

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF ORTHOTISTS & PROSTHETISTS**

**MINUTES
GENERAL BUSINESS MEETING**

**Marriott Ft. Lauderdale
6650 N. Andrews Avenue
Ft. Lauderdale, FL**

July 20, 2012

15 **CALL TO ORDER:**

16 Mr. Ronald Gingras, Chairman, called the meeting to order at 9:00 a.m. Those present for all or
17 part of the meeting included the following:

18
19 **MEMBERS PRESENT:**

20 Ronald Gingras, Chair
21 Hugh Panton
22 Tommy Chmielewski
23 Erik Nilssen, M.D.
24

25 **MEMBER NOT PRESENT:**

26 Steven Mersch (excused)
27

28 **STAFF PRESENT:**

29 Bruce Deterding, Board Executive Director
30 Sharon Guilford, Program Operations Administrator
31

32 **BOARD COUNSEL:**

33 David Flynn, Senior Assistant Attorney General
34 Office of Attorney General
35

36 **PROSECUTING ATTORNEY:**

37 Jeff G. Peters, Assistant General Counsel
38 Adrienne Rogers, Assistant General Counsel
39

40 Mr. Deterding stated on the record that participants in this public meeting should be aware that
41 the proceedings are being recorded and that an audio file of the meeting will be posted to the
42 board's website.
43

44 **APPROVAL OF MINUTES:**

45
46 **March 30, 2012 – Full Board Meeting**
47

48 **Mr. Panton moved to approve the minutes as presented. The motion was seconded and**
49 **carried 4/0.**
50

1 **March 6, 2012 – Telephone Conference Call**

2

3 **Mr. Chmielewski moved to approve the minutes as presented. The motion was seconded**
4 **and carried 4/0.**

5

6 **FINAL ORDER ACTIONS:**

7

8 **Motion for Determination of Waiver and for Final Order by Hearing not Involving**
9 **Disputed Issues of Material Facts:**

10

11 **Walter A. Ramos – Case Number 11-10039**

12 **PCP: Fredrick/Mersch**

13

14 Mr. Ramos was present, sworn but was not represented by counsel.

15

16 Mr. Peters stated that the respondent was present and was willing to accept the settlement
17 agreement that was previously mailed to him.

18

19 Mr. Peters informed the board that the respondent had violated:

- 20 • Section 468.811(1)(f), F.S.

21

22 Mr. Ramos addressed the board.

23

24 Mr. Peters advised the board that the settlement agreement contained the following provisions:

- 25 • Administrative fine of \$1,000.00, payable within one (1) year from the filing of the Final
26 Order
27 • Administrative costs of \$513.09, payable within one (1) year from the filing of the Final
28 Order
29 • Suspension stayed upon compliance with the Non-Disciplinary Final Order #2010-11998,
30 payable within 30 days from the filing of the Final Order
31 • Notify Department of new address of record
32 • Completion of continuing education with two (2) hours in medical errors course and a
33 CPR course in addition to the renewal requirements.

34

35 Discussion ensued.

36

37 **Mr. Gingras moved to accept the Settlement Agreement. The motion was seconded and**
38 **carried 4/0.**

39

40 **Motion for Final Order by Settlement Agreement:**

41

42 **Mark M. Blaker – Case Number 11-08333**

43 **PCP: Fredrick/Mersch**

44

45 Mr. Blaker was present, sworn but was not represented by counsel.

46

47 Mr. Peters informed the board that the respondent had violated:

- 48 • Section 468.811(1)(d), F.S.
49 • Section 456.072(1)(l), F.S.

- 1 • Section 468.811(1)(j), F.S., through a violation of Section 456.072(1)(j), F.S.
2 • Section 468.811(1)(j), F.S., through a violation of Section 468.811(1)(l), F.S.

