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**FLORIDA** | Board of Orthotists & Prosthetists

MEETING MINUTES

May 29, 2015

Teleconference

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399-3257



Tommy Chmielewski, LPO

***Chair***

Addam C. Griner, CPO

***Vice-Chair***

Anthony Spivey, DBA

***Executive Director***

1 **General Board Business started: 9:14 a.m.**

2  
3 I. The meeting was called to order by Mr. Chmielewski, Chair. Those present for all or part of the meeting included the  
4 following:

5  
6 **MEMBERS PRESENT:**

7 Tommy Chmielewski, LPO, Chair  
8 Addam C. Griner, CPO, Vice Chair  
9 Brett Saunders, CPO, FAAOP  
10 Ruphlal R. Gooljar, CPO, MA

11  
12 **STAFF PRESENT:**

13 Joseph Lesho, Program Operations Administrator  
14 Michele Jackson, Regulatory Supervisor/Consultant  
15 Towanda Burnett, Compliance Officer  
16 Keri Meany, Regulatory Specialist II

17  
18 **EXCUSED:**

19 George H. Meyer, Jr.  
20 David Cheong, M.D.

21 **Board Action:** Motion to excuse Mr. Meyer and Dr. Cheong's absences was made by Mr. Chmielewski. Seconded by Mr.  
22 Saunders.

23 Vote: 4 ayes / 0 opposed; motion carried

24  
25 **BOARD COUNSEL:**

26 Rachel Clark, Assistant Attorney General  
27 Office of Attorney General

28  
29 **PROSECUTION COUNSEL:**

30 Christopher R. Dierlam, Assistant General Counsel  
31 Department of Health, Office of the General Counsel

32  
33 **COURT REPORTER:**

34 Court Reporter: For the Record Reporting  
35 Phone: (850) 222-5491  
36 Contact: Kay Fitchner

37 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline.*

38 *AUDIO from this meeting can be found online: <http://floridasorthotistsprosthetists.gov/meeting-information/>*

39  
40 **Section II started at 9:15 a.m.**

41  
42 **II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF ORTHOTISTS & PROSTHETISTS:**

43 Minutes of the March 20, 2015 Full Board meeting were reviewed.

44 **Board Action:** Motion to accept the minutes as written was made by Mr. Chmielewski. Seconded by Mr. Saunders.

45 Vote: 4 ayes / 0 opposed; motion carried

46  
47 **Section II concluded at 9:16 a.m.**

48  
49 **Section III started at 9:16 a.m.**

50  
51 **III. PROSECUTION REPORT:**

52 Mr. Dierlam explained to the board that prosecution has five open cases, one of which is scheduled to go before the full board  
53 at the next in-person meeting. He said that the other four are in the process of being scheduled for a Probable Cause Panel  
54 meeting, which they anticipate will take place in mid-June.

55  
56 **Section III concluded at 9:20 a.m.**

57  
58 **Section IV started at 9:20 a.m.**

**IV. PETITION FOR VARIANCE/WAIVER:**

**a. Ronald Louis Rampi**

1 Mr. Rampi was present, and was not represented by counsel.  
2

3 Mr. Rampi submitted a Petition for Variance/Waiver from Rule (sic) 468.803—filed on March 18, 2015—to waive the  
4 education requirements for licensure. On March 30, 2015, Ms. Clark responded to Mr. Rampi’s petition explaining that  
5 s. 468.803 is a Florida Statute, not a rule, and that the board does not have the authority to grant a variance or waiver  
6 from a statute. In this response, she offered Mr. Rampi the opportunity to withdraw his petition. Mr. Rampi provided no  
7 additional response. Ms. Clark recommended that the petition be denied.  
8

9 **Discussion:**

10 Mr. Rampi explained that he thought he would be grandfathered in from an older version of the statute because he had  
11 obtained an Associate’s Degree at a time during which an Associate’s Degree was the minimum requirement for  
12 licensure.  
13

14 Ms. Clark explained that the statute currently requires a Bachelor’s Degree, and that the statutes that are in effect at the  
15 time of application are what must be followed.  
16

17 **Board Action:** Motion to deny the Petition for Variance/Waiver was made by Mr. Chmielewski. Seconded by Mr.  
18 Saunders.

