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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF NURSING HOME ADMINISTRATORS**

**MINUTES
GENERAL BUSINESS MEETING**

**Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, FI 32809**

August 31, 2012

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CALL TO ORDER:

Ms. Patricia Freeman, Chair, called the meeting to order at 9:10 a.m. Those present for all or part of the meeting included the following:

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25

MEMBERS PRESENT:

Patricia Freeman, Chair
Robert Rosenthal, Vice-Chair
Cathy Bracher, ARNP
Jeri Francoeur
Keith Myers

26
27
28
29

STAFF PRESENT:

Bruce Deterding, Board Executive Director
Sharon Guilford, Program Operations Administrator

30
31
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33
34

BOARD COUNSEL:

Deborah Loucks, Assistant Attorney General
Marlene Stern, Assistant Attorney General
Office of Attorney General

35
36
37
38

PROSECUTING ATTORNEY

Lealand McCharen, Assistant General Counsel
Department of Health

39
40
41
42

APPROVAL OF MINUTES

May 25, 2012 – Telephone Conference Call

43
44

Ms. Francoeur moved to approve the above minutes. This motion was carried 5/0.

45
46
47

Ms. Freeman requested that an AIT/Monitor packet should be presented to the board for review and approval.

48
49

March 16, 2012 – Full Board Meeting

50
51

Ms. Francoeur moved to approve the above minutes. This motion was carried 5/0.

1 **FINAL ORDER ACTIONS:**

2
3 **Motion for Final Order by Voluntary Relinquishment of License:**

4
5 **Sally Erdman-Jones, N.H.A. – Case Number 11-09059**
6 **PCP: Freeman/Goodman**

7
8 Ms. Erdman-Jones was neither present nor represented by council.

9
10 Mr. McCharen informed the board that the respondent had violated:

- 11
 - 12 • Section 468.1755(1)(r) F.S.
 - 13 • Section 456.013(7), F.S.

14 Mr. McCharen stated that Ms. Erdman-Jones had requested the board to consider voluntary
15 relinquishment by discipline of the license.

16
17 Discussion ensued.

18
19 **Mr. Rosenthal moved to accept the voluntary relinquishment by discipline. The motion was**
20 **seconded and carried 4/0.**

21
22 **Sue H. Myatt, N.H.A. – Case Number 11-10896**
23 **PCP: Freeman/Goodman**

24
25 Ms. Myatt was present, sworn but was not represented by council.

26
27 Mr. McCharen informed the board that the respondent had violated:

- 28
 - 29 • Section 456.072(1)(k), F.S.
 - 30 • Section 456.072(1)(j), F.S.
 - 31 • Section 456.072(1)(k), F.S.
 - 32 • Section 456.035(1), F.S.

33 Mr. McCharen stated that Ms. Myatt had requested the board to consider voluntary relinquishment
34 by discipline of the license.

35
36 Discussion ensued.

37
38 Ms. Loucks asked if Ms. Myatt was reconsidering her request to the board for voluntary
39 relinquishment of her license.

40
41 Ms. Myatt elected to withdraw her request for voluntary relinquishment of her license.

42
43 **Motion for Final Order by Hearing Not Involving Disputed Issues of Material Fact:**

44
45 **Gary L. Lampert, N.H.A. – Case Number 11-01243**
46 **PCP: Freeman/Goodman**

47
48 Ms. Freeman stated that Mr. Lampert's case was tabled until the next scheduled
49 meeting.

1 **Gus P. Murphy, N.H.A. – Case Number 11-18428**
2 **PCP: Goodman/Rosenthal**

3
4 Mr. Murphy was present, sworn but was not represented by counsel.

5
6 Mr. McCharen informed the board that the respondent had violated:

- 7 • Section 468.1755(1)(h), F.S.
- 8 • Section 468.1755(1)(k), F.S.

9
10 Mr. McCharen advised the board that the settlement agreement contained the following
11 provisions:

- 12 • appearance
- 13 • reprimand
- 14 • administrative fine of \$2,000.00, payable within ninety (90) days
- 15 • administrative costs of \$1,173.52, payable within ninety (90) days
- 16 • completion of twelve (12) hours continuing education in the areas determined by
17 the board

18
19 Mr. Murphy addressed the board.

20
21 Discussion ensued.

22
23 **Mr. Myers moved to reject the Settlement Agreement. The motion failed for lack of**
24 **a second.**

25
26 Further discussion ensued.

