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:

<table>
<thead>
<tr>
<th>MEMBERS PRESENT:</th>
<th>STAFF PRESENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbara Gaunt-Jaehne, Au.D., Chair</td>
<td>Anthony Jusevitch, Executive Director</td>
</tr>
<tr>
<td>Peter Johnson, PhD, Vice Chair</td>
<td>Christy Robinson, Program Administrator</td>
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<tr>
<td>Barry Pendry, PhD</td>
<td>Rose Burney, Regulatory Specialist II</td>
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<tr>
<th>MEMBERS ABSENT:</th>
<th>COURT REPORTER:</th>
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<tbody>
<tr>
<td>Elena Pizarro-Zeigler, Au.D. - excused</td>
<td>Statewide Reporting Services</td>
</tr>
<tr>
<td>K. Paul Boyev, MD- excused</td>
<td>Beth Masters</td>
</tr>
</tbody>
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<tr>
<th>OTHERS PRESENT:</th>
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<tbody>
<tr>
<td>Judy Rivenbark, MD, PRN</td>
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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 and Approval of Minutes:

Tab 1 - Minutes from the January 23, 2013 General Business Meeting

The Board noted one typographical error (line 37) that should be corrected.

Action Taken: After discussion, Dr. Gaunt-Jaehne moved to approve the minutes with the correction.
Dr. Pendry seconded the motion, which passed unanimously.

New Disciplinary Cases:

Tab 2 - Vanessa Cole, SLP – Informal Hearing – DOH Case #2012-01077

Allegations of Complaint: 456.072(1)(q) – violating an order of the Board

Ms. Cole was present without counsel. Ms. Rossitto-Van Winkle represented the Department and
presented the case to the Board.

Dr. Johnson moved to accept the agenda materials, including the investigative file into evidence. Dr.
Pendry seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find that the
respondent timely filed an election of rights form and requested an informal hearing not involving
disputed issues of material fact. Dr. Pendry seconded the motion, which passed unanimously. Dr.
Johnson moved to find that the respondent initially filed a timely election of rights form and requested
an informal hearing and the facts contained in the administrative complaint are not in dispute and that
the Board adopt those findings of fact as set forth in the administrative complaint as the Board’s findings of fact for this proceeding. Dr. Pendry seconded the motion, which passed unanimously.

Ms. Cole addressed the Board during which she advised that she believed she had paid the fines and costs associated with the citation. Ms. McNulty asked the Respondent if she was disputing the facts involved in the case and advised if she was that the case would have to be forwarded to the DOAH.

During the Respondent’s testimony, staff pointed out that the record indicated Ms. Cole appeared to have paid the fines and costs as she stated. Ms. Rossitto-Van Winkle withdrew that particular allegation from the administrative complaint for the record.

Dr. Johnson moved to adopt the conclusions of law as modified by the Department as set forth in the administrative complaint as the conclusions of law. Dr. Pendry seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find that the findings of fact and conclusions of law constitute a violation of the practice act as set forth in the Florida Administrative Code. Dr. Pendry seconded the motion, which passed unanimously.

**Action Taken:** Dr. Johnson moved to impose a penalty of: Letter of Concern, $1000.00 fine and completion of previous continuing education. Dr. Pendry seconded the motion. During discussion, the Board noted mitigating financial circumstances. The motion failed 0/3. Dr. Johnson then moved to impose the following penalty:
- Letter of Concern
- $1.00 Fine to be paid within 7 months
- Completion of previous continuing education within 7 months

Dr. Pendry seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Pendry moved to assess costs in the amount of $126.77 to be paid within 7 months of the Final Order. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

**Tab 3 - Yigny Restrepo, SLPA – Informal Hearing – DOH Case #2012-02383**

Allegations of Complaint: 456.072(1)(q) – violating an order of the Board

The Respondent was not present or represented by counsel. Ms. Rossitto-Van Winkle represented the Department and presented the case to the Board.

Dr. Johnson moved to accept the agenda materials, including the investigative file into evidence. Dr. Pendry seconded the motion, which passed unanimously. Dr. Johnson moved to find that the respondent timely filed an election of rights form and requested an informal hearing not involving disputed issues of material fact. Dr. Pendry seconded the motion, which passed unanimously. Dr. Johnson moved to find that facts as alleged in the administrative complaint and the conclusions of law are not in dispute and to adopt the findings of fact and conclusions of law contained as set out in the administrative complaint as the Board’s findings of fact and conclusions of law for this proceeding. Dr. Pendry seconded the motion, which passed unanimously. Dr. Johnson moved to find that the findings of fact as set out in the administrative complaint constitute a violation of the practice act as set forth in the Florida Administrative Code. Dr. Pendry seconded the motion, which passed unanimously.

