

FLORIDA | Board of Orthotists & Prosthetists

DRAFT MINUTES

May 14, 2014

By Telephone Conference Call



Tommy Chmielewski, LPP
Chair

Addam Griner, CPO
Vice-Chair

Adrienne Rodgers, BSN, JD
Executive Director

1 The meeting was called to order by Mr. Chmielewski, Chair, at approximately 9:05 a.m. Those present for all or part of the meeting
2 included the following:
3

4 **General Board Business started: 9:05 a.m.**

5
6 **MEMBERS PRESENT:**

7 Tommy Chmielewski, LPP, Chair
8 Addam Griner, CPO, Vice-Chair
9 Ruphlal R. Gooljar, CPO, MA
10 George H. Meyer
11 Brett Saunders, CPO, FAAOP

6 **STAFF PRESENT:**

Adrienne Rodgers, Executive Director, BSN, JD
Sharon Guilford, Program Operations Administrator
Edith Rodgers, Regulatory Specialist II
Cassandra Smith, Regulatory Specialist II

12
13 **BOARD COUNSEL:**

14 Rachel Clark, Assistant Attorney General
15 Office of Attorney General

16
17 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
18 *this meeting can be found online: www.floridasorthotistsprosthetists.gov/meeting-information/*
19

20
21 **APPROVAL OF MINUTES:**

22
23 **February 28, 2014 – Full Board Meeting**

24
25 Minutes of the February 28, 2014, General Business Meeting Telephone Conference Call were reviewed. Motion to accept the
26 minutes was made by Mr. Saunders and seconded by Mr. Gooljar.

27
28 Vote 5 ayes/ 0 opposed; motion carried

29
30 **General Board Business ended: 9:10 a.m.**

31 **Other Actions started: 9:10 a.m.**

32
33 **PETITION FOR VARIANCE/WAIVER**

34
35 **Edgardo Hernandez – Orthotist.** Mr. Hernandez was present, but was not represented by counsel.

36
37 Petitioner requested a variance/waiver from rule 64B14-4.001, F.A.C. because of his education and experience. Based upon his good
38 standing with the Board for Orthotist/Prosthetist Certification (BOC) by examination in 2003, the American Board for Certification in
39 Orthotics, Prosthetics & Pedorthics, Inc. (ABC) awarded Petitioner the credential of a Certified Orthotist (CO) on August 1, 2004
40 through a temporary pathway that did not require him to meet educational, residential and/or experiential requirements. Petitioner
41 worked as an orthotist in Puerto Rico between November 2003 and July 2012.

42
43 Mr. Hernandez stated that he had not been practicing in Florida as an orthotist since his return to Florida in July 2012, but that he had
44 kept up with continuing education in the field through attendance at national association meetings.

45
46 Mr. Saunders asked why the material signed by the supervisor, Mr. Pagan, was in the same handwriting as the applicant's; after reviewing file he
47 believed that applicant was qualified to take the ABC examination; the applicant never took any examination and Mr. Saunders would not agree to
48 waive the requirement. Board Counsel explained that the applicant was requesting a waiver from taking the examination based on his education
49 and experience; asked if the Board found there was no hardship to requiring the examination and if the underlying purpose of the statute would not
50 be met unless the applicant took the ABC examination. Mr. Saunders and Mr. Griner agreed there was no hardship to requiring the examination
51 and the underlying purpose of the statute would not be met unless the applicant took the ABC examination.

52
53 Motion made by Mr. Chmielewski to deny the Petition for Variance/Waiver of Rule 64B14-4.001, F.A.C., because the underlying
54 purpose of statute would not be met and there was no hardship to requiring the examination. Seconded by Mr. Griner.

55
56 Vote 5 ayes/ 0 opposed; motion carried

57
58 **Other Actions ended: 9:51 a.m.**

1 **Application Actions started: 9:51 a.m.**

2 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

3
4 **Ray Sanchez** – The applicant was before the board for review of his application for **Orthotic Fitter Assistant**. Mr. Sanchez
5 was present but was not represented by counsel.

6
7 Mr. Sanchez’s application indicated that he was assisting an orthotic fitter to evaluate, fit and modify Orthotic devices. Because of
8 this description, the Board reviewed the application at its February 28, 2014, Board of Orthotists and Prosethetists meeting, but Mr.
9 Sanchez was not present. The Board issued an order, filed on March 18, 2014, requiring him to appear at one of the next two board
10 meetings in order to respond to questions of the Board.

