

**Florida Board of Nursing Home Administrators  
Full Board Meeting  
November 4, 2004  
Orlando, Florida**

The Board meeting was called to order by Duane Gallagher, Chairman at 9:05 a.m.  
Those present for all or part of the meeting were as follows:

**Board Members:**

Duane Gallagher, Chairman  
Brett Barnett, Vice-Chairman  
Suyrea Reynolds  
Charles English, Ph.D. (arrived at 9:20 a.m.)  
Jeri Francoeur  
Bertha Chase

**Board Staff:**

Mr. Joe Baker, Jr.  
Mrs. Vicki R. Grant

**Board Counsel:**

Tom Barnhart, Assistant Attorney General  
Mary Ellen Clark, Assistant Attorney General

Mr. Barnhart and Ms. Clark were introduced to the board. Mr. Barnhart is the Board's new counsel.

**Prosecuting Counsel:**

Susan Salamy, Assistant General Counsel, was present on behalf of the Department.

**August 6, 2004 Full Board Minutes:**

**Ms. Reynolds moved to approve the minutes as presented. The motion was seconded, and carried 5/0.**

**Petition for Variance or Waiver – Jane Perlow:**

Ms. Perlow was neither present nor represented by counsel.

Ms. Clark provided board direction.

Mr. Gallagher informed the board that Ms. Perlow had previously requested that she be allowed to obtain her continuing education hours by home study or internet. The board at its last meeting informed her, through Ms. Nancy Snurkowski, counsel for the board, that she should petition for a variance or waiver of board rule 64B10-15, F.A.C., which allows a maximum of 10 hours credit in any biennium for correspondence course, home study courses etc. Ms. Perlow in her Petition asked that the board accept 23 hours in home study courses, based upon the fact that she was physically disabled from October 5, 2003 to May 2004 due to abdominal and colon surgeries that left her bedridden.

Mr. Gallagher informed the board that Ms. Perlow's petition stated that attending live courses would have created a substantial hardship due to her physical limitations.

Mr. Gallagher questioned whether a precedent would be set in approving this waiver.

Discussion ensued.

Ms. Francoeur expressed concern with the vagueness concerning Ms. Perlow's operation and the fact that there were months prior to renewal in which she could have completed her continuing education.

Ms. Clark suggested that the board may wish to consider allowing Ms. Perlow to place her license in an inactive status. It was determined that she had renewed her license in an active status.

Discussion ensued regarding the costs involved in prosecution of the matter should it be forwarded to the complaints department for further review.

Mr. Gallagher expressed his concerns that Ms. Perlow acted in good faith based upon direction apparently received from the board staff.

**After much discussion, Mr. Gallagher moved to grant the Petition for Variance or Waiver to include language including reminding Ms. Perlow not to renew the license prior to receiving appropriate approval by the board if she petitions in the future. The motion passed 4/2 with Ms. Francoeur and Ms. Reynolds voting against.**

**Applicant:**

**Jorge Gonzalez:**

Mr. Gonzalez was neither present, nor represented by counsel.

Mr. Baker informed the board that at the June 2004 meeting of the board, it appeared that the board had voted to deny the application for licensure of Jorge Gonzalez based upon his not possessing a 2,000 hour AIT program. He advised the board that the order of denial was not done and therefore he was requesting that the board vote again and an order be issued in the matter.

Ms. Reynolds moved to reconsider the application of Mr. Gonzalez.

After discussion it was determined that the application would be reviewed as an initial application.

**Ms. Reynolds moved to deny the application of Jorge Gonzalez based upon the fact that he does not meet the requirements of Section 468.1695(2)(a)(1), Florida Statutes, which requires the completion of a 1,000 hour Administrator-in-Training course. The motion was seconded, and carried 6/0.**

**Certification/Ratification of Applicants:**

Mr. Baker requested that the board when considering the applications for examination also include in their motions licensure upon passage of the examination.

