

# FLORIDA BOARD OF ORTHOTISTS AND PROSTHETISTS GENERAL BOARD MEETING

## MEETING MINUTES

May 6, 2022, 9:00 A.M. EST

### GoToMeeting

<https://global.gotomeeting.com/join/825536197>

### By Telephone

(Toll Free) (866) 899-4679 or (571) 317-3116

**Access Code:** 825-536-197



**Brett Saunders, CPO, FAAOP, Chair**  
**Kimberly Marshall, Executive Director**



### CALL TO ORDER – Roll Call

The meeting was called to order on Friday, May 6, 2022 at 9:00 A.M. EST by Brett Saunders and roll call was conducted by Kimberly Marshall, Executive Director. Those present for all, or part of the meeting included the following:

#### BOARD MEMBERS PRESENT

Brett Saunders, CPO, FAAOP, Chair  
Anne DuBois, CPO, LPO, Vice-Chair  
Michael Wright, CPO, LPO  
Lance A. Benson

#### BOARD STAFF PRESENT

Kimberly Marshall, Executive Director  
Eric Pottschmidt, Program Operations Administrator  
Donna McNulty, Special Counsel  
Cynthia NashEarly, Assistant General Counsel  
Zachary Bell, Assistant General Counsel

#### COURT REPORTER

For The Record - 850-222-5491

#### REVIEW AND APPROVAL OF MINUTES – February 4, 2022

The minutes of the February 4, 2022 General Business Meeting were reviewed, and the following action was taken by the Board:

**Motion:** by Anne DuBois to accept the meeting minutes as written.  
**Second:** by Michael Wright.  
**Vote:** Passed unanimously.

#### PROSECUTOR'S REPORT

<u>Case Status</u>	<u>Report</u> Date 8/2/2021	<u>Report</u> Date 1/28/2022	<u>Report</u> Date 4/19/2022
Total cases open/active in Prosecution Services:	<b>4</b>	<b>3</b>	<b>3</b>
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	2	0	0
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	2	2	2



Cases where probable cause has been found:	0	1	1
Cases where DOAH has been requested:	0	0	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	0	0	0
Cases on appeal:	0	0	0
<b>Cases older than one year: *</b>	<b>1</b>	<b>1</b>	<b>1</b>

**Motion:** by Michael Wright to continue prosecution of cases one year and older.

**Second:** by Anne DuBois

**Vote:** Passed unanimously.

## REPORTS

**Chair's Report** – Nothing to report.

### Executive Director's Report

Legislative Update – HB768 - No substantive changes. Minor language changes were done to change previous wording from “Regionally” to “institutionally”.

Financial Report – As reported.

### Board Counsel's Report (TS – 06:00 Minutes)

Florida Association of Orthotists and Prosthetists (FAOP) Letter

Valarie O'Brien, CPO, LPO – Treasurer, Florida Association of Orthotists and Prosthetists discussed the letter referencing Rule 64B14-5.005, F.A.C.

Steven Mersch was also present and provided some history related to the beginnings of the CPR certification.

Via the letter, the Florida Association of Orthotists and Prosthetists (FAOP) requested the following:

- That the CPR mandatory requirement be taken away.
- That a CPR course be kept as qualifying continuing education credits for those who need it.
- That the number of hours taken to complete a CPR course reflect the same on the continuing education transcript.

Public Comment - Eugenio Silva, License number POR 87 noted he was in favor of FAOP's position.



Anne Dubois noted that she agreed with FAOP's request to ensure hours awarded for a CPR course reflect directly with how long the course takes to complete. She also agrees with the request to make it a requirement at the clinic level, and not at the Department level.

Michael Wright also noted that he agreed with the idea to provide the freedom of choice to the practitioner to take the course as needed. He also agreed with the idea that hours awarded for a CPR course should reflect directly with how long the course takes to complete.

After discussion, the following action was taken:

**Motion:** by Anne DuBois to adopt the proposed rule changes as presented.  
**Second:** by Michael Wright  
**Vote:** Passed unanimously.

### **SERC 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?

**Motion:** by Anne DuBois votes "NO".  
**Second:** by Michael Wright.  
**Vote:** Passed unanimously.

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

**Motion:** by Anne DuBois votes "NO".  
**Second:** by Waldo Esparza.  
**Vote:** Passed unanimously.

Would a Sunset provision be applicable to this Rule?

**Motion:** by Anne DuBois votes "NO".  
**Second:** by Michael Wright.  
**Vote:** Passed unanimously.

### Rule 64B14-7.001, F.A.C. – Discipline

After discussion, the following action was taken:

**Motion:** by Anne DuBois to adopt the proposed rule changes as presented.  
**Second:** by Michael Wright  
**Vote:** Passed unanimously.



### **SERC 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?

**Motion:** by Anne DuBois votes "NO".  
**Second:** by Michael Wright.  
**Vote:** Passed unanimously.

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

**Motion:** by Anne DuBois votes "NO".  
**Second:** by Waldo Esparza.  
**Vote:** Passed unanimously.

Would a Sunset provision be applicable to this Rule?

**Motion:** by Anne DuBois votes "NO".  
**Second:** by Michael Wright.  
**Vote:** Passed unanimously.

Rules Report – as discussed.

### **COMMITTEE REPORT**

Continuing Education – Anne Dubois – No report.  
Credentials - Brett Saunders - No report.  
Disciplinary Compliance - Brett Saunders - No report.  
Legislation – Anne Dubois - No report.  
Rules - Brett Saunders - No report.  
Probable Cause – Michael Wright - No report.  
Unlicensed Activity – Michael Wright - No report.  
Malpractice Committee – Brett Saunders - No report.

### **RATIFICATIONS**

Anne DuBois recused herself from the ratification vote for Profession 3111 – Orthotic-Prosthetic Resident, license number ORP 5.

**Motion:** by Michael Wright to approve license number ORP 5.  
**Second:** by Lance Benson  
**Vote:** Passed.



- Motion:** by Michael Wright to approve the remaining licenses for Professions 3101 (Prosthetist-Orthotist), 3102 (Prosthetist), 3103 (Orthotist), 3106 (Pedorthist), 3109 (Orthotic Residents), 3110 (Prosthetic Residents), and 3111 (Orthotic-Prosthetic Residents).
- Second:** by Anne DuBois.
- Vote:** Passed unanimously.

**OLD BUSINESS/NEW BUSINESS** – No old or new business.

**NEXT MEETING DATE** – August 5, 2022 via virtual platform.

**PUBLIC COMMENTS** – No public comments.

**ADJOURNMENT** @ 9:37 a.m.