

FLORIDA | Board of Speech-Language
Pathology and Audiology

Meeting Minutes

**April 19, 2017
9:00 a.m.**

**Embassy Suites Orlando LBV South
4955 Kyngs Heath Road
Kissimmee, FL 34745
(407) 597-4000**



Peter Johnson, PhD
Chair

Frederick Rahe, Au.D.
Vice-Chair

Kama Monroe
Executive Director

April 19, 2017

The Meeting was called to order by Board chair, Peter Johnson at 9:06 a.m., or soon thereafter.
Present for all or part of the meeting, include:

MEMBERS PRESENT:

Peter Johnson, Au.D., Chair
Frederick Rahe, Au.D., Vice-Chair
Sergio Guerreiro, Au.D.
Kristen Rutland

BOARD STAFF PRESENT:

Kama Monroe, Executive Director
Carol Taylor, Program Administrator

MEMBERS ABSENT:

Paul Boyev (absence excused)

BOARD COUNSEL:

Rachelle Munson, Board counsel

COURT REPORTER:

American Court Reporting
850-421-0058

OTHERS PRESENT

Peter Delia, PSU atty
Jennifer Weaver, PSU atty

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.

REVIEW AND APPROVAL OF MINUTES

1. January 25, 2017

Minutes of the January 25, 2017, Conference Call were reviewed.

Motion: by Frederick Rahe, seconded by Sergio Guerreiro, to accept meeting minutes. Motion carried.

Disciplinary Actions

Determination of Waiver

2. Terri Lynn Schneider, AU.D., Case number 2014-06838

Respondent was not present. Respondent was not represented by counsel.

Kristen Rutland was recused due to participation on the probable cause panel.

Jennifer Weaver represented the Department and presented the case. Allegations of the Administrative Complaint: violation of Section 456.072(II), Florida Statutes (2015), for being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud. The Administrative Complaint alleges Respondent was convicted of multiple crimes involving the commission of health care fraud through submission of false and fraudulent claims to the Medicare program seeking reimbursement for services not rendered to Medical beneficiaries.

Motion: by Frederick Rahe, seconded by Peter Johnson, to make a finding that the Respondent was properly served and has waived her rights to a formal hearing. Motion carried.

Motion: by Frederick Rahe, seconded by Sergio Guerreiro, to adopt the findings of fact and conclusions of law as contained in the Administrative Complaint and to move the case materials into evidence and find that constitutes a violation of the practice act. Motion carried.

The Department recommendation was Revocation.

Motion: by Sergio Guerreiro, seconded by Peter Johnson to revoke the Respondent's license. Motion carried.

Motion: by Frederick Rahe, seconded by Sergio Guerreiro, that in light of the revocation the Department will not seek costs.

Informal Hearings

3. Doris Simons Wolf, SLP, Case number 2015-30245

Respondent was present and sworn in. Respondent was represented by counsel Steven Brownlee, Esq.

Kristen Rutland was recused due to participation on the probable cause panel.

Peter Delia represented the Department and presented the case. Allegations of the Administrative Complaint: violation of Section 468.1295(1)(d), Florida Statutes (2015), by making or filing a report or record which the licensee knew to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing.

After discussion:

Motion: Frederick Rahe, seconded by Sergio Guerreiro, to accept the board's recommendation of: Reprimand; Fine of \$6,000.00; one continuing education course in Ethics and Professionalism in the practice of Speech-Language Pathology, clock hours to be determined by the board; one continuing education course in record keeping as it relates to Speech-Language Pathology, clock hours to be determined by the board; six months of probation with conditions; and costs to be addressed in a separate motion. Motion carried.

Attorney Steven Brownlee asked that the supervision be changed from six months of direct supervision to six months of indirect supervision.

Motion: Frederick Rahe, seconded by Sergio Guerreiro, to amend motion to accept indirect supervision. Motion carried.

Motion: Frederick Rahe, seconded by Sergio Guerreiro, to assess costs in the amount of \$1243.64, Motion carried. (This matter was re-addressed at the end of the meeting for the purposes of correcting an error. It was determined costs will be bifurcated and the cost motion will be tabled to allow Respondent's counsel the opportunity to review. The matter will be placed on the July agenda for resolution.)