**Certification of Examination Applicants:**

Ms. Reynolds moved to ratify the approval of Wardale Birch through Michael Zomchek to sit for the examination and upon successful passage, licensure. The motion was seconded, and carried 6/0.

**Ratification of Administrator-In-Training Applicants:**

Dr. English moved to ratify the approval of Maria Bautisa through Renee Rue as Administrators-In-Training. The motion was seconded, and carried 6/0.

**Ratification of Preceptor Applicants:**

Mr. Barnett moved to ratify the approval Diane Boodram through Gregory Roberts as Preceptors. The motion was seconded, and carried 6/0.

**Ratification of Licensure Actions:**

Ms. Francoeur moved to approve Paul Babb through Brian Zaletel as licensees. The motion was seconded, and carried 6/0.

**Criteria to Allow Board Staff to Approve Applicants with Certain Background Issues:**

Mr. Baker advised the board that a list was provided in their agenda materials to allow the staff to make decisions regarding whether or not an applicant should appear before the board. He informed the board that each of his other boards allow the staff to make this determination and that it is more customer friendly effort on the staff's part.

After discussion it was determined that the board would like to see each of the applicants who indicate having criminal histories.

**National Association of Boards of Examiners of Long Term Care Administrators:**

**NAB News:**

Provided for the board's information only.

**A Legal Practice Environment Index for Nursing Home Administrators in the Fifty States – July 2004.**

Provided for the board's information only.

**Fiscal Year 2005 Proposed Budget:**

Included in the agenda materials for the board's information was the NAB's proposed budget for fiscal year 2005.

**Chairman/Vice-Chairman Report:**

Mr. Gallagher informed the board that the Chairmans' and Budget Liaisons' meetings had been rescheduled to November 8, 2004 due to the hurricanes.

**Executive Director:**

Mr. Baker provided the disciplinary compliance update for the months of July and August 2004 noting that there was no activity in the Compliance Office.

In response to questions by the board, Mr. Baker informed the board that he has requested that Mr. Jim Hentz to provide him with a more current update on the board's deficit situation.

Mr. Gallagher advised Mr. Baker and audience that the board would like to make a final decision in February regarding the one time assessment.

Mr. Barnett informed the board that historically, the board had a negative cash balance. He noted that the latest projection from Mr. Hentz was (\$717,969.) He further noted that with additional information, he revised the projection to (\$825,000.)

Mr. Gallagher provided brief background information on the board's deficit history. He noted that all health care disciplines are raising their renewal fees to assist in the erasure of their respective deficits.

Mr. Gallagher noted that the renewal fees, initial licensure fees and possibly the examination fees should be reviewed for possible revision in an effort to offset the deficit.

Mr. Baker provided a brief synopsis of the charges the board currently pays to the Testing Services Section and the possibility of charging an examination fee.

The board returned to the discussion of the one-time assessment.

Peggy Rigsby of the Florida Health Care Association addressed the board. She stated for the record that the board had discussed this deficit for a long period of time but felt that the board should consider moving forward with only a partial assessment and to continue to look at ways to decrease spending.

Mr. Scott Allen, a nursing home administrator, addressed the board stating that he was in agreement with Ms. Rigsby in her concerns regarding the assessment and he further noted his agreement with the board's decision regarding the Petition for Variance or Waiver.

Mr. Ben Carotenuto, the Regional Vice President of the Florida Health Care Association, addressed the board regarding the assessment and the board's perceived punitive appearance. He noted that the board should review its legal processes and be judicious in their consideration of the assessment.

Mr. Tom Robins, a nursing home administrator, addressed the board. He informed the board that administrators were also consumers and the board should keep that in mind when meting out its discipline.

Mr. Barnett requested that Mr. Hentz prepare a new five-year projection that would cover the costs incurred for renewal and the anticipated maintenance of the board.

Mr. Daniel Champentier addressed the board and commended them for their concerns. He challenged the board to address the issues before the entire health care system; those include costs, education and proper qualifications that must be maintained to protect the people of Florida.

Mr. Gallagher stated for the record by February the board would make a final decision on the one time assessment.