11
12 The applicant explained that he “followed” the licensed orthotic fitter as the orthotic fitter evaluated, fit and modified orthotic devices;
13 that his title of Director of Patient Care entailed gathering information, acting as liaison for matching patients to services and for
14 billing services provided; that there was a Certified Prosthetist-Orthotist on staff.

15
16 Motion made by Mr. Saunders to issue a license for Orthotic Fitter Assistant. Seconded by Mr. Chmielewski.

17
18 Vote 5 ayes/ 0 opposed; motion carried

19
20 **Stephen D. Stokes, D.C.** – The applicant was before the board for review of his application for **Orthotic Fitter**. Dr. Stokes
21 was present but was not represented by counsel.

22
23 Dr. Stokes’s application was before the board for review because his Orthotic experience was gained under the direct supervision of a
24 licensed Chiropractor and occurred prior to the completion of the required courses for licensure.

25
26 The applicant explained that he received education in Orthotics while in training to be a Chiropractor. He subsequently trained under
27 a licensed Chiropractor when the rules allowed for Chiropractors to fit Orthotics until 2012 when the rules changed. He wanted to
28 concentrate his practice on the provision of orthotics (primarily back braces) and still supplied off-the-shelf Orthotics to his patients
29 and was given information from the Department that his education, training and experience would qualify him for an Orthotic Fitter
30 license.

31
32 Mr. Saunders reviewed s. 465.803(5)(c)3, Fla. Stat., and rule 64B14-4.003(2)(c), F.A.C., and stated that the required training must be
33 taken under a licensed Orthotist and that the training under a Chiropractor is not permitted. The statutory requirements could not be
34 waived and the applicant could qualify as an Orthotic Fitter Assistant until the required experience could be gained and the
35 examination would not have to be retaken. Board Counsel advised the applicant that he would need to waive having the Board issue a
36 decision within 90 days of application if he did not want the Board to deny his application. The applicant agreed to waive the 90 days.

37
38 No motion required.

39
40 **Mr. Gooljar left the meeting at 10:10 a.m.**

41
42 **Amira Ali Mouad** – The applicant was before the board for review of her application for an **Orthotist** license. Ms. Mouad
43 was present but was not represented by counsel. Mr. Saunders recused himself from participating as he was the original supervising
44 practitioner for the applicant.

45
46 Ms. Mouad’s application was before the board for review because during her residency she changed her supervisor and the location of
47 her residency without notifying the board.

48
49 The applicant gave background on her experience to date; stated that she submitted the appropriate forms as soon as she was made
50 aware that she had to report the changes; that there was no gap in her residency because of the changes; and that she had passed the
51 ABC examination for an Orthotist.

52
53 Motion made by Mr. Chmielewski to issue a license for Orthotist. Seconded by Mr. Griner.

54
55 Vote 3 ayes/ 0 opposed; motion carried

1 **Thomas F. Ruscitti** – The applicant was before the board for review of his application for a **Pedorthist** license. Mr. Ruscitti
2 was present but was not represented by counsel.
3

4 Mr. Ruscitti’s application was before the board for clarification of his experience, since the paperwork he submitted to the Board
5 office indicated misuse of his job function title and the possibility that he worked beyond the scope of this license.
6

7 The applicant admitted to using the title C-Ped on his badge at work, but explained that he believed this was allowed since he had
8 passed the ABC certification examination; that he only thought he could not use “licensed” in his job title and explained the work that
9 he performed.
10

11 Mr. Griner asked if the Board could levy an administrative fine for the misuse of the job title “C-Ped.” Board Counsel stated that the
12 Board had that authority.
13

14 Motion made by Mr. Chmielewski to issue a conditional license pending payment of a fine in the amount of \$300. Seconded by Mr.
15 Saunders.
16

17 Vote 4 ayes/ 0 opposed; motion carried
18

19 **Christina L. Skipper (Mann)** – The applicant was before the board for review of her application for an extension of time to
20 renew her **Prosthetic Residency**. Ms. Skipper presented after discussion began, and was not represented by counsel.
21

22 Ms. Skipper’s application was before the board for review because the credentialing committee determined that her request for an
23 extension of the time to complete her Prosthetic residency was submitted approximately one month after the expiration date.
24

25 Board Counsel advised that the requirement under rule 64B14-4.115, F.A.C., to file a written request for extension would not go into
26 effect until May 15, 2014.
27

