

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

Wednesday, January 25, 2012

Hyatt Place Fort Lauderdale/Plantation
8530 W. Broward Blvd.
Plantation, FL 33324
(954) 370-2220

1 **Call to Order:**

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

MEMBERS PRESENT:

Barbara Gaunt-Jaehne, Au.D., Chair
K. Paul Boyev, MD
Elena Pizarro-Zeigler, Au.D.
Barry Pendry, PhD
Joseph Naulty

STAFF PRESENT:

Anthony Jusevitch, Executive Director
Christy Robinson, Program Operations Administrator
Alexandra Alday, Regulatory Specialist II
Dror Lewy, Esq.- Board Counsel
Lealand McCharen, Esq. – Prosecuting Attorney

MEMBERS ABSENT:

Peter Johnson, PhD, Vice Chair (Excused)

COURT REPORTER:

Apex Reporting Group
Alexandra Ramirez
954-467-8204

4 ***Please note that the meeting minutes reflect the actual order agenda items were discussed***
5 ***during the meeting and may differ from the agenda outline.***

6 **Review and Approval of Minutes:**

7 **Tab 1 - Minutes from December 7, 2011 General Business Meeting**

8 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to approve the minutes with the
9 correction of two typographical errors and revision of the discussion regarding effective
10 communication. Dr. Boyev seconded the motion, which passed unanimously.

11 **New Disciplinary Cases:**

12 **Tab 2 - Ravan Danielle Dunlap SLPA – DOH Case #2011-02673 – Motion for Determination of**
13 **Waiver and Entry of Final Order Following Hearing**

14 Allegations of Complaint: 456.072(1)(q) – violating a lawful order of the board

15 The Respondent was not present or represented by counsel. Mr. McCharen represented the
16 Department and presented the case to the Board.

17 Dr. Gaunt-Jaehne moved to find that the respondent was properly served. Dr. Pizarro-Zeigler
18 seconded the motion. Dr. Boyev moved to find the respondent failed to timely respond to the

1 administrative complaint and waived their rights to a formal hearing. Dr. Pizarro-Zeigler seconded
2 the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to adopt the allegations of fact
3 as presented in the administrative complaint as the finding of fact of the Board. Dr. Pendry
4 seconded the motion, which passed unanimously. Dr. Boyev moved to find the findings of fact
5 support a violation of statutes and rules as charged in the administrative complaint. Dr. Pizarro-
6 Zeigler seconded the motion, which passed unanimously. Dr. Boyev moved to find the respondent
7 in violation as charged in the administrative complaint. Dr. Gaunt-Jaehne seconded the motion,
8 which passed unanimously. Dr. Boyev moved to adopt the agenda materials as evidence. Dr.
9 Pizarro-Zeigler seconded the motion, which passed unanimously.

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

- 11 • Reprimand
- 12 • \$1,500 fine

13 Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

14 **Additional Action Taken:** Dr. Boyev moved to assess costs in the amount of \$462.92. Dr.
15 Gaunt-Jaehne seconded the motion, which passed unanimously. Dr. Boyev amended his motion
16 to require both the fines and costs be due within 30 days of the final order. DR. Gaunt-Jaehne
17 seconded the motion, which passed unanimously.

18 **Tab 3 - Dina Lynn Jellen-Theissen, SLP – DOH Case #2010-22010 - Motion for Determination**
19 **of Waiver and Entry of Final Order Following Hearing**

20 Allegations of Complaint: 456.072(1)(q) – violating a lawful order of the board

21 The Respondent was not present or represented by counsel. Mr. McCharen represented the
22 Department and presented the case to the Board.

23 Dr. Boyev moved to find the respondent was properly served. Dr. Gaunt-Jaehne seconded the
24 motion, which passed unanimously. Dr. Pizarro-Zeigler moved to find the respondent failed to
25 timely respond to the administrative complaint and waived their rights to a formal hearing. Dr.
26 Boyev seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to adopt the
27 allegations of fact as presented in the administrative complaint as the finding of fact of the Board.
28 Dr. Boyev seconded the motion, which passed unanimously. Dr. Pizarro-Zeigler moved to find the
29 findings of fact support a violation of statutes and rules as charged in the administrative complaint.
30 Dr. Boyev seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find the
31 respondent in violation as charged in the administrative complaint. Dr. Boyev seconded the motion,
32 which passed unanimously. Dr. Boyev moved to adopt the agenda materials as evidence. Dr.
33 Pizarro-Zeigler seconded the motion, which passed unanimously.