19 Vote: 4 ayes / 0 opposed; motion carried  
20

21 **Section IV concluded at 9:27 a.m.**

22 **Section V started at 9:27 a.m.**  
23

24 **V. RATIFICATION OF LICENSURE:**  
25

- 26 **a. Orthotists/Prosthetists:** Motion to ratify the issuance of Orthotists/Prosthetists license numbers 293 through 295 was  
27 made by Mr. Chmielewski. Seconded by Mr. Saunders.  
28 Vote: 4 yeas; motion carried  
29
- 30 **b. Orthotists:** Motion to ratify the issuance of Orthotists license numbers 261 through 264 was made by Mr. Chmielewski.  
31 Seconded by Mr. Saunders.  
32 Vote: 4 yeas; motion carried  
33
- 34 **c. Orthotic Fitter:** Motion to ratify the issuance of Orthotic Fitter license numbers 252 through 253 was made by Mr.  
35 Chmielewski. Seconded by Mr. Saunders.  
36 Vote: 4 yeas; motion carried  
37
- 38 **d. Orthotic Fitter Assistant:** Motion to ratify the issuance of Orthotic Fitter Assistant license number 327 was made by  
39 Mr. Chmielewski. Seconded by Mr. Saunders.  
40 Vote: 4 yeas; motion carried  
41
- 42 **e. Pedorthists:** Motion to ratify the issuance of Pedorthists license number 231 was made by Mr. Chmielewski. Seconded  
43 by Mr. Griner.  
44 Vote: 4 yeas; motion carried  
45
- 46 **f. Orthotic Resident:** Motion to ratify the issuance of Orthotic Resident license numbers 144 through 146 was made by  
47 Mr. Chmielewski. Seconded by Mr. Griner.  
48 Vote: 4 yeas; motion carried  
49
- 50 **g. Prosthetic Resident:** Motion to ratify the issuance of Prosthetic Resident license number 87 was made by Mr.  
51 Chmielewski. Seconded by Mr. Griner.  
52 Vote: 4 yeas; motion carried  
53

54 **Section V concluded at 9:30 a.m.**

55 **Section VI started at 9:30 a.m.**  
56

57 **VI. CHAIR/VICE CHAIR REPORT:**  
58

1       **a. Future Agenda Items:**

2       Mr. Chmielewski reminded the board that the next meeting will be in person, and that they will be working to create  
3       definitions for “orthotic assistant.” He also mentioned that ABC is developing a scope of practice for the license type.

4  
5       Steve Fletcher from ABC explained that NCOPE is developing the educational criteria for assistant credentialing for  
6       both orthotic and prosthetic assistants.

7  
8       Additional discussion ensued regarding the development of these standards.

9  
10       Mr. Chmielewski then reminded the new board members that they must submit their Statement of Financial Disclosure  
11       before July 1.

12  
13       **Section VI concluded at 9:36 a.m.**

14       **Section VII started at 9:36 a.m.**

15  
16       **VII. EXECUTIVE DIRECTOR’S REPORT:**

17  
18       **a. Annual Delegation of Authority**

19       Mr. Lesho presented the 2015-2016 Annual Delegation of Authority on behalf of the Executive Director, Dr. Spivey.

20  
21       **Board Action:** Motion to accept the Delegation of Authority as presented in the board agenda materials was made by  
22       Mr. Gooljar. Seconded by Mr. Saunders.

23       Vote: 4 yeas / 0 opposed; motion carried

24  
25       **Section VII concluded at 9:41 a.m.**

26       **Section VIII started at 9:41 a.m.**

27       **VIII. BOARD COUNSEL REPORT:**

28  
29       **a. Rules Status – April 2015**

30       Ms. Clark presented the rules status report that was included in the board agenda materials. She explained that four of the  
31       rules in the report will be heard at the in-person meeting in July, and that the others became effective 03/05/2015.

32  
33       **b. Annual Regulatory Plan**

34       Ms. Clark presented the 2015-2016 Annual Regulatory Plan, which contains rules that she believes may need review.

35       She pointed out that even if the board votes to approve the plan as written, they may still opt to review other rules as they  
36       find necessary.

37  
38       **Board Action:** Motion to accept the 2015-2016 Annual Regulatory Plan as presented in the board agenda materials was  
39       made by Mr. Chmielewski. Seconded by Mr. Saunders.