Mr. Baker distributed a handout regarding the board's disciplinary caseload.

Ms. Susan Salamy addressed the board regarding this information. She provided a brief synopsis regarding the status of the cases. She noted that there were approximately 78 active cases. She provided a brief explanation of the process from investigation to prosecution.

Mr. Gallagher introduced Mr. Terry Goodman, current probable cause panel member and former chairman of the board, to the audience and board.

Mr. Goodman addressed the board explaining his current frustration with the prosecutorial system. He noted that once the investigation and disciplinary process begins, rightly or wrongly, the adversarial process begins and the administrators need to know their rights. He stated that what he was seeing was the large number of cases being dismissed by the probable cause panel. He stated that he would like to see the process changed to eliminate the undue stress placed on administrators who are forced to go through the process, when the cases are eventually dismissed.

Discussion ensued regarding the initiation of probable cause and the determination of what constitutes legal sufficiency.

Mr. Goodman informed the board that he had offered his expertise and knowledge to the Consumer Complaint Office to educate them in their review and investigation to assist them in the processing of complaints.

Discussion ensued regarding the possibility of imaging the probable cause panel materials.

Ms. Clark provided the board with a brief description of the imaging process and the associated costs.

Mr. Baker advised the board that one of the board's in his office had a former board member who acts as an unpaid consultant who would review proposed case materials prior to the establishment of probable cause.

Ms. Clark advised the board that she was of the opinion that a current member of the probable cause panel should only be provided hypothetical information and not information that would be provided through the probable cause panel decision-making process.

It was suggested that the board consider utilizing someone in the Tallahassee area to assist the prosecutorial section in the review of proposed cases in a streamlining effort.

It was determined that Ms. Salamy will contact Mr. Goodman with any problems that she may have. The problems must be presented in a hypothetical manner.

The board expressed a desire to have Mr. Goodman provide as much education to the Department as possible. They expressed a desire to have the Department initiate investigation into having a "complaint consultant" to assist with the initial review of potential cases.

Mr. Baker assured the board that one of them would be included in the next investigator training seminar conducted by the investigative services unit.

### **Discussion of proposed language for the Mediation Rule:**

Mr. Baker advised the board that the Department was encouraging all of the boards to consider issues that are not standard of care; but may be primarily economic in nature and can be remedied by the licensee and do not result in an adverse incident, as issues for possible mediation closures.

Ms. Clark provided a brief synopsis of the board's current citation violations and the process.

### **64B10-14.006 Citations.**

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee or certificate holder for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) Practice on an inactive license or certificate for less than six months. The fine shall be \$50 for each month of practice.

(b) Falsely certifying compliance with continuing education hours required for renewal of licensure or certification. If the individual has no documentation, the fine shall be \$500. If the individual has some documentation, the penalty is \$25 per missing hour, to a maximum of \$500. For failing to provide documentation of the HIV/AIDS course, the fine shall be \$100.00. All missing CEUs shall be made up within six months of the date the citation becomes a Final Order.

(c) Failure to comply with Rule 64B10-11.012, F.A.C. (change of address). The fine shall be \$100.00.

(d) Paperwork deficiencies that have been corrected and have no patient harm (violation of Section 468.1755(1)(m), F.S.). The fine shall be \$250.00.

(e) First time failure to comply with Rule 64B10-15.001, F.A.C. The fine shall be \$500.00. For each hour of continuing education not completed or completed late, the

licensee shall be required to complete one (1) additional hour of continuing education within six (6) months of the issuance of the citation.

(f) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. The fine shall be \$500.

(4) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedure of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 456.073, F.S., shall apply.

The board discussed possible mediation language.

Mr. Baker suggested moving the failure to comply with a change of address and paperwork deficiencies could become mediation violations rather than citation violations.

Mr. Baker will provide the board with a report of the number of Nursing Home Administrators citations issued by the Department.

The board was in agreement that the citation rule as currently written is what they wish to appear as citation violations.

