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FLORIDA | Board of Orthotists & Prosthetists

January 6, 2017
Teleconference
Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399-3257



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Tommy Chmielewski, LPO
Chair

Brett Saunders, PO, FAAOP
Vice-Chair

Anthony Spivey, DBA
Executive Director

1 The Florida Board of Orthotists and Prosthetists held a meeting on Friday, January 6,
2 2017, commencing at 9:04 a.m... The meeting was held at the Department of Health,
3 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257, at meet me number (888)
4 670-3525, participant code 7342425515, to which all persons were invited to attend.
5 Participants in this public meeting were made aware that these proceedings were being
6 recorded and that an audio file of the meeting will be posted to the board's website.

7
8 **AGENDA**

9
10 **Meeting began at 9:04 a.m.**

11
12 **I. CALL TO ORDER (Roll Call):**

13
14 **Dr. Anthony Spivey called the meeting to order at 9:04 a.m.**

15
16 **Board Members in attendance:**

17 Tommy Chmielewski, LPO, Chair
18 Brett Saunders, CPO, FAAOP
19 Ruphlal R. Gooljar, CPO, MA
20 Wayne Rosen, CPO, CPED, FAAOP

21
22 **Board Staff in attendance:**

23 Dr. Anthony Spivey, DBA, Executive Director
24 Gail Curry, Program Operations Administrator
25 Savada Knight, Regulatory Supervisor
26 Kellee Crowson, Regulatory Specialist II

27
28 **Board Counsel:**

29 Robert Milne, Assistant Attorney General
30 Office of Attorney General

31
32 **Court Reporter:**

33 American Court Reporting

34
35 **Section I ended at 9:06 a.m.**

36 **Section II started at 9:06 a.m.**

37
38
39 **II. APPROVAL OF MINUTES:**

40
41 October 7, 2016 Teleconference

42
43 No discussion about the minutes.

44
45 **Action:** Motion to approve Board minutes as presented was made by Tommy
46 Chmielewski. Seconded by Brett Saunders.
47 4 yeas / 0 opposed; motion carries.

48
49 **Section II ended at 9:06 a.m.**

50 **Section III started at 9:06 a.m.**

1
2 **III. RATIFICATION:**

3
4 a. Licensure

5
6 i. Orthotists/Prosthetists – Licenses 324, 325, 326, 327.

7
8 **Action:** Motion to approve Orthotists/Prosthetists – Licenses 324, 325, 326, 327 was
9 made by Tommy Chmielewski. Seconded by Brett Saunders.
10 4 yeas / 0 opposed; motion carries.

11
12
13 ii. Prosthetists – 0

14
15 iii. Orthotists – Licenses 282, 283, 284

16
17 **Action:** Motion to approve Licenses 282, 283, 284 was made by Tommy Chmielewski.
18 Seconded by Brett Saunders.
19 4 yeas / 0 opposed; motion carries.

20
21 iv. Orthotic Fitter – License 261

22
23 **Action:** Motion to approve License 261 was made by Tommy Chmielewski. Seconded
24 by Brett Saunders.
25 4 yeas / 0 opposed; motion carries

26
27 v. Orthotic Fitter Assistant- Licenses

28
29 **Action:** Motion to approve License 343 was made by Tommy Chmielewski. Seconded
30 by Brett Saunders.
31 4 yeas / 0 opposed; motion carries

32
33 vi. Pedorthists – License 235

34
35 **Action:** Motion to approve License 235 was made by Tommy Chmielewski. Seconded
36 by Brett Saunders.
37 4 yeas / 0 opposed; motion carries

38
39 vii. Orthotic Resident – Licenses

40
41 **Action:** Motion to approve License 165 was made by Tommy Chmielewski. Seconded
42 by Brett Saunders.
43 4 yeas / 0 opposed; motion carries

44
45 viii. Prosthetic Resident – Licenses

46
47 **Action:** Motion to approve License 108 was made by Tommy Chmielewski. Seconded
48 by Brett Saunders.
49 4 yeas / 0 opposed; motion carries

50
51 **Section III ended at 9:10 a.m.**

1 **Section IV started at 9:10 a.m.**

2
3 **IV. APPLICATION FOR BOARD REVIEW**

4
5 Prosthetists

6
7 **i. William Mullins**

8 Present/without counsel

9
10 Robert Milne explained that he has been unable to verify Mr. Mullins license in
11 Tennessee is in good standing. He did say there is derogatory information on file. There
12 is no Certificate of Good Standing from Tennessee. The license might be in good
13 standing but there is not proof of that now.

14
15 **Discussion:** Mr. Mullins said that he is in good standing with Tennessee. He doesn't
16 understand the need for a Certificate of Good Standing from Tennessee. Mr.
17 Chmielewski asked in fairness to Mr. Mullins the board let him know what is required
18 from him to finish his application. Mr. Milne suggested that the board members can
19 conditionally grant the license based on the Certificate of Good Standing being received
20 by the board staff.

