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FLORIDA | Board of Orthotists & Prosthetists

MINUTES
January 30, 2015

Four Points by Sheraton Downtown
316 West Tennessee Street
Tallahassee, FL 32301



Tommy Chmielewski, LPO
Chair

Addam C. Griner, CPO
Vice-Chair

Adrienne Rodgers, BSN, JD
Executive Director

1
2 **General Board Business started: 9:00 a.m.**
3

4 The meeting was called to order by Mr. Chmielewski, Chair. Those present for all or part of the meeting included the following:
5

6 **MEMBERS PRESENT:**

7 Tommy Chmielewski, LPO, Chair
8 Brett Saunders, CPO, FAAOP
9 Ruphlal R. Gooljar, CPO, MA
10 George H. Meyer, Jr.

STAFF PRESENT:

Adrienne Rodgers, BSN, JD, Executive Director
Joseph Lesho, Program Operations Administrator
Michele Jackson, Regulatory Supervisor/Consultant
Samantha Thompson, Regulatory Specialist II
Kellee Crowson, Regulatory Specialist II
Edith Rogers, Adminis

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12
13
14 **EXCUSED ABSENCES:**

15 Addam C. Giner, CPO, Vice Chair
16 Motion to approve absence made by Mr. Saunders, seconded by Mr. Meyers.
17 Vote: 4 yeas / 0 opposed; motion carried
18

19 **BOARD COUNSEL:**

20 Rachel Clark, Assistant Attorney General
21 Office of Attorney General
22

23 **PROSECUTION COUNSEL:**

24 Bridget McDonnell, Assistant General Counsel
25 Christopher R. Dierlam, Assistant General Counsel
26 Department of Health, Office of the General Counsel
27

28 **COURT REPORTER:**

29 Court Reporter: For the Record Reporting
30 Phone: (850) 222-5491
31 Contact: Kay Fitchner
32

33 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
34 *this meeting can be found online: <http://floridasorthotistsprosthetists.gov/meeting-information/>*
35

36 **Section II started at 9:01 a.m.**
37

38 **II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF ORTHOTISTS &**
39 **PROSTHETISTS**

40 Minutes of the October 17, 2014 General Business Meeting were reviewed.
41
42

43 Ms. Rodgers noted the following corrections to the minutes:
44 Page 7 of 9, line 54, rule citation should be rule 64B14-4.001, F.A.C.
45 Page 8 of 9, line 1, rule citation should be rule 64B14-4.001, F.A.C.
46

47 Motion to accept the minutes as amended was made by Mr. Chmielewski and seconded by Mr. Saunders.
48 Vote: 4 ayes / 0 opposed; motion carried
49

50 **Section II concluded at 9:03 a.m.**

51 **Section III started at 9:03 a.m.**
52

53 **III. BOARD FINAL ACTION:**

- 54
55 a. Settlement Agreement:
56 i. William Stanley Patterson, Prosthetist – Case # 2012-16229
57 Mr. Meyer was recused due to participation on the probable cause panel.
58 Respondent was present and represented by counsel, Julie Gallagher, Esq.

1
2 Respondent was charged in a three count Administrative Complaint alleging violation of (1) section 456.072(1)(j), Fla. Stat.,
3 for aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to
4 Chapter 456 or 468, Fla. Stat.; (2) section 456.072(1)(p), Fla. Stat., for delegating or contracting for the performance of
5 professional responsibilities when Respondent knew or should have known the person was not qualified by training or
6 experience to perform those duties; and (3) section 468.811(1)(k), Fla. Stat., for making deceptive, untrue or fraudulent
7 representations in the licensed or unlicensed practice of orthotics, prosthetics, or pedorthics. Respondent claimed to serve as
8 the resident supervisor for various persons when none of those persons were registered residents.
9

10 The Department presented a settlement agreement with the following terms and conditions:

- 11 • requiring the Respondent to appear at the board meeting;
- 12 • board to issue a reprimand;
- 13 • fine of \$1,500 to be paid within 12 months of the filing of the Final Order;
- 14 • costs in the amount of \$4,500 to be paid within 12 months of the filing of the Final Order;
- 15 • Continuing education course in the laws and rules of the board to be completed within 12 months of the filing of the
16 Final Order.

17 The Department presented mitigating factors that support the settlement.

18
19 **Board Action:** Motion to accept the Settlement Agreement as recommended by the Department made by Mr. Saunders
20 seconded by Mr. Gooljar and Mr. Meyer.

21 Vote: 3 yeas / 0 opposed; motion carried
22

23 Ms. Mc Donnell presented the prosecution report. There are no cases open over one year.
24

25 **Section III concluded at 9:10 a.m.**
26 **Section IV started at 9:10 a.m.**
27

28 **IV. RESIDENCY EXTENSION REQUEST:**
29

- 30 a. Bradley Martin – current Prosthetic Resident
31 Mr. Martin was present but was not represented by counsel.

