

FLORIDA BOARD OF ORTHOTISTS AND PROSTHETISTS

GENERAL BOARD MEETING

DRAFT MINUTES

February 3, 2023, 9:00 A.M. EST



**Brett Saunders, CPO, FAAOP, Chair
Anne Dubois, CPO, LPO, Vice-Chair
Ashleigh K. Irving, Executive Director**



Please note that the meeting minutes reflect the actual order that agenda items were discussed during the meeting and may differ from the agenda outline.

I. CALL TO ORDER

The meeting was called to order on February 3, 2023, at approximately 9:06 AM ET by Brett Saunders, CPO, FAAOP, Chair.

A. Roll Call

Roll call was conducted by Ashleigh Irving, Executive Director.

MEMBERS PRESENT:

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

BOARD STAFF:

Ashleigh Irving, Executive Director
Eric Pottschmidt, Program Operations Administrator
Kisha Johnson, Regulatory Specialist II
Kieran Compagnone, Regulatory Specialist III

MEMBERS ABSENT

Lance A. Benson

COURT REPORTER:

For The Record - 850-222-5491

BOARD COUNSEL:

Kara H. Aikens Assistant, Assistant
Attorney General

B. Opening Remarks

(TS 00:01:43 Minutes) Opening Remarks were read by Ms. Irving.

II. REVIEW AND APPROVAL OF MINUTES

A. November 16, 2022

(TS 00:05:35 Minutes) After discussion, the Board took the following action:

Motion: by Ms. Dubois to approve the November 16, 2022, meeting minutes.

Second: by Mr. Wright.

Vote: passed unanimously.



III. PROSECUTOR’S REPORT

Case Status	Report Date 6/30/2022	Report Date 10/18/2022	Report Date 1/11/2023
Total cases open/active in Prosecution Services:	2	2	0
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:	0	0	0
Cases where probable cause has been found:	2	0	0
Cases where DOAH has been requested:	1	0	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	1	2	0
Cases on appeal:	0	0	0
Cases older than one year: *	1	1	0

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

(TS 00:06:20 Minutes) Ms. Aikens presented the Prosecutor’s Report for review on behalf of Prosecution Services Unit.

After discussion, the Board took the following action:

- Motion:** by Ms. Dubois to approve the continued prosecution of cases one year and older.
- Second:** by Mr. Wright.
- Vote:** passed unanimously.

IV. APPLICATION REVIEWS

A. Todd O’Dell, Orthotic Fitter

(TS 00:08:00 Minutes) Todd O’Dell was present and was not represented by legal counsel. Mr. O’Dell’s application was before the Board for review to determine whether his education history and experience met requirements outlined by Florida Statutes and Florida Administrative Code.

When Mr. O’Dell completed the 32-hour fitter course in 2013, the course was approved by the American Board for Certification (ABC); however, the course was currently no longer ABC-approved. Ms. Aikens stated that the Board would need to determine if this course that was completed by Mr. O’Dell in 2013 contained equivalent information regarding the knowledge and skills in the areas of: anatomy and physiology, pathologies, biomechanics, patient assessment, treatment plans, equipment and tools, follow-up plans, and practice management.

Regarding Mr. O’Dell’s experience, Section 468.803(5)(c)3, Florida Statutes, provides that licensure as an orthotic fitter requires proof of two years of supervised experience in orthotics acquired after completion of the required education, as approved by the board. Mr. O’Dell’s resume was included in the agenda materials for review to allow the Board to determine if his past work experience if it was acceptable to satisfy requirements outlined in Section 468.803(5)(c)3, F.S., and Rule 64B14-4.110(1)(b), F.A.C.



(TS 00:10:37 Minutes) Mr. Saunders stated that he would like to address the education and experience as two separate issues, and solicited opinions from the Board members regarding whether the course that was completed by Mr. O'Dell was sufficient to meet requirements outlined in Section 468.803(5)(c)3, F.S., and Rule 64B14-4.110(1)(b), F.A.C.

(TS 00:11:35 Minutes) Ms. Dubois stated that she reviewed the material that was submitted from the course and that she believed it was sufficient to meet the requirements. Mr. Wright expressed his agreement with Ms. Dubois, noting that the material was quite extensive in his opinion and covered all the required areas.

(TS 00:12:15 Minutes) After discussion, the Board took the following action:

Motion: by Ms. Dubois to accept Mr. O'Dell's education as equivalent to meet the requirements outlined by the Florida Statutes and Florida Administrative Code.
Second: by Mr. Wright.
Vote: passed unanimously.

(TS 00:12:45 Minutes) Mr. Saunders noted that upon reviewing Mr. O'Dell's resume, it included a lot of management experience, but not clinical care. Mr. O'Dell provided a statement before the Board describing his work experience, including his clinical experience.

(TS 00:16:35 Minutes) Mr. Saunders requested discussion from the Board members regarding Mr. O'Dell's clinical experience. Mr. O'Dell stated that the requirements for his Michigan orthotic fitter license did not require supervised experience. Ms. Dubois asked Mr. O'Dell additional questions regarding his clinical experience. Mr. Saunders noted that this license would not permit Mr. O'Dell to perform custom bracing in Florida.