The board reviewed the mediation information and discipline statute. After a review of the rules, it was determined that the Rules Committee member (to be appointed later in the meeting) along with Mr. Barnhart and staff would meet and discuss the rule and bring back to the board for review at their next meeting.

### **Board Counsel's Report:**

Discussion of Rule Chapter 64B10, Florida Administrative Code:

Mr. Baker advised the board that included in their agenda materials were proposed rule amendments that would bring the NHA board more inline with the other professions regulated within his office.

It was determined that as the board reviewed each proposal, it would be noted which suggested rule amendments the board was in favor of and would be brought back to the board for adoption. It was also determined that rule amendments that the board was not in total agreement with would be reviewed by the Rules Committee, Mr. Barnhart and staff and brought back to the next meeting of the board for further review and discussion.

**64B10-10.006 Unexcused Absences** - No changes suggested.

**64B10-10.012 Board Business** - No changes suggested.

**64B10-10.014 Security and Monitoring Procedures for Licensure Examination** - No changes suggested.

**64B10-11.001 Application for Licensure Fee Examination.**

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the Board of Nursing Home Administrators ~~Department of Health~~. The application shall be made on form DH-MQA-NHA002 (revised ~~12/03-9/04~~), hereby adopted and incorporated by reference, and can be obtained from the Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254, ~~website or the Division of Medical Quality Assurance Call Center by calling 850/488-0595.~~

~~(2)~~

**64B10-11.0011 Mandatory HIV/AIDS and Prevention of Medical Errors Education For Initial Licensure and Renewal.**

As a condition of initial licensure and renewal, each applicant shall successfully complete:

(1) A board approved course on human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS). To receive board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction, which shall be approved by the Department of Health's Medical Quality Assurance, or which meet the requirements of 64B10-15.001(8), F.A.C. and

(2) A board approved two hour course on the prevention of medical errors, which must contain the following components: root cause analysis; error reduction; prevention and patient safety.

**64B10-11.002 Examination for Licensure.**

(1) No change.

(2) In addition to the national examination referenced in (1) above, each applicant for licensure shall also be required to take an examination on the laws and regulations of the State of Florida which govern the practice of nursing home administrators the operation of nursing homes.

**64B10-11.003 Retest.**

(1) An applicant must pass both parts of the Nursing Home Administrators Examination (NAB) within one ~~two~~ years of the date of application for licensure. ~~If the applicant fails to pass both parts within the stated two year period, the applicant must reapply and meet the current licensing requirements.~~ **The applicant must reapply to the Board after each examination failure completing a new application and paying all applicable fees.**

(2) An applicant must pass both parts of the examination within one year from first failure; otherwise the applicant must retake both parts of the examination paying all applicable fees.

The board reviewed the proposed language in 11.003 and determined that the language will remain as currently written.

**64B10-11.0061 Definitions** - No changes suggested.

**64B10-11.007 College Training in Health Administration.**

(1) No changes

(2) Persons seeking to qualify pursuant to subsection (1) shall provide, in addition to official transcripts, ~~an organized statement of the courses which the applicant asserts quality under subsection (1) including the full course title; a course description from~~

the catalogue of those courses of which the title does not clearly indicate the course content; and the number of credit hours assigned to each course.

**64B10-11.011 Provisional License.**

- (1) No change.
- (2) No change.
- (3) ~~No part of the fee shall be returned.~~
- (4) No change.
- (5) No change.
- (6) No change.

**64B10-11.012 Notification of Change of Address or Employing Facility**

- (1) Within 48 hours of assuming or leaving a position as a nursing home administrator or assistant nursing home administrator or any change in the identify of the employing facility within the State of Florida, each licensee must inform the Department of Health, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C-047, Tallahassee, Florida 32399-32547, in writing of the exact date of assuming or leaving the position, or change in the identity of the facility
- (2) No change.

