

FLORIDA | Board of Orthotists & Prosthetists

MINUTES
July 30, 2014

Renaissance Orlando at Sea World
6677 Sea Harbor Drive
Orlando, FL 32821

9:00 a.m.

Tommy Chmielewski, LPP
Chair

Addam Griner, CPO
Vice-Chair

Adrienne Rodgers
Executive Director

Sharon Guilford, CPM
Program Operations Administrator



1 The meeting was called to order by Mr. Chmielewski, Chair, at approximately 9:05 a.m. Those
2 present for all or part of the meeting 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 Meyer, R.
11 Brett Saunders, CPO, FAAOP

6 **STAFF PRESENT:**

Adrienne Rodgers, Executive Director
Sharon Guilford, Program Operations Administrator

12
13 **BOARD COUNSEL:**

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

16
17 **PROSECUTING COUNSEL:**

18 Bridgett McDonnell, Assistant General Counsel
19 Department of Health, Office of the General Counsel

20
21 *Please note the minutes reflect the actual order agenda items were discussed and may differ from*
22 *the agenda outline. AUDIO from this meeting can be found online:*

23 <http://www10.doh.state.fl.us/pub/hmgacb/Orthotists%20&%20Prosthetists/>
24

25 **APPROVAL OF MINUTES:**

26
27 **May 14, 2014 – Telephone Conference Call**

28
29 **Mr. Saunders moved to approve the above minutes. Mr. Griner seconded and the motion**
30 **was carried 5/0.**

31
32 **General Business ended: 9:10 a.m.**

33 **Other Actions started: 9:10 a.m.**
34

35 **PETITION TO VACATE ORDER DENYING PETITION FOR**
36 **VARIANCE OR WAIVER – Edgardo Hernandez – Rule 64B14-4.001, F.A.C.**

37
38 Mr. Hernandez was present, sworn and addressed the board.

39
40 Mr. Hernandez addressed his Petition. He requested the board to consider allowing him to only
41 take Part I and Part II examination with ABC.

42
43 Mr. Saunders stated that an applicant can take all three parts of the examination between
44 September and December. He did not believe the additional information supplied by the
45 Petitioner was sufficient to vacate the Board's May 14, 2014 Denial of Petition for Variance or
46 Waiver.

1
2 **After further discussion, Mr. Saunders moved to approve Mr. Hernandez’s application for**
3 **eligibility to take all three parts of the ABC examination. Mr. Griner seconded and the**
4 **motion carried 5/0.**

5
6 **PETITION FOR VARIANCE/WAIVER – Michael Manship – Rule 64B14-4.003(1)(d),**
7 **F.A.C.**

8
9 Mr. Manship was present, sworn and addressed the board.

10
11 Mr. Manship requested the board to consider his experience in orthotics as his internship. He
12 completed a 1900 hour internship many years ago; but was unable to provide a patient log as
13 required by rule 64B14-4.003(1)(d), F.A.C.

14
15 Mr. Saunders stated that he did complete the 1900 hours due to the ABC verification received by
16 the board.

17
18 **Mr. Saunders moved to grant the waiver and issue Petitioner a license as an orthotist. Mr.**
19 **Griner seconded and the motion carried 5/0.**

20
21 **Other Actions ended: 9:45 a.m.**

22 **Application Actions started: 9:45 a.m.**

23
24 **APPLICANT PRESENTED FOR BOARD REVIEW:**

25
26 **Marino Reyes – Prosthetist**

27
28 Mr. Reyes was present, sworn and addressed the board.

29
30 Mr. Reyes stated that he had applied for licensure as a Prosthetist. When the staff was reviewing
31 his application they had determined that he was working in Florida without being properly
32 licensed as a prosthetic resident. He also stated that he had completed all required mandatory
33 courses.

34
35 **After further discussion, Mr. Saunders moved to conditionally approve Mr. Reyes² for**
36 **licensure upon payment of \$705.00 (\$200.00 administrative fine and \$505.00 for the**
37 **residency application and licensure). Mr. Griner seconded and the motion carried 5/0.**

38
39 The board requested staff to file a complaint against Petitioner’s supervisors for aiding and
40 abetting unlicensed activity.