Prosecution Services Report – Peter Delia, Esq.

4. The Prosecution Services Unit (PSU) was presented by PSU attorney Peter Delia. As of last week, the total inventory consisted of fifteen cases, of which; ten were under review, one is being agendaed for probable cause, and two were presented during this board meeting. Mr. Delia noted a belief that, of the ten under review, at least five will be heard at the next probable cause panel meeting. Mr. Delia requested permission to continue prosecuting the cases over a year old.

Motion: by Sergio Guerreiro, seconded by Frederick Rahe, to allow PSU to continue prosecuting the cases older than one year. Motion carried.

Probation and Compliance Review Voluntary Relinquishment

5. Mayra Romero

Respondent was not present. Respondent was not represented by counsel.

Motion: by Sergio Guerreiro, seconded by Frederick Rahe, to accept the Voluntary Relinquishment. Motion carried.

A request was made to add a condition excluding Respondent from ever applying for licensure again.

Motion: by Sergio Guerreiro, seconded by Frederick Rahe, to amend the motion, to state, accept the Voluntary Relinquishment with the condition that Respondent can never re-apply for licensure. Motion carried.

Petition for Temporary Variance or Waiver of Rule 64B20-6.002

6. Jenna Martin

Ms. Martin took a CEU course that was 4 days long. The instructor did not obtain permission prior to presenting the course for it to be approved for ASHA certification and/or for Department continuing education credit. ASHA subsequently approved the course for ASHA certification.

Discussion.

Motion: Sergio Guerreiro, seconded by Frederick Rahe, to accept the petition request for temporary variance or waiver of Rule 64B20-6.002. Motion carried.

7. Marjorie Smith

Ms. Smith took a CEU course that was 4 days long. The instructor did not obtain permission prior to presenting the course for it to be approved for ASHA certification and/or for Department continuing education credit. ASHA subsequently approved the course for ASHA certification.

Discussion.

Motion: Sergio Guerreiro, seconded by Frederick Rahe, to accept the petition request for temporary variance or waiver of Rule 64B20-6.002. Motion carried.

8. Julie Butler

Ms. Butler took a CEU course that was 4 days long. The instructor did not obtain permission prior to presenting the course for it to be approved for ASHA certification and/or for Department continuing education credit. ASHA subsequently approved the course for ASHA certification.

Discussion.

Motion: Sergio Guerreiro, seconded by Frederick Rahe, to accept the petition request for temporary variance or waiver of Rule 64B20-6.002. Motion carried.

Applicants

Speech-Language Pathology and Audiology Assistant Licensure Application Review

9. Lizandra Garcia

Applicant was present and was sworn in. Applicant was not represented by counsel. Applicant was accompanied by a translator, Gladys Page, who was sworn in.

Action Taken: After discussion, Frederick Rahe moved to table the application until all hours in full are submitted to the Department and to extend the ninety day waiver, Kristen Rutland seconded the motion, which passed unanimously.

10. Ivon Beatriz Camblor

Applicant was not present. Applicant was not represented by counsel.

Action Taken: After discussion, Sergio Guerreiro moved to table the application until the next meeting and to send the applicant a letter requiring her to appear, Frederick Rahe seconded the motion, which passed unanimously.

Provisional Speech-Language Pathology and Audiology Application Review

11. July Chancafe-Marin

Applicant was present. Applicant was not represented counsel.

Action Taken: After discussion, Kristen Rutland moved to accept the application, Sergio Guerreiro seconded the motion, which passed unanimously.

12. Idalmis Turruelles

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Sergio Guerreiro moved to accept the application, Kristen Rutland, seconded the motion, which passed unanimously.

AHCA Exemption Application Review

13. Scott Anderson

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Sergio Guerreiro moved to accept the application, Frederick Rahe, seconded the motion, which passed unanimously.

Ratification of Licenses Issued 12/31/16-3/31/2017

14.(a) 3001 - Speech-Language Pathologist

Motion: by Kristen Rutland, seconded by Sergio Guerreiro, to approve ratification of issued licenses. Motion carried.

