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MINUTES
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
GENERAL BUSINESS MEETING

Crowne Plaza Universal Hotel
7800 Universal Blvd
Orlando, FL 32819
(407) 355-0550

Thursday, December 3, 2009 at 9:00am

Mission Statement:

The mission of the Board of Speech Language Pathology & Audiology is to protect health care consumers by establishing and enforcing health care standards, licensing qualified health care practitioners and facilities, and disseminating health care information to the public.

Call to Order

Barbara Gaunt-Jaehne, Au.D., Chair, called the meeting to order at 9:00 a.m. Those present for all or part of the meeting included the following:

<p>MEMBERS PRESENT: Barbara Gaunt-Jaehne, Au.D., Chair Elena Pizarro-Zeigler, Au.D., Vice Chair K. Paul Boyev, MD Polly Pooser Dania Lopez-Ramirez</p> <p>MEMBERS ABSENT: Stephen Steck Robert Mincow</p>	<p>STAFF PRESENT: Kaye Howerton, Executive Director Christy Robinson, Program Administrator Carrol Cherry, Board Counsel Michael Lawrence, Prosecuting Attorney</p> <p>COURT REPORTER: American Court Reporting 407-896-1813</p>
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Please note- the minutes reflect the actual order that items were discussed during the meeting and may deviate from the agenda outline.

Review of Minutes:

Tab 1 - Minutes from September 17, 2009 General Business Meeting

The members noted several corrections to the minutes.

Action Taken: After discussion, Dr. Pizarro-Zeigler moved to approve the minutes with the necessary corrections. Ms. Pooser seconded the motion, which passed unanimously.

New Disciplinary Cases:

Ms. Cherry asked the members to indicate on the record if they received and reviewed all of the materials prior to the meeting, to which the members replied in the affirmative. She also asked if any member was aware of any facts or situations that would make them unable to deliberate in these cases, to which the response was no. Ms. Cherry then provided the members with instructions for handling disciplinary cases and who to direct specific questions to.

1
2 **Tab 2 - Kadia A. Gregory – Settlement Agreement – DOH Case #2008-23964**

3 Allegations of Complaint: 468.1295(1)(bb)- violating a law or rule by violating 64B20-6.001 (continuing
4 education violation)
5

6 Ms. Gregory was not present or represented by counsel. Mr. Lawrence represented the Department
7 and presented the case to the Board. Dr. Pizarro-Ziegler was recused due to her participation on the
8 probable cause panel.
9

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

- 11 ▪ Reprimand
- 12 ▪ \$1000.00 Fine within 90 days of the Final Order
- 13 ▪ \$944.10 in Costs within 90 days of the Final Order
- 14 ▪ Must submit proof of completion of all continuing education for the 1/1/06 – 12/31/07 renewal
15 period within 1 year of the Final Order

16 Ms. Pooser seconded the motion, which passed unanimously.
17

18 **Tab 3 - Linda Bea Phillips – Motion for Determination of Waiver – DOH Case #2008-24843**

19 Allegations of Complaint: 468.1295(1)(bb)- violating a law or rule by violating 64B20-6.001 (continuing
20 education violation)
21

22 Ms. Philips was present without counsel. Mr. Lawrence represented the Department and presented the
23 case to the Board. Dr. Pizarro-Ziegler was recused due to her participation on the probable cause
24 panel.
25

26 Dr. Boyev moved to adopt the agenda materials as evidence for the record. Ms. Lopez-Ramirez
27 seconded the motion, which passed unanimously. Ms. Pooser moved to find that the respondent was
28 properly served and waived their right to a hearing. Dr. Boyev seconded the motion, which passed
29 unanimously. Ms. Pooser moved to adopt the findings of fact as presented in the administrative
30 complaint. Dr. Boyev seconded the motion, which passed unanimously. Dr. Boyev moved to adopt the
31 conclusions of law as presented in the administrative complaint and to find that they constituted a
32 violation of the law or rule. Ms. Pooser seconded the motion, which passed unanimously.
33