During discussion, staff pointed out that the record indicated that the Respondent appeared to have paid the fines and costs by the deadline.

**Action Taken:** Dr. Gaunt-Jaehne moved to impose the following penalty:
- Letter of Concern
- $500.00 Fine to be paid within 7 months
- Completion of previous continuing education (2 hours of prevention of medical errors) within 7 months
During discussion, the Board noted mitigating circumstances, including the fine being paid in a timely manner and their attempt to complete the CE hours. Dr. Johnson seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Johnson moved to assess costs in the amount of $209.02 to be paid within 7 months of the Final Order. Dr. Pendry seconded the motion, which passed unanimously.

**Tab 4 - Dina Lynn Jellen-Theissenn, SLP – Determination of Waiver Hearing – DOH Case #2012-01700**

Allegations of Complaint: 456.072(1)(q) – violating an order of the Board

The Respondent was not present or represented by counsel. Ms. Rossitto-Van Winkle represented the Department and presented the case to the Board.

Dr. Gaunt-Jaehne moved to accept the agenda materials, including the investigative file into evidence. Dr. Johnson seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find that the Respondent was properly served and waived their rights to elect a formal hearing by failing to respond within 21 days of the service. Dr. Pendry seconded the motion, which passed unanimously.

Dr. Gaunt-Jaehne moved to find that the facts as alleged in the administrative complaint and conclusions of law as set forth in the administrative complaint are not in dispute and to adopt the allegations of fact and conclusions of law as set out in the administrative complaint as the Board’s findings of fact and conclusion of law for this proceeding. Dr. Johnson seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to find that the facts in this case as set out in the administrative complaint constitute a violation of the practice act as set forth in the Florida Administrative Code. Dr. Johnson seconded the motion, which passed unanimously.

**Action Taken:** Dr. Gaunt-Jaehne moved to impose the following penalty:

- Reprimand
- $1000.00 fine to be paid within 90 days
- Completion of the previous continuing education within 90 days

Dr. Johnson seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Johnson moved to assess costs in the amount of $233.45 to be paid within 90 days of the Final Order. Dr. Pendry seconded the motion, which passed unanimously.

**Tab 5 - Karen Perrott, SLP - Determination of Waiver Hearing – DOH Case #2011-14914**

Allegations of Complaint: 468.1295(1)(aa) – unable to practice due to impairment

The Respondent was not present or represented by counsel. Ms. Rossitto-Van Winkle represented the Department and presented the case to the Board.

Dr. Johnson moved to accept the agenda materials, including the investigative file into evidence. Dr. Pendry seconded the motion, which passed unanimously. Dr. Johnson moved to find that the Respondent was properly served under Florida statutes and waived their rights to a formal hearing by failing to respond within 21 days. Dr. Pendry seconded the motion, which passed unanimously. Dr. Johnson moved to find that the findings of fact as alleged in the administrative complaint and conclusions of law are not in dispute and to adopt the findings of fact and conclusions of law as set forth in the Florida Administrative Code. Dr. Pendry seconded the motion, which passed unanimously.

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

- Indefinite suspension until she obtains a PRN evaluation and complies with any PRN recommendation and appears before the Board (with PRN) to demonstrate the ability to
practice with skill and safety, with the Board reserving jurisdiction to impose terms and conditions including probation at the time of reinstatement.

Dr. seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Johnson moved to assess costs in the amount of $1984.05 to be paid prior to reinstatement. Dr. Pendry seconded the motion, which passed unanimously.

**Tab 6 - Warren Foster Day, SLP – Voluntary Relinquishment – DOH Case #2012-16222**

This item was pulled by the Department prior to the meeting.

**Prosecution Services Report:**

Ms. Rossitto-Van Winkle provided an overview of the current caseload statistics.

**Action Taken:** Dr. Johnson moved to continue with the prosecution of cases over a year old. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

**Probation Compliance Review:**

**Tab 7 - Julie Ann Meyer – Request for Early Termination of Probation**

Ms. Meyer was present without counsel. Ms. Meyer was requesting the Board consider termination of her probation early.