21
22 **Action:** Motion to grant a conditional license based on the board staff receiving the
23 Certificate if Good Standing from Tennessee then approving the application license was
24 made by Tommy Chmielewski. Seconded by Brett Saunders.
25 4 yeas / 0 opposed; motion carries

26
27 **Action:** Addendum to action; to give 60 days for the information to get to board staff was
28 made by Tommy Chmielewski. Seconded by Brett Saunders.
29 4 yeas / 0 opposed; motion carries

30
31 Dr. Spivey asked what happens if the 60 days are not met. Mr. Milne explained that the
32 application would be incomplete and once it reached the retention it would expire and he
33 would have to reapply.

34
35 **Section IV ended at 9:42 a.m.**

36 **Section V started at 9:42 a.m.**

37
38 **V. PROSECUTION REPORT:**

39
40 Dr. Spivey gave the prosecution report.
41 4 open cases, 3 have found probable cause and 1 is older than 1 year.

42
43 **Action:** Motion to accept the prosecution report was made by Tommy Chmielewski.
44 Seconded by Wayne Rosen.
45 4 yeas / 0 opposed; motion carries

46
47 **Action:** Dr. Spivey asked if the board is in favor of continuing prosecuting cases over 1
48 year old. All board members were in agreement to continue.

49
50 **Section V ended at 9:42 a.m.**

51 **Section VI started at 9:42 a.m.**

1 **VI. CHAIR/VICE—CHAIR REPORT:**

2
3 3. Future Agenda Items

4
5 Nothing to discuss at this time.

6
7 **Section VI ended at 9:42 a.m.**

8 **Section VII started at 9:42 a.m.**

9
10 **VII. EXECUTIVE DIRECTOR'S REPORT:**

11
12 Dr. Spivey reminded the Board that the Chair/Vice Chair meeting will be held September
13 18, 2017. If Chair and/or Vice Chair cannot attend they will need to send a
14 representative. Tommy Chmielewski committed to attend. Dr. Spivey also explained the
15 50 mile rule that is in place for hotel accommodations.

16
17 Board Meetings held face to face and the board member lives within 50 miles of the
18 meeting location their room at the hotel will not be paid for by the State.

19
20 **Section VII ended at 9:44 a.m.**

21 **Section VIII started at 9:44 a.m.**

22
23 **VIII. BOARD COUNSEL REPORT:**

24
25 Board Counsel, Robert Milne, gave clarification on Quasi-Judicial. He made himself
26 available to all the Board members for any questions they might have at any time.
27 He also asked the Board to look at rule 64B14-7.003, F.A.C. and 64B14-5.005, F.A.C.
28 so the rules can be addressed at the next board meeting.

29
30 Rob Lafette – FAOP addressed Chapter 468, F.S., and HB491.

31 Robert Milne explained that this will be an open discussion on the next meeting date.

32
33 **Action:** Motion to accept the Board Counsel Report was made by Tommy Chmielewski.

34 Seconded by Brett Saunders.

35 4 yeas / 0 opposed; motion carries

36
37 **Section VIII ended at 9:47 a.m.**

38 **Section IX started at 9:47 a.m.**

39
40 **IX. OLD BUSINESS:**

41
42 Nothing at this time.

43
44 **Section IX ended at 9:47 a.m.**

45 **Section X started at 9:47 a.m.**

46
47 **X. NEW BUSINESS:**

48
49 Dr. Spivey gave the dates for the 2018 meetings.

50 Jan. 12, 2018

51 April 6, 2018

1 Aug. 10, 2018 (FAOP)
2 Oct. 5, 2018

3
4 These will be emailed to all board members. Please email back with approval or denial.

5
6 **Section X ended at 9:47 a.m.**
7 **Section XI started at 9:47 a.m.**

8
9 **XI. COMMITTEE REPORTS:**

10
11 **Budget - Tommy Chmielewski** – No report at this time.

12
13 **Continuing Education - Tommy Chmielewski** – No report at this time.

14
15 **Credentials - Brett Saunders** – No report at this time.

16
17 **Disciplinary Compliance - Tommy Chmielewski**

18 There is 1 open discipline case at this time.

19
20 **Healthiest Weight - Ruphlal Gooljar**

21 There are two Healthy Weight courses being offered for CE.

22
23 **Legislation - Wayne Rosen** - No report at this time.

24
25 **Rules - Brett Saunders** - No report at this time.

26
27 **Probable Cause - Wayne Rosen**

28 Probable Cause Panel meant on November 16 that information was presented by Dr.
29 Spivey. Nothing else to report at this time.

30
31 **Unlicensed Activity — Ruphlal Gooljar**

32 From October 1, 2016 thru January 3, 2017 there has been only 1 case for cease and
33 desist.

34
35 **Section IX ended at 9:51 a.m.**
36 **Section XII started at 9:51 a.m.**

37
38 **XII. NEXT MEETING DATE:**

39
40 April 14, 2017 - Telephone Conference Call

41
42 **Section XII ended at 9:51a.m.**
43 **Section XIII started at 9:52 a.m.**

44
45 **XIII. ADJOURNMENT**

46
47 **Action:** Motion to adjourn the meeting was made by Tommy Chmielewski. Seconded by
48 Brett Saunders.

49 4 yeas / 0 opposed; motion carries.

50
51 **Meeting was adjourned at 9:52 a.m.**

DRAFT