

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

Wednesday, October 23, 2013 at 9:00am

**The Ritz Carlton Sarasota
1111 Ritz Carlton Drive
Sarasota, FL 34236
941-309-2000**

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:

<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 (in at 9:10 am)</p> <p>MEMBERS ABSENT: None</p> <p>OTHERS PRESENT:</p>	<p>STAFF PRESENT: Anthony Jusevitch, Executive Director Donna McNulty, Board Counsel Christy Robinson, Program Administrator Oaj Gilani, PSU</p> <p>COURT REPORTER: Dempster Berryhill Court Reporting 888-725-9157</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 July 24, 2013 General Business Meeting

The Board noted a typographical error on page 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 - Janine Lafrance Wright – Informal Hearing – DOH Case #2013-00343

Allegations of Complaint: 468.1295(1)(c)- convicted of a crime related to the practice; 468.1295 (1)(bb)- violating a law or rule of the Board; 468.1295(1)(bb)- violating a law or rule of the Board by violating 456.072(1)(ll); 468.1295(1)(bb)- violating a law or rule of the Board by violating 456.072(1)(kk) (terminated from state Medicaid program); 468.1295(1)(b)- discipline in another state

The respondent was not present or represented by counsel. Dr. Pizarro-Zeigler was recused due to participation on the probable cause panel. Ms. Gilani represented the Department and presented the case to the Board.

Dr. Johnson moved to find that the respondent was properly served and requested an informal hearing before the board. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously. Dr. Gaunt-Jaehne moved to adopt the findings of fact as presented in the administrative complaint. Dr. Johnson

1 seconded the motion, which passed unanimously. Dr. Johnson moved to adopt the agenda materials
2 including the investigative file into evidence. Dr. Gaunt-Jaehne seconded the motion, which passed
3 unanimously. Dr. Gaunt-Jaehne moved to adopt the conclusions of law as presented in the
4 administrative complaint and find that they constitute a violation of the practice act.
5

6 **Action Taken:** After discussion, Dr. Johnson moved to revoke the license based on the following
7 aggravating circumstances:

- 8 • Severe nature of the crime
- 9 • Number of counts in the administrative complaint
- 10 • The amount of money involved in the fraud

11 Dr. Boyev seconded the motion, which passed unanimously.
12

13 **Additional Action Taken:** Dr. Gaunt-Jaehne moved to assess costs in the amount of \$197.64 to be
14 paid within 180 days of the final order. Dr. Johnson seconded the motion, which passed unanimously.
15

16 **Tab 3 - Sheryl Styer, AY – Motion for Determination of Waiver (changed to Voluntary**
17 **Relinquishment) – DOH Case #2012-01714**

18 Allegations of Complaint: 468.1295(1)(bb)- violating a law or rule of the Board by violating 468.1225(4);
19 468.1295(1)(f)- fraud, deceit, negligence, incompetence or misconduct in the practice
20

21 The Respondent was not present but was represented by Tom Kaufman, Esq. Dr. Pizarro-Zeigler was
22 recused due to participation on the probable cause panel. Ms. Gilani represented the Department and
23 presented the case to the Board.
24

25 Ms. Gilani advised the board that the respondent recently signed a voluntary relinquishment and asked
26 the board to approve the document as resolution in the case. Ms. McNulty advised the board that the
27 document did not contain the statement indicating that the respondent agreed to never reapply for
28 licensure in Florida in the future.
29

30 **Action Taken:** Dr. Boyev moved to table the case to allow the Department to obtain a new voluntary
31 relinquishment with the correct language. Dr. Johnson seconded the motion which passed
32 unanimously.
33

34 **Tab 4 - Samara Glyn – Motion for Determination of Waiver – DOH Case #2010-08353**

35 Allegations of Complaint: 456.072(1)(c)- convicted of a crime related to the practice; 456.072(1)(l)- filing
36 a false report; 456.072(1)(x)- failing to report a conviction within 30 days
37

38 Ms. Glyn was present without counsel. Dr. Pizarro-Zeigler was recused due to participation on the
39 probable cause panel. Ms. Gilani represented the Department and presented the case to the Board.
40

