

**MINUTES  
FLORIDA DEPARTMENT OF HEALTH  
BOARD OF OCCUPATIONAL THERAPY PRACTICE  
GENERAL BUSINESS MEETING  
4042 BALD CYPRESS WAY, CONFERENCE ROOM # 301  
TALLAHASSEE, FL 32399-3255**

**SEPTEMBER 24, 2007**

**To accommodate individuals wishing to address the Board, the Board Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order. Those present for all or part of the meeting, included the following:**

**MEMBERS PRESENT**

Laura Garcia, OT, Chair  
Zoraida Diezel, OT, Vice-Chair  
Shelley Isenberg Hickman, OT  
Michele Watson, OT  
Rodney Phillip Scott, Consumer Member  
Linda Shaub, Consumer Member

**STAFF PRESENT**

Susie Love, Executive Director  
Allen Hall, Program Operations Administrator  
Deborah Boutwell, Regulatory Specialist II  
Greg Ramer, Regulatory Specialist II

**ASSISTANT ATTORNEY GENERAL**

Donna McNulty

**COURT REPORTER**

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**MEMBERS ABSENT**

Lisa McIntosh, OTA - Excused

Ms. Laura Garcia, Chair, called the general business meeting to order at approximately 9:07 a.m.

**TAB 1 PROSECUTOR'S REPORT - Allison M. Dudley, Assistant General Counsel**

Ms. Dudley presented a prosecutor's report outlining the status of the cases as follows:

Under legal review	6
Probable cause found	2

**ADMINISTRATIVE PROCEEDINGS**

**TAB 2 Michael Juzwa, OT 9265 Re: Status of Monitor**

Mr. Michael Juzwa, was not present and was not represented by counsel. Mr. Juzwa's monitor, Ms. Amy Messina, was not present.

At the June 25, 2007 meeting, the Board required Mr. Juzwa to appear with his monitor at either the September or December meeting. On September 4, 2007, Board staff received a voice message from Mr. Juzwa stating he and his monitor would appear at the December meeting.

On September 5, 2007, the monitor contacted board staff and stated she would not appear before the Board in Tallahassee. On September 6, 2007, Mr. Juzwa was sent a letter notifying him that the Order Amending Probation, filed July 23, 2007, required him to obtain approval of a new monitor if his current monitor was unable to appear.

On September 21, 2007, the Board received correspondence from Mr. Juzwa stating that his monitor is willing to provide supervision under the current stipulation and Order Amending Probation, and that his monitor is willing to appear telephonically in Tampa and requested the Board to reconsider its decision to have her appear personally at the Board meeting in December.

During the discussion, the Board continued to express concern regarding Mr. Juzwa's probation and reaffirmed its decision to have Mr. Juzwa and his monitor appear in person, not by telephone. Mr. Juzwa's request for the Board to reconsider its decision to require his monitor to appear in person, not by telephone, was denied.

Additionally, in consideration of the new information raised in this matter, the Board moved to set specific deadlines for further clarity.

Ms. Shuab moved to require Mr. Juzwa and his monitor to appear in person at the December 3, 2007 meeting. Ms. Diezel seconded the motion, which carried 6/0.

Ms. Hickman moved to require Ms. Messina, whether she chooses or not to continue to be the monitor; to submit the reports required by the Order Amending Probation to the Board no later than November 12, 2007. Ms. Diezel seconded the motion, which carried 6/0.

Ms. Shuab moved that by October 15, 2007, Mr. Juzwa's monitor, Ms. Amy Messina, submit in writing to both the Board and to Mr. Juzwa, whether or not she is willing to continue to be the monitor. Ms. Diezel seconded the motion, which carried 6/0.

Ms. Shuab moved that should Ms. Messina, notify the Board and Mr. Juzwa by October 15, 2007, that she chooses not to continue to be his monitor; Mr. Juzwa is required to notify the Board by November 15, 2007, of his selection of a new monitor and shall submit to the Board the new monitor's name and curriculum vitae for approval. Pursuant to the Final Order, issued April 11, 2006, Mr. Juzwa is prohibited from practicing as an occupational therapist for any period in which he does not have a Board-approved monitor. Ms. Hickman seconded the motion, which carried 6/0.

Ms. Diezel moved that the Board delegate authority to Ms. Laura Garcia, the Chair, to grant temporary approval of a new monitor upon Mr. Juzwa's submission in writing of the name and curriculum vitae of the new monitor. Ms. Hickman seconded the motion, which carried 6/0.

