



1  
2 **APPROVAL OF MINUTES**

3  
4 **August 31, 2012 – Full Board Meeting**

5  
6 **Mr. Rosenthal moved to approve the above minutes. The motion was seconded and carried 4/0.**

7  
8 **August 3, 2012 – Telephone Conference Call**

9  
10 **Mr. Rosenthal moved to approve the above minutes. The motion was seconded and carried 4/0.**

11  
12 **FINAL ORDER ACTIONS:**

13  
14 **Motion for Final Order by Voluntary Relinquishment of License:**

15  
16 **Sue Myatt, NHA – Case Number 11-10896**  
17 **PCP: Freeman/Goodman**

18  
19 Ms. Myatt was neither present nor represented by council.

20  
21 Mr. McCharen stated that the respondent had agreed to a settlement agreement and he requested the  
22 board consider the settlement agreement as provided.

23  
24 Mr. McCharen stated that the administrative complaint informed the board that the respondent had  
25 violated:

- 26
  - Section 456.072(1)(k), F.S.
  - Section 456.072(1)(j), F.S.

27  
28  
29 **Mr. Rosenthal moved to approval the amended administrative complaint. The motion was**  
30 **seconded and carried 4/0.**

31  
32 Mr. McCharen advised the board that the settlement agreement contained the following  
33 provisions:

- 34
  - letter of concern
  - administrative fine of \$1,500.00
  - administrative costs of \$2,500.00
  - completion of eight (8) hours continuing education in the areas determined by the  
38 board

39  
40 Discussion ensued.

41  
42 **Mr. Rosenthal moved to reject the settlement agreement. The motion was seconded and**  
43 **carried 3/0.**

44  
45 **Mr. Myers moved to accept the language of the settlement agreement and add a requirement**  
46 **for eight (8) hours of continuing education to include four (4) hours in the area of laws and**

1 **rules and four (4) hours in the area of Human Resources to be completed within six (6)**  
2 **months. The motion was seconded and carried 3/0.**

3  
4 **Motion for Determination of Waiver and For Final Order by Hearing not Involving**  
5 **Disputed Issues of Material Fact:**

6  
7 **William J. Hackett, NHA – Case Number 11-11844**

8 **PCP: Goodman/Rosenthal**

9 Mr. Hackett was neither present nor represented by counsel.

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

- 12
  - Section 468.1755(1)(i), F.S.

13  
14 **Mr. Myers moved that the respondent was properly served. The motion was**  
15 **seconded and carried 3/0.**

16  
17 **Ms. Bracher moved that the respondent had failed to respond and had waived his**  
18 **right to be heard. The motion was seconded and carried 3/0.**

19  
20 **Mr. Myers moved to adopt as the findings of fact those facts alleged in the**  
21 **Administrative Complaint. The motion was seconded and carried 3/0.**

22  
23 **Mr. Myers moved to adopt the findings of fact and to support a finding of a**  
24 **violation of Florida statutes as charged in the Administrative Complaint. The**  
25 **motion was seconded and carried 3/0.**

26  
27 **Ms. Bracher moved that the respondent was in violation of Florida statutes, as**  
28 **charged in the Administrative Complaint. The motion was seconded and carried**  
29 **3/0.**

30  
31 **Ms. Bracher moved to accept the investigative report and all case materials**  
32 **including all confidential and addendum materials, if any, into evidence in these**  
33 **proceedings. The motion was seconded and carried 3/0.**

34  
35 **Mr. Myers moved to accept into evidence the investigative file for purposes of**  
36 **determining the penalty and requested an opportunity to make a penalty**  
37 **recommendation. The motion was seconded and carried 3/0.**

38  
39 Mr. McCharen recommended the following penalty:

- 40
  - Revocation

41  
42 Discussion ensued.

43  
44 **Mr. Myers moved to accept the department's recommendation. The motion was**  
45 **seconded and carried 3/0.**

1 Discussion ensued.

2  
3 **Mr. Myers moved to dismiss the administrative costs in this case. The motion was**  
4 **seconded and carried 3/0.**

5  
6 **Motion for Final Order by Hearing not Involving Disputed Issues of Material Fact:**

7  
8 **Gary L. Lampert, NHA – Case Number 11-01243**  
9 **PCP: Freeman/Goodman**

10  
11 Mr. Lampert was neither present nor represented by counsel.

12  
13 Mr. McCharen informed the board that the respondent had violated:

- 14
  - Section 468.1755(1)(i), F.S.

15  
16 Mr. McCharen stated that Mr. Lampert had provided a written statement to the board and  
17 that statement was read into the record by Mr. McCharen.