32
33 Mr. Martin requested an extension of his residency through the date that he takes the prosthetic examination.

34 **Action:** Motion to approve the request for extension made by Mr. Saunders seconded by Mr. rg.
35
36 Vote: 4 yeas / 0 opposed; motion carried
37

- 38 b. Anthony Wayne Baker - current Prosthetic Resident
39 Mr. Baker was not present and was not represented by counsel

40
41 Mr. Baker requested an extension of his residency through the date that he takes the prosthetic examination.

42
43 **Action:** Motion to approve the request for extension made by Mr. Saunders seconded by Mr. gm.
44
45 Vote: 4 yeas / 0 opposed; motion carried

- 46 c. Tara Michele Reynolds - current Prosthetic Resident
47 Ms. Reynolds was not present and was not represented by counsel.

48
49 Ms. Reynolds requested an extension of her residency through the date that she takes the prosthetic examination.

50
51 **Action:** Motion to approve the request for extension made by Mr. Saunders seconded by Mr. gm.
52
53 Vote: 4 yeas / 0 opposed; motion carried

- 54 d. Michelle Ann Tamm - current Prosthetic Resident
55 Ms. Tamm requested an extension of her residency through the date that she takes the prosthetic examination.

56
57 **Action:** Motion to approve the request for extension made by Mr. Saunders seconded by Mr. Meyer.
58
Vote: 4 yeas / 0 opposed; motion carried

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2 **Section IV concluded at 9:16a.m.**

3 **Section V started at 9:16 a.m.**

4
5 **V. RATIFICATION OF LICENSURE**

- 6
7 1. Orthotists/Prosthetists
8 2. Orthotists
9 3. Orthotic Fitter
10 4. Orthotic Fitter Assistant
11 5. Pedorthists
12 6. Orthotic Resident
13 7. Prosthetic Resident

14
15 Motion to ratify issuance of Orthotists/Prosthetists license numbers 285, Michael W Moskol, and 287 through 289 made by
16 Mr. Saunders, second by Mr. Meyer.

17 Vote: 4 yeas; motion carried

18
19 Motion to ratify issuance of Orthotists license number 256 through 259 made by Mr. Saunders, second by
20 Mr. Meyer.

21 Vote: 4 yeas; motion carried

22
23 Motion to ratify issuance of Orthotic Fitter license number 251 made by Mr. Saunders, second by
24 Mr. Meyer.

25 Vote: 4 yeas; motion carried

26
27 Motion to ratify issuance of Orthotic Fitter Assistant license number 324 through 325 made by Mr. Saunders, second by Mr.
28 Meyer.

29 Vote: 4 yeas; motion carried

30
31 Motion to ratify issuance of Pedorthists license number 228 made by Mr. Saunders, second by
32 Mr. Meyer.

33 Vote: 4 yeas; motion carried

34
35 Motion to ratify issuance of Orthotic Resident license number 140 through 141 made by made by Mr. Saunders, second by
36 Mr. Meyer.

37 Vote: 4 yeas; motion carried

38
39 Motion to ratify issuance of Prosthetic Resident license number 84 through 85 made by made by Mr. Saunders, second by
40 Mr. Meyer.

41 Vote: 4 yeas; motion carried

42
43 **Section VI concluded at 9:20 a.m.**

44 **Section VII started at 9:20 a.m.**

45
46 **VII. CHAIR/VICE CHAIR REPORT**

47
48 Future Agenda Items: Ms. Clark asked that the disciplinary guidelines be reviewed and discussed at the next Board meeting.

49
50 **VIII. EXECUTIVE DIRECTOR'S REPORT**

- 51
52 1. Referencing the October 17, 2014, meeting directive regarding a list of residency sites, Ms. Rodgers stated that the Board
53 staff can try to have a link on the Board website to the NCOPE site for Florida residency programs, but would not
54 recommend placing an actual list on the Board's website. The page showing the Florida approved sites contains a link to
55 the remaining states from which an interested person can search for an approved site.

56
57 Ms. Rodgers handed out a draft of the letter to be sent to NCOPE Residents and the O&P schools regarding Florida
58 residency and licensure requirements. Once the Board approves of the language, the letter will also be placed on the

1 Board's website. Board members asked to have time to review the letter. Mr. Saunders suggested softening the language.
2 Send to all schools across the US and all residency programs in Florida. Program administration and school
3

- 4 2. Ms. Jackson presented information regarding background screening requirements when a licensed individual applies for
5 additional licenses. This information is to be added to the Board's website on the application page, and board staff will
6 review the applications to determine if a more specific change is needed. Ms. Edith Rogers spoke regarding residency
7 background checks. The Board asked board staff to look into whether there can be a level I background check for the
8 second or later applications and to look at whether the applications have a disclosure regarding Livescan costs.
9