**Action Taken:** After discussion, Dr. Pendry moved to deny the request. Dr. Johnson seconded the motion, which passed unanimously.

**Licensure Appearances:**

**Tab 8 - Maria De la Cruz Castro – Provisional Speech-Language Pathologist Application**

Ms. Castro was present without counsel. Adriana Gonzalez served as an interpreter during the proceedings. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university. He suggested that the applicant obtain a graduate grade point average from the university. Dr. Johnson also specified that the 11.5 hours of elective courses including Braille, computing, therapeutic gymnastics, labor education and technical drawing, and the game and its pedagogical importance were not related to speech pathology and would not be counted.

**Action Taken:** Dr. Gaunt-Jaehne moved to deny the application. Dr. Johnson seconded the motion. During discussion the applicant indicated she wished to obtain additional information and waived her 90 day requirement for the record. The motion and second were withdrawn. Additional discussion of this item can be found following Tab 26 in the minutes.

**Tab 9 - Maria Edward - Provisional Speech-Language Pathologist Application**

Ms. Edward was not present or represented by counsel. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university.

**Action Taken:** Dr. Gaunt-Jaehne moved to deny the application but allow the applicant 14 days from the order to withdraw the application in lieu of denial. Dr. Johnson seconded the motion, which passed unanimously.

**Tab 10 - Nairedit Delgado - Provisional Speech-Language Pathologist Application**

Ms. Delgado was not present or represented by counsel. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the
university. He suggested the applicant obtain a graduate grade point average and course descriptions from the university.

**Action Taken:** After discussion, Dr. Johnson moved to table the application and require an appearance at one of the next two meetings. Dr. Pendry seconded the motion, which passed unanimously.

**Tab 11 - Ibet Perez Gonzalez - Provisional Speech-Language Pathologist Application**

Pulled from agenda (applicant submitted a 90-day waiver in order to obtain additional information)

**Tab 12 - Alicia Halberstein - Provisional Speech-Language Pathologist Application**

Ms. Halberstein was present without counsel. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university. Ms. Halberstein indicated that the university no longer had any documentation pertaining to her education from 1968-69. It was also noted that she provided self-translations, which was unacceptable. It was suggested that she obtain translated course descriptions as well as her graduate level grade point average (GPA), including which courses were used to determine the graduate level GPA.

**Action Taken:** Ms. Halberstein waived her 90 day rights for the record.

**Tab 13 - Jose Hernandez - Provisional Speech-Language Pathologist Application**

Mr. Hernandez was present without counsel. Adriana Gonzalez served as an interpreter during the proceedings. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university.

**Action Taken:** After discussion, Dr. Johnson moved to approve the application. Dr. Pendry seconded the motion, which passed unanimously.

**Tab 14 - Osmel Matos - Provisional Speech-Language Pathologist Application**

Mr. Matos was present without counsel. Adriana Gonzalez served as an interpreter during the proceedings. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university.

**Action Taken:** After discussion, Dr. Johnson moved to approve the application. Dr. Pendry seconded the motion, which passed unanimously.

**Tab 15 - Maria Castro Miliam - Provisional Speech-Language Pathologist Application**

Ms. Miliam was present without counsel. Adriana Gonzalez served as an interpreter during the proceedings. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university. Ms. Miliam indicated the university would not be able to provide documentation differentiating between graduate and undergraduate courses. Dr. Johnson suggested that the applicant try to obtain a graduate grade point average and course descriptions from the university.

**Action Taken:** Ms. Miliam waived her 90 day rights for the record.

**Tab 16 - Lina Ramirez - Provisional Speech-Language Pathologist Application**

Ms. Ramirez was present without counsel. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university. Ms. Ramirez indicated her program closed years ago and would not be able to provide the information suggested. Dr. Johnson suggested that the applicant try to obtain a graduate grade point average and course descriptions from the university or another school that may have received the records.

**Action Taken:** Ms. Ramirez waived her 90 day rights for the record.

**Tab 17 - Carmen Saenz - Provisional Speech-Language Pathologist Application**
Ms. Saenz was present without counsel. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university. Dr. Johnson suggested that the applicant try to obtain a graduate grade point average and course descriptions from the university.

**Action Taken:** Ms. Saenz waived her 90 day rights for the record.

**Tab 18 - Idis Tejeda - Provisional Speech-Language Pathologist Application**

Ms. Tejeda was not present or represented by counsel. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university.