34 **Action Taken:** Dr. Boyev moved to impose the following penalty:

- 35 • Reprimand
- 36 • Pay \$1,500 fine within 30 days of the filed final order

37 Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

38 **Additional Action Taken:** Dr. Boyev moved to assess costs in the amount of \$462.92 due within
39 30 days of the final order. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

40 Mr. McCharen indicated he provided the incorrect costs and asked the board to reconsider their
41 previous motion.

42

1 **Additional Action Taken:** Dr. Boyev moved to reconsider the previous motion. Dr. Pizarro-Zeigler
2 seconded the motion, which passed unanimously.

3 **Additional Action Taken:** Dr. Boyev moved to assess costs in the amount of \$701.84 due within
4 30 days of the final order. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

5 **Tab 4 – Oliver Workman, SLP DOH Case #2009-12997 - Motion for Determination of Waiver**
6 **and Entry of Final Order Following Hearing**

7 Allegations of Complaint: 456.072(1)(c) – convicted of a crime related to the practice;
8 456.072(1)(ii)- convicted of a crime related to healthcare fraud; 456.072(1)(x)- failing to report
9 conviction

10 The Respondent was not present or represented by counsel. Mr. McCharen represented the
11 Department and presented the case to the Board.

12 Dr. Boyev moved to find the respondent was properly served. Dr. Pizarro-Zeigler seconded the
13 motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find the respondent failed to timely
14 respond to the administrative complaint and waived their rights to a formal hearing. Dr. Boyev
15 seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to adopt the
16 allegations of fact as presented in the administrative complaint as the finding of fact of the Board.
17 Dr. Boyev seconded the motion, which passed unanimously. Dr. Pizarro-Zeigler moved to find the
18 findings of fact support a violation of statutes and rules as charged in the administrative complaint.
19 Dr. Boyev seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find the
20 respondent in violation as charged in the administrative complaint. Dr. Boyev seconded the motion,
21 which passed unanimously. Dr. Pizarro-Zeigler moved to adopt the agenda materials as evidence.
22 Dr. Boyev seconded the motion, which passed unanimously.

23
24 Dr. Boyev moved to consider the following aggravated circumstances when imposing the penalty:
25 serious nature of the crime, amount of money involved in the crime and the substantial amount of
26 harm caused by the crime. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.
27 Dr. Boyev moved to deviate from the disciplinary guidelines based on the aggravating
28 circumstances previously outlined. Dr. Pizarro-Zeigler seconded the motion, which passed
29 unanimously.

30
31 **Action Taken:** Dr. Boyev moved to revoke the license based on the aggravating circumstances
32 previously outlined. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

33 **Additional Action Taken:** Dr. Boyev moved to assess costs in the amount of \$1,323.02 due within
34 1 year of the final order. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

35 **Tab 5 – Julie O. Gibson, SLP, DOH Case #2010-22860 - Voluntary Relinquishment**

Allegations of Complaint: 456.072(1)(q)- violating a lawful order of the board

36 The Respondent was not present or represented by counsel. Mr. McCharen represented the
37 Department and presented the case to the Board.

38 **Action Taken:** Dr. Boyev moved to accept the voluntary relinquishment. Dr. Gaunt-Jaehne
39 seconded the motion which passed unanimously.

40 **No Tab - PSU Report**

41 Mr. McCharen provided an overview of the current caseload statistics.

Licensure Appearances:

1 **Tab 6 - Persephone Blair-Knight – Speech-Language Pathologist Applicant**

2 Ms. Blair-Knight was present without counsel. Ms. Blair-Knight was required to appear before the
3 Board to discuss her application and negative supervisory report.

4 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to approve the application for licensure.
5 Dr. Pendry seconded the motion, which passed unanimously.

6 **General Business / Correspondence:**

7 **Tab 7 - Request from Catherine Breuer for Extension of Time to Complete Continuing**
8 **Education for Renewal**

Ms. Breuer was not present. Mr. Lewy explained that an official petition for variance or waiver was not necessary since the Board had a rule in place to address hardship cases for continuing education.

9 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to grant an extension of up to 1 year
10 contingent upon receipt of a letter from Ms. Breuer's treating physician, which must be received
11 within 30 days. Dr. Pendry seconded the motion, which passed unanimously.

12

13 **Tab 8 - Ratification of Licenses Issued November 22, 2011 – January 10, 2012**

14 **Action Taken:** Dr. Gaunt-Jaehne moved to approve the list as presented. Dr. Pizarro-Zeigler
15 seconded the motion, which passed unanimously.