(b) 3002 – Audiologist

Motion: by Kristen Rutland, seconded by Sergio Guerreiro, to approve ratification of issued licenses. Motion carried.

(c) 3003 - Speech-Language Pathology Assistant

Motion: by Kristen Rutland, seconded by Frederick Rahe, to approve ratification of issued licenses. Motion carried.

(d) 3004 – Audiologist Assistant

Motion: by Kristen Rutland, seconded by Frederick Rahe, to approve ratification of issued licenses. Motion carried.

(e) 3005 - Provisional Speech-Language Pathologist

Motion: by Kristen Rutland, seconded by Frederick Rahe, to approve ratification of issued licenses. Motion carried.

(f) 3006 – Provisional Audiologist

Motion: by Kristen Rutland, seconded by Frederick Rahe, to approve ratification of issued licenses. Motion carried.

Rules Report

15. April 2017 Rules report

Board counsel, Rachelle Munson presented the board with the April 2017 Rules Report, which reflected currently there is no rulemaking occurring. Discussion ensued regarding

adding Ethics as an education requirement. Ms. Munson will investigate and report to the board.

Reports:

Board Counsel Report:

16. Minor Violations

Board counsel informed board members of the requirement to review the existing rules by June 30, 2017, for the purpose of determining whether any qualified as a minor violation for a first time offense. She noted that the next board meeting is July 26, 2017, which occurs after the deadline. Ms. Munson stated that the Board is currently in compliance with the Minor Violations requirement pursuant to Section 120.695, Florida Statutes, in that we have an existing rule for Notice of Noncompliance in Rule 64B32-5.008, Florida Administrative Code. She asked that board members review and advise if there are any rules to be added.

Action Taken: Sergio Guerreiro moved that the rules as they stand now are good for next year, Frederick Rahe seconded the motion, which passed unanimously.

Board Chair Report – Dr. Johnson

17. Dr. Johnson noted that an effort is being made by the Department to speed up application processing.

Executive Director Report – Kama Monroe

Ms. Monroe reported that the Department is creating a quick steps to licensure guide. She reported that many applications are received missing documents and the guide is an effort to provide the applicants with quick steps to ensure the documents are received with the applications. She provided the board with statistical information regarding the types of missing documentation.

Ms. Monroe provided an update to the Board members regarding the board composition. She informed the members that, hopefully, there will be a new addition to the board soon.

18. Letter from Senator Jack Latvala

Ms. Monroe provided an update to the status of the bill.

Board Liaison Reports -

Budget Liaison Report- Vacant

Board Liaison Reports -

Application –Dr. Rahe (AuD) & Dr. Johnson (SLP) None at this time

Continuing Education –Dr. Guerreiro

Dr. Guerreiro reported receiving a significant amount of requests for CE approval wherein too many are courses that are not directly related to the practice.

Laws and Rules – Vacant None at this time

Unlicensed Activity – Dr. Rahe (AuD) & Dr. Johnson (SLP) None at this time

Healthy Weight – Ms. Rutland

Ms. Rutland summarized the materials placed on the agenda regarding Healthy Weight activities. She reported there has been no recent meeting.

25. General Discussion:

Old Business:

26. Election of Officers

Motion: Frederick Rahe, seconded by Sergio Guerreiro, to nominate Peter Johnson continue as Chair. Motion carried.

Motion: Kristen Rutland, seconded by Sergio Guerreiro, to nominate Frederick Rahe continue as Vice-Chair. Motion carried.

26. New Business: None

Item 3, Doris Simons Wolf, SLP, Case number 2015-30245 was re-addressed. Respondent and Respondent's counsel had already left the meeting. The costs assessed did not match the costs requested in the Department's Motion to Assess Costs. Due to Correction, a motion to bifurcate costs was entertained. The Cost motion was tabled until the next meeting to allow notification of Respondent and correction. Respondent will not be required to appear. (This is also included as a note to item 3 above.)

Adjourn Motion to ADJOURN at 10:57 a.m. Motion carried.

Next Meeting: July 26, 2017

DRAFT