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

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**MINUTES - DRAFT
GENERAL BUSINESS MEETING**

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**Rosen Shingle Creek
9939 Universal Boulevard
Orlando, Florida**

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Thursday, October 24, 2013

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These proceedings are being recorded and an audio file of the meeting will be posted to the board's website.

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General Board Business started: 2:03 p.m.

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CALL TO ORDER:

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Mr. Ronald Gingras, Chairman, called the meeting to order at 2:03 p.m. Those present for all or part of the meeting included the following:

24

MEMBERS PRESENT:

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Ronald Gingras, Chair
Steven Mersch, Vice-Chair
Tommy Chmielewski
Erik Nilssen, M.D.

30

STAFF PRESENT:

31
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Bill Miller, Board Executive Director
Sharon Guilford, Program Operations Administrator

34

BOARD COUNSEL:

35
36
37

Lynette Norr, Assistant Attorney General
Office of Attorney General

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39

DISCUSSION OF RULES:

- 40
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42
- **64B14-4.115, F.A.C. – Requirements for Renewal of Prosthetic or Orthotic Residency or Internship (New)**

43
44

No action.

- 45
- **64B14-5.003, F.A.C. – Continuing Education Course Criteria**

1
2 (1) To be eligible for credit toward the licensee’s continuing education requirement, a
3 continuing education course shall be designed to enhance the learning and promote the
4 continued development of knowledge and skills of the individual licensee’s professional
5 practice. The course content shall be specifically designed and relevantly to the practice
6 of orthotics, prosthetics, and pedorthics to the stated level and learning needs of the
7 participants.
8

9 **Mr. Gingras moved to issue a Notice for Rule Development and to adopt the above**
10 **language as presented. The motion was seconded and carried 4/0.**

11
12 **Mr. Gingras moved that the proposed rule would not have any adverse impacts on**
13 **small businesses. The motion was seconded and carried 4/0.**

14
15 **Mr. Gingras moved that the proposed rule would not be likely to directly or**
16 **indirectly increase regulatory costs to any entity (including government) in excess of**
17 **\$200,000 in the aggregate in Florida within 1 year after the implementation of the**
18 **rule. The motion was seconded and carried 4/0.**

19
20 • **64B14-5.004, F.A.C. – Provider Application**

21
22 The board discussed and made the following modification to the above rule:

23
24 (5) Each program presented by an approved provider shall meet the standards of
25 subsection 64B14-5.003~~(2) or (3)~~ and Rule 64B14-5.004, F.A.C.
26

27 **Mr. Gingras moved to issue a Notice for Rule Development and to adopt the above**
28 **language as presented. The motion was seconded and carried 4/0.**

29
30 **Mr. Gingras moved that the proposed rule would not have any adverse impacts on**
31 **small businesses. The motion was seconded and carried 4/0.**

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33 **Mr. Gingras moved that the proposed rule would not be likely to directly or**
34 **indirectly increase regulatory costs to any entity (including government) in excess of**
35 **\$200,000 in the aggregate in Florida within 1 year after the implementation of the**
36 **rule. The motion was seconded and carried 4/0.**

37
38 • **64B14-7.001, F.A.C. – Standards of Practice**

39
40 No action.

41
42 **DISCUSSION OF CITATION/MEDIATION – Amie H. Rice, J.D., Investigation**
43 **Manager – CSU**

44
45 The board reviewed the correspondence from Ms. Rice, Investigation Manager – CSU.
46

1 • **64B14-7.005, F.A.C. – Notice of Noncompliance**

2
3 Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as
4 minor violations for which the Board authorizes issuance of notices of noncompliance for
5 a first-time offense:

6 (1) Renewal of a license by fraudulent misrepresentation through submitting a
7 worthless check or dishonored electronic payment.

8 (2) Failure to notify the Board of a change of current mailing address.
9 *Specific Authority 120.695, 456.073(3) FS. Law Implemented 120.695, 456.073(3) FS.*
10 *History–New 7-1-98; Amended _____.*

11
12 No action.