28 Motion was made by Mr. Chmielewski to approve the extension complete her prosthetic residency until February 28, 2015. Seconded
29 by Mr. Griner.
30

31 Vote 4 ayes/ 0 opposed; motion carried.
32

33 Board staff announced the Orthotic license would be issued on May 14, 2014.
34

35 **Application Actions ended: 10:48 a.m.**
36

37 **General Board Business started: 11:03 a.m.**
38

39 **CHAIR/VICE-CHAIRMAN REPORT:** Mr. Chmielewski asked that the following items be placed on the next Board agenda:
40

- 41 • Discussion of Rule 64B14-4.100, F.A.C. – Requirements for Prosthetic or Orthotic Residency or Internship.
- 42 • Discussion of Rule 64B14-5.002, F.A.C. – Continuing Education Requirements.
- 43 • Ms. Guilford to contact CE Broker regarding the acceptance of fractional credit hours and provide an update at the next
44 meeting.
- 45 • Board staff to review the licensure application for orthotic fitter and orthotic fitter assistant; Board staff to provide an
46 update/new language at the next meeting for Board review.
- 47 • Correct the Orthotic Fitter Assistant Pathway on the board’s website; Ms. Guilford to provide an update at the next meeting.
- 48 • Discussion on s. 468.812, Fla. Stat., exemptions from licensure.
- 49 • Communication with the ABC Residency Programs to create a better flow of information between the Board and the
50 programs for prosthetic and orthotic residency; Board staff to provide an update of contact at the next meeting.
- 51 • Committee chairs to make reports of their committee activities at the next Board meeting.
52

53 **BOARD COUNSEL’S REPORT:**
54

55 **Rule Status Report:** Ms. Clark provided an overview of the report.
56

- 57 • Rule 64B14-4.115, F.A.C., will be effective May, 15, 2014.
58

- 1 • Rule 64B14-7.004, F.A.C., governing the issuance of citations, was questioned by JAPC and responded to by Ms. Clark. If the
2 explanation was accepted, then Ms. Clark will move forward on the rule.
3 • Rule 64B14-7.007, F.A.C., governing mediation expired and should be removed from the annual regulatory plan.
4 • Rule 64B14-4.100, F.A.C., Requirements for Prosthetic or Orthotic Residency or Internship, will be added to the plan.
5

6 **Annual Regulatory Plan**

7
8 Mr. Saunders moved to approve the Annual Regulatory Plan as amended by Board Counsel. Mr. Griner seconded.

9
10 Vote 4 ayes/ 0 opposed; motion carried.

11
12 Mr. Saunders moved to delete Rule 64B14-7.007, F.A.C., the mediation rule, from the plan. Mr. Griner seconded.

13
14 Vote 4 ayes/ 0 opposed; motion carried.
15

16 **EXECUTIVE DIRECTOR'S REPORT:**

17 **House Bill 7015 – For information only:**

18 Ms. Rodgers informed the Board that **HB 7015** was approved by the Governor on March 31, 2014. Section 27 of the bill, amending
19 section 456.013(13), Fla. Stat., waives the initial licensing/application/unlicensed activity fees for spouses of military veterans
20 honorably discharged within specified timeframes. Section 28 of the bill amends section 456.024(3), Fla. Stat., for a person who
21 served or is serving as a health care provider in the military who now can submit a separate application form and have
22 licensing/application/unlicensed activity fees waived so long as they meet specified conditions.
23
24
25

26 **Annual Delegation of Authority**

27
28 Ms. Rodgers stated the Annual Delegation of Authority may be tabled until the next board meeting. The board concurred.

29
30 Mr. Chmielewski announced that the next meeting date is July 30, 2014 in Orlando, Florida. Mr. Chmielewski thanked Mr. Saunders
31 for providing information on the activities of the Credentialing Committee.

32
33 Mr. Saunders stated he was approached by NCOPE and others regarding school sponsored residency and whether the schools or
34 residents were exempted from following the statutes or rules governing residency. Mr. Chmielewski asked that this be added for
35 discussion to the next agenda.

36
37 Motion was made by Mr. Chmielewski to adjourn. Seconded by Mr. Saunders.

38
39 Vote 4 ayes/ 0 opposed; motion carried.
40

41 **General Board Business ended: 11:25 a.m.**

42
43 The meeting was adjourned at 11:25 a.m.