**64B219-11.013 Temporary License.**

~~The determination of eligibility for temporary license shall be made by a committee appointed by the chairman, and shall be ratified by the board at its next meeting.~~

**Chapter 12 Fee Schedule**

**64B10-12.001 Collection and Payment of Fees.**

~~All fees shall be made payable to the Department of Health.~~

**64B10-12.002 Application for Licensure.**

- (1) The nonrefundable application fee for initial licensure/endorsement and provisional licensure shall be \$155 \$250 each.
- (3) The nonrefundable application fee for preceptor is \$50.

**64B2-12.0021 Payment for Duplicating Licenses, Certificates and Permits.**

- (1) The fee for issuance of a duplicate license, wall certificate or permit is \$25.
- (2)
- (3)

**64B10-12.005 Active Renewal Fee.**

~~The fee for active renewal of a nursing home administrator's license is shall be two hundred fifty-five dollars (\$255).~~

**64B10-12.006 Examination and Re-examination Fees:**

The fee for processing the application of an applicant by examination is \$250. This fee is in addition to the fee charged by the NAB.

**64B10-12.0071 Provisional License Application Fee.**

~~The application fee for a provisional license shall be two hundred fifty dollars (\$250).~~

**64B10-12.008 Endorsement Fee.**

The licensure by endorsement fee shall be two hundred fifty dollars (\$250).

**64B10-12.009 Initial Licensure Fee.**

The initial licensure fee for a nursing home administrator's license whether by examination or endorsement shall be two hundred (\$200) \$250. The license shall be valid until the end of the current biennium, except that an initial license issued during the renewal period shall be valid for the next biennium. The initial licensure fee shall be submitted with the application fee and unlicensed fee upon application for licensure. An applicant not eligible for licensure may receive a refund of the initial licensure fee.

**64B10-12.010 Inactive Status** - No changes suggested.

**64B10-12.0105 Change of Status Fee** - No changes suggested.

**64B10-12.011 Temporary License Fees.**

(1) The application licensure fee for a temporary license is shall be two hundred fifty dollars (\$200).

(2) The licensure fee for a temporary license is \$150.

The board reviewed each of the above rules presented by staff and were in agreement with the proposed amendments. The board directed Mr. Barnhart to prepare the rules for the board's adoption.

After discussion, it was determined that 64B10-12.012, F.A.C. would be amended to read as follows:

**64B10-12.012 Preceptor Certification and Recertification Fee.**

(1) The preceptor initial certification fee shall be \$50.00 for 3 years certification and shall be remitted at the time of application for initial certification to be included with the initial application fee contained in 64B10-12.002, F.A.C.

(2) The preceptor re-certification fee shall be \$25.00 and shall be remitted at the time of application for re-certification. The biennial renewal of licensure shall constitute renewal of the preceptor certification.

**64B10-12.013 Administrator-in-Training Application Fee** - No changes suggested.

**64B10-12.015 Unauthorized Unlicensed Activity Practice Fee.**

As provided in subsection 456.065, Florida Statutes, the fee for enforcement of the laws prohibiting the unauthorized practice of engaging in nursing home administration shall be \$5.00 per biennium for initial licensure and each subsequent renewal, in addition to any other fees associated with licensure.

**64B10-12.016 Delinquency Fee.**

A licensee who is delinquent shall pay a delinquency fee of two hundred fifty-five dollars (\$255.00) for reinstatement of the delinquent license.

**64B10-12.017 Continuing Education Provider Initial and Renewal Fee:**

In addition to meeting the requirements set forth for approval of continuing education programs, providers or sponsors shall remit \$250 for initial licensure and upon each renewal.

Ms. Reynolds requested that the staff provide the board with the total number of continuing education providers for Nursing Home Administrators and the fees each board pays for initial and renewal provider status. This rule will be provided at the next meeting of the board for further discussion.

Discussion ensued regarding CE Broker.

**64B10-13.009 Licenses of Spouses of Members of Armed Forces - No changes suggested.**

**64B10-13.200 Inactive Status and Renewal of Inactive License.**

(1) Any licensee may elect at the time of biennial license renewal to place the license on inactive status by marking "inactive" on the renewal form or in any manner prescribed by the Department and remitting the application fee required by subsection 64B10-12.010(1), F.A.C.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements, pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee, and if the request to change the licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional change of status fee.