Ms. Watson moved to clarify the previous motion stating, should Ms. Messina fail to notify the Board and Mr. Juzwa in writing, that she no longer wishes to be Mr. Juzwa's monitor, as required by October 15, 2007, then the Board shall assume she no longer wants to continue to be the monitor. Ms. Hickman seconded the motion, which carried 6/0.

## **INDIVIDUAL CONSIDERATION**

### **TAB 3            Vanessa Crockette, OTA by Endorsement, OTT 10524**

Ms. Crockette's application was on the September 24, 2007 agenda for review of her answers to questions 9 B and D on the application. Ms. Crockette was present, not represented by an attorney and sworn in by the court reporter.

**MOTION:** Following discussion, Ms. Hickman moved to approve Ms. Crockette's application for licensure. Mr. Scott seconded the motion, which carried 6/0.

**TAB 4            Tonya Ann Hinds, OTA by Examination, OTT 10544**

Ms. Hinds application was on the September 24, 2007 agenda for review of her answers to questions number 8 A and 9 A and D on the application. Ms. Hinds was not present for the meeting.

**MOTION:** Following discussion, Ms. Hickman moved to approve Ms. Hinds' application for licensure. Ms. Shuab seconded the motion, which carried 6/0.

**TAB 5            Kristine Knobloch, OT by Endorsement, OTT 12825**

Ms. Knobloch's application was on the September 24, 2007 agenda for review of her "yes" answer to question number 8 A on the application. Ms. Knobloch was not present for the meeting.

**MOTION:** Following discussion, Ms. Watson moved to approve Ms. Knobloch's application for licensure. Ms. Shuab seconded the motion, which carried 6/0.

**TAB 6            Teresa L. LeBeau, OT by Endorsement, OTT 12826**

Ms. LeBeau's application was on the September 24, 2007 agenda for review of her "yes" answers to questions 8 A and 9 on the application. Ms. LeBeau was not present for the meeting.

**MOTION:** Following discussion, Ms. Hickman moved to approve Ms. LeBeau's application for licensure. Ms. Watson seconded the motion, which carried 6/0.

**TAB 7            Jackee Meyer, OT by Endorsement, OTT 12841**

Ms. Meyer's application was on the September 24, 2007 agenda for review of her "yes" answer to questions 9 B on the application. Ms. Meyer was not present for the meeting.

**MOTION:** Following discussion, Ms. Watson moved to approve Ms. Meyer's application for licensure. Ms. Diezel seconded the motion, which carried 6/0.

**RULES STATUS REPORT**

**TAB 8            Rules Status Report, Donna McNulty, Assistant Attorney General**

- 64B11-2.011 Definition of Supervised Fieldwork Experience
- 64B11-3.010 Definition of Supervised Fieldwork Experience

There were no actions taken on the 64B11-2.011 Definition of Supervised Fieldwork Experience or 64B11-3.010 Definition of Supervised Fieldwork Experience rules.

Ms. McNully requested the Board review the Administrative Procedures Act, Section 120.56(1)(c). The current administrative procedures act requires the administrative law judge to hold a hearing within 30 days when there is a rule challenge. The 30 day deadline is extremely difficult to meet, and was recently an issue with another Board in the Department, therefore the Attorney General's office is requesting support from all the Boards within the Department, to support a proposed legislative change to increase the 30 days to 45 days.

**MOTION:** Ms. Diezel moved to support the recommended changes for 120.56(1)(c) adding the language "or within 45 thereafter if the agency is a collegial body," Ms. Shuab seconded the motion, which carried 6/0.

## **CERTIFICATION OF APPLICATIONS**

### **TAB 9 Endorsement Candidates: Occupational Therapists & Assistants**

**MOTION:** Ms. Watson moved to approve the list of applicants for licensure, totaling 85 names. Ms. Hickman seconded the motion, which carried 6/0.

**ACTION TAKEN:** 85 names ratified for licensure.

### **TAB 10 Examination Candidates: Occupational Therapists & Assistants**

**MOTION:** Ms. Watson moved to ratify for licensure pending the successful passage of the NBCOT examination the list of applicants for licensure as noted, totaling 60 names. Ms. Hickman seconded the motion, which carried 6/0.

**ACTION TAKEN:** 60 names approved for licensure pending successful exam results.

### **TAB 11 Continuing Education Provider Applications**

#### **TO BE RATIFIED OR APPROVED BY THE BOARD:**

PROVIDER NAMES	CE PROVIDER/TRACKING NUMBERS
1. American Healthcare Education	50-8935
2. Athena Oden, PT	50-8662
3. Dee Martin	50-3389
4. Elbaum and Associates	50-8931
5. Independent Living, Inc. - Pediatrics	50-8924
6. OnlineCE.com	50-4763
7. Solutions For Therapists	50-9095
8. Strategies 4 Success	50-5414
9. Surgical Outcome Support	50-7130

**MOTION:** Ms. Diezel moved to approve the 9 continuing education providers. Ms. Hickman seconded the motion, which carried 6/0.

