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

**MINUTES
GENERAL BUSINESS MEETING
By Telephone Conference**

**4042 Bald Cypress Way
Tallahassee, FL**

October 26, 2012

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

18
19 **CALL TO ORDER:**

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

22
23 **MEMBERS PRESENT:**

24 Ronald Gingras, Chair
25 Hugh Panton, Vice-Chair
26 Steven Mersch

27
28 **MEMBER NOT PRESENT:**

29 Tommy Chmielewski (Excused)
30 Erik Nilssen, M.D. (Excused)

31
32
33 **STAFF PRESENT:**

34 Bruce Deterding, Board Executive Director
35 Sharon Guilford, Program Operations Administrator
36 Michele L. Jackson, Regulatory Supervisor Consultant
37 Edith Rogers, Regulatory Specialist II

38
39 **BOARD COUNSEL:**

40 David Flynn, Senior Assistant Attorney General
41 Office of Attorney General

42
43 **PROSECUTING ATTORNEY:**

44 Jeff G. Peters, Assistant General Counsel

45
46 **COURT REPORTING SERVICES:**

47 For the Record Reporting (850) 224-5374
48
49

1
2 **APPROVAL OF MINUTES:**

3
4 **July 20, 2012 – Full Board Meeting**

5
6 Mr. Gingras noted that on page 3 of the July 20, 2012 minutes, line 32, the motion to accept the
7 settlement agreement had been made by Dr. Nilssen, not Mr. Panton as noted in the minutes. Mr.
8 Panton had voted against the motion. So the first sentence of the entry beginning on line 32 of
9 page 3 of the 7/20/2012 minutes should read “Dr. Nilssen moved to accept the settlement
10 agreement as presented.”

11
12 **Mr. Panton moved to approve the minutes as amended. The motion was seconded and**
13 **carried 3/0.**

14
15 **FINAL ORDER ACTIONS:**

16
17 **Motion for Final Order by Settlement Agreement:**

18
19 **Daniel R. Reid – Case Number 11-03758**
20 **PCP: Fredrick/Mersch**

21
22 Mr. Flynn noted that the board did not have a quorum to hear this discipline case.

23
24 Mr. Peters stated that he had been informed by Mr. Deterding prior to the teleconference
25 that the board would not have a quorum, and had been advised to contact Mr. Reid saying
26 that the case would be tabled until the March board meeting, which he had done.

27
28 **PETITION FOR VARIANCE/WAIVER and APPLICANT PRESENTED FOR**
29 **BOARD REVIEW– Magnus A. Baptiste – Orthotic Fitter Applicant**

30
31 Mr. Baptiste was present but was not represented by counsel.

32
33 Mr. Gingras provided an overview of the Petition for Variance/Waiver of Rule 64B14-
34 4.110, F.A.C.

35
36 Mr. Baptiste addressed the Board indicating that he was in the process of completing the
37 Medical Errors course.

38
39 **Mr. Gingras moved to approve the Petition for Variance/Waiver of Rule 64B14-**
40 **4.110, F.A.C. with the condition of completing the mandatory Continuing Education**
41 **hours. The motion was seconded and carried 3/0.**

42
43 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

44
45 **Anthony W. Baker – Prosthetic Resident**

46
47 Mr. Baker was present but was not represented by counsel.

1
2 Mr. Gingras provided an overview of the applicant's application. He indicated that Mr.
3 Baker's application appeared to have been practicing without an appropriate license.
4 Therefore, he appeared to be in violation of Chapters 468.803, 468.813, and 456.065,
5 Florida Statutes. The supervising practitioner is William Stanley Patterson, PRO35.

6
7 Mr. Baker addressed the board.

8
9 Discussion ensued.

10
11 **Mr. Gingras moved to conditionally approve the application, conditioned upon**
12 **receipt of a \$3,000.00 fine for practicing without a license. The motion further**
13 **required the applicant to cease and desist from practicing until he was licensed as a**
14 **resident in Florida. The motion was seconded and carried 2/1 with Mr. Panton**
15 **opposed.**

16
17 Mr. Gingras instructed Board staff to initiate a complaint against the supervising
18 practitioner William Stanley Patterson for aiding and abetting unlicensed practice.

19
20 **Ronald A. Dickson – Prosthetist**

21
22 Mr. Dickson was present but was not represented by counsel.

23
24 Mr. Gingras provided an overview of the applicant's application. He indicated that Mr.
25 Dickson's application was presented at the March 30, 2012 board meeting and at that
26 time the board had issued a Order Mandating Personal Appearance. Mr. Dickson
27 submitted an email requesting the date of his attendance.

28
29 Mr. Dickson addressed the board.

30
31 Discussion ensued.

32
33 **Mr. Gingras moved to deny the application because the applicant has not met the**
34 **predicates for licensure. The motion was seconded and carried 3/0.**

35
36 Mr. Gingras instructed Board staff to initiate a complaint of the supervising practitioner
37 Roy P. McMurray and William Stanley Patterson, as well as the applicant, for aiding and
38 abetting unlicensed practice.

39
40 **Robert B. Duba – Prosthetist**

41
42 Mr. Duba was present but was not represented by counsel.