18  
19 Mr. McCharen stated that the respondent had completed the continuing education  
20 requirements of the previous order.

21  
22 **Mr. Rosenthal moved to adopt the allegations of fact in the administrative**  
23 **complaint. The motion was seconded and carried 3/0.**

24  
25 **Ms. Bracher moved to find that the findings of fact supported a violation of Florida**  
26 **Statutes and Florida Administrative Code, as charged in the Administrative**  
27 **Complaint. The motion was seconded and carried 3/0.**

28  
29 **Mr. Rosenthal moved to find that the respondent was in violation of Florida**  
30 **Statutes, as charged in the administrative complaint. The motion was seconded and**  
31 **carried 3/0.**

32  
33 **Ms. Bracher moved to adopt the Investigative Report with exhibits into evidence to**  
34 **establish a prima facie case for violation of the Florida Statutes and Florida**  
35 **Administrative Code alleged in the Administrative Complaint. The motion was**  
36 **seconded and carried 3/0.**

37  
38 Discussion ensued.

39  
40 Mr. McCharen recommended the following penalty:

- 41
  - administrative fine of \$2,500.00 to resolve both cases

42  
43 Discussion ensued.

44  
45 **Mr. Rosenthal moved to issue a Final Order imposing an administrative fine of**  
46 **\$250.00 payable within six (6) months. The motion was seconded.**

1 **Mr. Rosenthal moved to amend the motion to issue a Final Order imposing an**  
2 **administrative fine of \$250.00, payable within six (6) months, and adding that the**  
3 **license would be suspended until there was full compliance by the licensee with all**  
4 **board orders. The motion was seconded and carried 2/1 with Mr. Myers opposed.**

5  
6 **Prosecution Report**

7  
8 Mr. McCharen provided an overview of the prosecution report.

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

11  
12 **Kristin N. Jernigan – AIT**

13  
14 Ms. Jernigan, Mr. Fate Brown and Mr. Mathew Baltz were present and sworn.

15  
16 Ms. Freeman provided an overview of Ms. Jernigan’s application and AIT program. She  
17 questioned that the educational background may not meet the requirements for a 1,000  
18 hour program outlined in chapter 468.1695, F.S.; however the applicant would qualify for  
19 the 2,000 hour AIT program.

20  
21 Discussion ensued.

22  
23 **Mr. Myers moved to issue a Notice of Intent to Deny for failure to comply with**  
24 **Section 468.1695, F.S. The motion was seconded and carried 4/0.**

25  
26 **Nathan A. Carder – NHA**

27  
28 Ms. Freeman stated the application was withdrawn.

29  
30 **Ida I. Cribb – NHA**

31  
32 Ms. Cribb and Mr. Aaron Coppola were present and sworn.

33  
34 Ms. Freeman provided an overview of Ms. Cribb’s application for licensure by  
35 examination. The committee requested that the board require the applicant and the NHA  
36 to appear before the board. The job description submitted with the application indicated  
37 that Ms. Cribb had delegation authority from the nursing home administrator; however,  
38 the organizational chart appeared to give her the same authority as other department  
39 managers. Ms. Cribb had submitted a revised organizational chart after being notified of  
40 the discrepancy. Ms. Cribb also had answered a criminal history on the application in the  
41 affirmative.

42  
43 Ms. Cribb addressed the board.

44  
45 Mr. Coppola stated the reason for the discrepancy in the organizational chart was his  
46 error and apologized to the board.

1  
2 Discussion ensued.

3  
4 **Mr. Myers moved to approve Ms. Cribb's application for licensure by examination**  
5 **based on Mr. Coppola's testimony. The motion was seconded and carried 4/0.**

6  
7 **Duane A. Davis – NHA**

8  
9 Mr. Davis was present, sworn but was not represented by counsel.

10  
11 Ms. Freeman provided an overview of Mr. Davis' application for licensure by  
12 examination. The committee requested the board to review the one year of managerial  
13 experience.

14  
15 Mr. Davis stated that he was no longer working at the facility and is currently working at  
16 another facility in Apopka.

17  
18 Mr. Davis addressed the board.

19  
20 Discussion ensued.

21  
22 The board determined that Mr. Davis could waive his 90 days to submit additional  
23 documents of his internship from North Carolina.

24  
25 Mr. Davis agreed.

26  
27 **Mr. Myers moved to accept Mr. Davis' waiver of his 90 days in order to allow**  
28 **submission his internship program from North Carolina. The motion was seconded**  
29 **and carried 4/0.**

30  
31 **Shelley L. Greenidge – NHA**

32  
33 Ms. Greenidge and Ms. Grace Hawkins were present and sworn.