34 **Action Taken:** After the Board heard testimony from Ms. Phillips, Ms. Pooser moved to impose the
35 following penalty due to mitigating circumstances:

- 36 • Reprimand
- 37 • \$500.00 Fine to be paid within 6 months of the Final Order
- 38 • \$758.61 in Costs to be paid within 6 months of the Final Order
- 39 • Must submit proof of continuing education for the 1/1/06 – 12/31/07 renewal period within 6
40 months of the Final Order

41 Ms. Lopez-Ramirez seconded the motion, which passed unanimously.
42

43 **Prosecuting Attorney Report – Michael Lawrence, Esquire:**
44

45 **Tab 4 - Prosecution Report- December 3, 2009 Board Meeting**

46 Mr. Lawrence provided the Board with an overview of the current case load.
47

48 **Licensure Appearances:**
49

50 **Tab 5 - Barbara Milesi - Speech-Language Pathology Provisional Applicant**

51 Ms. Milesi was not present or represented by counsel. Ms. Milesi's application was presented to the
52 Board for review of her educational credentials.
53

1 **Action Taken:** After the Board discussed the applicant's credentials, Ms. Lopez-Ramirez moved to
2 approve the application for provisional licensure. Dr. Pizarro-Zeigler seconded the motion, which
3 passed unanimously.
4

5 **Tab 6 - Acie Starling - Speech-Language Pathology Provisional Applicant**

6 Ms. Starling was present without counsel. Ms. Starling was asked to appear before the Board to
7 discuss her affirmative answer to question #4-D on the application concerning criminal charges. It was
8 noted for the record that the nature of Ms. Starling charges would prohibit her from obtaining licensure
9 as a result of a new law that went into effect on July 1, 2009. Ms. Starling provided the members with
10 information indicating that if she completed the drug court program successfully, her charges would be
11 dismissed. The Board then advised Ms. Starling that she may wish to consider withdrawing her
12 application at this time and reapply in 6 months after completing the program.
13

14 **Action Taken:** After discussion, Dr. Boyev moved to accept the withdrawal of Ms. Starling's
15 application as requested. Ms. Pooser seconded the motion, which passed unanimously.
16

17 **Ratification of Liaison Approvals:**

18
19 **Tab 7 - Ratification of Liaison Approvals from September and October**

20 **Action Taken:** Ms. Pooser moved to approve the list as presented. Dr. Boyev seconded the motion,
21 which passed unanimously.
22

23 **Reports:**

24
25 **A. Chair Report – Barbara Gaunt-Jaehne, Au.D.**

26
27 **Tab 8 - 2009 Annual Board Chair and Vice Chair Meeting Overview**

28 Dr. Gaunt-Jaehne provided the Board with a brief overview of the meeting.
29

30 **B. Board Counsel Report – Carrol Cherry, Esq.**

31
32 **Tab 9 - November 2009 Rules Report**

33 Ms. Cherry advised the members that rules 64B20-2.001 and 64B20-4.001 had also been noticed for
34 development.
35

36 **General Rules Discussion:**

37
38 **Tab 10 - 64B20-2.001 – Licensure by Certification of Credentials (Application)**

39 **Tab 11 - 64B20-2.003 – Provisional License; Requirements (Application)**

40 **Tab 12 - 64B20-4.001 – Certification of Assistants (Application)**

41 Tabs 10-12 were discussed and voted on as a whole. Ms. Robinson advised the members that
42 additional changes were needed to the health history questions to comply with the concerns raised last
43 year by the Department of Health and Human Services. She indicated that question #5-F (on the draft
44 provided in the agenda books) would need to be removed from all three applications to comply with
45 their concerns. This was in addition to the changes being made to the applications to comply with SB
46 1986.
47

48 **Action Taken:** After discussion, Dr. Gaunt-Jaehne moved to approve the necessary changes to the
49 applications and renumber the questions as needed. Dr. Boyev seconded the motion, which passed
50 unanimously.
51