41 Dr. Johnson moved to find that the respondent was properly served and waived their right to a formal
42 hearing before the board. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously. Dr.
43 Gaunt-Jaehne moved to adopt the findings of fact as presented in the administrative complaint. Dr.
44 Johnson seconded the motion, which passed unanimously. Dr. Johnson moved to adopt the agenda
45 materials including the investigative file into evidence. Dr. Gaunt-Jaehne seconded the motion, which
46 passed unanimously.
47

48 The board heard testimony from the respondent. During the testimony, the respondent appeared to
49 dispute the facts in the case so Ms. McNulty stopped the hearing and recommended the case be
50 referred to DOAH.
51

52 **Prosecution Services Report:**
53

54 **Tab 37 - October 2013 Prosecutor's Report**

55 Ms. Gilani provided the Board with an overview of the current caseload statistics.

1
2 **Licensure Appearances – Background History Review:**
3

4 **Tab 10 - Stephanie Philippe-Ratway – Speech-Language Pathology Full Licensure**

5 Ms. Philippe-Ratway was present without counsel. The applicant was required to appear before the
6 Board to discuss her application and pending malpractice case.
7

8 **Action Taken:** After discussion, Dr. Johnson moved to approve the application for licensure. Dr.
9 Boyev seconded the motion, which passed unanimously.
10

11 **Tab 5 - Altranese Mays – Speech-Language Pathology Provisional Applicant**

12 This item was pulled from the agenda.
13

14 **Tab 6 - Ashley Hartman – Speech-Language Pathology Assistant Certification Applicant**

15 Ms. Hartman was present without counsel. The applicant was required to appear before the Board to
16 discuss her application and criminal history.
17

18 **Action Taken:** After discussion, Dr. Johnson moved to approve the application for licensure. Dr.
19 Gaunt-Jaehne seconded the motion, which passed unanimously.
20

21 **Tab 7 - Jaclyn Hartley - Speech-Language Pathology Full Licensure Applicant**

22 Ms. Hartley was present without counsel. The applicant was required to appear before the Board to
23 discuss her application and criminal history.
24

25 **Action Taken:** After discussion, Dr. Johnson moved to approve the application for licensure. Dr.
26 Boyev seconded the motion, which passed unanimously.
27

28 **Tab 8 - Jennifer Lynn Carter – Speech-Language Pathology Full Licensure Applicant**

29 Ms. Carter was present without counsel. The applicant was required to appear before the board to
30 discuss her application and health history. Ms. Carter waived her 90 days for the record.
31

32 **Action Taken:** After discussion, Ms. Pizarro-Zeigler moved to table the application for 6 months;
33 require an evaluation by PRN and compliance with any PRN recommendations; and, upon receipt of
34 the PRN recommendation delegate authority to the Chair to approve the application or refer it back to
35 the full board. Dr. Johnson seconded the motion, which passed unanimously.
36

37 **Tab 9 - Kim Benson – Audiology Full Licensure Applicant**

38 Ms. Benson was present without counsel. The applicant was required to appear before the board to
39 discuss her application and professional history.
40

41 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to approve the application for licensure.
42 Dr. Johnson seconded the motion, which passed unanimously.
43

44 **Licensure Appearances – Assistant Certification Applicants (Review of Education):**
45

46 **Tab 11 - Alexandra Ganas**

47 The applicant was not present or represented by counsel. This application was presented to the board
48 for review of the education requirements. Specifically, whether Neural Based Speech/Lang/Hearing
49 from F.A.U. and Anatomy of Speech Hearing Mechanisms from F.A.U. met the requirement of 64B20-
50 4.002(b), F.A.C.
51

52 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to approve the application. Dr. Johnson
53 seconded the motion, which passed unanimously.
54
55

1 **Tab 12 - Raquel Pio**

2 This item was pulled from the agenda.
3

4 **Tab 13 - Tatiana Sanchez**

5 Ms. Sanchez was not present or represented by counsel. This application was presented to the board
6 for review of the education requirements.
7