~~Inactive licenses must be renewed biennially during the renewal period prescribed by the Department by payment of the inactive renewal fee required by subsection 64B10-12.010(2), F.A.C. At least ninety (90) days prior to the end of the renewal period, the Department shall send renewal notices to the last address of record of all inactive licensees. Failure to receive any notification does not relieve the licensee of the renewal requirements or waive the inactive receipt expiration date. If an inactive renewal fee is postmarked after the deadline, a delinquency fee as set forth in Rule 64B10-12.016, F.A.C., must be paid before the inactive receipt will be issued.~~

**(3) Any licensee whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for two out of the previous four years in another jurisdiction shall be required to show compliance with paragraph (2) and shall be required to appear before the board and establish the ability to practice with the care, skill and safety sufficient to protect the health, safety and welfare of the public.**

The board was in agreement with the proposed amendments and requested that the staff provide them with the number of inactive licensees at the next meeting.

**64B10-13.300 Reactivation of Inactive License.**

~~(1) An inactive license may remain on inactive status for an indefinite period upon compliance with subsection 64B10-13.200(2), F.A.C.~~

~~(2) An inactive license shall be reactivated upon application to the Agency and demonstration of compliance with the following conditions:~~

~~(a) Proof of completion of twenty (20) classroom hours per year of continuing professional education which fulfills the requirements of Rule Chapter 64B10-15, F.A.C., for each year, or part of a year the license was inactive.~~

~~(b) Proof of completion of forty (40) hours of approved continuing professional education which were required for renewal of an active license on the date the license became inactive as provided in Rule 64B10-15.001, F.A.C.~~

~~©) Delinquency fee set forth in Rule 64B10-12.016, F.A.C. (if applicable);~~

~~(d) Biennial renewal fee for active licenses set forth in Rule 64B10-12.005, F.A.C.;~~

~~(3) Payment of the following fees is necessary before a license will be reactivated and issued:~~

~~(a) Reactivation application fee set forth in subsection 64B10-12.010(3), F.A.C.;~~

~~(b) Change of status fee set forth in Rule 64B10-12.0105, F.A.C.;~~

~~©) Any inactive biennial renewal fees which were previously not paid.~~

~~(4) However, any licensee whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for two out of the previous four years in another jurisdiction shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety and welfare of the public. At the time of such appearance, the licensee must:~~

~~(a) Show compliance with paragraphs (2) and (3) above;~~

~~(b) Account for any activities related to the practice of nursing home administration in this or any other jurisdiction during the period that the license was inactive and establish an absence of malpractice or disciplinary actions pending in any jurisdiction; and~~

~~©) Prove compliance with Section 456.033, F.S., and subsection 64B10-15.001(8), F.A.C.~~

~~(5) An inactive licensee may reactivate his or her license at any time provided the licensee meets the requirements of Rule 64B10-13.300, F.A.C., and submits the following fees:~~

~~(a) Change of status fee (Rule 64B10-12.0105, F.A.C.);~~

~~(b) Reactivation application fee (subsection 64B10-12.010(1), F.A.C.);~~

~~©) Licensure fee (subsection 64B10-12.010(3), F.A.C.);~~

~~(d) Any renewal fees which previously were not paid;~~

~~(e) Any other fees assessed which were left unpaid.~~

**64B10-14.002 Probable Cause Determination** - No changes suggested.

**64B10-14.003 Time Limitation for Payment of Administrative Fine** - No changes suggested.

**64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances** - No changes suggested.

**64B10-14.005 Minor Violations Notices of Non-compliance.**

The Board hereby establishes the following as minor violations which can be resolved with a Notice of Noncompliance as long as it is determined by the Department that the acts that constitute the violation do not endanger the public health, safety and welfare and do not demonstrate a serious inability to practice the profession.

(1) False, deceptive or misleading advertising (Section 468.1755(1)(f), F.S.).