#### **INDIVIDUAL CONSIDERATION OF CE COURSE FOR FULL BOARD REVIEW:**

Shands Jacksonville Dept of Rehabilitation Services      50-8924

**MOTION:** Ms. Diezel moved to approve Shands Jacksonville Dept of Rehabilitation Services as a continuing education provider. Ms. Watson seconded the motion, which carried 6/0.

**ACTION TAKEN:** 10 continuing education provider applications approved; No medical errors courses or laws and rules courses presented or approved.

## **NEW BUSINESS**

### **TAB 12 Board Review of Section 4 of Rule 64B11, F.A.C.**

The Board reviewed Section 4 of 64B11, F.A.C. and found the following inaccuracies:

- 64B11-4.003(1)(bb) references multiple offences for failing to obtain the needed HIV/AIDS continuing education. Since the course is required only prior to the first renewal multiple offences are not possible.
- 64B11- 4.005(4)(e) references “end of life/palliative health care” which should be deleted to confirm with the current HIV/Aids education language.

**MOTION:** Ms. Watson moved to approve the recommended changes and requested Ms. McNully prepare language for the December 3, 2007 meeting. Ms. Diezel seconded the motion, which carried 6/0.

Ms. Shuab left the meeting early. The court reporter was also dismissed from the meeting at this time.

## **APPROVAL OF MINUTES**

### **TAB 13 June 25, 2007 General Business Meeting**

There were two noted corrections:

- Page 5 Line 30; correct the sentence to read, “moved to add the word”
- Amend Tab 2 to include the motion made in the Juzwa case.

**MOTION:** Ms. Garcia moved to accept the minutes noting the stated corrections above. Ms. Diezel seconded the motion, which carried 5/0.

## **REPORTS, IF ANY**

### **TAB 14 Executive Director, Susie Love**

- Cash Balance Report ending June 30, 2007
- Expenditures By Function Report ending June 30, 2007

Informational item.

## **OTHER BUSINESS AND INFORMATION**

### **TAB 15 OT Board Planner**

- The Board Chair and budget meeting scheduled for October was canceled due to budget cuts.
- Ms. Diezel will check her schedule to determine if she wishes to attend FOTA's Spring 2008 Conference, scheduled for February 29, – March 1, 2008, in Gainesville, Florida.
- Travel authorization was requested in August 2007 for Laura Garcia to attend the AOTA Conference, scheduled for April 10-13, 2008 in Long Beach, California.

**TAB 16      Staff Recognition**

Informational item.

**TAB 17      ADDENDUM – OT Expert Witness Approval - Melanie Rebarchik, OTA 8677**

At the March 26, 2007 meeting, the Board reviewed Ms. Rebarchik's resume submitted to become an OTA Expert witness for the Board. The Board requested additional information from Ms. Rebarchik, regarding professional development and involvement. Examples of information requested were specific area of expertise, extra licensure or certification and/or professional involvements and accomplishments.

The Board reviewed the additional information submitted by Ms. Rebarchik and tabled it until the next meeting, so Ms. McIntosh, could review Ms. Rebarchik's credentials. Ms. McIntosh is the occupational therapy assistant representative on the Board.

**ANY OTHER BUSINESS OF THE BOARD**

- Ms. Watson informed the Board that this was her last meeting, as she will be resigning as a Board member at the end of her current term, ending October 31, 2007.
- Mr. Scott stated he had reapplied to the Governor's office for reinstatement, as his term ends October 31, 2007.
- The Board discussed whether Ms. McIntosh was intending to re-apply and/or stay on the Board as her term also ends October 31, 2007.
- Mr. Larry Gonzalez, representative for the Florida Occupational Therapy Association, informed the Board that the Agency for HealthCare Administration (AHCA) is in the process of developing rules to implement section 409.912, F.S. The proposed rule will allow AHCA to select vendors on a regional or statewide basis. Mr. Gonzalez explained this will have an effect upon current therapist's cliental and employment in the state. Mr. Gonzalez stated there is a scheduled Hearing on this issue on September 25<sup>th</sup> at the Agency for HealthCare Administration's headquarters in Tallahassee and he will be attending as a representative for the profession. After a discussion, the Board thanked Mr. Gonzalez for bringing this information to the Board's attention.

**ADJOURNMENT** The meeting adjourned at approximately 11:35 a.m.