

FLORIDA | Board of Speech Language Pathology & Audiology

DRAFT MINUTES

October 21, 2015

Bonaventure Resort & Spa
250 Racquet Club Road
Weston, FL 33326



Peter Johnson, PhD
Chair

Dr. Raheerick Rahe, Au.D.
Vice-Chair

Claudia J. Kemp, JD
Executive Director

Daisy King
Program Operations Administrator

1 The meeting was called to order by Dr. Johnson, Chair, at approximately 9:00 a.m. Those present for all or part of the meeting
2 included the following:
3

4 **General Board Business started: 9:00 a.m.**

6 **MEMBERS PRESENT:**

7 Peter Johnson, PhD, Chair
8 Frederick Rahe, Au.D., Vice Chair
9 Kristen Rutland
10 K. Paul Boyev, M.D.
11 Sergio Guerreiro, Au.D.

STAFF PRESENT:

Adrienne C. Rodgers, RN, JD, Bureau Chief for Health Care Practitioner
Regulation

13 **BOARD COUNSEL:**

14 Rachel Clark, Assistant Attorney General
15 Office of Attorney General

17 **PROSECUTION COUNSEL:**

18 Candace Rochester, Assistant General Counsel, Section Manager
19 Department of Health, Office of the General Counsel

21 **COURT REPORTER:**

22 Daisy Amador
23 Apex Reporting Group
24 Phone: (954) 467-8204
25

26 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
27 *this meeting can be found online at <http://floridasspeechaudiology.gov/>*
28

29 **APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD**

- 30
31 1. July 22, 2015 – Full Board Meeting

32 Minutes of the July 22, 2015, General Business Meeting were reviewed.
33 Motion to accept the minutes was made by Dr. Guerreiro and seconded by Ms. Rutland.
34 Vote 5 ayes, 0 opposed; Motion carried
35
36

37 **Section General Board Business ended at 9:01 a.m.**

38 **Section Discipline Cases began at 9:01 a.m.**

39
40 **FINAL ORDERS BY SETTLEMENT AGREEMENT:**

- 41 2. George Sinclair, Au.D., SLP – Case Number 2014-01428
42 Ms. Rutland recused due to participation on the Probable Cause Panel
43 Respondent was present and was not represented by counsel, Christopher Mast.
44

45 An Administrative Complaint filed by the Department charged Respondent with violation of ss. 468.1295(1)(bb) and
46 468.1225, Fla. Stat., and rule 64B20-8.008, F.A.C., by failing to meet the minimal requirements in the fitting and sale of
47 hearing aids. Respondent and the department negotiated a proposed settlement agreement.
48

49 The prosecutor advised the board that the settlement agreement contained the following provisions:

- reprimand;
- administrative fine of \$2,000.00 payable within 3 years of the filing of the Final Order;
- costs of \$3,350 payable within 3 years of the filing of the Final Order;
- unspecified number of hours continuing education for recordkeeping within 12 months after the filing of the Final Order.

50
51 NOTE: Prior to this meeting, the Respondent completed a continuing education course in addressing audiometric testing in
52 the fitting and sale of hearing aids. Respondent has been licensed for 16 years without any discipline and took the CE
53 courses without waiting for resolution by the board, showing his willingness to cooperate with discipline.
54
55
56
57
58

1
2 Board Discussion:

3 Respondent said he only received notice on Saturday and it didn't say his lawyer had to be here. Board counsel asked if he
4 wished to proceed without counsel, to which Respondent responded that he wished to proceed.
5

6 Motion to adopt the settlement agreement made by Dr. Guerreiro, second by Dr. Boyev.

7 Vote: 4 yeas / 0 opposed; Motion carried
8

9 **Time: 9:05 a.m.**

10
11 **FINAL ORDERS BY DETERMINATION OF WAIVER:**

- 12 3. Dina Lynn Jellen-Theissen, SLP – case number 2013-13415

13 Ms. Rutland was recused due to participation on the Probable Cause Panel

14 Respondent was not present and was not represented by counsel, Paul Nugent.
15

16 An Administrative Complaint alleging that Respondent violated s. 468.1295(1)(g), Fla. Stat., by failing to meet the
17 requirements of the Final Order in case 2010-01700, which required the Respondent to pay an administrative fine of \$1,000
18 and costs of \$233.45 within 90 days of the issuance of that Final Order. Respondent failed to file an election of rights or other
19 responsive pleading that disputed the allegations of the Administrative Complaint.
20

21 Motion that the Respondent was properly served and waived her right to a hearing made by Dr. Boyev, second by Dr. Rahe.

