

FLORIDA BOARD OF ORTHOTISTS & PROSTHETISTS

GENERAL BOARD MEETING MINUTES

January 15, 2020 @ 9:00 a.m.

Telephone Conference Call

Dial-in #: 1 (888) 585-9008

Participation Code: 744-469-610



Brett Saunders, CPO, FAAOP, Chair

Janet E. Hartman, Executive Director

CALL TO ORDER

The meeting was called to order on Wednesday, January 15, 2020 at 9:11 A.M. EST by Board Chair, Brett Saunders, CPO, FAAOP, Chair

Members Present:

Brett Saunders, CPO, FAAOP, Chair
Wayne R. Rosen, CPO, CPED, Vice-Chair
Paul C. Weott, CPO
Lance A. Benson

Members Absent:

Wayne R. Rosen, CPO, CPED, Vice-Chair (Approved)

Staff Present:

Janet Hartman, Executive Director
Eric Pottschmidt, Program Operations Administrator
John B. Fricke, Jr. Assistant Attorney General
Chad Dunn, Department of Health Counsel
Kisha Johnson, Regulatory Specialist II, Team Lead
Chad Benson, AAll

REVIEW AND APPROVAL OF MINUTES – August 2, 2019

Motion: by Mr. Weott to accept the minutes as presented from the August 2, 2019, General Business Meeting.

Second by: Mr. Benson

Vote: Passed Unanimously

PETITION FOR VARIANCE OR WAIVER (TS- 2:15 Minutes)

Brian V. Narin – Rule 64B14-4.115 F.A.C.

Brian V. Narin was not present and was not represented by legal counsel.

Discussion:

Mr. Saunders requested clarification regarding the formatting of the petition. Board counsel advised that the petition of variance and waiver was not in the proper form, but enough information was provided to understand the purpose and intent of his petition. It was also determined that there was a financial impact considered to be a hardship.

After discussion, the following action was taken:

Motion: by Mr. Weott to approve the petition for variance or waiver.

Second: by Mr. Benson

Vote: Passed Unanimously

The start date of the one-year extension was determined to be the date of Board approval.

PROSECUTOR'S REPORT (TS- 9:10 Minutes) - There is one case under review with zero cases over one-year old.

REPORTS

Chair Report (TS- 9:55 Minutes) - Nothing to report.

Executive Director Report (TS-10:15 Minutes)

Budget/Financial Reports - Mrs. Hartman provided an overview of the current budget.

Revised Paper Applications and Forms (TS-10:55 Minutes)

Mrs. Hartman discussed the changes to the revised applications and asked for any questions or feedback. No edits or comments were offered; Mrs. Hartman requested the board for a vote to adopt all of the applications.

After discussion, the following action was taken:

Motion: by Mr. Weott to accept the applications as presented.

Second: by Mr. Benson

Vote: Passes Unanimously

Rule amendments are required to implement the revised applications. Proposed amendment to rule 64B14-4.003, F.A.C., to reflect a change in date was presented by board counsel who asked the following questions:

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule?

Response: Mr. Saunders answered the question with "NO."

Should a violation of this rule or any part of this rule be designated as a minor violation?

Response: Mr. Saunders answered the question with "NO."

Proposed amendment rule 64B14-4.005, F.A.C., to reflect a change in date was presented by board counsel who asked the following questions:

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule?

Response: Mr. Saunders answered the question with "NO."

Should a violation of this rule or any part of this rule be designated as a minor violation?

Response: Mr. Saunders answered the question with "NO."

2020 Delegations (TS-17:50 Minutes)

Mrs. Hartman reviewed the delegation and specifies that there are only two changes from the last adopted delegation: authority to delegate a committee member to work with the office to approve or deny continuing education providers or courses: and authority to review malpractice cases and to work with the board office to review during the application process.

Mr. Saunders volunteered to review applications with malpractice. The delegation will be updated to reflect the Board Chair.

After discussion, the following action was taken:

Motion: by Mr. Weott to accept the 2020 delegations with changes discussed.

Second: by Mr. Benson

Vote: Passed Unanimously

Conviction Record Guidelines

Mrs. Hartman reviewed current conviction record guidelines. No changes were made.

FLDOH Renewal Ready Course (TS-22:00 Minutes)

Mrs. Hartman discussed new course addition to continuing education provider list. Will send to Mr. Rosen for review.