40       Vote: 4 yeas / 0 opposed; motion carried

41  
42       **Section VIII concluded at 9:44 a.m.**

43       **Section IX started at 9:44 a.m.**

44  
45       **IX. OLD BUSINESS:**

46  
47       **a. Letter from American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC) regarding**  
48       **BOC Examination**

49       At the January 2015 Full Board meeting, representative from BOC addressed the board requesting to be recognized as an  
50       approved agency to administer certification examinations. ABC submitted correspondence to the board in advance of this  
51       meeting expressing concerns over the prospective approval of BOC.

52       **Discussion:**

53       Mr. Chmielewski stated that he appreciates what BOC submitted, but that he still had areas in which he would like to see  
54       more information—most specifically regarding the content and format.

1 Mr. Fletcher explained that the reasoning for ABC's letter was that ABC wanted the board to be aware of their  
2 perspective on the request, as it had been a while since board was updated on their processes for examination, and they  
3 wanted to explain their perspective on the differences between the ABC and BOC examinations.  
4 Additional discussion ensued regarding standards for each examination, and the educational background required for  
5 each type of certification.  
6

7 Mr. Chmielewski reiterated his desire to see additional information from BOC, and it was suggested that they appear at  
8 the next meeting with more information if they wish to continue to pursue the issue.  
9

10 **Section IX concluded at 10:13 a.m.**

11 **COMPLIANCE started at 10:13 a.m.**

12  
13 **ADDENDUM – COMPLIANCE:**

14  
15 **a. Modification of Final Order –**

16  
17 **i. Robert Alan Feldman (sent via e-mail) License PED140**

18 Mr. Feldman was present, and was not represented by counsel.  
19

20 Mr. Feldman submitted a Petition for Modification of Final Order to Ms. Burnett, which was filed on April  
21 23, 2015. Mr. Feldman is requesting a modification of the penalties and costs levied against him by a Final  
22 Order filed on August 18, 2014.  
23

24 As indicated in the Memorandum to the Board, Mr. Feldman is past due on two Respondent Reports (due  
25 11/17/2014 and 02/17/2015), Costs in the amount of \$1785.92 (due 02/17/2015), a Fine in the amount of  
26 \$750.00 (due 02/17/2015), and a 2-hour Laws and Rules Course (due 02/17/2015). The Patient Refund  
27 Verification was received after the Memorandum to the Board was drafted.  
28

29 **Discussion:**

30 Mr. Feldman began explaining the circumstances surrounding his complaint. Ms. Clark explained to Mr.  
31 Feldman that the Final Order had already been filed, and his 30 days for appeal of the Final Order had  
32 already lapsed, so there was nothing the board could do to reverse that decision. Mr. Feldman continued to  
33 discuss the circumstances surrounding the complaint and the original Final Order.  
34

35 During this discussion, Mr. Griner informed the board that he had an emergency in his office and needed to  
36 disconnect from the call. Mr. Griner disconnected at 10:30 a.m.  
37

38 Due to Mr. Griner's departure, the board no longer had a quorum and agreed to table this issue until the  
39 July meeting.  
40

41 **COMPLIANCE concluded at 10:49 a.m.**

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

43  
44 **X. COMMITTEE REPORTS**

45  
46 **a. Budget – George Meyer**

47  
48 **b. Continuing Education – Tommy Chmielewski**

49  
50 **i. CE Courses for Board Review**

51  
52 **1. Florida Association of Orthotics And Prosthetics (FAOP):**

53  
54 **a. Course #20-494272 – Florida O&P Laws and Rules of the Board – Revised March 1,**  
55 **2015 (Tabled from previous meeting)**

56  
57 **b. Course #20-494274 – Medical Errors and Omissions with Record Keeping for the**  
58 **O&P Profession – Revised March 1, 2015 (Tabled from previous meeting)**

- c. **Course #20-494276 – Infection Control/HIV/AIDS for the O&P Profession – Revised March 1, 2015 (Tabled from previous meeting)**
- d. **Course #20-479817 – includes the mandatory courses of: Florida O&P Laws and Rules of the Board; Medical Errors and Omissions with Record Keeping for the O&P profession; Infection Control / HIV/AIDS for the O&P Profession**

**Discussion:**

Due to the lack of a quorum, the board tabled this discussion until a later time.

