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**FLORIDA** | Board of Orthotists & Prosthetists

Teleconference  
Department of Health  
4042 Bald Cypress Way  
Tallahassee, FL 32399-3257



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Tommy Chmielewski, LPO  
**Chair**

Brett Saunders, PO, FAAOP  
**Vice-Chair**

Anthony Spivey, DBA  
**Executive Director**

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2  
3 The Florida Board of Orthotists and Prosthetists was held a meeting on Friday, October 7, 2016,  
4 commencing at 9:06 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress  
5 Way, Tallahassee, Florida 32399-3257, at meet me number (888) 670-3525, participant code  
6 7342425515, to which all persons were invited to attend. Participants in this public meeting were  
7 made aware that these proceedings were being recorded and that an audio file of the meeting will  
8 be posted to the board's website.  
9

10  
11 **AGENDA**

12  
13 Began: 9:06

14  
15 **I. CALL TO ORDER (Roll Call):**

16 Gail Curry called roll. All Board Members were present.

17  
18 Tommy Chmielewski, LPO, Chair  
19 Brett Saunders, CPO, FAAOP, Vice Chair  
20 Ruphlal R. Gooljar, CPO, MA  
21 Wayne Rosen, CPO, CPED, FAAOP  
22

23 **Board Staff:**

24 Anthony B. Spivey, DBA, Executive Director  
25 Gail Curry, Program Operations Administrator  
26 Savada Knight, Regulatory Supervisor  
27 Frank Grunewald, Regulatory Specialist II  
28 Kellee Crowson, Regulatory Specialist II  
29 Karen Miller, Administrative Assistant II  
30

31 **Board Counsel:**

32 Robert Milne, Assistant Attorney General  
33 Office of Attorney General  
34

35 **Prosecution Counsel:**

36 Christopher Dierlam, Esq.  
37

38 **Audio/Visual:**

39 Vanguard Audio Visual  
40

41 **Court Reporter:**

42 American Court Reporting  
43

44 **IV. PROSECUTION REPORT:** (taken out of order)

45 Christopher Dierlam gave the report as follows.  
46

47 There are 8 current cases.

48 6 current with probable case recommendations

49 1 case that is still pending additional information.

50 1 case that is at least 1 year old. Respondent is in the process of complying with the final order.  
51

1 Mr. Dierlam asked the Board to allow Prosecution Services to continue to prosecute cases over 1  
2 year old.

3  
4 **II. APPROVAL OF MINUTES:**

5  
6 a. July 13, 2016

7  
8 **Action:** Motion to accept the July 13, 2016 minutes as presented was made by Tommy  
9 Chmielewski. Seconded by Brett Saunders.

10 Vote: 4 yeas / 0 opposed; motion carried

11  
12 **III. RATIFICATION:**

13  
14 This is the same list from the last meeting. It will be updated for the January meeting.

15  
16 a. Licensure –

17  
18 i. Orthotists/Prosthetists

19 ii. Prosthetists

20 iii. Orthotists

21 iv. Orthotic Fitter

22 v. Orthotic Fitter Assistant

23 vi. Pedorthists

24 vii. Orthotic Resident

25 viii. Prosthetic Resident

26  
27 **V. CONTINUING EDUCATION**

28  
29 a. William Mullins

30 Present w/o counsel

31  
32 Mr. Mullins asked for a variance/waiver for his program to be approved. The school was not  
33 accredited at the time he applied.

34  
35 Counsel Robert Milne explained that Mr. Mullins misstated the law in his application. Mr.  
36 Mullins stated he wants a variance/waiver of a Rule when in fact it is a Statute. A statute cannot  
37 be waived so this request is invalid. Recommends dismissal of this variance/waiver.

38  
39 Discussion: There is some concern about the program he attended. That was talked about and  
40 verified that he did have approval of the program. The concern from Brett Saunders is that he had  
41 some discipline on his license from Tennessee. Mr. Mullis explained he didn't realize his license  
42 had expired and worked several months without a license. His license is in good standing with  
43 Tennessee. The Tennessee website shows that his license is Voluntarily Retired. There are  
44 questions that need to be answered regarding his license.

45  
46 Action: Motion to deny the request for variance/waiver to approve his program was made by  
47 Tommy Chmielewski, seconded by Wayne Rosen.

