

FLORIDA | Board of Speech-Language
Pathology and Audiology

Meeting Minutes

**April 18, 2018
9:00 a.m.**

**Four Points Tallahassee Downtown
316 West Tennessee Street
Tallahassee, FL
(850) 422-0071**



Peter Johnson, PhD
Chair

Frederick Rahe, Au.D.
Vice-Chair

Kama Monroe
Executive Director

April 18, 2018, Board Meeting

The Meeting was called to order by Board vice-chair, Frederick Rahe at 9:07 a.m.

Present for all or part of the meeting, include:

MEMBERS PRESENT:

Frederick Rahe, Au.D., Vice-Chair
Sergio Guerreiro, Au.D.
Kristen Rutland, SLP
Sherry Jordan, Ed.S.

BOARD STAFF PRESENT:

Kama Monroe, Executive Director
Carol Taylor, Program Administrator

MEMBERS ABSENT:

Peter Johnson, Au.D., Chair
Paul Boyev, M.D.

BOARD COUNSEL:

Rachelle Munson, Board counsel

COURT REPORTER:

Accurate Stenotype Reporters
850-878-2221

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

REVIEW AND APPROVAL OF MINUTES

1. March 9, 2018, Teleconference Meeting

Minutes of the March 9, 2018, teleconference Board Meeting were reviewed.

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to approve the minutes. Motion carried.

2. January 24, 2018, General Business Meeting

Minutes of the January 24, 2018, General Business Meeting were reviewed.

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to approve the minutes. Motion carried.

Prosecution Services Report – John Wilson, Esq.

3. Prosecution Services Assistant General Counsel, John Wilson presented the prosecution services report to the board. Mr. Wilson reported that there are currently sixteen cases pending prosecution, two of which are in the Emergency Management Unit being processed. He continued, noting that there are eleven cases under legal review, four wherein probable cause has been found, and two where requests for hearing have been made. He then stated that there are currently ten cases over a year old. Mr. Wilson requested the board allow the Prosecution Services Unit (PSU) to continue prosecution of the cases a year and older.

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to allow PSU to continue prosecuting cases a year and older. Motion carried.

Following the motion Mr. Wilson entertained questions from the board. The board questioned Mr. Wilson regarding the Emergency Management Unit. Mr. Wilson provided detailed explanation of the Emergency Management Unit, including its functions.

Presentation by John Wilson:

Mr. Wilson provided a brief overview of the enforcement unit. The presentation began with how a complaint begins and the requirements necessary for a complaint to proceed, i.e. legal sufficiency. The functions and processes of both investigative services and prosecution services were provided. The explanation included the prosecution process from

receipt of a complaint in PSU through Final Order by the board, which included Informal Hearings, Formal Hearings, Settlement Agreements and Voluntary Relinquishments. Frederick Rahe thanked Mr. Wilson for the presentation.

Presentation of Award

Frederick Rahe presented an award plaque to Ms. Virginia Walker for recognition and appreciation of her dedication and service on the Board of Speech-Language Pathology and Audiology Probable Cause Panel. Dr. Rahe further noted the many years Ms. Walker spent working on probable cause panels, serving on the board, her service at FLASHA and her long career of volunteer work.

Introduction of Board Staff

Ms. Monroe introduced board staff, Leah Compagnone-Bolt; Christa Peace, Rose Burney and Jackie Clahar-Anderson. Ms. Monroe further noted that Rose Burney won the Customer Service Award for the entire Medical Quality Assurance Division this year. Debra Seidel was noted as the remaining board staff member. Due to a commitment she arrived later during the meeting.

Applicants

Provisional Speech-Language Pathologist Application Review

4. Natalie Mendoza: File number 8318

Applicant was not present. Applicant was not represented by counsel.

Action Taken: After discussion, Kristen Rutland, moved to deny the application with the option to withdraw her application within ten days of the order, Sergio Guerreiro seconded the motion, which passed unanimously.

Clarification was provided that the applicant is being denied because she is short graduate hours. A better clarification of her transcripts is needed.