34  
35 Ms. Freeman provided an overview of Ms. Greenidge's application for licensure by  
36 examination. The committee requested the board review the one year of managerial  
37 experience.

38  
39 Discussion ensued.

40  
41 Ms. Hawkins was the assistant administrator at the facility.

42  
43 **Mr. Myers moved to approve Ms. Greenidge's application for licensure by**  
44 **examination. The motion was seconded and carried 4/0.**

1 **PRECEPTOR – Mr. Edwin Rojas’ required appearance to answer questions**  
2 **regarding AIT applicant Azala S. Stubbs**

3  
4 **Edwin Rojas**

5  
6 Mr. Rojas was present, sworn and was represented by Mr. Jon Grout, Esq.

7  
8 Ms. Freeman stated that Ms. Stubbs application was addressed by the board at the August  
9 31, 2012, meeting. Mr. Rojas, preceptor, failed to provide the necessary documentation  
10 when changing the location of his preceptorship and Ms. Stubbs’ AIT program.

11  
12 Ms. Freeman stated that the board will not take any actions against his license but  
13 informed of him of the statutory obligation to inform the board when moving the training  
14 program because there is a requirement that the facility be approved as well as the AIT.

15  
16 Mr. Rojas agreed.

17  
18 **Regina Kim – NHA**

19  
20 Ms. Kim was neither present nor represented by counsel.

21  
22 Ms. Freeman provided an overview of Ms. Kim’s application for licensure by  
23 examination. The committee requested the board review the one year of managerial  
24 experience.

25  
26 Discussion ensued.

27  
28 **Mr. Myers moved to deny Ms. Kim’s application for licensure by examination, for**  
29 **failure to meet the one year managerial experience. The motion was seconded.**

30  
31 **Mr. Myers moved to withdraw his motion. The motion was seconded and carried**  
32 **4/0.**

33  
34 **Mr. Myers moved to require Ms. Kim to appear before the board within the next**  
35 **two board meetings, but failure to appear would result in the denial of her**  
36 **application. The motion was seconded and carried 4/0.**

37  
38 **Brian M. Kuell – NHA**

39  
40 Mr. Kuell and Mr. Kirk Copley, Senior Administrator, were present and sworn.

41  
42 Ms. Freeman provided an overview of Mr. Kuell’s application for licensure by  
43 examination. The committee requested the board review the one year of managerial  
44 experience.

45  
46 Discussion ensued.

1  
2 Mr. Kuell and Mr. Copley addressed the board.

3  
4 **Mr. Rosenthal moved that Mr. Kuell's application could not be approved at this**  
5 **time and to submit documentation from the last four nursing home administrators**  
6 **that supervised him confirming his work experience, duties and responsibilities.**  
7 **That documentation would be reviewed by the Credentials Committee prior to the**  
8 **next board meeting. The motion was seconded and carried 4/0.**

9  
10 **Taylor McKenzie – NHA**

11  
12 Ms. McKenzie and Mr. Kirk Copley, Senior Administrator were present and sworn.

13  
14 Ms. Freeman provided an overview of Ms. McKenzie's application for licensure by  
15 examination. The committee requested the board to review the one year of managerial  
16 experience. The board found some inconsistency with the title listed on the  
17 organizational chart compared to the job description. Ms. Freeman also questioned the  
18 applicant's previous work experience.

19  
20 Discussion ensued.

21  
22 Ms. McKenzie and Mr. Copley addressed the board.

23  
24 Further discussion ensued.

25  
26 Ms. McKenzie stated that she would withdraw her application and reapply.

27  
28 Mr. Myers dismissed himself for further participation due to his travel arrangements.

29  
30 **Mary F. Zabele – NHA**

31  
32 Ms. Zabele and Mr. Chuck Sherer were present and sworn.

33  
34 Ms. Freeman provided an overview of Ms. Zabele's application for licensure by  
35 examination. The committee requested the applicant's one year of managerial experience  
36 be reviewed by the board. The committee indicated that Ms. Zabele may not have met  
37 the requirements for the 1,000 AIT program.

38  
39 Discussion ensued.

40  
41 Ms. Zabele and Mr. Sherer addressed the board.

