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2
3 **DRAFT MINUTES**
4 **DEPARTMENT OF HEALTH**
5 **MEDICAL QUALITY ASSURANCE**
6 **SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY**
7 **GENERAL BUSINESS MEETING**

8
9 **Wednesday September 14, 2011 at 9:00am**

10
11 **The Tampa Airport Marriott**
12 **4200 George J. Bean Pkwy**
13 **Tampa, FL 33607**
14 **813-879-5151**

15
16 **Call to Order**

17 Barbara Gaunt-Jaehne, Au.D., Chair, called the meeting to order at 9:15 a.m. Those present for all or
18 part of the meeting included the following:
19

MEMBERS PRESENT: Barbara Gaunt-Jaehne, Au.D., Chair Peter Johnson, PhD, Vice Chair Barry Pendry, PhD Joseph Naulty Stephen Steck	STAFF PRESENT: Anthony Jusevitch, Executive Director Christy Robinson, Program Administrator Dror Lewy, Board Counsel Adrienne Rodgers, PSU
MEMBERS ABSENT: K. Paul Boyev, MD (excused) Elena Pizarro-Zeigler, Au.D. (excused)	OTHERS PRESENT: COURT REPORTER: Argus Bay Park Reporting 813-490-0003

20
21 **Please note- the minutes reflect the actual order that items were discussed during the meeting**
22 **and may deviate from the agenda outline.**

23
24 **Review and Approval of Minutes:**

25
26 **Tab 1 - Minutes from June 2, 2011 General Business Meeting**

27
28 **Action Taken:** After discussion, Dr. Johnson moved to approve the minutes as presented. Mr. Steck
29 seconded the motion, which passed unanimously.
30

31 **New Disciplinary Cases:**

32
33 **Tab 2 - Robin Schultz Bersson – DOH Case #2010-09176 – Settlement Agreement**

34 Allegations of Complaint: 468.1295(1)(c) – being convicted of a crime related to the practice
35

36 Ms. Bersson was present and represented by Mark Dresnick, Esq. Mr. Steck was recused from this
37 case due to his participation on the probable cause panel. Ms. Rodgers represented the Department
38 and presented the case to the Board.
39

40 **Action Taken:** After discussion, Dr. Johnson moved to adopt the settlement agreement as presented:

- 41
42
43
- Reprimand
 - \$4000.00 fine to be paid within 2 years of the Final Order
 - \$1864.10 in costs to be paid within 2 years of the Final Order

1 Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

2
3 **Tab 3 - Norma Yamile Blandin – DOH Case #2010-17631 – Motion for Determination of Waiver**
4 **and Entry of Final Order Following Hearing**

5 Allegations of Complaint: 468.1295(1)(bb)- violate a law or rule of the board (CE violation)

6
7 Ms. Blandin was not present or represented by counsel. Mr. Steck was recused from this case due to
8 his participation on the probable cause panel. Ms. Rodgers represented the Department and presented
9 the case to the Board.

10
11 **Action Taken:** Dr. Johnson moved to impose the following penalty:

- 12 • Reprimand
- 13 • \$1000.00 fine to be paid within 90 days of the Final Order
- 14 • The respondent must file an official change of address immediately
- 15 • Completion of 10 hours of continuing education to include a 2 hour prevention of medical
16 errors course and a Florida laws and rules course

17 Dr. Pendry seconded the motion, which passed unanimously.

18
19 Dr. Gaunt-Jaehne voiced concern regarding the availability of Florida laws and rules courses. Mr. Lewy
20 advised the Board they could amend their motion if needed.

21
22 **Additional Action Taken:** Dr. Johnson moved to amend his previous motion as follows:

- 23 • Rather than completion of a Florida laws and rules course, the respondent should write an
24 essay that focuses on Florida laws and rules pertaining to the practice of assistants, with
25 specific focus on the sections she violated
- 26 • The Chair is delegated authority to review the essay and consult with a Speech-Language
27 Pathologist if needed

28 Dr. Pendry seconded the amendment, which passed unanimously.

29
30 **Additional Action Taken:** Dr. Johnson moved to require completion of the continuing education,
31 address change submission and essay within 6 months of the Final Order. Dr. Pendry seconded the
32 motion, which passed unanimously.

33
34 Ms. Rodgers advised there was no motion to assess costs in this case.

35
36 **No Tab – PSU Report**

37 Ms. Rodgers provided the Board with an overview of the pending cases.

38
39 **Action Taken:** Dr. Johnson moved to have PSU continue with the prosecution of cases over a year
40 old. Mr. Steck seconded the motion, which passed unanimously.

41
42 **Licensure Appearances:**

43
44 **Tab 4 - Laura Donovan – Speech-Language Pathologist Full Licensure**

45 Ms. Donovan was present without counsel. Ms. Donovan was required to appear before the Board to
46 discuss her application and criminal history.

47
48 **Action Taken:** Mr. Steck moved to approve the application for licensure. Dr. Johnson seconded the
49 motion, which passed unanimously.

50
51 **Tab 5 - Amanda M. Corbin – Speech-Language Pathologist Assistant**

52 Ms. Corbin was present without counsel. Ms. Corbin was required to appear before the Board to
53 discuss her application and criminal history.