41
42 **RATIFICATION OF LICENSURE:**

43
44 **Orthotists/Prosthetists**

45 (Henry M Tonkin, POR 274 – Kristine Ann Fortenberry, POR 279)

1 Mr. Griner recused himself from participating.

2
3 **Mr. Chmielewski moved to approve the ratification list. Mr. Saunders seconded and**
4 **carried 4/0.**

5
6 **Prosthetists**

7 (Dana Lynn Schack, PRO 161)

8
9 Mr. Griner recused himself from participating.

10
11 **Mr. Chmielewski moved to approve the ratification list. Mr. Saunders seconded and**
12 **carried 4/0.**

13
14 **Orthotists**

15 (Laura Lynn McRickard, ORT 251 – Tuan Anh Do, ORT 253)

16
17 **Mr. Chmielewski moved to approve the ratification list. Mr. Saunders seconded and**
18 **carried 5/0.**

19
20 **Orthotic Fitter**

21 (Christopher Joseph Leyva, OF 247 and Katie Rae Reeley, OF 248)

22
23 **Mr. Chmielewski moved to approve the ratification list. Mr. Saunders seconded and**
24 **carried 5/0.**

25
26 **Orthotic Fitter Assistant**

27
28 No report.

29
30 **Pedorthists**

31 (Emilsa Lopez, PED 222 and Thomas Francis Ruscitti, PED 223)

32
33 **Mr. Chmielewski moved to approve the ratification list. Mr. Saunders seconded and**
34 **carried 5/0.**

35
36 **Orthotic Resident**

37 (Larry Brett, ORTR 136)

38
39 **Mr. Chmielewski moved to approve the ratification list. Mr. Saunders seconded and**
40 **carried 5/0.**

41
42 **Prosthetic Resident**

43 (Jennifer Susan Simmons, PROR 76 and John William Devine, Jr., PROR 77)

44
45 **Mr. Chmielewski moved to approve the ratification list. Mr. Saunders seconded and**
46 **carried 5/0.**

1 **Applications ended: 10:18 a.m.**

2
3 The board took a break between 9:55 a.m. – 10:18 a.m.

4
5 **Disciplinary started: 10:18 a.m.**

6
7 **FINAL ORDER ACTION:**

8
9 **Motion for Final Order for Hearing Not Involving Disputed Issues of Material Facts:**

10
11 **Robert A. Feldman, Pedorthist – Case # 2012-05994**

12 **PCP: Mersch/Fredrick**

13
14 Mr. Feldman was not present and was not represented by counsel.

15
16 Ms. McDonald provided an overview of the respondent's email sent to her prior to the meeting.

17
18 Ms. McDonald informed the board that the respondent had violated:

- 19
 - 456.072(1)(dd), F.S. (2 counts)
 - 456.072(1)(o), F.S.

20
21
22 **Mr. Chmielewski moved that the Election of Rights were filed and the respondent selected**
23 **option 1. Mr. Saunders seconded and the motion carried 5/0.**

24
25 **Mr. Chmielewski moved that the respondent was properly served and requested an**
26 **informal hearing. Mr. Saunders seconded and the motion carried 5/0.**

27
28 **Mr. Chmielewski moved to adopt the findings of fact as stated in the administrative**
29 **complaint. Mr. Saunders seconded and the motion carried 5/0.**

30
31 **Mr. Chmielewski moved to accept the investigative report and all case materials including**
32 **all confidential and addendum materials, if any, into evidence in these proceedings. Mr.**
33 **Saunders seconded and the motion carried 5/0.**

34
35 **Mr. Chmielewski moved to adopt the conclusions of law and find that the respondent was in**
36 **violation as alleged in the administrative complaint. Mr. Saunders seconded and the motion**
37 **carried 5/0.**

38
39 Ms. McDonald recommended the following penalty:

- 40
 - reprimand
 - Administrative Fine of \$750.00
 - Administrative Costs of \$1,785.92
 - Continuing education course in laws and rules of the board
 - Reimbursement to the patient and/or third party payer of any remaining out of pocket fees and costs owed
 - 6 months of probation with conditions

1 **After further discussion, Mr. Chmielewski moved to accept the Department's**
2 **recommendation. Mr. Griner seconded and the motion carried 5/0.**