52 Ms. Cherry advised the members that because the changes were being made as a result of a
53 legislative change no statement of estimated regulatory costs would be needed.
54

1 **Additional Action Taken:** After additional discussion, Dr. Boyev moved to incorporate the revised
2 forms into the applicable rule by reference. Dr. Pizarro-Zeigler seconded the motion, which passed
3 unanimously.
4

5 **C. Executive Director Report – Kaye Howerton, Executive Director:**
6

7 **Tab 13 - Pending Board Issues List**

8 Ms. Howerton advised the members that the only outstanding issue on the list was to obtain information
9 about this profession's sunset review. She indicated that she would have information regarding this
10 available at the next meeting. Ms. Howerton was also asked to provide the Board with an update
11 regarding the Board of Hearing Aid Specialist's sunset review and provide the associations with any
12 information regarding sunset review.
13

14 **D. Budget Liaison Report – Steven Steck:**
15

16 **Tab 14 - Expenditures by Function for the Period Ending September 30, 2009**

17 Informational only.
18

19 **Tab 15 - Discussion Regarding Adequacy of Fees**

20 The Board discussed the probability and consequences of lowering their fees. The expressed concern
21 with supporting other professions who remained in a constant deficit and having a large cash balance
22 that could be taken again in the future. They expressed the importance of remaining fiscally solvent
23 and being able to support their administrative functions.
24

25 **Action Taken:** After much discussion, Ms. Lopez-Ramirez moved to reduce the renewal fee to
26 \$100.00. Dr. Pizarro-Zeigler seconded the motion, which passed with Dr. Boyev opposed.
27

28 **Additional Action Taken:** Ms. Lopez-Ramirez then moved to open rule 64B20-3.007 for development
29 and change the language to reflect the fee change. Dr. Pizarro-Zeigler seconded the motion, which
30 passed with Dr. Boyev opposed.
31

32 **Additional Action Taken:** After additional discussion, Dr. Gaunt-Jaehne moved to find that the
33 proposed changes to 64B20-3.007 would have no negative impact on small business and no SERC
34 would be needed. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.
35

36 **E. Board Liaison Reports:**

37 ▪ Application – Barbara Gaunt-Jaehne (Au.D.) & Dania Lopez-Ramirez (SLP)
38 No report.
39

40 ▪ Budget Liaison – Steven Steck
41 No report.
42

43 ▪ Build Alliances/Communication – Barbara Gaunt-Jaehne
44 No report.
45

46 ▪ Community Relations – Stephen Steck
47 No report.
48

49 ▪ Continuing Education – Polly Pooser
50 No report.
51

52 ▪ Laws and Rules – Elena Pizarro-Ziegler
53 No report.
54

- 1 ▪ Unlicensed Activity – Elena Pizarro-Zeigler (Au.D.) & Polly Pooser (SLP)
2 No report.

3
4 **No Tab** - Dr. Gaunt-Jaehne thanked all of the liaisons for serving on the various committees and
5 thanked the Board office staff and the members for their service.

6
7 **New Business:**

8
9 **Tab 16 - Correspondence from Barry Freeman Re: Telehealth**

10 The Board briefly discussed the concerns addressed in the correspondence from Mr. Freeman. Ms.
11 Cherry advised the members that they should refrain from providing Mr. Freeman with an opinion
12 regarding this matter and should require that he submit a petition for declaratory statement. Ms. Cherry
13 indicated that she would send Mr. Freeman a letter advising of such.

14
15 **Old Business:**

16
17 **No Tab** – One of the members asked for clarification regarding medical records for Medicaid patients
18 that are minors. It was noted that those were separate laws and that she could contact AHCA for more
19 information.

20
21 **No Tab** – There was brief discussion regarding the impact of SB 1986 on healthcare practitioners.

22
23 **There being no further business, the meeting was adjourned at 11:15 am.**