1
2 **Action Taken:** Dr. Johnson moved to approve the application for licensure. Mr. Steck seconded the
3 motion, which passed unanimously.
4

5 **Request to Withdraw Application for Licensure:**

6
7 **Tab 6 - Lonnie Harris**

8
9 **Action Taken:** Dr. Johnson moved to accept the request to withdraw the application. Mr. Steck
10 seconded the motion, which passed unanimously.
11

12 **General Business / Correspondence:**

13
14 **Tab 7 - SB 146 (2011) - "Jim King Keep Florida Working Act"**

15 Mr. Jusevitch explained the new law and asked the Board if there were any statutes or rules (other than
16 456.0635, F.S.) that would automatically disqualify an applicant from licensure.
17

18 **Action Taken:** Dr. Gaunt-Jaehne moved the Board does not have any statutes or rules, other than
19 456.0635, F.S., that would disqualify persons with prior convictions from licensure or employment. Dr.
20 Johnson seconded the motion, which passed unanimously.
21

22 **Tab 8 - Discussion Regarding Activity / Supervisor Plan Revisions**

23 Mr. Jusevitch explained staff's recommendation that the form be revised for efficiency. After
24 discussion, staff was directed to work with Dr. Johnson on revising the forms.
25

26 **Tab 9 - Ratification of Licenses Issued May 19, 2011 – August 31, 2011**

27
28 **Action Taken:** Dr. Gaunt-Jaehne moved to approve the list as presented. Mr. Steck seconded the
29 motion, which passed unanimously.
30

31 **Telepractice Discussion:**

32
33 **Tab 10 – ASHA Telepractice Model General Regulations**

34 Dr. Fifer explained the ASHA language was meant to serve as a tool to assist state boards in drafting
35 their own language and should not necessarily be taken as verbatim language.
36

37 Mr. Lewy recommended the Board only draft language pertaining to telepractice occurring within
38 Florida at this time. He also asked the members to send him possible language pertaining to their
39 particular scope of practice to assist him with crafting the rule.
40

41 There was discussion regarding the importance of input from a consumer member to ensure adequate
42 protection of consumers. Staff was asked to reach out to known consumer advocacy groups for any
43 recommendations or concerns.
44

45 It was the consensus of the Board to hold a rules workshop in conjunction with the January 2012
46 meeting. Members were asked to have their suggested language or comments to Mr. Lewy no later
47 than 10/21/2011 for inclusion in the December agenda for discussion prior to the workshop in January.
48

49 **Reports:**

50
51 **A. Chair Report – Barbara Gaunt- Jaehne, Au.D., Chair**

52 Dr. Gaunt-Jaehne had no report at this time.
53

54 **B. Board Counsel Report and Rules Discussion – Dror Lewy, Esq.**

1
2 **Tab 11 - Rules Report and Update Regarding Rulemaking Process**

3 Mr. Lewy advised the Board of the recent changes with the rulemaking process as a result of the Wiley
4 case. He explained that OFARR would now serve in a review capacity, rather than one of approval.
5

6 **Action Taken:** Mr. Steck moved to ratify the Chair's decision to file rules with OFARR simultaneously
7 as the other necessary steps. Dr. Johnson seconded the motion, which passed unanimously.
8

9 **Tab 12 - Discussion Regarding English Competency**

10 Mr. Lewy advised the members they didn't seem to have the statutory authority to require English
11 competency for licensure. However, he indicated that they may be able to create language requiring
12 licensees to effectively communicate with both their patients and audit medical records, statutes and
13 rules that are provided in English.
14

15 It was the consensus of the Board to have a definition of "effective communication" brought back to the
16 December meeting.
17

18 **Tab 13 - Annual Regulatory Plan (2011-2012 Fiscal Year)**

19 Informational item.
20

21 **C. Executive Director Report – Anthony Jusevitch, Executive Director**
22

23 **Tab 14 - Long Range Planning Discussion**

24 Mr. Jusevitch explained the importance of receiving feedback from the Board members regarding long
25 range planning. It was the consensus of the Board that they would like to see some better efficiency in
26 the handling of foreign applicants. Mr. Jusevitch explained he and staff had begun working on this
27 issue.
28

29 **No Tab – Credential Evaluation Reports**

30 Mr. Jusevitch advised he recently reached out to ASHA regarding the accreditation of programs and
31 would be working with the credentialing entities and ASHA to clarify and streamline this process.
32

33 **D. Budget Liaison Report – Stephen Steck**
34

35 **Tab 15 - Budget Report for Period Ending June 30, 2011**

36 Mr. Jusevitch asked the members if they would like to continue to see all three reports on future
37 agendas. It was the consensus of the Board to have all three budget reports on future agendas.
38

39 **E. Board Liaison Reports:**
40

41 **Application – Dr. Gaunt-Jaehne (Au.D.) & (SLP)- Dr. Johnson**

42 Dr. Gaunt-Jaehne and Dr. Johnson indicated they continued to assist staff with the review of
43 applications when necessary.
44

45 **Budget Liaison – Mr. Steck**

46 No additional report.
47

48 **Build Alliances/Communication – Dr. Gaunt-Jaehne**

49 No report.
50

51 **Community Relations – Mr. Steck**

52 No Report.
53

54 **Continuing Education – Dr. Pendry**

1 Dr. Pendry advised he assisted staff with the review of several continuing education course
2 applications.

3
4 Laws and Rules – Dr. Pizarro-Ziegler
5 No report.

6
7 Unlicensed Activity – Dr. Pizarro-Ziegler (Au.D.) & (SLP)- Dr. Johnson
8 No report.

9
10 **Old Business**

11
12 **New Business**

13
14 Mr. Naulty voiced concern with the recent decrease in budgets for various programs. He also
15 discussed correspondence concerning cochlear implants, which he would email to staff for placement
16 on the next agenda if appropriate.

17
18 **Adjourn**

19
20 **There being no further business, the meeting was adjourned at 1:00 pm.**