(2) Paperwork deficiencies which pose no threat of harm to patients and which do not involve or indicate malfeasance.

(3) Failing to account for continuing education credit for license renewal within the specified time period.

The board was in agreement with the suggested amendments contained in 64B10-13.300 and 14.005.

The board performed a preliminary review of the continuing education rules 64B10-15.001; 15.002; 15.003; and 15.021, Florida Administrative Code, and determined that the Rules Committee, Mr. Barnhart and staff will make a further presentation at the March 2005 meeting.

Ms. Grant addressed the board regarding the administrator in training program. She explained that the program that the board had been utilizing as their administrator in training program was a college program and that the staff and board were in violation of the copyright laws in making that information available to prospective applicants. She requested that the board appoint a committee to review the board's rules and the materials that were currently being utilized to develop their own program.

After discussion, it was determined that Ms. Reynolds and Mr. Gallagher would provide names and school contacts that may be willing to assist the board with an AIT Program to the board staff who will contact these individuals.

Mr. Gallagher advised the board that at its last meeting the members had directed Ms. Nancy Snurkowski to prepare language for specific rules. The board reviewed the recommendations as follows:

**Rule 64B10-11.011**

**(5) An application for a provisional license shall not be granted unless the applicant can demonstrate that he or she possesses a minimum of six (6) months management experience within a skilled nursing facility, hospital, hospice, assisted living facility, ~~with a minimum of 60 beds~~, or geriatric residential treatment program. Any facility used to demonstrate the management experience must have a minimum of 60 beds.**

Mediation language.

**New"-64B10-14.007. The Board finds that mediation is an acceptable resolution of the following violations that are economic in nature or can be remedied by the licensee:**

- a. failure to respond to a continuing education audit**
- b. failure to timely pay any assessed administrative fine or costs**
- c. failure to renew a license within 6 months of the renewal deadline**

**"New" – 64B10-17.001 > The Board of Nursing Home Administrators interprets the standards of the board requirement of section 468.1685(2) and (5) with regard to the Nursing Home Administrator's level of control of the facility, the number of facilities for which an Administrator can be employed by or both. The standards of the board are:**

**1. A Nursing Home Administrator for any applicable facility shall be the administrator for only one facility. An administrator cannot work in the capacity of a nursing home administrator for multiple facilities unless Board approval is first obtained and good cause is shown.**

**2. A Nursing Home Administrator must be onsite of the facility for which he or she is employed and cannot administer from a location different from the facility from which he or she is employed.**

The suggestions provided by Ms. Snurkowski will be reviewed at the March 2005 meeting in as a part of the Rules Committee recommendations for all rules.

**Committee Reports:**

Mr. Gallagher made the following Committee appointments:

Application:	Duane Gallagher
Budget:	Brett Barnett
Examination:	Suyrea Reynolds
Probable Cause:	Charles English, Ph.D. Suyrea Reynolds Terry Goodman, Chair
Rules:	Jeri Francoeur
AIT:	Brett Barnett
Continuing Education:	Suyrea Reynolds
Legislation:	Jeri Francoeur
Compliance:	Bertha Chase
Unlicensed Activity:	John McDonnell

**Board Applications:**

**Dr. English moved to approve the administrator-in-training, Preceptor Certification, and Provisional License applications. The motion was seconded, and carried 6/0.**

**Budget:**

The agenda materials contained the Expenditures by Function, Total Expenditures and Cash Balance Reports for the period ending June 30, 2004.

**Education/Examination:**

No report.

**Probable Cause:**

Statistics were provided.

**Rules:**

No report.

**2005 Meeting Dates:**

March 4, 2004 – Ft. Lauderdale; July 8, 2004 – Tallahassee; November 4, 2004 - Orlando

**Election of Officers:**

**Ms. Reynolds moved to re-elect Mr. Gallagher as chairman and Mr. Barnett at vice-chairman. The motion was seconded, and carried 6/0.**

There being no further business to come before the board, the meeting adjourned at

1:30.