3
4 Mr. Peters advised the board that the settlement agreement contained the following provisions:

- 5 • Appearance
6 • Reprimand
7 • Administrative fine of \$20,000.00, payable within one (1) year from the filing of the
8 Final Order
9 • Administrative costs of \$2,160.19, payable within one (1) year from the filing of the
10 Final Order
11 • Probation with a board approved monitor for a period of four (4) years and shall comply
12 with the terms of the Final Order
13 • Completion of a three (3) semester hour college course in Ethics, three (3) hours of
14 record-keeping
15 • Completion of a laws and rules course

16
17 Mr. Blaker stated that he believed that part of the information in the Administrative Complaint
18 was incorrect.

19
20 Mr. Flynn stated that the board does have jurisdiction in taking action in this case.

21
22 Discussion ensued.

23
24 Mr. Peters stated that Mr. Blaker's business appeared to be active with the Department of State,
25 Division of Corporation.

26
27 Mr. Blaker stated that the business is closed. He also informed the board that at his current place
28 of practice he prepares only diabetic footwear and is an independent contractor.

29
30 Discussion ensued.

31
32 **Dr. Nilssen moved to accept the settlement agreement as presented. The motion failed 2/2**
33 **with Mr. Panton and Mr. Gingras opposed.**

34
35 Further discussion ensued.

36
37 **Mr. Gingras moved to reject the settlement agreement and issue a counter**
38 **agreement by accepting all items in the original settlement agreement but**
39 **additionally submit to the Disciplinary Compliance Committee a drafted copy of the**
40 **letter to be sent to all patients affected by his previous actions within 45 days from**
41 **the filing of the Final Order. Once approved, the letter is to be sent to all patients**
42 **by return certified receipt. He will also be required to provide a name of the**
43 **monitor to the Disciplinary Compliance Committee to review and approve. The**
44 **motion was seconded and carried 4/0.**

45
46 Mr. Peters accepted the counter agreement on behalf of the department.

47
48 Mr. Blaker accepted the counter agreement.

3
4 Mr. Reid was neither present nor represented by counsel.

5
6 Mr. Peters stated that Mr. Reid was in the hospital but requested the board to waive his
7 appearance and to proceed with the case.

8
9 Mr. Peters informed the board that the respondent had violated:

- 10 • Section 468.811(1)(h), F.S.
11 • Section 468.811(1)(j), F.S.
12 • Section 468.8095(1)&(2), F.S.
13 • Section 468.811(1)(j), F.S.
14

15 Mr. Peters advised the board that the settlement agreement contained the following provisions:

- 16 • Appearance
17 • Reprimand
18 • Administrative fine of \$15,000.00, payable within one (1) year from the filing of the
19 Final Order
20 • Administrative costs of \$, payable within one (1) year from the filing of the Final Order
21 • Reimbursement of actual costs within one (1) year from the filing of the Final Order
22 • Probation with a board approved monitor for a period of four (4) years and shall comply
23 with the terms of the Final Order
24 • Completion of a three (3) semester hour college course in Ethics, three (3) hours of
25 record-keeping
26 • Completion of a laws and rules course
27

28 Discussion ensued.

29
30 **Mr. Gingras moved to table the discussion until the next meeting so that Mr. Reid might be**
31 **present to answer questions. The motion was seconded and carried 4/0.**

32
33 **PROSECUTION REPORT:**

34
35 Mr. Peters provided an overview of the prosecution's report.

36
37 **APPROVAL OF EXEMPTION – Tracy Perez**

38
39 Mr. Perez was neither present nor represented by counsel.

40
41 Mr. Flynn provided an overview of the exemption process and the necessary action of the
42 board.

43
44 Discussion ensued.

45
46 **Mr. Gingras moved to approve the Exemption for Mr. Tracy Perez as presented.**
47 **The motion was seconded and carried 4/0.**
48

1 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

2
3 **Roy N. Ostrander – Prosthetist**

4
5 Mr. Ostrander was present, sworn but was not represented by counsel.

6
7 Mr. Gingras provided an overview of the application. Mr. Ostrander had responded YES
8 to question 10b of the application.