3
4 **Mr. Saunders moved to require the respondent to pay the administrative fine and costs**
5 **within six months from the filing of the final order. Mr. Griner seconded and the motion**
6 **carried 5/0.**

7
8 **Disciplinary Actions ended: 10:40 a.m.**
9 **General Business started: 10:40 a.m.**

10
11 **CHAIR/VICE-CHAIR REPORT:**

12
13 **Future Agenda Items**

- 14
15 • Ms. Guilford will provide an update on drafting language, educational materials to be sent
16 to NCOPE Residents and the O&P schools regarding Florida licensure requirements. This
17 request is due to the number of residents not knowing the residency licensure
18 requirements.
19 • Rule 64B14-4.001, F.A.C. – Requirements for Prosthetic or Orthotic Residency or
20 Internship
21 • Ms. Guilford will provide a written report to the board on her follow-up with Ms. Meany
22 on CEBroker's set-up on accepting ¼ hours.
23 • Ms. Guilford will provide a written report to the board on her follow-up on whether each
24 time an applicant applies for licensure a background screening should be performed.
25

26 **EXECUTIVE DIRECTOR'S REPORT:**

27
28 **Optional Phase Compliance Report**

29
30 Ms. Rodgers presented data for the Optional Phase Compliance 11/12 and 13/14 Renewal.

31
32 **Annual Delegation of Authority**

33
34 Ms. Rodgers provided an overview of the Annual Delegation of Authority and asked the Board to
35 approve as presented.

36
37 **Mr. Chmielewski moved approving the Annual Delegation of Authority. Mr. Griner**
38 **seconded and the motion carried 5/0.**

39
40 Ms. Rodgers also addressed a recent letter of the Department of Justice to the Louisiana Supreme
41 Court concerning questions asking a person about their physical and mental health; therefore, the
42 Department of Health was being proactive to make the necessary changes to all professions
43 applications.

44
45 Ms. Rodgers requested the board to consider adding the licensure application to the next agenda
46 to modify paragraph 4 of the instructions relating to mental health.

1 **BOARD COUNSEL REPORT:**

2
3 **Rules Status**

4
5 Ms. Clark provided an overview of the Rules Status Report.

- 6
7
 - 8 • 64B14-4.0015, F.A.C.
 - 9 • 64B14-4.115, F.A.C.
 - 10 • 64B14-7.004, F.A.C.
 - 11 • 64B14-7.005, F.A.C.
 - 12 • 64B14-7.007, F.A.C.

13 **Ratification of Annual Regulatory Plan Supplement 2014-2015**

14
15 Ms. Clark provided an overview of the rules listed on the Annual Regulatory Plan Supplement
16 2014-2015 and requested the board to vote in ratifying those rules.

17
18 **Mr. Chmielewski moved to approve the regulatory plan. Mr. Saunders seconded and the**
19 **motion** carried 5/0.

20
21 **COMMITTEE REPORTS:**

22
23 **Budget – George Meyer**

24
25 No report.

26
27 **Continuing Education – Tommy Chmielewski**

- 28
29
 - 30 • **Course Application for Board Approval – 2014 FAOP Annual Scientific**
31 **Symposium –**
 - 32 ○ **Medical Errors and Omissions with Record Keeping for the O&P**
33 **Profession**
 - 34 ○ **Infection Control/HIV/AIDS for the O&P Profession**
 - 35 ○ **Florida O&P Laws and Rules of the Board**

36 **After discussion, Mr. Chmielewski moved to approve the above courses as presented. Mr.**
37 **Saunders seconded and the motion carried 5/0.**

38
39 The board requested modification of the continuing education rule to require providers requesting
40 approval of mandatory courses to submit documentation for approval no later than 90 days of the
41 offering date. This will allow the board to review the courses and provide any comments to the
42 provider prior to possible approval.

43
44 Ms. Clark stated that she would have to research the law to determine if this request is legal. If
45 so, she will work with Ms. Guilford in providing language for the board to consider at their next
46 meeting.

1 **Credentials – Brett Saunders**

2
3 No report.

4
5 **Disciplinary Compliance – Tommy Chmielewski**

6
7 Mr. Chmielewski provided a brief overview of the practitioners he was monitoring.

8
9 **Daniel Reuben Reid – Case Number 2011-03758 – Request for Extension of Payment**

10
11 Mr. Reed was not present.

