

FLORIDA BOARD OF ORTHOTISTS AND PROSTHETISTS GENERAL BOARD MEETING

MEETING MINUTES

August 5, 2022, 9:00 A.M. EST



Brett Saunders, CPO, FAAOP, Chair
Janet Hartman, Chief of General Operations
Ashleigh K. Irving, Interim Executive Director



I. CALL TO ORDER

The meeting was called to order on Friday, August 5, 2022, at 9:00 A.M. EST by Brett Saunders, CPO, FAAOP, Chair. Roll call was conducted by Eric Pottschmidt, Program Operations Administrator.

Those present for all, or part of the meeting included the following:

MEMBERS PRESENT

Brett Saunders, CPO, FAAOP, Chair
Anne DuBois, CPO, LPO, Vice-Chair
Michael Wright, CPO, LPO

MEMBERS ABSENT

Lance A. Benson (Unexcused)

BOARD COUNSEL

Kara H. Aikens, Assistant Attorney
General Counsel
Donna McNulty, Special Counsel

STAFF PRESENT

Ashleigh Irving, Interim Executive
Director
Eric Pottschmidt, Program Operations
Administrator

COURT REPORTER

For the Record
850-222-5491

II. WELCOME AND APPROVAL OF NEW EXECUTIVE DIRECTOR – Ashleigh K. Irving

Motion: by Anne DuBois to approve Ashleigh K. Irving as the new Executive Director.
Second: by Michael Wright.
Vote: Passed unanimously.

Ms. Irving provided noted that this was a qualified judicial meeting and requested that those in attendance not speak out of turn. She stated that the meeting was noticed in the Florida Administrative Register, that the meeting was being recorded, and that the audio would be posted on the website at a later date. She requested that those not currently speaking mute their telephone or microphone to eliminate background noise. She further stated that only one person should speak at a time and requested that when Board members make or second a motion, they identify themselves prior to speaking.

III. REVIEW AND APPROVAL OF MINUTES

The minutes of the May 6, 2022, General Business Meeting were reviewed, and the following action was taken by the Board:

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



IV. PROSECUTOR'S REPORT (TS 5:04)

Department of Health Counsel was not in attendance, so Ms. McNulty presented the Prosecutor's Report.

<u>Case Status</u>	<u>Report</u> Date 1/28/2022	<u>Report</u> Date 4/19/2022	<u>Report</u> Date 6/30/22
Total cases open/active in Prosecution Services:	3	3	2
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	0	0	0
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	2	2	0
Cases where probable cause has been found:	1	1	2
Cases where DOAH has been requested:	0	0	1
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	0	0	1
Cases on appeal:	0	0	0
Cases older than one year: *	1	1	1

* Does not include cases already agendaed for final action by the Board.

Motion: by Michael Wright to continue prosecution of cases one year and older.
Second: by Anne DuBois.
Vote: Passed unanimously.

V. REPORTS (TS 7:05)

A. Chair's Report – Brett Saunders

Nothing to report.

B. Executive Director's Report – Ashleigh K. Irving

i. **Electronic License Issuance**

Ms. Irving shared that the Department is moving towards electronic licensure issuance. She shared some factors which led to this decision including shortage of the special licensure paper as well as its surging cost. She further stated that the Department of Business and Professional Regulations is currently issuing electronic licenses, along with about ten other states across the country. Ms. Irving projected that this change will likely take place about a year in the future.



ii. **2023 Proposed Meeting Dates**

February 3rd, 2023 (Virtual) | May 5th, 2023 (Virtual) | August 4th, 2023 (in-person to coincide with FAAOP Annual Conference) | November 17th, 2023 (Virtual)

After discussion, the following action was taken:

Motion: by Anne Dubois to approve 2023 Proposed Meeting Dates.

Second: by Michael Wright.

Vote: Passed unanimously.

iii. **Financial Report**

Ms. Irving directed the Board members to the Financial Report included in the materials.

C. **Board Counsel's Report (TS 11:48)**

i. **Rule 64B14-4.003, F.A.C.**

Ms. McNulty presented the proposed rule change. She explained that this proposal is to update and modify the application for licensure including updating it to be consistent with the statutory modifications regarding the National Commission on Orthotic and Prosthetic Education, recognizing instead of approving residency programs.

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 Michael Wright votes "NO".

Second: by Anne DuBois.

Vote: Passed unanimously.

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

Motion: by Michael Wright votes "NO".

Second: by Anne DuBois.

Vote: Passed unanimously.

Would a Sunset provision be applicable to this Rule?

Motion: by Michael Wright votes "NO".

Second: by Anne DuBois.

Vote: Passed unanimously.



ii. **Rule 64B14-4.005, F.A.C.**

Ms. McNulty presented the proposed rule change. She explained that this proposal is to update and modify the application for licensure to include updating it to be consistent with statutory modifications regarding the Commission on Accreditation of Allied Health Education Programs, recognizing instead of approving residency programs.

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

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

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

Would a Sunset provision be applicable to this Rule?

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

iii. **Annual Regulatory Report (TS 20:08)**

Ms. McNulty presented the draft Annual Regulatory Plan in the Board materials for review. She stated that once this draft has been approved and authorization given by the Board Chair, it can then be filed at the appropriate time.

After discussion, the following action was taken:

Motion: by Anne DuBois to approve the Annual Regulatory Plan.
Second: by Michael Wright.
Vote: Passed unanimously.

Mr. Saunders then authorized Ms. McNulty to affix his signature to the Annual Regulatory Plan so that it may be filed.



iv. Rules Report

Ms. McNulty presented the Rules Report in the Board materials for review.

II. COMMITTEE REPORT

- A. Continuing Education – Anne Dubois**
Nothing to report.
- B. Credentials – Brett Saunders**
Nothing to report.
- C. Disciplinary Compliance – Brett Saunders**
Nothing to report.
- D. Legislation – Anne Dubois**
Nothing to report.
- E. Rules – Brett Saunders**
Nothing to report.
- F. Probable Cause – Michael Wright**
Nothing to report.
- G. Unlicensed Activity – Michael Wright**
Nothing to report.
- H. Malpractice Committee – Brett Saunders**
Nothing to report.

III. RATIFICATIONS (TS 23:50)

After discussion, the following action was taken:

- Motion:** by Anne Dubois to accept the ratification list for 3101, 3103, 3104, 3105, 3106, 3109, 3110, 3111.
- Second:** by Brett Saunders.
- Vote:** Passed unanimously.

IV. OLD BUSINESS/NEW BUSINESS

No old/new business to discuss.

V. FYI - STATE OF FLORIDA DEPLOYS TOOLS TO ADDRESS OVERDOSE CRISIS

Ms. Irving directed the Board members' attention to the information provided in the materials regarding the overdose crisis and the efforts by the Governor to address this ongoing issue. She noted that there have been some programs opening which are available and provided posters in the Board materials which can be printed and displayed to bring about additional awareness.

VI. NEXT MEETING DATE – November 18, 2022, 9:00 A.M. EST GoToMeeting.

VII. PUBLIC COMMENTS – No public comments.

VIII. ADJOURNMENT @ 9:29 A.M. EST