22 Vote: 4 yeas / 0 opposed; Motion carried
23

24 Motion to adopt the materials in the investigative file into evidence and adopt the findings of fact as stated in the
25 Administrative Complaint was made by Dr. Boyev, second by Dr. Guerreiro.

26 Vote: 4 yeas / 0 opposed; Motion carried
27

28 Motion to adopt the conclusions of law and find that the facts support a violation of the Practice Act as charged in the
29 administrative complaint made by Dr. Boyev, second by Dr. Rahe.

30 Vote: 4 yeas / 0 opposed; Motion carried
31

32 Department recommendation for discipline: Revocation of license.
33

34 Motion to impose discipline as recommended by the Department made by Dr. Boyev, second by Dr. Rahe.

35 Vote: 4 yeas / 0 opposed; Motion carried
36

37 Department recommendation: Waive costs based on the revocation of the license.
38

39 Motion to waive costs in the amount of \$71.99 made by Dr. Rahe second by Dr. Guerreiro.

40 Vote: 4 yeas / 0 opposed; Motion carried
41

42 **Time: 9:10 a.m.**

- 43
44 4. Stephen William Goff, Au.D. – case number 2013-20555

45 Ms. Rutland was recused due to participation on the Probable Cause Panel.

46 Respondent was not present and was not represented by counsel.
47

48 An Administrative Complaint alleging that Respondent violated ss. 468.1295(1)(r), 468.1295(1)(bb), and 468.1245(2), Fla.
49 Stat., and/or 64B20-9.006, F.A.C., by representing or implying that a hearing aid was custom made or specially fabricated for
50 a particular patient when the hearing aid had been made for another patient, and failed to provide the customer with a receipt
51 and/or failed to maintain records of the hearing aid cost. Respondent failed to file an election of rights or other responsive
52 pleading that disputed the allegations of the Administrative Complaint.
53

54 Motion that the Respondent was properly served and waived her right to a hearing made by Dr. Rahe, second by Dr.
55 Guerreiro.

56 Vote: 4 yeas / 0 opposed; Motion carried
57

1 Motion to adopt the materials in the investigative file into evidence and adopt the findings of fact as stated in the
2 Administrative Complaint was made by Dr. Rahe, second by Dr. Guerreiro.

3 Vote: 4 yeas / 0 opposed; Motion carried
4

5 Motion to adopt the conclusions of law and find that the facts support a violation of the Practice Act as charged in the
6 administrative complaint made by Dr. Rahe, second by Dr. Guerreiro.

7 Vote: 4 yeas / 0 opposed; Motion carried
8

9 Department recommendation for discipline: reprimand with fine in the amount of \$5,000 and probation for one year.

10 Discussion

11 The Board questioned whether a reprimand, a \$5,000 fine, and a 1 year probation was enough given the circumstances as this
12 is a clear violation for what the profession requires to protect the citizens of Florida. Dr. Guerreiro recommended revocation.
13 Board counsel and prosecutor advised that aggravating factors would be needed to support revocation. The board asked if
14 additional discipline cases can be considered as an aggravating factor. Board counsel provided the usual aggravating factors
15 that may be considered, which she stated do not appear to exist in this instance. Prosecution advised that there is a second
16 case where the board may wish to consider a stronger penalty.
17

18
19 Motion to impose discipline as recommended by the Department payable within 90 days of the filing of the final order with
20 standard probation terms found in rule made by Dr. Guerreiro, second by Dr. Boyev.