42  
43 **Ms. Freeman moved to conditionally approve Ms. Zabele's application for licensure**  
44 **by examination upon the submission of the one-year management experience, job**  
45 **description, and the 2012 performance evaluation. The motion was seconded and**  
46 **carried 3/0.**

1  
2 **RATIFICATION OF LICENSURE:**

- 3  
4 • **Nursing Home Administrators**  
5 (Tyrus Derrell Hawkins, NHA 5305 – Portia Bryant-Surtain, NHA 5359)

6  
7 **Ms. Freeman moved to approve the ratification list. The motion was seconded and**  
8 **carried 3/0.**

- 9  
10 • **Examination**  
11 (Jemilatu M Awini – Mark Allen White)

12  
13 **Ms. Freeman moved to approve the ratification list. The motion was seconded and**  
14 **carried 3/0.**

- 15  
16 • **Administrators-in-Training**  
17 (Nicole Marie Bishop – Noah Jared Zisquit)

18  
19 **Ms. Freeman moved to approve the ratification list. The motion was seconded and**  
20 **carried 3/0.**

- 21  
22 • **Preceptors**  
23 Hershel Caywood, NHA 3917  
24 Jason Kallen, NHA 4851  
25 Jonathan Marks, NHA 5295  
26 Menashe Sapirman, NHA 4860  
27 Desiree Sebastian, NHA 3539  
28 Weiker Perry, NHA 4346  
29 Russell Alexandra, NHA 4928

30  
31 **Ms. Freeman moved to approve the ratification list. The motion was seconded and**  
32 **carried 3/0.**

33  
34 **CHAIR/VICE-CHAIRMAN REPORT:**

35  
36 Ms. Freeman provided an overview of the NAB meeting held in San Diego, California in  
37 September.

38  
39 Mr. Deterding provided information that NAB will be providing assistance to states that  
40 accept applicants by endorsement. Ms. Freeman has been assigned as the delegate to  
41 represent the state of Florida.

42  
43 Mr. Deterding stated that the board will need to assign a board member to the NAB Task  
44 Force. The meetings will be held approximately three times and also by webinar.

1 **Mr. Rosenthal moved to nominate Ms. Freeman to the NAB Task Force. The**  
2 **motion was seconded and carried 3/0.**

3  
4 Mr. Deterding stated that NAB will need a Focus Panel, Independent Reviewer, and a  
5 Surveyor.

6  
7 **Ms. Freeman moved to nominate Mr. Rosenthal to the NAB Focus Panel,**  
8 **Independent Reviewer, and Mr. Myers as the Surveyor. The motion was seconded**  
9 **and carried 3/0.**

10  
11 **EXECUTIVE DIRECTOR'S REPORT**

12  
13 No report.

14  
15 **BOARD COUNSEL'S REPORT:**

16  
17 **Rules Status Report**

18  
19 Ms. Stern provided an overview of the Rules Report.

20  
21 **COMMITTEE REPORTS:**

22  
23 **AIT/Preceptor – Pat Freeman/Keith Myers/Bobby Rosenthal**

24  
25 Ms. Freeman provided a report on some concerns with the functioning of the AIT  
26 program. Several AITs are submitting their last quarterly report prior to the deadline due  
27 to having the required hours in all areas. She asked other board members if this was a  
28 concern for them.

29  
30 The board members present did not find it should be a concern.

31  
32 **Budget – Keith Myers**

- 33  
34
  - **Revenue Report**
  - **MQA Annual Report FY 11-12 (Revenues, Expenditures, Cash Balance, 6**  
36 **Year Cash Balance, Adequacy of Fees and 6 Year Projections of Revenues**  
37 **and Expenditures)**

38  
39 Mr. Deterding provided an overview of the reports on behalf of Mr. Myers.

40  
41 **Continuing Education – Cathy Bracher**

42  
43 **CE Providers and Courses Approved by CE Committee**

44  
45 **Ms. Bracher moved to approve the ratification list. The motion was seconded and**  
46 **carried 3/0.**

1  
2 Ms. Bracher provided an update on the current provider/course audit that was being  
3 performed.

4  
5 **Credentials – Pat Freeman**

6  
7 Ms. Freeman provided the credentials report.

8  
9 **Disciplinary Compliance – Jeri Francoeur**

10  
11 No report.

12  
13 **Examination – Pat Freeman**

14  
15 No report.

16  
17 **Legislation – Keith Myers**

18  
19 No report.

20  
21 **Probable Cause – Bobby Rosenthal**

22  
23 **Stats**

24  
25 Mr. Rosenthal provided an overview of the report.

26  
27 **Rules – Cathy Bracher**

28  
29 The board took action on Thursday, November 29, 2012. There were no additional  
30 comments or actions.

31  
32 **Unlicensed Activity – Jeri Francoeur**

33  
34 No report.

35  
36 **ELECTION OF OFFICERS**

37  
38 The board requested to table the nominations and election until March 15, 2013, in  
39 Jacksonville, since they expected more members to be present at that time.

40  
41 **NEXT MEETING DATE – March 15<sup>th</sup> – Jacksonville**

42  
43 **ADJOURNMENT:**

44  
45 The meeting was adjourned at 12:56 p.m.