8 **Action Taken:** After discussion, Dr. Johnson moved to deny the application due to lack of documented
9 courses meeting the requirements in 64B20-4.002(b), F.A.C. Dr. Pendry seconded the motion, which
10 passed unanimously.
11

12 **Tab 14 - Leidin Torres de Fernandez**

13 This item was pulled from the agenda.
14

15 **Licensure Appearances – Provisional Applicants (Review of Education):**

16
17 **Tab 15 - Liuva Cruz Duque**

18 Ms. Duque was present and represented by Abdel Jimenez, Esq. The application was presented to the
19 board for review of the education requirements. The Board voiced concern because some of the
20 educational documents used by Trustforte appeared to be translated by another entity and therefore
21 could not have been authenticated by Trustforte directly.
22

23 Ms. Cruz Duque waived her 90 day rights for the record.
24

25 **Action Taken:** Dr. Johnson moved to table the application and require her to obtain a new evaluation
26 from a credentialing company (other than Trustforte) that was able to obtain documents directly from
27 Cuba and would be able to authenticate their validity. Dr. Pizarro-Zeigler seconded the motion, which
28 passed unanimously.
29

30 **Tab 16 - Alicia Halberstein**

31 This item was pulled from the agenda.
32

33 **Tab 17 - Caridad Ramirez-Agosto**

34 Ms. Ramirez-Agosto was present without counsel. This application was presented to the Board at the
35 July 2013 meeting and was tabled in order to obtain a letter from the university indicating if the
36 curriculum was the same at the time of the applicant's graduation versus when they became
37 accredited. A letter from the university was provided to the Board for review.
38

39 **Action Taken:** After discussion, Dr. Johnson moved to approve the application for licensure. Dr.
40 Pizarro-Zeigler seconded the motion, which passed unanimously.
41

42 **Tab 18 - Carmen Rosa Saenz**

43 Ms. Saenz was present without counsel. The application was presented to the Board at the April 2013
44 meeting and tabled to allow the applicant to obtain additional educational documents.
45

46 **Action Taken:** After discussion, Dr. Johnson moved to approve the application for licensure. Dr.
47 Pizarro-Zeigler seconded the motion, which passed unanimously.
48

49 **Tab 19 - Ibet Perez-Gonzalez**

50 Ms. Perez-Gonzalez was present without counsel. This application was presented to the Board for
51 review of the education requirements. It was noted that there were conflicting evaluations from
52 Trustforte as well as a third evaluation from Josef Silny reflecting a different educational equivalency.
53 During discussion, the applicant was advised to obtain an evaluation from a company other than
54 Trustforte if she wished to reapply in the future.
55

1 **Action Taken:** There was a motion and second to deny the application due to the conflicting
2 evaluations. During discussion the motion and second were withdrawn because the applicant indicated
3 she wished to withdraw her application.
4

5 **Tab 20 - Iliana Dominguez**

6 Ms. Dominguez was present without counsel. This application was presented to the Board for review of
7 the education requirements. It was noted that there were conflicting evaluations from Trustforte as well
8 as a third evaluation from Josef Silny reflecting a different educational equivalency.
9

10 **Action Taken:** After discussion, Dr. Gaunt-Jaehne moved to approve the application for licensure. Dr.
11 Johnson seconded the motion, which passed unanimously.
12

13 **Tab 21 - Idalmis Soler-Perez**

14 Ms. Soler-Perez was present without counsel. Diana Love served as her translator. This application
15 was presented to the Board for review of the education requirements.
16

17 **Action Taken:** Dr. Johnson moved to deny the application based on conflicting reports and only 23.5
18 graduate level hours. The motion was seconded. After discussion, the motion was withdrawn. Dr.
19 Gaunt-Jaehne then moved table the application and require the applicant to get a copy of the Spanish
20 ministry of education document for review by the Chair or full Board if necessary. Dr. Pizarro-Zeigler
21 seconded the motion, which passed unanimously.
22

23 **Break for lunch 12:55 – 2:15**
24

25 **Tab 22 - Lina Ramirez**

26 Ms. Ramirez was present without counsel. This application was presented to the Board for review of
27 the education requirements.
28