21 Vote: 4 yeas / 0 opposed; Motion carried
22

23 **Time: 9:20 a.m.**

- 24
25 5. Stephen William Goff, Au.D. – case number 2013-18551 and 2013-13989

26 Ms. Rutland was recused due to participation on the Probable Cause Panel.
27 Respondent was not present and was not represented by counsel.
28

29 An Administrative Complaint alleging that Respondent violated ss. 468.1295(1)(d), 456.072(1)(m), 468.1296(1)(bb), Fla.
30 Stat., and rule 64B20-9.006, F.A.C., by knowingly filing a false report, employing a trick or scheme in the practice of
31 audiology, failed to create and/or maintain records of fitting and sale of hearing aids and failed to follow appropriate
32 procedures in the fitting and sale of hearing aids. Respondent failed to file an election of rights or other responsive pleading
33 that disputed the allegations of the Administrative Complaint.
34

35 Motion that the Respondent was properly served and waived her right to a hearing made by Dr. Guerreiro, second by Dr.
36 Rahe.

37 Vote: 4 yeas / 0 opposed; Motion carried
38

39 Motion to adopt the materials in the investigative file into evidence and adopt the findings of fact as stated in the
40 Administrative Complaint was made by Dr. Guerreiro, second by Dr. Rahe.

41 Vote: 4 yeas / 0 opposed; Motion carried
42

43 Motion to adopt the conclusions of law and find that the facts support a violation of the Practice Act as charged in the
44 administrative complaint made by Dr. Rahe, second by Dr. Guerreiro.

45 Vote: 4 yeas / 0 opposed; Motion carried
46

47 Discussion

48 Dr. Guerreiro asked if Respondent defrauded his place of employment since payments were made directly to his personal
49 account, so his employer was also harmed. The prosecutor commented that there are criminal charges pending.
50

51 Department recommendation for discipline: reprimand, fine in the amount of \$10,000, 1 year probation with conditions,
52 continuing education hours in ethics and the procedure of fitting and sale of hearing aids. Counsel stated that the board may
53 wish to impose greater discipline based on the following aggravating factors: financial exploitation, number of violations,
54 monetary harm to patients, board resolved a second disciplinary case with similar circumstances.
55

56 Motion to revoke the license in addition to a fine in the amount of \$10,000 made by Dr. Rahe, second by Dr. Guerreiro.

57 Vote: 4 yeas / 0 opposed; Motion carried
58

1 Department recommendation for costs: \$2,436.51 for case number 2013-18551; \$1,572.14 for case number 2013-13989, the
2 total of which is \$4,008.64 to be paid within one year.
3 Motion to assess costs in the amount of \$4,008.64 payable within 1 year of the date of the Final Order made by Dr.
4 Guerreiro, second by Dr. Rahe.
5 Vote: 4 yeas / 0 opposed; Motion carried
6

7 **Time: 9:29 a.m.**

8
9 **PROSECUTION REPORT:**

10 Motion to continue prosecution of discipline cases more than one year old made by Dr. Guerreiro, second by Dr. Rahe.
11 Vote: 4 yeas / 0 opposed; Motion carried
12

13
14 **Section for discipline ended at 9:33 a.m.**

15 **Section for applications started at 9:33 a.m.**

16
17 **LICENSURE APPLICATION APPEARANCES:**

- 18
19 7. Kimberly Bagley, file 14654 – Speech Language Pathologist
20 Applicant was present and was not represented by counsel.
21

22 Applicant answered in the affirmative to a health history question. Applicant supplied documentation from her treating
23 physician in support of her application.
24

25 **Discussion:**

26 Applicant stated she was in process of divorcing and her condition had been exacerbated due to the stress. Dr. Johnson asked
27 if PRN would be available. Board counsel said the Board could grant a license conditional on the applicant being cleared to
28 practice through PRN. Board counsel explained the impaired practitioner program. Dr. Guerreiro stated applicant had met all
29 other requirements and her licenses in other states are all in good standing.
30

31 Motion to grant a license conditioned on PRN finding applicant safe to practice made by Dr. Guerreiro, second by Dr. Boyev.
32 Vote: unanimous. Motion carried
33

34 Motion to complete the PRN evaluation within 6 months made by Dr. Guerreiro, second by Dr. Boyev.
35 Vote: unanimous. Motion carried
36