9
10 Discussion ensued.

11
12 **Mr. Panton moved to approve the application. The motion was seconded and**
13 **carried 4/0.**

14
15 **Michael S. Pierce – Prosthetist-Orthotist**

16
17 Mr. Pierce was present, sworn but was not represented by counsel.

18
19 Mr. Gingras provided an overview of the applicant's application.

20
21 Discussion ensued.

22
23 **Mr. Gingras moved to deny the application for failure to meet the educational**
24 **requirements. The motion was seconded and carried 4/0.**

25
26 **Kyle H. Smith – Orthotic Fitter**

27
28 Mr. Smith was present, sworn but was not represented by counsel.

29
30 Dr. Nilssen stated he knew the applicant through sending patients for service but did not
31 feel that he would be prejudiced in any way with regard to voting on Mr. Smith's case.

32
33 Mr. Gingras provided an overview of the application. Mr. Smith had submitted an
34 application for an orthotic fitter and did not have the required educational training.

35
36 Discussion ensued.

37
38 Mr. Gingras stated his belief that Mr. Smith's experience claimed as orthotic fitter
39 training was unacceptable because he did not earn it while licensed as an orthotic fitter
40 assistant. He suggested Mr. Smith withdraw his application and reapply as an orthotic
41 fitter assistant to gain the appropriate experience working under an orthotic fitter.

42
43 Mr. Smith stated that he had been practicing in the field since 1983 where certification
44 was not established with ABC.

45
46 Discussion ensued.

1
2 The board accepted the experience prior to 2005.

3
4 **Mr. Panton moved to approve the application. The motion was seconded and**
5 **carried 4/0.**

6
7 **Mr. Panton moved to approve the CPED certification in lieu of the eight (8) hour**
8 **custom molded shoe course. The motion was seconded and carried 4/0.**

9
10 **Henry M. Tonkin – Prosthetic Residency**

11
12 Mr. Tonkin was neither present nor represented by counsel.

13
14 Mr. Gingras provided an overview of the application. He stated that the board staff
15 would need to contact Mr. Tonkin's previous supervisor, Mr. Mark Selleck, as to the
16 reason for the lay-off indicated on Mr. Tonkin's application.

17
18 The board directed staff to contact Mr. Selleck and agreed to allow Mr. Tonkin to work
19 under direct supervision until the matter is resolved.

20
21 Discussion ensued.

22
23 **Mr. Panton moved to conditionally approve the application, conditioned upon**
24 **receipt of an explanation from Mr. Selleck regarding his Medicare statement in the**
25 **application. That response shall be reviewed and approved by Mr. Panton,**
26 **Credentialing Committee Chair, in order to release the condition on the application**
27 **approval. The motion was seconded and carried 4/0.**

28
29 **DISCUSSION OF RESIDENCY EXTENSIONS:**

30
31 Mr. Gingras asked the board members to send any proposed language concerning
32 residency extensions to the board office and directed staff to forward the drafts to the
33 board members for their review and discussion at the October agenda.

34
35 Mr. Deterding asked that board members send any proposed language no later than the
36 end of August for distribution. The board agreed.

37
38 **RATIFICATION OF LICENSURE:**

39
40 **Orthotists/Prosthetists**

41 (Roy B Ghozali, POR 227 through Jerry Matthew Wilch, POR 230)

42
43 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
44 **carried 4/0.**

45
46 **Prosthetists**

1 (Steven E Schwartz, PRO 139)

2
3 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
4 **carried 4/0.**

5
6 **Orthotists**

7 (Shalyn A Latorre, ORT 214 through Amanda Sue Pozarnsky, ORT 218)

8
9 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
10 **carried 4/0.**

11
12 **Orthotic Fitters**

13 (Gloria B Graff, OF 229 through Richard Emery Latchaw, OF 232)

14
15 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
16 **carried 4/0.**

17
18 **Orthotic Fitter Assistants**

19 (Ivy Mae Quinton, OFA 288 through Matthew Jay Labelle, OFA 293)