27
28 **Ms. Freeman moved to accept the Settlement Agreement. The motion was**
29 **seconded and carried 3/1 with Mr. Myers opposed.**

30
31 **Mr. Myers moved to extend the payment of the Administrative Costs to twenty-**
32 **four (24) months. The motion failed for lack of a second.**

33
34 **Ms. Freeman moved to extend the payment of the Administrative Fine and Costs**
35 **to twelve (12) months. The motion was seconded and carried 4/0.**

36
37 **Ms. Freeman moved to require the twelve (12) hours of continuing education in**
38 **the areas of resident transfer and discharge, resident rights, corporate**
39 **compliance, and abuse to be completed with six (6) months. The motion was**
40 **seconded and carried 4/0.**

41
42 **Prosecution Report**

43
44 Mr. McCharen provided an overview of the prosecution report.

45
46 **Mr. Myers moved to continue prosecuting all cases older than one year. The**
47 **motion was seconded and carried 5/0.**

48
49 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

1 **Azaia S. Stubbs – AIT (Current)**
2

3 Ms. Stubbs was present, sworn but was not represented by counsel.
4

5 Ms. Freeman provided an overview of Ms. Stubbs AIT program. She stated the
6 following were in question:
7

- 8 • Ms. Stubbs was lacking 54 hours in the Finance Domain of Practice,
- 9 • Ms. Stubbs amended her report,
- 10 • Ms. Stubbs did not complete the hours, but adjusted the checklist in order to
11 reflect the missing 54 hours,
- 12 • Board monitor discussed the hours and was told by Ms. Stubbs that she had
13 worked more than 2,000 hours and finished the program in early June. This
14 indicated that she was in violation of Rule 64B10-16.001(5), F.A.C., and
- 15 • According to the records both Ms. Stubbs and Mr. Rojas (preceptor) relocated to
16 a new facility in November 2011, but failed to notify the board office. Therefore,
17 quarters 2-4 were completed at another location that was not approved by the
18 board.
19

20 Mr. Rosenthal stated his concern that the preceptor was not present to answer the
21 board's questions. He did believe that Ms. Stubbs would serve a purpose in completing
22 additional hours.
23

24 Discussion ensued.
25

26 **Mr. Rosenthal moved that the preceptor and AIT notify the board office of the**
27 **change of location from Laurel Pointe to Atlantic Health Care Center facility and to**
28 **submit the last survey completed. Also, Ms. Stubbs would be required to**
29 **complete an additional quarter at an approved facility. The previous quarterly**
30 **reports submitted from Atlantic Health Care Center were approved. The motion**
31 **was seconded and carried 5/0.**
32

33 **Mr. Myers moved to require Mr. Edwin Rojas (preceptor) to appear at the next**
34 **board meeting. The motion was seconded and carried 5/0.**
35

36 **Martine B. Surratt, NHA**
37

38 Ms. Surratt was neither present nor represented by counsel.
39

40 Ms. Freeman provided an overview of Ms. Surratt's application. She stated the following
41 were in question:
42

- 43 • Initial organizational chart provided does not reflect responsibility for patient care,
44 but indicates lateral (collaborative) responsibility. The second organizational
45 chart does not show direct line authority over Nursing,
- 46 • Initial job description was not signed last year, but in April of 2012,
- 47 • Letter submitted by the administrator, she stated that Ms. Surratt provided
48 oversight to housekeeping and maintenance, not all departments, and

- 1 • Ms. Surratt may have been given the title of Assistant Administrator without the
2 required responsibility and may have been put through an unofficial
3 Administrator-In-Training Program.
4

5 Discussion ensued.
6

7 **Mr. Rosenthal moved to deny Ms. Surratt's application for licensure by**
8 **examination due to her failure to meet the one year managerial experience**
9 **requirement. The motion was seconded and carried 5/0.**

10
11 **RATIFICATION FOR LICENSURE:**
12

13 Mr. Rosenthal was not present during the discussion.
14

- 15 • **Nursing Home Administrators**
16 **(Megan Elizabeth Canada, NHA 5262 – Katrina Leann Davis, NHA 5304)**
17

18 **Ms. Francoeur moved to approve the ratification list. The motion was seconded**
19 **and carried 4/0.**
20

- 21 • **Examination**
22 **(Portal Babilonia – Alexander Joseph Vacek)**
23

24 **Ms. Francoeur moved to approve the ratification list. The motion was seconded**
25 **and carried 4/0.**
26

- 27 • **Administrators-in-Training**
28 **(Amy Renal Derby – Maria L Sunde)**
29

30 **Ms. Francoeur moved to approve the ratification list. The motion was seconded**
31 **and carried 4/0.**
32

33 Ms. Freeman stated that whenever she finds out about each meeting date and location,
34 then she would invite the AITs and Preceptors to attend.
35

- 36 • **Preceptors**
37 Karlene Case, NHA 4400
38 Gwendolyn Gamel, NHA 4758
39 Keri Hilliard, NHA 4900
40 Chad Hurta, NHA 4408
41 Susan McGrath, NHA 4043
42 David McGruder, NHA 4919
43 Darrell Montgomery, NHA 3417
44