37 **Time ended: 9:36 a.m.**

- 38
39 8. Lori Sarnoff, file 14410 – Speech Language Pathologist
40 Applicant was present and was not represented by counsel.
41

42 Applicant answered in the affirmative to a health history question. Applicant supplied documentation from her treating
43 physician in support of her application.
44

45 **Discussion:**

46 Applicant stated she has been symptom free since 4.5 years ago after her hospitalization. Dr. Johnson asked whether a PRN
47 referral should be imposed. Dr. Boyev asked if she was being seen currently to which the applicant replied she is under
48 treatment.
49

50 Motion made by Dr. Guerreiro to grant the license based upon PRN recommendation that applicant is safe to practice,
51 seconded by Dr. Rahe with a friendly amendment to limit the time frame for compliance to 6 months from the date of the
52 order.
53

54 Vote: unanimous. Motion carried
55

56 **Time ended: 9:40 a.m.**

- 57 9. Raylennis Aguilera, file 7063 – Provisional Speech Language Pathologist
58 Applicant was present and was not represented by counsel.

1
2 Applicant received her education outside of the United States. The board staff were not able to reconcile Applicant's
3 education with rule 64B20-2.002(1)(a) and (b), F.A.C.
4

5 Discussion:

6 Dr. Johnson stated the board could not review the applicant's liaison information because of the short timeframe before the
7 meeting. Dr. Guerreiro stated applicant's special education was confirmed as being in accord with the Board's general
8 requirements, but he could not find the applicant's speech education. Applicant handed out education information set out in a
9 table. Dr. Johnson could not find 36 graduate credits to meet the speech language credit requirements; he found 70 credits
10 total, but only 36 credits for speech. Applicant opined that other courses are important for a speech language pathologist
11 despite not being speech courses. Dr. Boyev found 25 credits directly related to speech and asked what other types of courses
12 could be included. Based on the additional courses for sign language and stimulation, anatomy and physiology, deviations of
13 sensory development, the Board found 36 credits in speech.
14

15 Motion made by Dr. Boyev to grant the license, seconded by Dr. Guerreiro.

16 Vote: unanimous. Motion carried
17

18 **Time ended: 9:53 a.m.**
19

20 10. Lourdes Hernandez de la Rosa, file 6507 – Provisional Speech Language Pathologist

21 Applicant was present and was represented by a translator/ representative: Jonah Venguera as translator.
22

23 Applicant received her education outside of the United States. The board staff were not able to reconcile Applicant's
24 education with rule 64B20-2.002(1)(a) and (b), F.A.C. Applicant withdrew her application then reapplied, providing
25 additional information. This matter is before the board as a reapplication for licensure.
26

27 Discussion:

28 Applicant did not want to make a statement. Dr. Johnson stated the board could not review the applicant's information
29 because of the short timeframe before the meeting. Applicant presented evidence that she holds a specialist in speech
30 language, then a bachelor's degree, and finally received her master's degree in 1990. Page 1401 provided a chart of the
31 courses taken for graduate courses.
32

33 Motion made by Dr. Guerreiro to grant the license and seconded by Dr. Rahe.

34 Vote: unanimous. Motion carried
35

36 **Time ended: 9:58 a.m.**
37

38 12. Manuela Semino, file 2782 – Speech Language Pathology Assistant

39 Applicant was present and was represented by a translator/ representative.
40

41 Applicant received her education outside of the United States. The board staff were not able to reconcile Applicant's
42 education with rule 64B20-2.002(1)(a) and (b), F.A.C.
43

44 Discussion:

45 Dr. Johnson stated the board could not review the applicant's information because of the short timeframe before the meeting.
46 Applicant is in the process of completing her master's degree on physiological studies online through an unaccredited school.
47 Applicant holds a bachelor's degree in special education. Dr. Johnson stated the position for which applicant applied requires
48 9 hours of fundamentals and 15 hours of speech pathology. The information found on page 1518 showed that the program
49 was not accredited for granting a degree. Board counsel stated this doesn't mean the applicant did not learn what she needed
50 to learn. Dr. Guerreiro found the course list. Board counsel stated the programs are not equivalent to a board approved
51 school, which means that the bachelor's degree courses may be counted but the online school courses cannot. Dr. Johnson
52 found 9 credits for fundamentals. Dr. Rahe asked if pages 1533 and 1535 were the same and confirmed they were not. Dr.
53 Guerreiro found 6.75 credits for speech, with a total of 9 hours. Dr. Johnson agreed. Ms. Rutland recommended the applicant
54 complete an additional 3.75 credits coursework from an accredited provider to meet the number of credits needed. Applicant
55 stated she has the additional hours but they come from the unaccredited online program. Board counsel explained applicant's
56 options. Applicant decided to withdraw her application.
57