20
21 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
22 **carried 4/0.**

23
24 **Pedorthists**

25 (Scott Jeffrey Vandevenne, PED 205 through Pamela L Bowman, PED 208)

26
27 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
28 **carried 4/0.**

29
30 **Orthotic Residents**

31 (Matthew Etan Gruskin, ORTR 101 through Alti Ndreka, ORTR 103)

32
33 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
34 **carried 4/0.**

35
36 **Prosthetic Residents**

37 (Christina Louise Mann, PROR 33 through Jeffrey Ross Keener, PROR 37)

38
39 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
40 **carried 4/0.**

41
42 **DISCUSSION OF:**

43
44 **NCOPE Residency**

1 Mr. Gingras stated that Ms. Robin C. Seabrook, Executive Director with the National
2 Commission on Orthotic and Prosthetic Education indicated that NCOPE is offering a
3 nine (9) month and eighteen (18) month residency.

4
5 Mr. Flynn stated that a designated member of the board may work with him to define the
6 one year residency by rule and present the draft at the next board meeting.

7
8 The board concurred.

9
10 Mr. Gingras stated that he would work with Mr. Flynn on the language.

11
12 **OFA Fees**

13
14 The board postponed the discussion of OFA fees until the next board meeting.

15
16 **CHAIR/VICE-CHAIR**

17
18 **Future Agenda Items**

19
20 No items provided.

21
22 **EXECUTIVE DIRECTOR'S REPORT:**

23
24 Mr. Deterding had no report.

25
26 **BOARD COUNSEL'S REPORT:**

27
28 **Rules Status Report**

29
30 Mr. Flynn provided an overview of the Rules Status Report.

31
32 **COMMITTEE REPORTS:**

33
34 **Budget - Mr. Chmielewski**

- 35
36
 - **Disbursements by Category Report**
 - **Revenue Report**
 - **Expenditures by Function for Period Ending 3/31/2012**
 - **Cash Balance Report for 9 Months Ending 3/31/2012**
 - **Total Expenditures (Direct and Allocated) by Board for 9 Months Ending 3/31/2012**
 - **Allocations to Boards by Source Organization and Category for 9 Months Ending 3/31/2012**

37
38
39
40
41
42
43
44
45 A brief report was provided.

1 **Continuing Education – Mr. Gingras**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

CE Providers & Course Approved by CE Chair

Mr. Gingras moved to approve the ratification list as presented. The motion was seconded and carried 4/0.

Credentials – Mr. Panton

Mr. Panton provided a brief report.

Disciplinary Compliance – Mr. Gingras

Mr. Gingras stated that he was having several issues with the monitors that were being submitted for approval. He also stated that he had continuous communication with the compliance officer and board staff.

Legislation – Dr. Nilssen

No report.

Probable Cause – Mr. Mersch

Stats

Mr. Mersch provided a brief report.

Rules – Mr. Gingras

Approval of Applications and Rules:

- 64B14-4.003, F.A.C. – Documentation of Eligibility for Licensure**
- 64B14-4.005, F.A.C. – Documentation of Eligibility for Registration**

Mr. Gingras moved to approve the applications with the correction to the background screening fees. The motion was seconded and carried 4/0.

Mr. Gingras moved that the proposed rule would not have any adverse impacts on small businesses. The motion was seconded and carried 4/0.

Mr. Gingras moved that the changes would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule. The motion was seconded and carried 4/0.

Unlicensed Activity – Mr. Gingras

1 No report.

2

3 **PROPOSED 2013 MEETING DATES**

4

5 The board recommended the following 2013 meeting dates:

6

7 **March 1st**

8 **July 26th**

9 **October 25th**

10

11 **NEXT MEETING DATE – October 26th - Tampa**

12

13 Information only.

14

15 **ADJOURNMENT:**

16 The meeting was adjourned at 1:37 p.m.