10 IX. BOARD COUNSEL'S REPORT

- 11 1. Rules Status – see report.
12
13 2. Ms. Clark asked for feedback on rule 64B14-4.003(1)(d), F.A.C. on letter which is on page 31 of the emailed addendum.
14 The issue revolved around whether the second sentence should be retained or eliminated. Does the first sentence meet
15 the board's intent and is the second sentence necessary to carry out the intent. Ms. Clark suggested that the board not
16 make a change to the language.
17
18 3. 64B14-5.005, F.A.C., mandatory courses to be submitted 90-days in advance of the course offering. Mr. LaFace was
19 present as a representative of FAOP. The annual FAOP conference takes some time to put together and find qualified
20 speakers to commit. FAOP suggests 30-days. FAOP also wants the ability to substitute live presenters in the event of
21 emergency. Argues that FAOP is a small business and this rule would have an adverse impact. Suggested longer time for
22 course content and shorter time for presenter.
23

24
25 Mr. Chimielewski stated there were historically and are presently problems with late submission that led to day before
26 approval of courses. Mr. Saunders suggested sending course content with suggested presenter(s). Mr. LaFace still
27 contended that 90-days was too much time to submit the information.
28

29 Mr. Saunders and Mr. Chimielewski stated 90-days was a reasonable time for presentation given that more than one
30 presenter could be approved. Mr. Saunders stated 45-days could cause FAOP to be in a position of not having approved
31 courses for the meeting.
32

33 The Board determined there would not be a change to the rule language at this time.
34

35 **10:26 board took a break**

36 **General Business resumed at 10:42 a.m.**

37 **Section IX started at 10:42 a.m.**
38

39 IX. NEW BUSINESS

40 BOC request for discussion – Claudia Zacharias, Jim Newberry and Wayne Rosen on behalf of BOC
41 Ms. Zacharia asked that the Board accept its certification / accreditation in granting licensure.
42

43 Discussion:

44 Mr. Chimielewski asked if there could be a reciprocal arrangement for the examinations. Mr. Saunders asked if the only
45 basis for appearance today was for BOC examination be accepted by the Board. Ms. Zacharias confirmed that was the
46 purpose of the appearance. Mr. Saunders asked for more information on the examinations and its process. Ms. Zacharias
47 offered psychometric study, form, test content, etc. since it is all on the BOC website.
48

49 **Section IX ended at 11:11 a.m.**

50 **Section X started at 11:11 a.m.**
51

52 X. COMMITTEE REPORTS

- 53
54 1. Budget – Mr. Meyer spoke about the 2013-2014 budget report.
55
56 2. Continuing Education – Mr. Chmielewski had no report
57
58 3. Credentials – Mr. Saunders had no report

1
2 4. Disciplinary Compliance –Mr. Chmielewski just one case reviewed this time. The monitor’s report was approved.
3 Ms. Burnett, compliance officer, was introduced and stated she would give the committee chair an updated report of the O&P
4 compliance matters.
5

6 5. Healthiest Weight –Mr. Gooljar gave a presentation of the background and goals, and suggestions for encouraging the
7 Healthiest Weight initiative. The wellness program where Mr. Gooljar works has an incentive program for the patients which rewards
8 patients who participate in pre-screening, smoking cessation and other healthy measures.
9

10 6. Legislation –Mr. Griner made HB 515 available with his comments. Mr. LaFace addressed the Board about the physical
11 therapist expansion of treatment.
12

13 7. Probable Cause –Mr. Meyer no new cases brought to PCP.
14

15 a. Stats corrected and handed out to the Board.
16

17 8. Rules – Mr. Saunders
18

- 19 i. Rule 64B14-5.005, F.A.C., rule 64B14-5.005, F.A.C. and rule 64B14-4.003, F.A.C., were already discussed.
- 20 ii. Mr. Sanders stated comments regarding rule 64B14-4.001, F.A.C. from Mr. Gallo had not yet been addressed.
21 Ms. Clark opined that the statute does not call for approving each and every examination. This item will be
22 placed on the next board agenda for discussion.

23 9. Unlicensed Activity – Mr. Gooljar spoke about the fee for unlicensed activity. O&P has not had any unlicensed activity in
24 FY 2013-2014. Mr. Gooljar asked for presentation at the next board meeting.
25

26 **Election of Officers:**

27 Motion by Mr. Saunders second by Mr. Meyer to elect Mr. Chimielewski as chair and Mr. Griner as vice chair for 2015.

28 Vote 4 ayes / 0 opposed; motion carried
29

30 **XI. NEXT MEETING DATE:** March 20, 2015 – Teleconference call. Mr. Chimielewski stated that he has a conflict on that date.

31 Mr. Saunders asked that board staff verify the date of the July meeting and if needed, correct the website.
32

33 **XII. ADJOURNMENT**
34

35 **General Board Business concluded at 11:31 a.m.**

36 The meeting was adjourned at 11:31 a.m.