58 Motion made by Dr. Rahe to allow the applicant to withdraw her application, seconded by Dr. Boyev.

1 Vote: unanimous. Motion carried
2

3 **Time ended: 10:25 a.m.**
4

- 5 11. Anisley Lima Diaz, file 2782 – Provisional Speech Language Pathology Assistant
6 Applicant was present and was not represented by counsel.
7

8 Applicant received her education outside of the United States. The board staff were not able to reconcile Applicant's
9 education with rule 64B20-2.002(1)(a) and (b), F.A.C.

10 Discussion:

11 Applicant stated she has masters in speech language pathology from Cuba.

12 Ms. Rutland opined that applicant has the equivalent education and referred the Board to page 1577. The board determined
13 that the hours were sufficient at 700 hours.
14

15 Motion made by Dr. Rahe to grant the license, seconded by Dr. Guerreiro.

16 Vote: unanimous. Motion carried
17

18 **Time ended: 10:27 a.m.**
19

- 20 13. Alina Perez Adlana, file 3114 –Speech Language Pathology Assistant
21 Applicant was not present and was not represented by counsel.
22

23 Dr. Johnson stated the board could not review the applicant's information because of the short timeframe before the meeting.
24 Applicant received her education outside of the United States. The board staff were not able to reconcile Applicant's
25 education with rule 64B20-2.002(1)(a) and (b), F.A.C.
26

27 Discussion:

28 Page 1595 showed the credits, which did not appear to equal the required 15 credits in speech. The Board found that
29 applicant did have sufficient credits to meet the requirements for the fundamentals. Board counsel suggested adding to the
30 Board's order 2 weeks for the applicant to withdraw her application or the denial would stand.
31

32 Motion made by Dr. Rahe to deny the license but to allow the applicant 2 weeks after the order is filed to withdraw her
33 application, seconded by Dr. Guerreiro.
34

35 Vote: unanimous. Motion carried
36

37 **Time ended: 10:33 a.m.**
38

- 39 14. Megan Miller – Speech Language Pathologist
40 Applicant was not present and was not represented by counsel.
41

42 Applicant answered in the affirmative to health history questions. Applicant supplied documentation from her treating
43 physician in support of her application.
44

45 Discussion:

46 Dr. Johnson stated the board could not review the applicant's information because of the short timeframe before the meeting.
47

48 Dr. Guerreiro moved to grant the license based upon a PRN recommendation that applicant is safe to practice, and giving
49 applicant 6 months to complete the evaluation, second by Dr. Rahe.
50

51 Vote: unanimous. Motion carried
52

53 **Time ended: 10:36 a.m.**
54

- 55 15. Cassandra Gail Marquis, file 14553 – Speech Language Pathologist
56 Applicant was present and was not represented by counsel.
57

58 Applicant answered in the affirmative to health history questions. Applicant submitted information from her treating
59 physician in support of her application.

1
2 Discussion:

3 Applicant stated she was hospitalized, then started seeing an outpatient therapist; she has made progress and her life is
4 different. Applicant stated she is seeing a psychiatrist and therapist in Florida. She allowed her Tennessee license to expire
5 due to the high cost to maintain the license. Ms. Rutland asked if she could get a letter from her own psychiatrist instead of
6 PRN.
7

8 The question was raised about the applicant voluntarily discharging herself from therapy and whether the Board could make
9 notification of such an event as part of the condition of licensing. Board counsel responded that the Board had no authority to
10 do so; if applicant was later deemed not safe to practice, then there are other means to protect the public. Dr. Boyev asked if
11 there was grounds to require safe to practice when the underlying condition does not make an individual unsafe to patients.
12

13 Ms. Rutland moved to get a letter from applicant's current treating psychiatrist that she is safe to practice and to produce the
14 letter within 6 months of the Board's order. Simultaneous seconds by Dr. Rahe and Dr. Guerreiro.