13
14 • **64B14-7.007, F.A.C. – Mediation (New)**

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16 **64B14-7.007 Mediation.**

17 The Board finds that mediation is an acceptable resolution of the following first-time
18 violations that are economic in nature or can be remedied by the licensee: ~~Failure to~~
19 ~~respond timely to a continuing education audit.~~

20 ~~(1) Failure to timely furnish patient records;~~

21 ~~(2) Failure to notify of change in current mailing address;~~

22 ~~(3) Failure to satisfy continuing education requirements;~~

23 ~~(4) Tendering a check or electronic payment that is dishonored;~~

24 ~~(5) Failure to timely pay fees or costs imposed by a final order of the Board;~~

25 ~~(6) Failing to comply with the educational course requirements for human~~
26 ~~immunodeficiency virus and acquired immune deficiency syndrome;~~

27 ~~(7) Permitting a license to become delinquent for fewer than 30 days, provided the~~
28 ~~licensee has not practiced, attempted to practice, or offered to practice the profession~~
29 ~~during the delinquency period;~~

30 ~~(8) Failure to promptly return a license or certificate to the Department;~~

31 ~~(9) Failure to keep license conspicuously displayed in licensee’s office, place of~~
32 ~~business, or place of employment;~~

33 ~~(10) Advertising violations~~

34 ~~(11) badge~~

35 *Specific Authority 456.078, 468.507 FS. Law Implemented 456.078 FS. History–New 12-*
36 *28-94, Formerly 59R-44.010.*

37
38 Ms. Norr stated that she would provide the board staff a copy of the rule revisions for the
39 next meeting.

40
41 • **64B14-7.004, F.A.C. – Citations**

42
43 **64B14-7.004 Citations.**

44 Pursuant to Section 456.077, F.S., the Board designates the following as citation
45 violations:

46 (1) For second-time and subsequent violations or when mediation is unsuccessful:

1 (a) Failure to timely furnish patient records in violation of Section 456.057(4), F.S.:
2 If corrected within 15 days: Fine of \$100;

3 (b) Failure to notify of change in current mailing address: Fine of \$500;

4 (c) Failure to satisfy continuing education requirements: Fine of \$100 per hour of
5 continuing education not completed;

6 (d) Tendering a check or electronic payment that is dishonored: Fine of \$100 and
7 payment of the check amount within 30 days.

8 (e) Failure to timely pay fees or costs imposed by a final order of the Board: Fine of
9 \$500.00, but double the original fee or fine if not paid within 60 days from the date
10 due;

11 (2) First-time and subsequent violations:

12 (1) Failure to furnish patient records in a timely manner in violation of Section
13 456.057(4), F.S.: If corrected within 15 days, fine of \$100.

14 (a)-(2) Failure to report to the department any person who is in violation of Chapter
15 468, F.S., Part XIV or Chapter 456, F.S., or the rules promulgated thereunder: \$250 fine.

16 (3) Failure to notify the Board of a change of current mailing address in violation of
17 Section 456.035, F.S., second offense: Fine of \$500.

18 (b)-(4) Violation of Section 468.811(1)(i), F.S., by failing to provide written notice of
19 any applicable warranty for an orthosis, prosthesis or pedorthic device provided to a
20 patient: Fine of \$100.

21 (5) Failure of the licensee to satisfy continuing education requirements established by
22 the board: Fine of \$100 per hour of continuing education not completed.

23 (6) Tendering a check that is dishonored by the institution upon which it is drawn
24 shall result in a fine of \$100 and payment of the check amount within 30 days.

25 (7) Failure to pay a fee or fine timely: if paid no later than 60 days from the date due,
26 a fine of \$500.00; if fine or fee is paid but more than 60 days from the date due, the fine
27 shall be double the original fee or fine amount.

28 (8) Failure to pay a one time assessment fee assessed pursuant to Rule 64B14-2.013,
29 F.A.C., in a timely manner: a fine of \$500.00 and payment of the assessment.
30 Rulemaking Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS.
31 History—New 7-1-98, Amended 3-19-02, 10-24-04, 4-25-06, 3-1-10, _____.

32
33 Ms. Norr stated that she would provide the board staff a copy of the rule revisions for the
34 next meeting.

35
36 **64B14-4.0015 Security and Monitoring Procedures for Licensure Examination.**

37 The Board adopts by reference Department of Health Rule ~~64B-1.003-64B-1.010~~, F.A.C.,
38 effective September 7, 1998 as its rule governing examination security and monitoring.
39 *Rulemaking Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—*
40 *New 5-23-99.*

41
42 **Mr. Gingras moved to issue a Notice for Rule Development and to adopt the above**
43 **language as presented. The motion was seconded and carried 4/0.**

44
45 **Mr. Gingras moved that the proposed rule would not have any adverse impacts on**
46 **small businesses. The motion was seconded**

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Mr. Gingras moved that the proposed rule 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 1 year after the implementation of the rule. The motion was seconded and carried 4/0.

Mr. Miller stated that a Petition for Declaratory Statement has been filed and a telephone conference call will be necessary. He requested the members to review their calendar and he would re-address at the meeting on Friday, October 23, 2013.

General Business ended: 4:25 p.m.

ADJOURNMENT:

The meeting was adjourned at 4:25 p.m.