32 change results in a savings to the profession of \$19,150; the non-economic factor is that there is no renewal form to  
33 complete and submit; there is no small business impact in that there is no negative change to conducting business.  
34

35 **Mr. Helmer moved to repeal rule 64B10-12.002, Application for Licensure. Mr. Schroepfel seconded and carried**  
36 **7/0.**  
37

38 **Mr. Helmer moved that the proposed rule would not have any adverse impacts on small businesses and the**  
39 **proposed rule would not be likely to directly or indirectly increase regulatory costs to any entity (including**  
40 **government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule.**  
41 **Mr. Schroepfel seconded and carried 7/0.**  
42

### 43 **64B10-16.001 – General Information**

44

45 The regulatory costs did not change due to the rule revision.  
46

47 Mr. Harris stated that the rule provides general information about the AIT program: by specifying the Board functions and  
48 responsibilities; sets a time limitation to complete an interrupted AIT program; provides the AIT more of a description of  
49 allowable interruptions in the program and therefore allows the AIT greater ability to plan; explains the Board  
50 responsibilities for monitoring the AIT reports submitted and therefore allows the AIT to better prepare reports. Overall,  
51 improving the AIT's ability to plan may decrease the costs to the AIT. There are no additional forms or direct costs and no  
52 small business impact in that there is no negative change to conducting business. This rule is open for discussion of  
53 whether Rules 64B10-16.001 through 16.007 needed modification.

1  
2 Mr. Harris stated the Board staff asked if the Board would review the rule to clarify the following: for how many months  
3 may the AIT program be extended; if extended, is there a timeframe after which the quarterly reports are no longer valid  
4 for credit; how many extensions of the program may be approved and may the total of the extensions exceed the first  
5 question above; may the program be extended due to an interruption (*i.e.* no training during the period) or only when the  
6 AIT continues to perform less than full time functions; are there approved interruptions or must each be decided on its  
7 own merits; can the preceptor approve an extension; if a preceptor may approve an extension, is there a maximum length  
8 of time that he/she may approve; if a preceptor may approve an extension, is there a maximum number of times that  
9 he/she may approve; shall the Board's monitor have delegated authority to approve extensions; and if the report needed to  
10 provide more detailed explanation of what the report should contain.

11  
12 **NEW BUSINESS**

13  
14 Mr. Brian Lee, Executive Director with Families for Better Care, was present and addressed the board.

15  
16 He requested the board to "initiate rulemaking to publicly consider the incorporation of the Board's recent vote to  
17 delegate review of applications to a "credentialing committee" before the Board commences with this new process [in rule  
18 64B10-11.002, F.A.C.]."

19  
20 Mr. Harris stated pursuant to section 120.54(7), Fla. Stat., any *person* who is regulated by an agency or who has a  
21 substantial interest in an agency's rule may petition the agency to adopt, amend, or repeal a rule. Where the Board has  
22 already taken action to review a rule, there is no need to entertain a petition for rulemaking.

23  
24 Under new business the board requested for paperless meeting materials.

25  
26 Ms. Pasley commented on the new project the department was piloting.

27  
28 **APPROVAL OF 2015 MEETING DATES:**

29  
30 General Business Meetings:

31 February 20th

32 June 26th

33 October 30th

34  
35 Proposed Telephone Conference Calls:

36 April 17th

37 August 28th

38 December 18th

39  
40 **Ms. Fernandez moved to accept the above meeting dates as presented. Mr. Helmer seconded and carried 7/0.**

41  
42 **COMMITTEE REPORTS:**

43  
44 **AIT/Preceptor – Mr. Lipman/Ms. Fernandez**

45  
46 Mr. Fernandez commended Ms. Edith Rogers, Regulatory Specialist II, who processes the AIT/Preceptor applications and  
47 quarterly reports.

48  
49 **Budget – Mr. Helmer**

50  
51 No report.

52  
53 **Continuing Education – Ms. Feeney**

1  
2 Ms. Feeney stated that she had not received the continuing education reports from Ms. Keri Meany, Regulatory Specialist  
3 II, with regard to the courses that she approved.  
4

5 Ms. Guilford stated that she will speak with Ms. Meany and provide a follow-up with Ms. Feeney.  
6

7 **Credentials - Mr. Lipman**  
8

9 Mr. Lipman discussed a State by State listing of NHA licensure requirements. He also provided an update from NAB.  
10 NAB inquired in working with states to help with common issues, for example, preceptor issues, eligibility issues,  
11 qualified AIT programs, etc. He plans on attending the November 2014 meeting in San Francisco.  
12

13 **Disciplinary Compliance - Dr. Hankerson**  
14

15 No report.  
16

17 **Healthy Weight - Dr. Hankerson**  
18

19 Ms. Pasley addressed the Healthy Weight Program and the first meeting that will be held in Tallahassee on July 14, 2014  
20

21 **Legislation - Mr. Helmer**  
22

23 No additional report.  
24

25 **Probable Cause - Mr. Schroepfel**  
26

27 **Stats**  
28

29 Information only.  
30

31 **Rules – Ms Feeney**  
32

33 No report.  
34

35 **Unlicensed Activity - Ms. Feeney**  
36

37 Mr. Schroepfel provided detailed reasons for serving on the board and requested each member to address the board as  
38 well.  
39

40 **NEXT SCHEDULED MEETING:**  
41

42 The next meeting will be held in Orlando on September 19, 2014.  
43

44 **PROSECUTION SERVICES**  
45

46 Mr. Lealand McCharen provided a detail overview of the Prosecution Services role in serving the department/board.  
47

48 **Mr. Schroepfel Addressed the Board:**  
49

50 Mr. Schroepfel addressed the board regarding a vote the board had taken during a previous meeting that removed the  
51 required appearance of applicants applying under the one year managerial experience.  
52

53 **General Board Business concluded at: 2:25 p.m.**

1  
2 **ADJOURNED:**  
3 The meeting was adjourned at 2:25 p.m.