

The Florida Board of Orthotists and Prosthetists will hold a meeting on Friday, October 7, 2016, commencing at 9:00 a.m., or shortly thereafter. This meeting will be held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257, at meet me number (888) 670-3525, participant code 7342425515, to which all persons are invited to attend. Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

AGENDA

- I. CALL TO ORDER (Roll Call):
 - Tommy Chmielewski, LPO, Chair
 - Brett Saunders, CPO, FAAOP
 - Ruphlal R. Gooljar, CPO, MA
 - Wayne Rosen, CPO, CPED, FAAOP
- II. APPROVAL OF MINUTES:
 - a. July 13, 2016
- III. RATIFICATION:
 - a. Licensure –
 - i. Orthotists/Prosthetists
 - ii. Prosthetists
 - iii. Orthotists
 - iv. Orthotic Fitter
 - v. Orthotic Fitter Assistant
 - vi. Pedorthists
 - vii. Orthotic Resident
 - viii. Prosthetic Resident
- IV. PROSECUTION REPORT:
- V. CONTINUING EDUCATION
 - a. William Mullins
- VI. CHAIR/VICE-CHAIR REPORT:
 - a. Future Agenda Items
- VII. EXECUTIVE DIRECTOR'S REPORT:
- VIII. BOARD COUNSEL REPORT:
 - a. 2016-2017 ARP Board of Orthotists and Prosthetists
 - b. Board of Orthotist and Prosthetists Rules Report 2016
 - c. October 2016 Rules Report

IX. OLD BUSINESS:

X. NEW BUSINESS:

XI. COMMITTEE REPORTS:

- a. Budget –
- b. Continuing Education – Tommy Chmielewski
- c. Credentials – Brett Saunders
- d. Disciplinary Compliance – Tommy Chmielewski
- e. Healthiest Weight – Ruphlal Gooljar
- f. Legislation – Wayne Rosen
- g. Rules – Brett Saunders
- h. Probable Cause –
- i. Unlicensed Activity - Ruphlal Gooljar

XII. PROPOSED 2017 MEETING DATES

January 6, 2017

April 14, 2017

July 7, 2017

October 6, 2017

XIII. NEXT MEETING DATE: January 6, 2017

XIV. ADJOURNMENT

1 The Florida Board of Orthotists and Prosthetists will hold a meeting on Wednesday, July, 13,
2 2016, commencing at 9:00 a.m., or shortly thereafter. This meeting will be held at the Double
3 Tree Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL 32812 407 856-0100 to which
4 all persons are invited to attend. Participants in this public meeting should be aware that these
5 proceedings are being recorded and that an audio file of the meeting will be posted to the board's
6 website.

7
8 **AGENDA**

9
10 **Meeting began at 9:10 am**

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

13 Gail Curry called the roll. All Board Members are present.

14
15 **Board Members:**

16 Tommy Chmielewski, LPO, Chair

17 Brett Saunders, CPO, FAAOP

18 Ruphlal R. Gooljar, CPO, MA

19 George H. Meyer, Jr.

20 Wayne Rosen, LPED, LPO

21
22 **Board Staff:**

23 Anthony B. Spivey, DBA, Executive Director

24 Gail Curry, Program Operations Administrator

25 Siby Koshy, Bureau of Operations

26
27 **Board Counsel:**

28 Tom Barnhart, Assistant Attorney General

29 Office of Attorney General

30
31 **Audio/Visual:**

32 Vanguard Audio Visual

33
34 **Court Reporter:**

35 American Court Reporting

36
37 **Section I ended at 9:11 a.m.**

38 **Section II started at 9:11 a.m.**

39
40 **II. APPROVAL OF MINUTES:**

41
42 Brett Saunders had a question about item number 3, Residency Extension question. This will be
43 under Future items.

44
45 a. April 22, 2016 – Teleconference Call

46
47 **Action taken:** Motion to approve the minutes was made by Mr. Chmielewski, Seconded by Mr.
48 Saunders.

49 **Vote:** 5 yeas / 0 opposed; motion carried

50
51

1 Section II ended at 9:13 a.m.

2 Section III started at 9:13 a.m.

3
4
5 **III. UNLICENSED ACTIVITY PRESENTATION - Sidronio "Chilo" Casas**

6 Mr. Casas gave a presentation on unlicensed activity and the way it works and what it
7 accomplishes for the safety of the citizens of Florida. Mr. Casas answered questions from the
8 Board Members.