43
44 Mr. Gingras provided an overview of the applicant's application. He indicated that Mr.
45 Duba's application and was questioned regarding his work experience. Staff stated that
46 he provided information of working in Florida without a license and California for the

1 past six years and a copy of his I.D. badge was also provided. Therefore, he appeared to
2 be in violation of Chapters 468.803 and 468.813, Florida Statutes.

3
4 Mr. Duba addressed the board.

5
6 Discussion ensued.

7
8 **Mr. Panton moved to conditionally approve the application, conditioned upon**
9 **receipt of a \$7,500.00 fine to be paid within 60 days, and submission of proof of an**
10 **approved CPR course. On satisfaction of these conditions, the application for**
11 **licensure would be approved. The motion was seconded and carried 3/0.**

12
13 Mr. Gingras instructed Board staff to initiate a complaint of the supervising practitioners
14 William Stanley Patterson and Roy P. McMurray for aiding and abetting unlicensed
15 practice.

16
17 **Sean B. O'Donell – Prosthetist**

18
19 Mr. O'Donell was present but was not represented by counsel.

20
21 Mr. Gingras provided an overview of the applicant's application.

22
23 Mr. Flynn requested that the application be placed on the March Board meeting agenda if
24 Mr. O'Donell would waive the 90 day requirement. Mr. Flynn added that he was unable
25 to disclose the reason for his request due to its involving confidential information.

26
27 Mr. O'Donell agreed to waive the 90-day chapter 120 F.S., licensing requirement.

28
29 Discussion ensued.

30
31 **Mr. Gingras moved to accept the 90-day waiver and to table the application until**
32 **the March Board meeting. The motion was seconded and carried 3/0.**

33
34 **Richard W. Shultz – Prosthetist**

35
36 Mr. Shultz was present but was not represented by counsel.

37
38 Mr. Gingras provided an overview of the applicant's application. He indicated that Mr.
39 Shultz had applied for licensure without being licensed as a Florida Prosthetic Resident.
40 Therefore, he appeared to be in violation of Chapter 468.803(3), Florida Statutes.

41
42 Mr. Shultz addressed the board.

43
44 Discussion ensued.

1 **Mr. Panton moved to conditionally approve the application, conditioned upon**
2 **receipt of a \$7,500.00 fine to be paid within 60 days and that the applicant cease and**
3 **desist from practicing in order to release the condition on the application approval.**
4 **Additionally, the applicant would be not be allowed to advertise or in any way**
5 **present himself as a licensed prosthetic resident or prosthetist until he was licensed.**
6 **The motion was seconded and carried 3/0.**

7
8 Mr. Gingras instructed Board staff to initiate a complaint about the supervising
9 practitioner William Stanley Patterson for aiding and abetting unlicensed practice.

10
11 **RATIFICATION LISTS:**

12
13 **Orthotist/Prosthetists**

14 (Charles E Brown, POR 231 through Heidi L Wagner, POR 235)

15
16 **Mr. Mersch moved to approve the ratification lists. The motion was seconded and**
17 **carried 3/0.**

18
19 **Prosthetists**

20 (Roy N. Ostrander, PRO 140 through Philip Anthony Bickert, PRO 143)

21
22 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
23 **carried 3/0.**

24
25 **Orthotists**

26 (Jillian Boni Gifford, ORT 219 through Valarie Lyn O'Brien, ORT 226)

27
28 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
29 **carried 5/0.**

30
31 **Orthotic Fitters**

32 (Jesse Ralph Mitrani, OF 233 and Kyle H Smith, OF 234)

33
34 **Mr. Gingras moved to approve the ratification lists. The motion was seconded and**
35 **carried 3/0.**

36
37 **Orthotic Fitter Assistants**

38 (Kim Westbrook Brown, OFA 294 and Cheryl Therese Hines, OFA 295)

39
40 **Mr. Gingras moved to approve the ratification lists. The motion was seconded and**
41 **carried 3/0.**

42
43 **Pedorthists**

44 (William A. Murphy, Jr., PED 209 and Michael John Vernamonti, PED 210)

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

3
4 **Orthotic Residents**

5 (Tuan Anh Do, ORTR 104 through John A. Aloizakis, ORTR 109)
6

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

9
10 **Prosthetic Residents**

11 (Michael Jacob Weiss, PROR 38 through Charles Steven Woolfe, PROR 44)
12

13 **Mr. Panton moved to approve the ratification lists. The motion was seconded and**
14 **carried 5/0.**

15
16 **DISCUSSION OF APPLICATIONS/EXTENSIONS – Hugh Panton**

17
18 Mr. Gingras requested that this issue be tabled until the March Board meeting.
19

20 **BUDGET – Mr. Chmielewski**

21
22 **MQA Annual Report FY 11-12 (Revenues, Expenditures, Cash Balance, 6**
23 **Year Cash Balance, Adequacy of Fees and 6 Year Projections of Revenues**
24 **and Expenditures)**
25

26 Mr. Deterding provided a brief report.
27

28 **BOARD COUNSEL’S REPORT:**

29
30 **Rules Status Update**

31
32 Mr. Flynn provided an overview of the Rules Status Report.
33
34

35 **ELECTION OF OFFICERS**

36
37 Tabled until the March board meeting.
38

39 **NEXT MEETING DATE – March 8th – Orlando**

40
41 **ADJOURNMENT:**

42
43 The meeting was adjourned at 11:15 a.m.