45 **Ms. Francoeur moved to approve the ratification list. The motion was seconded**
46 **and carried 4/0.**
47

48 **CORRESPONDENCE:**
49

1 **NAB – Appointment of Delegates for Meeting Attendance Funding**
2

3 Ms. Freeman provided an overview of the NAB meeting. She also recognized Ms.
4 Caroline Moore, former board member who also provided comments.
5

6 Ms. Freeman stated that NAB requested the states to have a delegate and alternate
7 delegate appointed for a two year term to attend the Mid-year and Annual meetings.
8

9 **Mr. Myers moved to appoint Ms. Freeman as the board’s delegate. The motion**
10 **was seconded and carried 5/0.**

11
12 **Mr. Myers moved to appoint Mr. Rosenthal as the board’s alternate delegate. The**
13 **motion was seconded and carried 5/0.**
14

15 **CHAIR/VICE-CHAIR:**

16
17 **Future Agenda Items**
18

19 The board requested the following items for discussion:
20

- 21 • Assist nursing home administrator
- 22 • Rules Committee meeting on November 29th in Jacksonville @ 1:00 p.m.
- 23 • Determining the equivalency requirements referenced in the statute for the two
24 qualifying academic majors: health care administration, and health services
25 administration
- 26 • Rule 64B10-11.002, F.A.C., Eligibility for Licensure (drafted language)
27

28 **EXECUTIVE DIRECTOR’S REPORT**
29

30 No report.
31

32 **BOARD COUNSEL’S REPORT:**
33

- 34 • **Rules Status Report**
35

36 Ms. Loucks provided an overview of the Rules Status Report.
37

- 38 • **Rule 64B10-10.014, F.A.C. – Security and Monitoring Procedures for**
39 **Licensure Examination**
40

41 **Ms. Francoeur moved to withdraw the proposed rule and repeal Rule 64B10-**
42 **10.014, F.A.C. The motion was seconded and carried 5/0.**
43

44 **COMMITTEE REPORTS:**
45

46 **AIT/Preceptor – Ms. Freeman/Mr. Myers/Mr. Rosenthal**
47

48 Mr. Rosenthal provided an overview of his report.

- 49 • He stated that the AITs and Preceptors have been more actively involved in the
50 reporting.

- 1 • Any assistant administrator and preceptor should appear before the board.
2

3 Mr. Myers provided an overview of his report.

- 4 • The checklist works and he has returned reports for additional information
5 • He complimented the board for the excellent process.
6

7 **Mr. Rosenthal moved that for anyone applying for the NHA license (under the one**
8 **year managerial experience) the Assistant Administrator (applicant) and Nursing**
9 **Home Administrator would be required to appear before the board before approval**
10 **of the NHA applicant to take the examination. The motion was seconded and**
11 **carried 5/0.**
12

13 **Budget – Ms. Freeman**

- 14
15 • **Disbursements by Category Report**
16 • **Revenue Report**
17 • **Expenditures by Function for Period Ending 3/31/2012**
18 • **Cash Balance Report for 9 Months Ending 3/31/2012**
19 • **Total Expenditures (Direct and Allocated) by Board for 9 Months Ending**
20 **3/31/2012**
21 • **Allocations to Boards by Source Organization and Category for 9 Months**
22 **Ending 3/31/2012**
23

24 Ms. Freeman and Mr. Deterding provided an overview of the reports.
25

26 **Continuing Education – Ms. Bracher**

- 27
28 • **CE Providers & Course Approved by CE Chair**
29

30 **Ms. Bracher moved to approve the ratification list. The motion was seconded and**
31 **carried 5/0.**
32

33 Ms. Bracher stated that only college courses completed during the licensure biennium
34 will count towards the continuing education requirement.
35

- 36 • **Audited Courses – Approved**
37

38 Ms. Freeman stated that when she was the continuing education committee chair she
39 had requested the board staff to conduct an audit on the courses that were previously
40 automatically approved. During the audit she determined that several courses were
41 potentially inappropriate educational requirements and unrelated to nursing home
42 administrators.
43

- 44 • **Audited Courses – Recommended for Denial**
45

46 Ms. Freeman stated that she had identified thirteen (13) courses that may not be
47 appropriately related to nursing home administrators.
48

49 Ms. Loucks stated that the courses that were already offered and taken by NHAs will not
50 be affected if the board chose to disapprove any of those courses now or in the future.