9
10 Dr. Spivey asked if some filed an "anonymous" complaint how they would get the updates.
11 They would have to create a fictitious email to get the updates.

12
13 Some discussion about braces that are purchased by mail/email. Unlicensed Activity unit will
14 investigate anyone dispensing without a license. If it is out of state then they would work with the
15 Federal government.

16
17 **Section III ended at 9:34 a.m.**

18 **Section IV started at 9:34 a.m.**

19
20 **IV. ALTHEA POWELL-CHANDLER:**

21
22 **a. Discussion of Arizona Brace**

23 Ms. Powell-Chandler gave a presentation regarding the Pedorthists not being able to make the
24 Arizona Brace. She explained that the brace was invented by a Pedorthist and the Pedorthists isn't
25 allowed to use it.

26
27 **Discussion:** Mr. Chmielewski explained what the brace was used for. Mr. Saunders explained
28 that the Board cannot change the statute, 468.8011. The brace has evolved over the years and
29 doesn't seem to be in the Scope of Practice for a Pedorthist any longer.

30
31 **b. Pedorthist Board Member**

32 Ms. Powell-Chandler would like to see a pedorthist represented on the Board. Feels like Mr.
33 Rosen being on the board is a conflict of interest because he holds 2 licenses.

34
35 **Discussion:** Mr. Saunders referred to Statue 468.8011 and the Scope of Practice.

36 Mr. Saunders explained that membership on the Board is a gubernatorial appointment, chosen by
37 statute. She could request to be appointed to the Board by the Governor. Statues are not easily
38 changed.

39
40 **Section IV ended at 9:50 a.m.**

41 **Section V started at 9:50 a.m.**

42
43 **V. RATIFICATION:**

44
45 **a. Licensure –**

46
47 **i. Orthotists/Prosthetists**

48
49 316 – 321

50 **Action taken:** Motion to approve the Ratification List for Licensure of Orhtotists/Prosthetists

1 was made by Mr. Chmielewski, Seconded by Mr. Saunders.
2 Vote: 5 yeas / 0 opposed; motion carried
3

4 **ii. Prosthetists**

5
6 171
7

8 **Action taken:** Motion to approve the Ratification List for Licensure of Prosthetists was made by
9 Mr. Chmielewski, Seconded by Mr. Saunders.
10 Vote: 5 yeas / 0 opposed; motion carried
11

12
13 **iii. Orthotists**
14

15 276 – 277
16

17 **Action taken:** Motion to approve the Orthotists was made by Mr. Chmielewski, Seconded by
18 Mr. Saunders.
19 Vote: 5 yeas / 0 opposed; motion carried
20

21 **iv. Orthotic Fitter**
22

23 260
24

25 **Action taken:** Motion to approve the Orthotic Fitter was made by Mr. Chmielewski, Seconded
26 by Mr. Saunders.
27 Vote: 5 yeas / 0 opposed; motion carried
28

29 **v. Orthotic Fitter Assistant**
30

31 NONE
32

33 **vi. Pedorthists**
34

35 234
36

37 **Action taken:** Motion to approve the Pedorthists was made by Mr. Chmielewski, Seconded by
38 Mr. Saunders.
39 Vote: 5 yeas / 0 opposed; motion carried
40

41 **vii. Orthotic Resident**
42

43 125
44

45 **Action taken:** Motion to approve the Orthotic Resident was made by Mr. Chmielewski,
46 Seconded by Mr. Saunders.
47 Vote: 5 yeas / 0 opposed; motion carried
48

1 **viii. Prosthetic Resident**

2
3 53, 98, 99, 100, 101

4
5 **Action taken:** Motion to approve the Prosthetic Resident was made by Mr. Chmielewski,
6 **Seconded by Mr. Saunders.**
7 **Vote:** 5 yeas / 0 opposed; motion carried

8
9
10 **Section V ended at 9:55 a.m.**
11 **Section VI started at 9:55 a.m.**

12
13 **VI. PROSECUTION REPORT:**

14
15 Not represented today as there are no cases that are older than 1 year.