29 **Action Taken:** Dr. Gaunt-Jaehne moved to approve the application for licensure. Dr. Johnson
30 seconded the motion, which passed unanimously.
31

32 **Tab 23 - Maria de la Cruz Castro**

33 Ms. Castro was present without counsel. This application was presented to the Board for review of the
34 education requirements. During the interview Ms. Castro indicated the reason she had conflicting
35 evaluations from Trustforte was because they confused her documents with someone who had a
36 similar name.
37

38 **Action Taken:** After discussion, Dr. Johnson moved to direct the Executive Director to contact
39 Trustforte to obtain clarification about this issue and delegate authority to the Chair to approve if
40 appropriate. The motion was seconded and passed unanimously.
41

42 **Tab 24 - Marlene Aguero**

43 Ms. Aguero was present without counsel. Her daughter served as an interpreter during the interview.
44 This application was presented to the Board for review of the education requirements. It was noted that
45 the evaluations did not specify which courses were graduate and there was no supporting
46 documentation with the evaluations.
47

48 **Action Taken:** After much discussion, Ms. Aguero withdrew her application for the record.
49

50 **Tab 25 - Martha Garcia**

51 Ms. Garcia was present without counsel. Ms. Castillo served as an interpreter during the interview.
52 This application was presented to the Board for review of the education requirements.
53

54 **Action Taken:** Dr. Gaunt-Jaehne moved to table the application and require the evaluating entity to
55 obtain documents directly from the school as required or have the applicant utilize a different evaluation

1 company that could obtain and authenticate the documents properly within 6 months. Dr. Johnson
2 seconded the motion, which passed unanimously.

3
4 **Tab 26 - Mildrey Aguila**

5 Ms. Aguila was present without counsel. Vivian Topp, the applicant's potential employer, served as an
6 interpreter during the interview. This application was presented to the Board for review of the education
7 requirements. Dr. Johnson indicated that he believed the education to be equivalent to a masters
8 program but there was no verification of the 300 clock hours required. During discussion the applicant
9 waived her 90-day rights for the record.

10
11 **Action Taken:** After discussion, Dr. Gaunt-Jaehne moved to table the application and allow the
12 applicant to get verification of the 300 clock hours and delegate authority to the Education Liaison to
13 approve or refer back to the Board if appropriate. Dr. Johnson seconded the motion, which passed
14 unanimously.

15
16 **Tab 27 - Miriam Medina**

17 Ms. Medina was present without counsel. Her husband, Christian Medina was also present. This
18 application was presented to the Board for review of the education requirements.

19
20 **Action Taken:** After discussion, Dr. Johnson moved to approve the application. Dr. Gaunt-Jaehne
21 seconded the motion, which passed unanimously.

22
23 **Tab 28 - Jesus Hernandez**

24 Mr. Hernandez was present without counsel. Ms. Hernandez served as translator during the interview.
25 This application was presented to the Board for review of the education requirements.

26
27 **Action Taken:** After discussion, Dr. Johnson moved to approve the application. Dr. Gaunt-Jaehne
28 seconded the motion, which passed unanimously.

29
30 **Tab 38 - Jenny Constanza Acosta**

31 Ms. Acosta was present without counsel. This application was presented to the Board for review of the
32 education requirements.

33
34 **Action Taken:** After discussion, Dr. Johnson moved to approve the application. Dr. Pendry seconded
35 the motion, which passed unanimously.

36
37 **Tab 39 - Ariadna Vazquez-Glaria**

38 This item was pulled from the agenda.

39
40
41 **General Business / Correspondence:**

42
43 **Tab 40 - Ratification of Licenses Issued 7/3/2013 – 10/8/2013**

44
45 **Action Taken:** Dr. Johnson moved to approve the list as presented. Dr. Pizarro-Zeigler seconded the
46 motion, which passed unanimously.