12
13 Mr. Chmielewski provided an overview of Mr. Reid’s request for extension of payment. Mr.
14 Reid was unable to attend the meeting as he was having health problems and was unable to work
15 to comply with the Final Order to make payments to the board.

16
17 **After further discussion, Mr. Chmielewski moved to deny Mr. Reid’s request for an**
18 **extension of payment. Mr. Saunders seconded and the motion carried 5/0.**

19
20 **Healthiest Weight – Ruphlal Gooljar**

21
22 **Update from July 14, 2014 Meeting**

23
24 Mr. Gooljar provided an overview of the meeting. Participants were placed into four groups for
25 more effective participation by all. He provided the following key points:

- 26
- 27 • How to counsel patients on healthy weight – We are not trained, so you may have
28 to refer patients to their Primary Care Physicians.
 - 29 • Proposed making Healthiest Weight Mandatory continuing education required for
30 renewal.
 - 31 • Coordinate with the different boards to see what they are doing to promote a
32 healthy weight.
 - 33 • Waiting room ideas: Short videos on eating healthy and showing that eating
34 healthy can be cost effective.
 - 35 • Encourage parents to attend school board meeting-to push for healthy lunches and
36 for more play time.
 - 37 • Pre-natal counseling
 - 38 • Know your numbers: blood pressure, blood sugar, and BMI
 - 39 • When talking about healthy weight, be tactful, use different words, and for
40 example be active instead of needing to exercise each day. Have a food
41 plan/instead of diet.

42 Ms. Rodgers stated that the purpose of the meetings is to focus on healthy weight and not just
43 obesity. She appreciated Mr. Gooljar participating with the Department of Health.

44
45
46 **Legislation – Addam Griner**

1
2 Mr. Griner stated that there was discussion of possible legislation that may hinder ARNPs from
3 writing prescriptions for our profession.

4
5 The board discussed the possibility of adding s. 468.803(3), F.S. to the list of statutes in the
6 Department of Health legislative package to modify the residency language to allow dual
7 residencies.

8
9 Ms. Rodgers stated that she will add the board's request to the legislative list.

10
11 **Probable Cause – George Meyer**

12
13 **Stats**

14
15 Information only.

16
17 **Rules – Brett Saunders**

- 18
19
 - **Rule 64B14-4.100, F.A.C. – Requirements for Prosthetic or Orthotic Residency or**
20 **Internship**

21
22 No action.

- 23
24
 - **Rule 64B14-5.002, F.A.C. – Continuing Education Requirements**

25
26 No action.

- 27
28
 - **Section 468.812, F.S. – Exemptions from Licensure**

29
30 The board clarified that students, fellows, or trainees in orthotics, prosthetics, or pedorthics
31 pursuing a course of study at a regionally accredited college or university or working in a
32 recognized training center or research facility... are exempt from licensure.

- 33
34
 - **Rule 6414-4.110, F.A.C. – Requirements for Orthotic Fitter, Orthotic Fitter**
35 **Assistant and Pedorthist Licensure**

36
37 No action.

- 38
39
 - **Rule 64B14-4.003 – Documentation of Eligibility for Licensure**

40
41 No action.

42
43 **Unlicensed Activity - Ruphlal Gooljar**

44
45 Mr. Gooljar reported information about public service video announcements DOH is using to
46 make people aware of the potential hazards when using unlicensed professionals,

1 Ms. Rodgers reported the DOH is working to increase the public's awareness of problems when
2 using unlicensed practitioners by airing public service announcements and by other means,
3 especially targeting areas of the State of Florida where unlicensed activity is more prevalent.
4

5 **APPROVAL OF 2015 MEETING DATES:**

6
7 January 30th – Tallahassee

8 July 28th – Marco Island

9 October 9th – Tampa

10
11 Telephone Conference Calls (all will start at 9:00 a.m.)

12
13 March 20th

14 May 29th

15 December 11th

16
17 **Mr. Chmielewski moved to approve the above meeting dates. Mr. Griner seconded and the**
18 **motion carried 5/0.**

19
20 **NEXT MEETING DATE: October 17, 2014 – Orlando, FL**

21
22 **ADJOURNMENT:**

23
24 The meeting was adjourned at 12:03 p.m.