15 License issued in error now showing null and void (asked to have this removed.)

16 Vote: unanimous. Motion carried
17

18 **Time ended: 10:45 a.m.**
19

20 **RATIFICATION OF LICENSES:**

21 16. Speech Language Pathologist – SA 13880 through SA 14096

22 Motion to ratify issuance of Pathologist license numbers SA 13880 through SA 14096 made by Dr. Boyev, second by Dr.
23 Rahe.

24 Vote: unanimous. Motion carried
25

26 17. Audiologist – AY 1961 through AY 1987

27 Motion to ratify issuance of Audiologist license numbers AY 1961 through AY 1987 made by Dr. Boyev, second by Dr.
28 Guerreiro.

29 Vote: unanimous. Motion carried
30

31 18. Audiology Assistant – AI 206 through AI 212

32 Motion to ratify issuance of Audiology Assistant AI 206 through AI 212 made by Dr. Boyev, second by Dr. Guerreiro.

33 Vote: unanimous. Motion carried
34

35 19. Pathology Assistant – SI 2587 through SI 2669

36 Motion to ratify issuance of Audiology Assistant SI 2587 through SI 2669 made by Dr. Boyev, second by Dr. Guerreiro.

37 Vote: unanimous. Motion carried
38

39 20. Provisional Audiologist – AZ 696 through AZ 706

40 Motion to ratify issuance of Audiology Assistant AZ 696 through AZ 706 made by Dr. Boyev, second by Dr. Guerreiro.

41 Vote: unanimous. Motion carried
42

43 21. Provisional Speech Language Pathologist – SZ 7143 through SZ 7361

44 Motion to ratify issuance of Audiology Assistant SZ 7143 through SZ 7361 made by Dr. Boyev, second by

45 Ms. Rutland.

46 Vote: unanimous. Motion carried
47

48 **Time ended: 10:55 a.m.**
49

50 **BOARD COUNSEL REPORTS**

51 Annual Regulatory Plan – at the last meeting repeal of 9.001 in process and should be repealed soon. ARP should reflect
52 2015-2016 and is published on the department website for potential action in the next year. Asked for board to ratify the
53 plan.
54

55 Motion to ratify the Annual Regulatory Plan made by Ms. Rutland, second by Dr. Rahe.

56 Vote: unanimous. Motion carried
57

1 Ms. Clark gave an overview of the 2016 Music Therapists SB 204 amending chapter 468, F.S. The Music Therapists use the
2 cognitive codes that Speech Therapists use for billing.
3

4 **CHAIR/VICE CHAIR REPORT**

5 Chair/Vice Chair meeting – brief overview given by Dr. Rahe.
6 Future Agenda Items - none
7

8 **EXECUTIVE DIRECTOR’S REPORT:**

9 Introduction of new Executive Director
10 Update on travel reimbursement
11 Are you Renewal Ready - update
12

13 **LIAISON REPORTS:**

14 **Budget Liaison Report** nothing to report
15

16 **Applications** nothing to report
17

18 **Continuing Education**

19 Dr. Rahe received several applications to provide continuing education courses for medical errors that were unrelated to
20 audiology or speech pathology.
21

22 **Laws and Rules** nothing to report
23

24 **Unlicensed Activity** – Dr. Guerreiro chair/vice chair presentation regarding telemedicine and the NC case. Asked for report quarterly.
25 Discussion of variations on unlicensed activity versus practicing outside of the scope of the license.
26

27 **Healthiest Weight**

28 Update on Healthiest Weight meeting.
29

30 **Old Business** - none
31

32 **New Business** - none
33

34 **Next Meeting** – The Board asked staff to confirm the date and location of the meeting and to send out an email advising the Board.
35 The Board indicated that the next meeting should be in the Tampa area.
36

37 **Section General Board Business ended at 11:02 a.m.**

38 **The meeting was adjourned at 11:04 a.m.**