16
17 **Section VI ended at 9:57 a.m.**
18 **Section VII started at 9:57 a.m.**

19
20
21 **VII. CONTINUING EDUCATION:**

22
23 Approved by CE Committee: Florida Association of Orthotists & Prothetists

24
25 This was for information only.

26
27 **Section VII ended at 9:57 a.m.**
28 **Section VIII started at 9:57 a.m.**

29
30 **VIII. CHAIR/VICE-CHAIR REPORT:**

31
32 a. Future Agenda Items

33
34 Nothing to report.

35
36 **Section VIII ended at 10:09 a.m.**

37 **BREAK**

38 **Section IX started at 10:14 a.m.**

39
40 **IX. EXECUTIVE DIRECTOR'S REPORT:** Given by Dr. Anthony Spivey

41
42 On Sept. 27th will be the annual Healthy Weight meeting Mr. Gooljar will be attending. On Sept.
43 28th there will be the Chair/Vice Chair meeting. Saunders will be attending.

44
45 We have had a shortage of board staff. Out of an office of 12 we have been down 5 people. We
46 have been slammed. We have recently hired a Regulatory Supervisor and an Administrative
47 Assistant. Gail was recently hired.

48 **Section IX ended at 10:17 a.m.**

49 **Section X started at 10:17 a.m.**

50
51 **X. BOARD COUNSEL REPORT:**

1
2 Was given by Tom Barnhart.

3
4 a. JAPC Letter – Rule 64B14-2.0015

5 b. JAPC Letter – Rule 64B14-2.002

6 These 2 rules are already in effect.

7
8 c. JAPC Letter - Rule 64B14-7.003

9 Tabled until the Oct. meeting

10
11 d. Rule 64B14-7.003 Notice of Proposed Rule

12 Any discussion or changes that you would like to make at this time?

13
14 e. Rules Report

15
16 **Section X ended at 10:56 a.m.**

17 **Section XI started at 10:56 a.m.**

18
19 **XI. OLD BUSINESS:**

20
21 Nothing to discuss.

22
23 **Section IX ended at 10:56 a.m.**

24 **Section XII started at 10:56 a.m.**

25
26 **XII. NEW BUSINESS:**

27
28 We have a few carry overs that have already need noticed.

29
30 **Section XII ended at 10:56 a.m.**

31 **Section XIII started at 10:57 a.m.**

32
33 **XIII. COMMITTEE REPORTS:**

34
35 a. Budget – George Meyer

36 Nothing to report

37
38 b. Continuing Education – Tommy Chmielewski

39 FALP was already presented to you today.

40
41 c. Credentials – Brett Saunders

42 Nothing to report.

43
44 d. Disciplinary Compliance – Tommy Chmielewski

45 Consulted with Towanda Burnett and there is 1 case he reviewed and will terminated in Aug.

46 10 cases they are monitoring and 3 of those 10 are probation and 1 is working in our profession.

47

1 e. Healthiest Weight – Ruphlal Gooljar

2 Mr. Gooljar has been working with Nick Van Der Linden from DOH and they are very close to
3 having a Healthy Weight course for Orthotists and Prothetists. This course should be approved
4 by September this year.

5
6 f. Legislation – Wayne Rosen

7 Nothing to report. Tony will check for the contact person at DOH for Mr. Rosen. Also, will get
8 a New Board Member training set up for Mr. Rosen.

9
10 g. Rules – Brett Saunders

11 Nothing to report.

12
13 h. Probable Cause – George Meyer

14 Had 2 cases presented. Zero recommendations for continuing with the cases.

15
16 i. Unlicensed Activity – Ruphlal Gooljar

17 As of July 7 there have been no Cease and Desists orders. Mr. Casas will be presenting to the
18 FAOP on Friday.

19
20 **Section XIII ended at 11:12 a.m.**

21 **Section IV started at 11:12 a.m.**

22
23 Any other business to be discussed?

24
25 Anyone represented here that would like to speak to the Board?

26
27 Ron LaFasce representing the FAOP. Gave an update relating to renewal and license fees.

28
29 **IV. PROPOSED 2017 MEETING DATES**

30
31 January 6, 2017 - TCC

32 April 14, 2017 - TCC

33 July 7, 2017 - TCC Conflict

34 October 20, 2017 – TCC

35
36 Coordinate the July meeting with FAOP. July 7th is a conflict.

