

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

Wednesday, April 18, 2012

**Conference Call Number: 1-888-808-6959
Conference Code Number: 2454597**

Call to Order

Barbara Gaunt-Jaehne, Au.D. Chair, called the meeting to order at 9:05 a.m. Those 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. Peter Johnson, PhD, Vice Chair Barry Pendry, PhD Joseph Naulty	STAFF PRESENT: Anthony Jusevitch, Executive Director Christy Robinson, Program Administrator Rose Burney, Regulatory Specialist II Donna McNulty, Board Counsel Lealand McCharen, PSU
MEMBERS ABSENT: None	COURT REPORTER: For the Record Reporting 850) 222-5491

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

Review and Approval of Minutes:

- Tab 1 - Minutes from January 25, 2012 General Business Meeting**
- Tab 2 - Minutes from January 25, 2012 Rules Workshop**
- Tab 3 - Minutes from February 27, 2012 Conference Call**

Action Taken: After discussion, Dr. Johnson moved to approve the minutes (Tabs 1-3) with the correction of one typographical error on page 4 line 16 in the January 25th General Business Meeting minutes. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

New Disciplinary Cases:

Tab 4 – Kimberli Davies, SLP – DOH Case #2010-22038 – Motion for Determination of Waiver and Entry of Final Order Following Hearing

Allegations of Complaint: 456.072(1)(q)- violate an order of the Board

Ms. Davies was not present or represented by counsel. Mr. McCharen represented the Department and presented the case to the Board.

Dr. Pizarro-Zeigler moved to find the administrative complaint was properly served to the respondent. Dr. Boyev seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find the respondent failed to respond to the administrative complaint and waived the right to a formal hearing. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously. Dr. Johnson moved to adopt the allegations of fact as presented in the administrative complaint. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously. Dr. Johnson moved to find the findings of fact support a violation of the statutes as charged in the administrative complaint. Dr. Gaunt-Jaehne seconded the motion,

1 which passed unanimously. Dr. Gaunt-Jaehne moved to find the respondent in violation as charged in
2 the administrative complaint. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously. Dr.
3 Johnson moved to accept the investigate file as evidence. Dr. Pizarro-Zeigler seconded the motion,
4 which passed unanimously.

5
6 **Action Taken:** Dr. Jaehne moved to impose the following penalties:

- 7 • Reprimand
- 8 • \$1000.00 fine to be paid within 90 days of the Final Order

9 Dr. Boyev seconded the motion, which passed unanimously.

10
11 **Additional Action Taken:** Dr. Johnson moved to assess costs in the amount of \$1,108.22 to be paid
12 within 90 days of the Final Order. Dr. Jaehne seconded the motion, which passed unanimously.

13 **No Tab – PSU Report**

14
15 Mr. McCharen provided an overview of the current caseload statistics.

16 **Tab 5 – Emily Elizabeth Carr - Speech-Language Pathologist**

17
18 Ms. Carr was present without counsel. Ms. Carr was required to appear before the Board to discuss
19 her application and health history. There was discussion regarding the possibility of Ms. Carr needing
20 an evaluation by PRN prior to licensure.

21
22 Ms. Carr indicated she wished to waive her 90 day rights for the record.

23
24 **Action Taken:** After discussion, Dr. Johnson moved to require Ms. Carr to obtain an evaluation from
25 PRN, comply with any recommendations as a result of the evaluation and delegate authority to the
26 chair to review the evaluation and either approve the issuance of the license or require an appearance
27 at the next meeting. Dr. Boyev seconded the motion, which passed unanimously.

28 **Tab 6 – Michelle Gipper - Speech-Language Pathologist**

29
30 Ms. Gipper was present without counsel. Ms. Gipper was required to appear before the Board to
31 discuss her application and disciplinary history.

32
33 **Action Taken:** After the Board interviewed the applicant, Dr. Johnson moved to approve the
34 application for licensure. Dr. Pendry seconded the motion, which passed unanimously.

35 **General Business / Correspondence:**

36 **Tab 7 – Review and Approval of 2013 Meeting Dates**

37
38 Mr. Jusevitch presented budget information to the Board outlining the costs involved with holding face
39 to face meetings four times a year. He asked the Board to consider scheduling two face to face
40 meetings and two conference calls rather than scheduling four face to face meetings.