(TS 00:20:20 Minutes) Ms. Aikens stated that information was found on Mr. O'Dell's provider website for Integrative Rehabilitation Medical, LLC just prior to the meeting, which listed him as owner/operator, and indicated that Mr. O'Dell held the title of certified orthotic fitter with "BOC" in parentheses, and with "License #", followed by the license number, listed outside of the parentheses. Ms. Aikens then stated that it appeared that Mr. O'Dell was holding himself out as a licensed professional already.

(TS 00:22:07 Minutes) Mr. O'Dell inquired how this could be construed as fraudulent as he was currently licensed in Michigan. Ms. Irving explained that it was presumed that Mr. O'Dell was holding himself out as a licensed orthotic fitter in Florida, and that directly under his title on the website it listed "License #", without the state of the license being specified. Ms. Aikens added that the address listed was in Melbourne, Florida, and that this was misleading. Mr. Saunders added that BOC does not issue a license, they issue a credential or certification, and stated that it may be advisable for Mr. O'Dell to change the wording on his website.

(TS 00:24:20—00:38:36 Minutes) Through discussion, it was determined that the Board did not find the experience provided by Mr. O'Dell to meet the requirements outlined in Section 468.803(5)(c)3., F.S., as it did not include the two years of supervised experience in orthotics acquired after completion of the required education, as approved by the Board. The Board offered the opportunity for Mr. O'Dell to verbally amend or to withdraw his application to allow him to apply for orthotic fitter assistant.



(TS 00:38:39 Minutes) After discussion, the Board took the following action:

- Motion:** by Ms. Dubois that the information provided by Mr. O'Dell did not meet the requirements outlined by Florida Statutes for experience as an orthotic fitter.
- Second:** by Mr. Wright.
- Vote:** passed unanimously.

(TS 00:43:30 Minutes) Mr. O'Dell stated that he wished to withdraw the application for orthotic fitter.

V. REPORTS (TS 00:46:25 Minutes)

A. Chair's Report – Brett Saunders

Nothing to report.

B. Vice-Chair's Report – Anne Dubois

Ms. Dubois discussed the recent Long-Range Planning meeting that took place in Tallahassee on January 13, 2023, noting that one of the topics of discussion was healthcare licensure compacts. Ms. Dubois stated the Professional Counselor's Compact for Mental Health Counseling Practitioners was approved in April 2022, then explained the concept of a licensure compact and how it could potentially impact different healthcare professions. Ms. Dubois shared that Ed Tellechea, Chief Assistant Attorney General presented some of the recent case law seen by the Department. Ms. Dubois added that another topic of discussion was mandated reporting of impaired practitioners, and that these incidents can be reported to Professional Resources Network (PRN).

C. Executive Director's Report – Ashleigh Irving

i. Electronic Licensing

Ms. Irving stated that the Department was moving towards electronic licensing and described the benefits of electronic licensing including efficiency and accessibility. Ms. Irving noted that it is anticipated that all professions and facilities permits will be fully operational in July 2023, adding that there will be a QR code included in the electronic licenses that will allow anyone to scan the code and access the license status and any disciplinary history through the Department website.

ii. Financial Report

Ms. Irving directed the Board members' attention to the financial report included in the agenda materials, noting that the Board's cash balance was currently in good standing. Ms. Irving noted that the unlicensed activity was currently in a deficit.

D. Committee Reports

i. Continuing Education – Anne Dubois

Nothing to report.

ii. Credentials - Brett Saunders

Nothing to report.



iii. Disciplinary Compliance - Brett Saunders

Nothing to report.

iv. Legislation – Anne Dubois

Nothing to report.

v. Rules - Brett Saunders

Nothing to report.

vi. Probable Cause – Michael Wright

Nothing to report.

vii. Unlicensed Activity – Michael Wright

Nothing to report.

viii. Malpractice Committee – Brett Saunders

Nothing to report.

VI. OTHER BUSINESS

A. Ratifications

i. License Numbers Issued

(TS 00:54:09 Minutes) Ms. Dubois stated that she would have to recuse herself for the ratification of some licenses issued for the professions prosthetist and orthotic resident (PRO License #211 and ORTR License #242) due to conflict.

Motion: by Ms. Dubois to accept the ratification lists presented with the exception of PRO License #211 and ORTR License #242.

Second: by Mr. Wright.

Vote: passed unanimously.

Ms. Dubois recused herself.

Motion: by Mr. Saunders to accept the ratification of PRO License #211 and ORTR License #242.

Second: by Mr. Wright.

Vote: passed unanimously.

VII. REPORTS (CONT.)

A. Board Counsel’s Report – Kara Aikens

i. Rules Report

(TS 00:56:39 Minutes) Ms. Aikens presented the Rules Report for February 2023.



VIII. NEXT MEETING DATE – May 5, 2023, 9:00 A.M. EST – GoToMeeting

IX. PUBLIC COMMENTS

Mr. Saunders opened the floor for public comment. There was no public comment made.

X. ADJOURNMENT @ Approximately 10:04 A.M. EST