48 Vote: 4 yeas / 0 opposed; motion carried

49  
50 Mr. Milne will contact the Tennessee Board to get details for the next meeting.

1  
2 Mr. Milne asked Mr. Mullins to waive the 90 day deemed so his application will be looked at in  
3 January.

4  
5 Mr. Mullins agrees waive the 90 days.

6  
7 Action: Motion to table the decision until the January meeting so his credentials can be verified  
8 was made by Tommy Chmielemski, Seconded by Brett Saunders.  
9 Vote: 4 yeas / 0 opposed; motion carried

10  
11 VI. CHAIR/VICE-CHAIR REPORT:

12  
13 Brett Saunders presented his attendance at the Chair/Vic Chair meeting. Found it informative as  
14 to how this board is doing when compared to other boards. The Board of Orthotists and  
15 Prosthetists is doing well.

16  
17 VII. EXECUTIVE:

18  
19 Dr. Spivey elaborated on the Chair/Vice Chair meeting and referenced, and explained, the statute  
20 that only allows face to face meetings when discipline is on the agenda. The state is looking at  
21 going back to more face to face meetings. Nothing has been determined at this time.

22  
23 VIII. BOARD COUNSEL REPORT:

24  
25 Robert Milne gave the report as follows:

26  
27 a. 2016-2017 ARP Board of Orthotists and Prosthetists

28  
29 The Regulatory Plan has been filed. Will review disciplinary guidelines where minor violations can  
30 be dealt with by a citation. Rule 64B14-7003 can be done by using a minor infraction with a  
31 citation. That way it doesn't look like discipline. This deals with the failure to make address  
32 changes. This will discuss this at the January meeting for ratification and adoption.

33  
34 Action: Motion to toll this request for Rule 64B14-7003 until the next meeting in January was  
35 made by Tommy Chmielemski, Seconded by Brett Saunders.

36  
37 Vote: 4 yeas / 0 opposed; motion carried

38  
39 In the January meeting the board must vote on the Medical Records course not being required for  
40 licensure. The licensee would have to do the Medical Records for renewal. The rule is 64B14-  
41 5.005.

42  
43 b. Board of Orthotist and Prosthetists Rules Report 2016

44  
45 c. October 2016 Rules Report

46  
47 IX. OLD BUSINESS:

48  
49 Nothing

50  
X. NEW BUSINESS:

1  
2 Board would like to see a progress report on the budget for license renewals. Dr. Spivey will have  
3 that report in January.

4  
5 XI. COMMITTEE REPORTS:

6  
7 a. Budget – George Meyer

8 George Myers has resigned. Tommy Chmielewski will be a temporary replacement.

9  
10 b. Continuing Education – Tommy Chmielewski, Nothing to report.

11  
12 c. Credentials – Brett Saunders, Nothing to report.

13  
14 d. Disciplinary Compliance – Tommy Chmielewski, Has 1 case to review, Nothing new to report.

15  
16 e. Healthiest Weight – Ruphlal Gooljar

17 He attended the meeting and there is a course that will be available for 2 hours of continuing  
18 education.

19  
20 f. Legislation – Wayne Rosen, Nothing to report.

21  
22 g. Rules – Brett Saunders, Nothing to report.

23  
24 h. Probable Cause – George Meyer, Nothing to report.

25 George Myers has resigned. Wayne Rosen will be a temporary replacement.

26  
27 i. Unlicensed Activity - Ruphlal Gooljar

28 There is 1 cease and desist case for taking impressions to fit diabetic shoes without a license.

29  
30 XII. PROPOSED 2017 MEETING DATES

31  
32 January 6, 2017 TCC

33 April 14, 2017 TCC

34 August 2, 2017 Sanibel (Sanibel Harbor Marriott/Ft. Myers)

35 October 6, 2017 TCC

36  
37 XIII. NEXT MEETING DATE:

38  
39 January 6, 2017

40  
41 XIV. ADJOURNMENT

42  
43 Action: Motion to adjourn the meeting was made by Tommy Chmielewski, Seconded by Brett  
44 Saunders.

45 Vote: 4 yeas / 0 opposed; motion carried

46  
47 Adjourned at 10:08 a.m.

48