Proposed Rules for Mediation – 64B14-7.004 – Citations (TS-23:45 Minutes)

Discussion:

Mrs. Hartman explained the proposed changes to Rule 64B14-7.004 relating to failure to comply with fingerprint retention that would result in a citation fine of \$50 and proof of compliance.

After discussion, the following action was taken:

Motion: by Mr. Weott to begin rule making on Rule 64B14-7.004-Citations

Second: by Mr. Benson

Vote: Passed Unanimously

Board counsel asked the following questions to initiate rulemaking:

Will the proposed rule amendments have adverse impact on small business or will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule?

Response: Mr. Weott answered the question with “NO.”

Should a violation of this rule or any part of this rule be designated as a minor violation?

Response: Mr. Weott answered the question with “NO.”

Suggested Rule Revision – Rule 64B14-4.110, F.A.C. (TS-28:40 Minutes)

Ms. Hartman discussed the change to correct rule language to a minimum 120 hours of training at location accredited by NCOPE. Also corrected in section B, certification by ABC as part of the internship program.

Mr. Saunders also suggested a revision to subsection 2 to ensure that those licensed pre-NCOPE are still able to be licensed based on the five domains.

Rule language will be prepared for proposal to the Board at the next scheduled meeting.

2021 Proposed Meeting Dates (TS- 34:10 Minutes)

Deferred to next meeting.

Legislation Update - (TS- 35:10 Minutes)

Mrs. Hartman discussed filed legislation related to the profession, specifically HB713 and SB230. Other numerous bills related to tuition repayment were acknowledged.

Board Counsel’s Report (TS- 37:00 Minutes)

Rules Report - Nothing to report.

Annual Regulatory Plan

After discussion, the following action was taken:

Motion: by Mr. Benson to accept the Annual Regulatory Plan.

Second: by Mr. Weott

Vote: Passed Unanimously

OFARR Directive (TS- 38:10 Minutes)

Mr. Fricke explained changes to the OFARR rule review process and if a Sunset Provision would be necessary to consider during rule making.

COMMITTEE REPORTS

Continuing Education – Wayne Rosen, Vice Chair (Not present)

Credentials - Brett Saunders, Chair (Nothing to report)

Disciplinary Compliance - Brett Saunders, Chair (Nothing to report)

Legislation - Wayne Rosen, Vice Chair (Not present)

Rules - Brett Saunders, Chair (Nothing to report)
Probable Cause - Wayne Rosen, Vice Chair (Not present)
Unlicensed Activity – Paul Weott (Nothing to report)

RATIFICATIONS (7/24/2019 to 01/03/2020) (TS-42:45 Minutes)

Profession Name	Profession Code	# of Licensed	License Range
Orthotists/Prosthetists	3101	15	361 to 375
Prosthetists	3102	4	188 to 191
Orthotists	3103	10	324 to 333
Orthotic Fitter	3104	10	277 to 286
Orthotic Fitter Assistant	3105	2	362 to 363
Pedorthists	3106	2	247 to 248
Orthotic Resident	3109	6	207 to 212
Prosthetic Resident	3110	5	157 to 161

Motion: by Mr. Weott to approve 3101 ratifications.

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Weott to approve 3102 ratifications.

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Weott to approve 3103 ratifications

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Weott to approve 3104 ratifications.

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Weott to approve 3105 ratifications.

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Weott to approve 3106 ratifications.

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Weott to approve 3109 ratifications.

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Weott to approve 3110 ratifications.

Second: by Mr. Benson

Vote: Passed Unanimously

OLD BUSINESS/NEW BUSINESS (TS-49:00 Minutes) - No Discussion

ELECTIONS (TS-30:00 Minutes)

No Discussion

After discussion, the following action was taken:

Motion: by Mr. Weott to accept nomination of Mr. Saunders as Chair of the Board.

Second: by Mr. Benson

Vote: Passed Unanimously

Motion: by Mr. Benson to accept nomination of Mr. Weott as Vice-Chair of the Board.

Second: by Mr. Saunders

Vote: Passed Unanimously

NEXT MEETING DATE – Reviewing new date for next meeting.

PUBLIC COMMENTS

Mr. Weott inquired about appointments for new Board members.

Mrs. Hartman confirmed there are has been some appointments to other boards, but no new updates for this profession.

ADJOURNMENT - motion to adjourn at 10:03 EST.