1
2 Ms. Freeman stated that the following courses previously approved automatically were
3 now provided for board review and action.
4

- 5 • **CME Resource – NETCE.COM**
- 6 • **Easyceu.COM**
- 7 • **Palm Beach State College**
- 8 • **Sacred Heart Hospital**
- 9 • **Summit Professional Education**
- 10 • **Westminster Services, Inc.**

11
12 **Mr. Myers moved to deny approval of the courses on the list as presented, for**
13 **failure to meet the educational requirements in Rule 64B10-15, F.A.C. The motion**
14 **was seconded and carried 5/0.**
15

16 Ms. Freeman addressed a course approved February 4, 2011, Management Team
17 Meeting, course number 20-310610 in the area Best Practices by Safety Committee.
18 She recommended it be approved for only one hour.
19

20 **Mr. Myers moved to approve the course for only one hour. The motion was**
21 **seconded and carried 5/0.**
22

23 Ms. Loucks stated that she would issue orders of Notice of Intent to Deny.
24

25 **Credentials – Ms. Freeman**

26 Ms. Freeman provided the credentials report.
27

28 Ms. Freeman discussed information provided by Mr. Deterding concerning the rate of
29 NAB exam passage for each of the several educational licensing paths to NHA. The
30 board requested Mr. Deterding to contact NAB to determine if the national testing board
31 could determine which areas of the examination Florida candidates performed poorly in,
32 if any.
33

34 Ms. Moore addressed the board on the NAB examination.
35

36 Dr. Kathryn Hyer spoke from the audience and recommended the information from NAB
37 as well.
38

39 **Disciplinary Compliance – Ms. Francoeur**

40 No report.
41

42 **Examination – Ms. Freeman**

43 No report.
44

45 **Legislation – Mr. Myers**

46 **Chapter 468.1695, F.S. – Licensure by Examination**

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48
49
50

1
2 Mr. Deterding stated that the department will not move forward with the changes
3 proposed by the board, but that the board may move forward with the proposals through
4 the association as had been previously discussed with the FHCA representatives.

5
6 Mr. Myers suggested that he could get the proposal passed through the legislature and
7 he felt that individual board members might be successful in running the proposal.

8
9 **Probable Cause – Mr. Rosenthal**

10
11 **Stats**

12
13 Mr. Rosenthal provided an overview of the report.

14
15 **Rules – Ms. Bracher**

16
17 **Approval of Applications and Rules:**

- 18
19
 - **64B10-11.001, F.A.C. – Application for Licensure Fee**

20
21 **Mr. Rosenthal moved to approve the proposed changes and Notice for Rule**
22 **Development to Rule 64B10-11.001, F.A.C. The motion was seconded and carried**
23 **5/0.**

24
25 **Ms. Francoeur moved that the proposed rule would not have any adverse impacts**
26 **on small businesses and would not be likely to directly or indirectly increase**
27 **regulatory costs to any entity (including government) in excess of \$200,000 in the**
28 **aggregate in Florida within 1 year after the implementation of the rule. The motion**
29 **was seconded and carried 5/0.**

- 30
31
 - **64B10-11.003, F.A.C. – Reexamination**

32
33 **Ms. Francoeur moved to approve the proposed changes and Notice for Rule**
34 **Development to Rule 64B10-11.001, F.A.C. The motion was seconded and carried**
35 **5/0.**

36
37 **Ms. Francoeur moved that the proposed rule would not have any adverse impacts**
38 **on small businesses and would not be likely to directly or indirectly increase**
39 **regulatory costs to any entity (including government) in excess of \$200,000 in the**
40 **aggregate in Florida within 1 year after the implementation of the rule. The motion**
41 **was seconded and carried 5/0.**

42
43 Ms. Loucks asked if the board wanted her to notify OFARR at the same time when
44 publishing the Notice for Rule Development.

45
46 The board agreed.

47
48 **Unlicensed Activity – Ms. Francoeur**

49
50 Ms. Francoeur stated that there are complaints being filed from her area. There was no
51 additional information provided.

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NEXT MEETING DATE – November 30th – Jacksonville

Information only.

DISCUSSION OF EDUCATIONAL CREDENTIALS AND ACADEMIC INTERNSHIPS FOR LICENSURE OF NURSING HOME ADMINISTRATORS:

A lengthy discussion regarding the health care administration and health services administration degrees. The current law states a degree in two areas health care administration, and health services administration or the equivalent.

Mr. Myers dismissed himself at 1:10 p.m. due to travel arrangements.

The following representatives spoke to the board regarding their programs:

- Dr. Kathryn Hyer, University of South Florida
- Ms. Joan Noline, University of North Florida
- Ms. Maria Marisa, Florida A&M University

Discussion ensued. The representatives from the universities agreed to provide additional information to the executive director.

ADJOURNMENT:

Mr. Rosenthal moved to adjourn the meeting at 1:30 p.m. The motion was seconded and carried 4/0.