16 **Reports:**

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

18 Dr. Gaunt-Jaehne provided the Board with a copy of the Board's position paper regarding United
19 Healthcare and dispensing hearing aids as requested at the last meeting. The members provided
20 comments and suggestions for additional information to be contained in the paper. Cindy Simon,
21 AuD, also provided comments. Mr. Jusevitch suggested that a conference call be scheduled to
22 discuss revisions and vote on the final version.

23 **C. Executive Director Report - Anthony Jusevitch, Executive Director**

24 Mr. Jusevitch advised the Board that staff was working with Dr. Johnson to revise the Activity Plan
25 Form.

26 Mr. Jusevitch also mentioned that Dr. Pendry would be attending the upcoming Budget Liaison
27 meeting.

28 Mr. Jusevitch advised he had been approved to begin creating electronic agenda materials for the
29 Board beginning with their next meeting.

30 **D. Budget Liaison Report – Barry Pendry, Ph.D.**

31 **Tab 11 - Expenditures by Function for Period Ending September 30, 2011**

32 Mr. Jusevitch explained the report. Dr. Pendry reviewed the report and indicated he will attend the
33 upcoming Budget Liaison meeting.

1 **E. Board Liaison Reports**

2 Application – Dr. Gaunt-Jaehne and Dr. Johnson
3 No report.

4 Budget Liaison – Dr. Pendry
5 No additional report

6 Build Alliances/ Communication – Dr. Gaunt-Jaehne
7 No report.

8 Community Relations – Mr. Naulty
9 Mr. Naulty presented emails regarding the profession and upcoming seminars.

10 Continuing Education – Dr. Pendry
11 No report.

12 Laws and Rules – Dr. Pizarro-Zeigler
13 No report.

14 Unlicensed Activity – Dr. Pizarro-Zeigler and Dr. Johnson
15 No report.

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

17 **Tab 9 - Discussion Regarding Telehealth Standards of Practice Rule**
18 Mr. Lewy indicated he conducted additional research and was of the opinion that the Board had
19 sufficient authority to create Telehealth standards of practice rules.

20 **Tab 10 - 64B20-7.002 – Probable Cause Determination**
21 Mr. Lewy presented draft rule language to the Board.

22 **Action Taken:** Dr. Boyev moved to approve proposed rule language with one correction and
23 proceed with rulemaking as appropriate. Dr. Pizarro-Zeigler seconded the motion, which passed
24 unanimously.

25 **Additional Action Taken:** Dr. Gaunt-Jaehne moved that the proposed rule amendments would not
26 have an adverse impact on small businesses nor will the proposed rule amendments be likely to
27 directly or indirectly increase regulatory costs to any entity including government in excess of
28 \$200,000 in the aggregate in Florida within one year after implementation of the rule. Dr. Boyev
29 seconded the motion, which passed unanimously.

30 **Additional Action Taken:** Dr. Gaunt-Jaehne moved that the rule amendments would not increase
31 regulatory costs in the amount of \$1M or more in the first five years of implementation nor would
32 result in the requirement of legislative ratification of the rules. Dr. Pizarro-Zeigler seconded the
33 motion, which passed unanimously.

34 **No Tab – Disciplinary Guidelines**

35 Mr. Lewy indicated he would have draft language amending the disciplinary guidelines (referencing
36 456.0635, F.S.) available for the next meeting.

1 **General Business / Correspondence (continued):**
2

3 **Tab 13 - Correspondence from ASHA Regarding the Audiology Exam Passing Score**

4 Currently the rule regarding audiology examination indicates a passing score of 600. The ASHA
5 exam scoring system has changed and 600 is no longer an attainable score. Mr. Lewy indicated
6 the Board would need to amend their rule.

7 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to open rule 64B20-2.005 for
8 development. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

9 **Tab 12 - Annual Delegation of Authority**

10 **Action Taken:** Dr. Boyev moved to approve the delegation of authority with the correction of the
11 Board name in the footer. Dr. Pizarro-Zeigler seconded the motion, which carried unanimously.

12 **Election of 2012 Officers:**

13 **Board Chair**

14 Dr. Pizarro-Zeigler nominated Dr. Gaunt-Jaehne for Board Chair. Dr. Boyev seconded the motion
15 which passed unanimously. Dr. Gaunt-Jaehne accepted the Board's nomination.

16 **Vice Chair**

17 Dr. Boyev nominated Dr. Johnson for Vice Chair. Dr. Pizarro-Zeigler seconded the motion which
18 passed unanimously. Dr. Johnson was not present to accept the Board's nomination at the
19 meeting.

20 **There being no further business, the general business meeting was adjourned at 12:00pm.**