Speech-Language Pathology and Audiology Assistant Application Review

5. Yadiris Mesa Garcia: File number 4327

Applicant was not present. Applicant was not represented by counsel. The applicant requested via email to withdraw her application.

Action Taken: After discussion, Sergio Guerreiro, moved to accept the applicant's withdrawal of the application, Kristen Rutland seconded the motion, which passed unanimously.

Speech-Language Pathology and Audiology Application Review

6. Liane Schwab: File number 16709

Applicant was present and sworn in. Applicant was not represented by counsel.

Action Taken: After discussion, Kristen Rutland, moved to table the application to the next meeting with the option open for the chair to review and decide on the adequacy of any additional materials/clarifications regarding foreign education course work provided by the applicant, Sergio Guerreiro seconded the motion, which passed unanimously.

Ratification of Licenses Issued 1/1/2018-3/31/2018

7.(a) 3001 - Speech-Language Pathologist

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to approve ratification of license numbers 15962-16150 issued between 1/1/2018 and 3/31/2018. Motion carried.

(b) 3002 – Audiologist

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to approve ratification of license numbers 2166-2175 issued between 1/1/2018 and 3/31/2018. Motion carried.

(c) 3003 - Speech-Language Pathology Assistant

Motion: by Kristen Rutland, seconded by Sergio Guerreiro to approve ratification of license numbers 3468-3537 issued between 1/1/2018 and 3/31/2018. Motion carried.

(d) 3004 – Audiologist Assistant

Motion: by Kristen Rutland, seconded by Sergio Guerreiro, to approve ratification of license numbers 278-286 issued between 1/1/2018 and 3/31/2018. Motion carried.

(e) 3005 - Provisional Speech-Language Pathologist

Motion: by Kristen Rutland, seconded by Sergio Guerreiro, to approve ratification of license numbers 8434-8513 issued between 1/1/2018 and 3/31/2018. Motion carried.

(f) 3006 – Provisional Audiologist

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to approve ratification of license number 743 issued between 1/1/2018 and 3/31/2018. Motion carried.

8. RULES REPORT

April 2018 Rules Report
March 2018 Report
February 2018 Report

Board counsel, Rachelle Munson included the reports to enable board members to see the reports that have been registered with the office since the last meeting date. Ms. Munson noted that the reports basically state the same thing with the exception of the April report, which reflects language approval for Rule 64B20-4.003 and 64B20-4.004 at the March 9, 2018, board meeting. She clarified that language approval indicates language approval by the board. Ms. Munson then went through the rules listed on the reports.

Rule Discussion

9. Rule 64B20-4.003 and Rule 64B20-4.004, F.A.C

Board counsel, provided a recap, informing the board where they are legally with this matter. Following the March 9, 2018, conference call a notice was issued regarding the proposed rule changes. It was published on April 4, 2018 and is now open for the public to see. The Joint Administrative Procedures Committee (JAPC) provided a letter identifying their concerns with the proposed rule language. The letter was included in the board materials for review. JAPC questions whether the board has any statutory authority to modify the requirement for direct supervision of assistants. Board counsel responded to JAPC's letter informing them that following the instant board meeting she will follow up with the board's direction. Section 468.1125, Florida Statutes, contains the crux of what JAPC's concerns are. Board counsel provided the board their options moving forward.

Mr, Snow, from Snow Strategies, a public member of the audience addressed the board regarding FLASHA's position on this matter. Mr. Snow identified himself as a legislative consultant for FLASHA. Mr. Snow noted that FLASHA will support whatever decision the board makes. He then provided FLASHA's position in support of modifying the direct supervision requirements for SLPAs in light of JAPC's concern. Discussion ensued.

Following lengthy discussion, which included addressing the letter included in tab 23 regarding concerns about changes to the direct supervision requirement in the rules, and the board voted in the following manner.

Action Taken: Motion by Kristen Rutland to withdraw the proposed rule language for Rules 64B20-4.003 and 64B20-4.004 from the rulemaking process and to continue to work on the language, seconded by Sergio Guerreiro. Motion passed unanimously.