37 Post a tweet about the dates.

38
39
40 **Section IV ended at 11:15 a.m.**

41 **Section XV started at 11:15 a.m.**

42
43 **XV. NEXT MEETING DATE:**

44
45 i. October 7, 2016 – Telephone Conference Call

46
47 **Section XV ended at 11:15 a.m.**

48
49 **XVI. ADJOURNMENT**

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Action taken: Motion to approve the minutes was made by Mr. Chmielewski, Seconded by Mr. Saunders.

Vote: 5 yeas / 0 opposed; motion carried

Meeting adjourned at 11:15 a.m.

DRAFT

Florida Board of Orthotists and Prosthetists
3101- Orthotist/Prosthetist Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
POR	318	05/05/2016	Vanasse, Marie Elizabeth
POR	319	05/12/2016	Hester, Zachary Evan
POR	320	06/22/2016	Gatlin, Stephen Raymond
POR	321	06/29/2016	Devine, John William Jr

Total: 4

Florida Board of Orthotists and Prosthetists

3102- Prosthetist Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
PRO	171	05/03/2016	Mellina, Danielle Brittany
PRO	172	05/06/2016	Hester, Zachary Evan

Total : 2

Florida Board of Orthotists and Prosthetists

3103- Orthotist Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
ORT	276	04/08/2016	Kur, Alan Raymond
ORT	277	04/27/2016	Smith, Cyrus Benjamin

Total: 2

Florida Board of Orthotists and Prosthetists

3104- Orthotic Fitter Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
ORF	260	06/22/2016	Irby, Clinton Michael

Total: 1

Florida Board of Orthotists and Prosthetists

3106- Pedorthist Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
PED	234	04/27/2016	Williams, Jeffrey Carter

Total: 1

Florida Board of Orthotists and Prosthetists

3109- Prosthetic Resident Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
ORTR	125	03/21/2016	Johnson, Kevin Starling

Total: 1

Florida Board of Orthotists and Prosthetists
3110- Prosthetic Resident Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
PROR	53	02/22/2016	Martin, Bradley Michael
PROR	98	04/25/2016	Dornfeld, Chelsea Rose
PROR	99	06/02/2016	Mostella, D'Andre Shondale
PROR	100	06/23/2016	Funderburk, Ryan David
PROR	101	06/23/2016	Schlosser, Meagan Lyn

Total: 5

Florida Board of Orthotists and Prosthetists

3103- Orthotist Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
ORT	276	04/08/2016	Kur, Alan Raymond
ORT	277	04/27/2016	Smith, Cyrus Benjamin

Total: 2

Florida Board of Orthotists and Prosthetists

3104- Orthotic Fitter Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
ORF	260	06/22/2016	Irby, Clinton Michael

Total: 1

Florida Board of Orthotists and Prosthetists
3105 – Orthotic Fitter Assistant Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
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Florida Board of Orthotists and Prosthetists

3106- Pedorthist Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
PED	234	04/27/2016	Williams, Jeffrey Carter

Total: 1

Florida Board of Orthotists and Prosthetists

3109- Prosthetic Resident Ratification List

24

Rank	Lic Nbr	Issue Date	Licensee Name
ORTR	125	03/21/2016	Johnson, Kevin Starling

Total: 1

Florida Board of Orthotists and Prosthetists

3110- Prosthetic Resident Ratification List

Rank	Lic Nbr	Issue Date	Licensee Name
PROR	53	02/22/2016	Martin, Bradley Michael
PROR	98	04/25/2016	Dornfeld, Chelsea Rose
PROR	99	06/02/2016	Mostella, D'Andre Shondale
PROR	100	06/23/2016	Funderburk, Ryan David
PROR	101	06/23/2016	Schlosser, Meagan Lyn

Total: 5

DOH/PROSECUTOR'S REPORT

BOARD OF ORTHOTISTS AND PROSTHETISTS MEETING

Meeting Date October 7, 2016

TO: Dr. Anthony Spivey, DBA, Executive Director
FROM: Christopher Dierlam, Assistant General Counsel
DATE: September 26, 2016
RE: Current Open / Pending Orthotist & Prosthetist Cases

Case Inventory:

Total Cases open/active in PSU:	8
Cases in Emergency Action Unit:	0
Cases under legal review:	0
Cases with probable cause recommendation:	5
Total Cases where PC has been found:	1
Cases in holding status:	0
Cases pending before DOAH:	0
Cases in intake status:	0
Cases agendaed for Board:	0
Cases on Appeal:	0

Total Number of Cases Older Than One Year: 1

There are currently eight cases in the O & P inventory. Five cases have been recommended to PCP. One additional case is currently undergoing expert review and another is out for a supplemental investigation. As soon as the results of each are received, the prosecuting attorney will draft PCP recommendations and schedule a PCP meeting. The only case that is older than one year is post-PCP and has an Administrative Complaint issued but the Respondent has made substantive steps towards complying with the Board Order at issue.

Thank you.

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AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be furnished.—

10)(a)All patient records obtained by the department and any other documents maintained by the department which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department or the appropriate board.

Department of Health
Board of Orthotists and Prosthetists
2016-2017 Annual Regulatory Plan

1. Laws enacted or amended during the previous 12 months which create or modify the duties or authority of the Board.

Section 455.225(3)(a) F.S., requires each board, or the Department where there is no board, to establish by rule which violations are designated as minor violations for which the department may issue a notice of noncompliance.

The Board will review its Disciplinary Guidelines, Rule 64B14-7.00 and Citations, 64B14-7.004; to determine whether any violations come within the definition of a minor violation that would require further rulemaking.

Section 456.013 (7), F.S., The boards, or the department when there is no board, shall require the completion of a 2-hour course relating to prevention of medical errors as part of the biennial renewal process.

Rule to be amended 64B14-5.005

2. Laws not otherwise listed in paragraph (1) which the Board expects to implement by rulemaking before July 1, 2017.

Statutory Section Implemented	Rule	Reason for Rulemaking
None		

3. Law identified in prior year requiring rulemaking to implement but no notice of rule development published.

None

4. Certification

Pursuant to Section 120.74(1)(d), Florida Statutes, I hereby certify that I have reviewed this Annual Regulatory Plan and that the Board regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most recent review having been completed September 23, 2016.

s/ Tommy Chmielewski _____

Tommy Chmielewski, Chair, Board of Orthotists and Prosthetists

s/ Robert Milne _____

Robert Milne, Counsel, Board of Orthotists and Prosthetists

BOARD OF ORTHOTISTS AND PROSTHETISTS
RULES REPORT
AUGUST, 2016

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B14-2.002	Biennial Renewal Fee	01/29/2016	03/14/2016	03/30/2016	RN 04/20/2016 Correction 05/17/2016	06/03/2016	06/23/2016
64B14-2.0015	Application, Examination, and Initial Licensure Fees	01/29/2016	03/14/2016	03/30/2016	RN 04/20/2016 Correction 05/18/2016	06/03/2016	06/23/2016
64B14-3.001	Definitions		04/27/2015	05/04/2015	08/20/2015 Board Approved withdrawal Waiting for development to expire on 4/2016		
64B14-4.003 & 4.005	Documentation of Eligibility for Licensure. Documentation of Eligibility for Registration		04/27/2015	05/04/2015	08/20/2015 Board Approved withdrawal Waiting for development to expire On 4/2016		
64B14-7.003	Disciplinary Guidelines			05/04/2015	RN 10/05/2015 Hearing 12/11/2015	JAPC Letters 10/16/2015; 12/02/2015 JAPC Response Letters 11/09/2015; 12/03/2015 Rule Tolled 12/03/2015	

BOARD OF ORTHOTISTS AND PROSTHETISTS
RULES REPORT
OCTOBER, 2016

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B14-7.003	Disciplinary Guidelines			05/04/2015	RN 03/07/2016	JAPC Ltr 03/18/2016 Rule Tolled 06/06/2016	

COMMITTEE REPORTS:

- a. Budget –
- b. Continuing Education – Tommy Chmielewski
- c. Credentials – Brett Saunders
- d. Disciplinary Compliance – Tommy Chmielewski
- e. Healthiest Weight – Ruphlal Gooljar
- f. Legislation – Wayne Rosen
- g. Rules – Brett Saunders
- h. Probable Cause –
- i. Unlicensed Activity - Ruphlal Gooljar

2017 Board Meeting Dates

January 6, 2017

April 14, 2017

July 7, 2017

October 6, 2017