47
48 **Tab 29 - Request for Continuing Education Hardship Extension from Janelle Perez**

49 Ms. Perez was not present.

50
51 **Action Taken:** After discussion, Dr. Boyev moved to grant a 12-month extension from the end of the
52 current biennium. Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

53
54 **Reports:**

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

2 No report.

3
4 **C. Executive Director Report – Anthony Jusevitch, Executive Director**

5 Mr. Jusevitch provided an overview of the recent Board Chair and Vice Chair meeting. He noted the
6 Department would be moving toward web-based agendas in the future. He also advised the
7 Department was proposing legislation that would allow Boards with a financial surplus to waive renewal
8 fees.

9
10 **B. Board Counsel Report and Rules Discussion – Donna McNulty, Esq.**

11
12 **Tab 30 - Rules Report**

13 Informational item.

14
15 **Tab 31 - Discussion Regarding Rule for Public Comments at Board Meetings**

16 Ms. McNulty explained the proposed rule.

17
18 **Action Taken:** After discussion, Dr. Johnson moved to approve the proposed rule with the addition of
19 a 3 minute time limit and restriction to 5 speakers within the same group. Dr. Pizarro-Zeigler seconded
20 the motion, which passed unanimously.

21
22 **Action on SERC Questions:** Dr. Johnson moved to find that the proposed changes will not have an
23 adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any
24 entity in excess of \$200,000 in the aggregate in Florida within one year of implementation of the rule.
25 Dr. Pizarro-Zeigler seconded the motion, which passed unanimously.

26
27 **C. Executive Director Report – Anthony Jusevitch, Executive Director - continued**

28
29 **Tab 32 - SB 248 Review and Discussion (PRN Bill)**

30 Mr. Jusevitch provided an overview of the recent legislation.

31
32 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to delegate authority to the Board Chair to
33 require a PRN referral for applicants. Dr. Johnson seconded the motion, which passed unanimously.

34
35 **Tab 33 - HB 7095 Toolbox Report Card**

36 Informational item.

37
38 **Tab 34 - Discussion Regarding Proposed Rule for Foreign Graduate Education Review**

39 Mr. Jusevitch provided an overview of the proposed rule and explained how it may make the review of
40 foreign educational documents easier. Ms. McNulty advised the Board that she believed they lacked
41 statutory authority to promulgate such a rule.

42
43 **Action Taken:** After discussion, Dr. Johnson moved to table the item and bring it back to the next
44 meeting. Dr. Gaunt-Jaehne seconded the motion, which passed unanimously.

45
46 **Tab 35 - Discussion Regarding Reduction of Fees**

47 Mr. Jusevitch explained the proposed fee changes, including the bifurcated licensure fee often creating
48 delays in licensure for applicants.

49
50 **Action Taken:** After discussion, Dr. Pizarro-Zeigler moved to direct Board Counsel to draft language
51 for the next meeting using scenario 5 from the matrix. Dr. Boyev seconded the motion, which passed
52 unanimously.

53
54 **D. Budget Liaison Report**

1 **Tab 36 - Cash Balance Report for Period Ending June 30, 2013**

2 Informational item.

3
4 **E. Board Liaison Reports:**

- 5
- 6 • Application – Dr. Gaunt-Jaehne (Au.D.) & (SLP) - Dr. Johnson
7 No new report.
8
 - 9 • Budget Liaison – Dr. Pendry
10 No new report.
11
 - 12 • Build Alliances/Communication – Dr. Gaunt-Jaehne
13 No new report.
14
 - 15 • Community Relations – vacant
16 No new report.
17
 - 18 • Continuing Education – Dr. Pendry
19 Dr. Pendry noted he approved two continuing education courses this period.
20
 - 21 • Laws and Rules – Dr. Pizarro-Ziegler
22 No new report.
23
 - 24 • Unlicensed Activity – Dr. Pizarro-Ziegler (Au.D.) & (SLP)- Dr. Johnson
25 No new report.
26

27 **Old Business**

28 None

29
30 **New Business**

31
32 **Healthy Weight Liaison** – Mr. Jusevitch provided an overview of the Surgeon General’s healthy weight
33 initiative and asked for a volunteer to serve as the Board’s liaison. Dr. Gaunt-Jaehne volunteered to
34 serve as liaison.
35

36 **There being no further business the meeting adjourned at 5:05 pm.**