**Action Taken:** After discussion, Dr. Johnson moved to table the application and require an appearance at the next meeting of the Board. Dr. Pendry seconded the motion, which passed unanimously.

**Tab 27 - Martha Garcia - Provisional Speech-Language Pathologist Application**

Ms. Garcia was present without counsel. Her daughter Ms. Castillo served as an interpreter during the proceedings. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university.

**Action Taken:** Ms. Garcia waived her 90 day rights for the record.

**Tab 28 - Idalmis Soler Perez - Provisional Speech-Language Pathologist Application**

Ms. Soler Perez was present without counsel. Adriana Gonzalez served as an interpreter during the proceedings. Dr. Johnson noted he was unable to determine graduate level versus undergraduate level courses based on lack of documentation from the university. Dr. Johnson suggested that the applicant try to obtain a graduate grade point average and course descriptions from the university.

**Action Taken:** Ms. Soler Perez waived her 90 day rights for the record.

**General Business / Correspondence:**

**Tab 19 - 2014 Proposed Board Meeting Dates**

The meeting dates were acceptable by consensus of the Board.

**Tab 20 - Ratification of Licenses Issued 01/12/2013 – 04/05/2013**

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

**Reports:**

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

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

**Tab 21 - Annual Regulatory Plan for Fiscal Year 2013-2014**

Ms. McNulty presented the annual regulatory plan to the Board.

**Action Taken:** Dr. Gaunt-Jaehne moved to approve the list as presented and delegate authority to Ms. McNulty to work with the Chair and staff in the event any revisions might need to be made. Dr. Johnson seconded the motion, which passed unanimously.

**Tab 22 - Rules Report**

Informational item.
The Board discussed and voted on Tabs 23-26 as a whole. Ms. McNulty provided an overview of the proposed revisions as a result of JAPC concerns.

**Action Taken:** Dr. Gaunt-Jaehne moved to approve the changes as presented. Dr. Johnson seconded the motion, which passed unanimously.

**Action Taken on SERC Questions:** Dr. Gaunt-Jaehne moved to find that the proposed changes will not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity in excess of $200,000 in the aggregate in Florida within one year of implementation of the rule. Dr. Johnson seconded the motion, which passed unanimously.

**Licensure Appearances (continued):**

**Tab 8 - Maria De la Cruz Castro – Provisional Speech-Language Pathologist Application (revisit)**

Additional discussion of this item can be found in the beginning of the minutes.

Ms. Castro asked that her application be reconsidered. Specifically, if a letter from the university outlining graduate versus undergraduate courses and grade point averages would be sufficient for the approval of her application. She was advised that the information would have to be reviewed once received but that there was also concern about some of the elective courses that she took in general.

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

Mr. Jusevitch advised there was no pertinent legislation proposed this year. He also noted he continued to work closely with Dr. Johnson on the application review checklist. He noted that staff would begin sending the education checklist in Word format so that he could type his response.

**Tab 30 - Pending Issues List**

Mr. Jusevitch advised the Board that he would have a revised fee scenario for the Board to review at the October meeting for their discussion on possible fee reductions.

**B. Board Counsel Report and Rules Discussion – Donna McNulty, Esq. (continued)**

**Tab 29 - Assistant Activity and Supervisor Plan (64B20-4.001, 64B20-4.003 and 64B20-4.004, F.A.C.)**

Mr. Jusevitch and Ms. McNulty provided an overview of the proposed revisions to the form and rules.

**Action Taken:** Dr. Johnson moved to approve the proposed changes to the form, rules 64B20-4.001, 64B20-4.003 and 64B20-4.004 as presented. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.
Action Taken on SERC Questions: Dr. Gaunt-Jaehne moved to find that the proposed changes will not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity in excess of $200,000 in the aggregate in Florida within one year of implementation of the rule. Dr. Johnson seconded the motion, which passed unanimously.

D. Budget Liaison Report

E. Board Liaison Reports:

Application – Dr. Gaunt-Jaehne (Au.D.) & (SLP)- Dr. Johnson

Build Alliances/Communication – Dr. Gaunt-Jaehne

No report.

Community Relations – Vacant

No report.

Continuing Education – Dr. Pendry

Dr. Pendry voiced concern with receiving requests for individual prior approval of continuing education taken through non-Board approved continuing education courses after completion.

Laws and Rules – Dr. Pizarro-Zeigler

No report.

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

No report.

Old Business:

None

New Business:

None

There being no further business, the meeting was adjourned at 1:05 p.m.