41
42 **Action Taken:** After discussion, Dr. Johnson moved to have the January 23, 2013 meeting via
43 telephonic call with the goal of having another meeting via telephonic call if the agenda does not require
44 a face to face meeting. Dr. Pendry seconded the motion, which passed unanimously.

45 **Tab 8 - Ratification of Licenses Issued January 11, 2012 – April 2, 2012**

46
47 **Action Taken:** Dr. Johnson moved to approve the list as presented. Dr. Pizarro-Zeigler seconded the
48 motion, which passed unanimously.

49 **Reports:**

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

51
52 No report at this time.

1
2 **B. Board Counsel Report and Rules Discussion – Donna McNulty, Esq.**
3

4 **Tab 9 - Rules Report**

5 Ms. McNulty provided an overview of the April 2012 rules report.
6

7 **Tab 10 - 64B20-3.007 – Active Status License Fee**

8 Mr. Jusevitch elaborated on the proposal to reduce the renewal fee. There were several different
9 projections of different fee changes. The Board voiced concerns about the proposal and asked staff to
10 obtain additional information for the next meeting.
11

12 **Action Taken:** After discussion, Dr. Johnson moved to table the proposal until the next meeting. Dr.
13 Boyev seconded the motion, which passed with Dr. Pizarro-Zeigler opposed.
14

15 **Tab 11 - 64B20-7.001 – Disciplinary Guidelines**

16 Ms. McNulty explained the proposed language to modify the disciplinary guidelines.
17

18 **Action Taken:** After discussion, Dr. Johnson moved to approve the language with the below
19 amendment and proceed with rulemaking as appropriate:

- 20 • (2)(b)- amend the penalty range to \$5000 to \$10,000

21 Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.
22

23 **Action on SERC Questions:** Dr. Gaunt-Jaehne moved to find that the proposed changes will not
24 have an adverse impact on small businesses or directly or indirectly increase regulatory cost to any
25 entity in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule
26 and a SERC was not needed. Dr. Johnson seconded the motion, which passed unanimously. Dr.
27 Gaunt-Jaehne then moved to find the proposed changes would not require legislative ratification. Dr.
28 Johnson seconded the motion, which passed unanimously.
29

30 **Tab 12 – DOH Rule Proposal Regarding Mediation and Citation Rules**

31 Ms. McNulty summarized the proposal.
32

33 **Action Taken:** After discussion, Dr. Gaunt-Jaehne move to open rules 64B20-7.007, 64B20-7.003 and
34 64B20-7.004 for development. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.
35
36

37 **Tab 14 – Discussion Regarding Board’s Position Paper**

38 Ms. McNulty expressed several concerns with the Board’s recent position paper. Based on her
39 concerns, she requested the Board vacate its prior approval of this position paper.
40

41 **Action Taken:** After discussion, Dr. Johnson moved to vacate the previous approval of the position
42 paper. Dr. Pendry seconded the motion, which passed with Dr. Pizarro-Zeigler and Dr. Gaunt-Jaehne
43 opposed.
44

45 **Tab 13 – Annual Regulatory Plan**

46 Ms. Robinson advised that the list contained rules that the Board may want to potentially review or take
47 action on in the upcoming fiscal year. Ms. McNulty noted the Governors’ Office requires the list
48 annually prior to July 1st.
49

50 **Action Taken:** After discussion, Dr. Gaunt-Jaehne moved to approve the list as presented. Dr.
51 Johnson seconded the motion, which passed unanimously.
52

53 **C. Executive Director Report – Anthony Jusevitch, Executive Director**

54 No report at this time.
55

1 **D. Budget Liaison Report**

2 No report

3

4 **E. Board Liaison Reports:**

5

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

7 No report.

8

9 **Community Relations – Mr. Naulty**

10 No Report.

11

12 **Continuing Education – Dr. Pendry**

13 No Report

14

15 **Laws and Rules – Dr. Pizarro-Zeigler**

16 No report.

17

18 **Unlicensed Activity – Dr. Pizarro-Zeigler (Au.D.) & (SLP)- Dr. Johnson**

19 No report.

20

21 **Old Business:**

22

23 Dr. Johnson advised that he wanted to discuss the English proficiency requirements at the next
24 meeting.

25

26 The Board also request the Telehealth topic be on the next agenda for continuation of discussion.

27

28 The Board directed staff to include the pending issues/things to do list on all future agendas.

29

30 **New Business:**

31

32 **There being no further business, the meeting was adjourned at 11:07 a.m.**

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