

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

Wednesday, July 24, 2013 at 9:00am

Orlando World Center Marriott
8701 World Center Drive
Orlando, FL 32821
(407) 239-4200

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:

<p>MEMBERS PRESENT: Barbara Gaunt-Jaehne, Au.D., Chair Peter Johnson, PhD, Vice Chair Barry Pendry, PhD Elena Pizarro-Zeigler, Au.D. K. Paul Boyev, MD</p> <p>MEMBERS ABSENT: None</p> <p>OTHERS PRESENT:</p>	<p>STAFF PRESENT: Anthony Jusevitch, Executive Director Donna McNulty, Board Counsel Tobey Schultz, PSU</p> <p>COURT REPORTER: American Court Reporting Phone: 407-896-1813</p>
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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 April 24, 2013 General Business Meeting

The Board noted typographical errors on pages 4 and 5 that should be corrected.

Action Taken: After discussion, Dr. Johnson moved to approve the minutes with the corrections noted. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

New Disciplinary Cases:

Tab 2 - Yigny Restrepo, SLPA – Motion for Reconsideration – 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. Dr. Pizarro-Zeigler was recused due to participation on the probable cause panel. Mr. Schultz represented the Department and presented the case to the Board.

Mr. Schultz explained the factual allegations previously presented to and approved by the Board were incorrect and asked the Board to vacate their previous action and proceed with the corrected allegations of fact.

Action Taken: There was a motion and second to reconsider the Board's previous final order. The motion passed unanimously. There was then a motion and second to vacate the Board's previous Final Order. The motion passed unanimously.

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2 Mr. Schultz asked the Board to reconsider the findings of fact to acknowledge the respondent had
3 previously paid the fines and costs associated with the underlying case.
4

5 There was a motion and a second to adopt the findings of fact as modified. The motion passed
6 unanimously. There was a motion to adopt the conclusions of law as set forth in the administrative
7 complaint and make a determination that this violates the practice act as set forth in the administrative
8 complaint. The motion was seconded and passed unanimously.
9

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

- 11 • Letter of Concern
- 12 • \$500.00 Fine to be paid within 7 months
- 13 • Completion of previous continuing education (laws and rules) within 7 months

14 Dr. Johnson seconded the motion, which passed unanimously.
15

16 The department waived costs in the case.
17

18 **Tab 3 - Sheryl Styer, AY – Motion for Determination of Waiver – DOH Case #2012-01714**

19 Allegations of Complaint:
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21 The Respondent was present and represented by Tom Cauffman, Esq. Dr. Pizarro-Zeigler was recused
22 due to participation on the probable cause panel. Mr. Schultz represented the Department and
23 presented the case to the Board.
24

25 There was a motion to accept the agenda materials, including the investigative file into evidence for the
26 purposes of imposing penalty and to find that the Respondent was properly served and waived their
27 rights to a formal hearing. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.
28

29 The respondent's attorney asked the Board to continue the case until the next meeting. The respondent
30 agreed to not practice in the interim for the record.
31

32 **Action Taken:** There was a motion to table the case until the October Board meeting based on the
33 respondent's oral request for a continuance. The motion was seconded and passed unanimously.
34

35 **Tab 4 - Warren Foster Day, SLP – Voluntary Relinquishment – DOH Case #2012-1622**

36 Allegations of Complaint:
37

38 The Respondent was not present or represented by counsel. Probable cause was waived in this case.
39 Mr. Schultz represented the Department and presented the case to the Board.
40

41 **Action Taken:** There was a motion to accept the voluntary relinquishment. The motion was seconded
42 and passed unanimously.
43

44 **Tab 5 - Miriam Gonzalez, SLPA – Voluntary Relinquishment – DOH Case #2010-24130**

45 Allegations of Complaint:
46

47 The Respondent was not present or represented by counsel. Probable cause was waived in this case.
48 Mr. Schultz represented the Department and presented the case to the Board.
49

50 **Action Taken:** There was a motion to accept the voluntary relinquishment. The motion was seconded
51 and passed unanimously.
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53
54 **Tab 6 - Geny Lima, SLP – Voluntary Relinquishment – DOH Case #2012-09611**

55 Allegations of Complaint:

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2 The Respondent was not present or represented by counsel. Probable cause was waived in this case.
3 Mr. Schultz represented the Department and presented the case to the Board.
4

5 **Action Taken:** There was a motion to accept the voluntary relinquishment. The motion was seconded
6 and passed unanimously.
7

8 **Prosecution Services Report:**

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10 Mr. Schultz provided the Board with an overview of the current caseload statistics.
11

12 **Licensure Appearances:**

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14 **Tab 7 - Caitlin Callaway – Speech-Language Pathologist Full Licensure Applicant**