- e. **Optional and Mandatory Reporting Cycles**

- f. **Optional Reporting Cycle Final Report**

Ms. Meany provided the board with a report regarding the Optional and Mandatory Continuing Education Reporting Cycles as part of the department’s CE@Renewal project.

- c. **Credentials – Brett Saunders:**

Nothing new to report; however, Mr. Saunders asked for opinions on implementing a requirement for a Healthiest Weight CE course.

Ms. Clark stated that the board may not have authority to do so, but that she would have to research the issue.

Mr. Chmielewski asked Mr. Gooljar to also look into the issue.

- d. **Disciplinary Compliance – Tommy Chmielewski:** Nothing to report

- e. **Healthy Weight – Ruphlal Gooljar:**

Mr. Gooljar told the board that he spoke to Nick Van Der Linden with the department, and that they will work together to get information for next meeting

- b. **Continuing Education – Tommy Chmielewski**

- i. **CE Courses for Board Review**

- 1. **Florida Association of Orthotics And Prosthetics (FAOP):**

- a. **Course #20-494272 – Florida O&P Laws and Rules of the Board – Revised March 1, 2015 (Tabled from previous meeting)**
      - b. **Course #20-494274 – Medical Errors and Omissions with Record Keeping for the O&P Profession – Revised March 1, 2015 (Tabled from previous meeting)**
      - c. **Course #20-494276 – Infection Control/HIV/AIDS for the O&P Profession – Revised March 1, 2015 (Tabled from previous meeting)**
      - d. **Course #20-479817 – includes the mandatory courses of: Florida O&P Laws and Rules of the Board; Medical Errors and Omissions with Record Keeping for the O&P profession; Infection Control / HIV/AIDS for the O&P Profession**

At 10:59 a.m., Mr. Griner rejoined the conference call. Since the board once again had a quorum, they revisited these issues; however, Mr. Griner had to recuse himself from a vote on Course #20-494272, so action was only taken on Courses 20-494274, 20-494276, and 20-479817.

**Board action:** Motion to approved Courses 20-494274, 20-494276, and 20-479817 was made by Mr. Saunders. Seconded by Mr. Gooljar.

Vote: 4 yeas / 0 opposed; motion carried

1  
2 Mr. Lesho informed the board that a special conference call will need to be scheduled to  
3 approve or deny Course #20-494272 because of the 90-day deemer.  
4

5 **f. Legislation – Addam Griner:**

6 Mr. Griner told the board that legislation to expand the scope of practice for Physical Therapists to include  
7 orthotist/prosthetist duties was defeated. He also mentioned the special legislative session that will begin on June 1, but  
8 stated that nothing related to O&P is scheduled to be discussed.  
9

10 **g. Probable Cause – George Meyer**

11 **i. Stats**

12 Mr. Meyer was not present, so no report was given.  
13

14 **h. Rules – Mr. Saunders:**

15 Mr. Saunders asked Ms. Clark if the language for residencies had passed legislation. Ms. Clark stated that she was not  
16 aware, but that she would find out and update the board at the next meeting.  
17

18 **i. Unlicensed Activity – Mr. Gooljar:**

19 Mr. Gooljar stated that he spoke to Mr. Casas in the department's Unlicensed Activity Unit, and was informed that no  
20 Cease & Desists have been issued recently. He mentioned that Mr. Casas may possibly give a presentation at the next in-  
21 person meeting.  
22

23  
24 **Section X concluded at 11:14 a.m.**

25 **Section XI started at \_\_\_\_\_ a.m.**  
26

27 **XI. NEXT MEETING DATE:** July 29, 2015 – Marco Island

28 Jim Barr from FAOP informed the board that the FAOP meeting that was supposed to be in conjunction with the next full  
29 board meeting had been moved to a hotel in Ft. Meyers. Mr. Lesho told the board that he will work with the department's  
30 contracting team to make sure that the next board meeting will be held at the same hotel.  
31

32 **XII. ADJOURNMENT**

33 **Board Action:** Motion to adjourn the meeting was made by Mr. Chmielewski. Seconded by Mr. Saunders.  
34 Vote: 4 yeas / 0 opposed; motion carried  
35  
36

37 **General Board Business concluded at 11:15 a.m.**

38 **The meeting was adjourned at 11:15 a.m.**