15 Ms. Callaway was present and represented by Lawrence Callaway, Esq. The applicant was required to
16 appear before the Board to discuss her application and discrepancy between her answer to the criminal
17 history question on this application and her previous provisional application.
18

19 **Action Taken:** A motion to approve the application was made and seconded. The motion passed
20 unanimously.
21

22 **Tab 8 - Jennifer Lynn Carter - Speech-Language Pathologist Full Licensure Applicant**

23 Ms. Carter was not present or represented by counsel.
24

25 **Action Taken:** Dr. Pizarro-Zeigler moved to table the application and require an appearance at one of
26 the next two meetings. Dr. Johnson seconded the motion, which passed unanimously.
27

28 **Tab 9 - Ashley Lynn Hartman – Speech-Language Pathologist Assistant Applicant**

29 Ms. Hartman was not present or represented by counsel. Mr. Jusevitch advised that Ms. Hartman
30 contacted the office and asked for a continuance.
31

32 **Action Taken:** Dr. Gaunt-Jaehne moved to grant the continuance and require an appearance at one
33 of the next two Board meetings. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.
34

35 **Tab 16 - Jennilyn M. Kubiak – Audiology Assistant Applicant**

36 Ms. Kubiak was present without counsel. The applicant was required to appear to discuss her
37 application and criminal history.
38

39 **Action Taken:** A motion to approve the application was made and seconded. The motion passed
40 unanimously.
41

42 **Tab 17 - Caridad M. Ramirez-Agosto – Speech-Language Pathology Provisional Applicant**

43 Ms. Ramirez-Agosto was present without counsel. The applicant was requested to appear before the
44 Board to discuss her application and education. The applicant's university was not accredited at the
45 time of graduation, but was later accredited. The applicant was advised to obtain a letter from the
46 university comparing her curriculum with the curriculum after accreditation.
47

48 The applicant agreed to waive her 90 day rights for the record.
49

50 **Action Taken:** There was a motion to table the application to allow the applicant an opportunity to
51 obtain a letter from the university comparing the curriculum, with authority granted to the education
52 liaison to review the letter and approve the application if appropriate. The motion was seconded and
53 passed unanimously.
54

55 **General Business / Correspondence:**

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2 **Tab 10 - Ratification of Licenses Issued 04/06/2013 – 07/02/2013**
3

4 **Action Taken:** A motion was made and seconded to approve the list as presented. The motion
5 passed unanimously.
6

7 **Tab 18 - Introduction of New Professionals Resource Network Medical Director**
8

9 Penny Ziegler, MD introduced herself and provided an overview of the program to the Board.
10

11 **Reports:**
12

13 **C. Executive Director Report – Anthony Jusevitch, Executive Director**
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15 **Tab 13 - Legislative Update – SB 248**

16 Mr. Jusevitch and Ms. McNulty summarized the law for the Board.
17

18 **A. Chair Report – Barbara Gaunt- Jaehne, Au.D., Chair**
19

20 Dr. Gaunt-Jaehne reported there was an upcoming Board Chair and Vice Chair meeting in
21 Tallahassee.
22

23 **B. Board Counsel Report and Rules Discussion – Donna McNulty, Esq.**
24

25 **Tab 11 - Rules Report**

26 Informational item.
27

28 **Tab 12 - 64B20-7.001 – Disciplinary Guidelines**

29 Ms. McNulty summarized the proposed changes to the rule.
30

31 **Action Taken:** A motion was made and seconded to approve the language as presented. The motion
32 passed unanimously.
33

34 **Action on SERC Questions:** Dr. Gaunt-Jaehne moved to find that the proposed changes will not have
35 an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any
36 entity in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule.
37 Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.
38

39 **C. Executive Director Report – Anthony Jusevitch, Executive Director - continued**
40

41 **Tab 14 - Unlicensed Activity Report**

42 Informational item.
43

44 **D. Budget Liaison Report**
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46 **Tab 15 - Expenditures by Function for Period Ending March 31, 2013**

47 Dr. Pendry provided an overview of the report.
48

49 **E. Board Liaison Reports:**
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- 51 • Application – Dr. Gaunt-Jaehne (Au.D.) & (SLP) - Dr. Johnson
52 No new report.
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- 54 • Budget Liaison – Dr. Pendry
55 No new report.

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- Build Alliances/Communication – Dr. Gaunt-Jaehne
No new report.
- Community Relations – vacant
No new report.
- Continuing Education – Dr. Pendry
Dr. Pendry noted he approved only one continuing education course this period.
- Laws and Rules – Dr. Pizarro-Ziegler
No new report.
- Unlicensed Activity – Dr. Pizarro-Zeigler (Au.D.) & (SLP)- Dr. Johnson
No new report.

There being no further business the meeting adjourned at 10:30 am.