10. Rule 64B20-3, F.A.C.

Board counsel provided proposed rule language to the board.

Action Taken: Motion by Sergio Guerreiro to approve the proposed language with the removal of “wall certificate or” from paragraph eight, seconded by Kristen Rutland. Motion passed unanimously.

Motion: by Kristen Rutland, seconded by Sergio Guerreiro, that the proposed changes for Rule 64B20-3, F.A.C., will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. No SERC is needed and no legislative ratification is needed. Motion carried.

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to find that a violation of Rule 64B20-3, F.A.C. or any part of this rule would not be considered a minor violation. Motion carried.

11. Rule 64B20-5.005; F.A.C., Provisional Renewal Application

Board counsel provided proposed changes.

Action Taken: Sergio Guerreiro moved to approve the proposed technical changes, seconded by Kristen Rutland. Motion passed unanimously.

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, that the proposed changes for Rule 64B20-5.005, F.A.C., will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. No SERC is needed and no legislative ratification is needed. Motion carried.

Motion: by Sergio Guerreiro, seconded by Kristen Rutland, to find that a violation of Rule 64B20-5.005, F.A.C. or any part of this rule would not be considered a minor violation. Motion carried.

12. Board Member Reference Guide

Board counsel provided a board member reference guide to board members to have easily accessible should they have any questions in their role as a board member. She provided an overview of the materials included.

Executive Director Report – Kama Monroe

Ms. Monroe had no report. Program Administrator, Carol Taylor announced that past board member Barbara Gaunt-Jahne has agreed to replace Ms. Walker on the probable cause panel. Ms. Taylor thanked Dr. Guerreiro for stepping in until the position could be filled.

Board Chair Report – Dr. Johnson

Dr. Johnson was not present. No board chair report.

Board Counsel Report:

Frederick Rahe inquired to what extent board members could have discussion with licensee asking questions. Ms. Munson stated that board members can have discussions to any extent as a licensee; however, as a board member what is public can be discussed but they need to be careful not to provide a private opinion as a board member. She

further noted that board meetings are public.

Sergio Guerreiro requested input regarding responses to letters such as the letter included in agenda item number twenty-three. Discussion ensued which included informing the author of such letters that if they are aware of any violations they are required to report. Also discussed was the fact legal sufficiency is required before an investigation can occur.

Board Liaison Reports -

- 13. Budget Liaison Report-** No report.
- 14. Application** – Dr. Rahe (AuD) & Dr. Johnson (SLP): No report at this time.
- 15. Continuing Education** – Dr. Guerreiro noted he has not seen any recently.
- 16. Laws and Rules** – Dr. Rahe (AuD) Discussed earlier in meeting.
- 17. Unlicensed Activity** – Dr. Rahe (AuD) & Dr. Johnson (SLP): No report at this time.
- 18. Healthy Weight** – Ms. Rutland: No report at this time; but, attendees were encouraged to pick up informational materials and items from the display table.

19. GENERAL DISCUSSION

Board Member Travel

Executive Director Kama Monroe informed the board that in the absence of a representative from the travel unit she would provide an overview. She then proceeded to provide a brief overview of board member travel including the travel authorization process and the travel reimbursement process. Ms. Monroe further stressed the importance of submitting documents timely.

OLD BUSINESS

20. Discussion on Credentials-Using Earned Academic Credential

Frederick Rahe stated several audiologists have noted being prohibited by employers from using their doctorate degree or title Doctor of Audiology. He noted his concern, that in situations where audiologists and hearing aid dispensers are employed at the same location it makes it difficult for the patient to be aware of the credentials of the individual who is providing them services.

21. Discussion Regarding Rules Cited by Board Staff: Rule 64B20-6.001(5), 64B20-6.002, and 64B20-6.002(1)(h), F.A.C.

Program Administrator, Carol Taylor, provided background regarding issues experienced during the last biennium renewal specifically related to the rules noted. It was further noted that the issues were presented to the board for informational purposes at a previous meeting and are being re-presented to allow the board to review the rules to determine whether revisions are needed or the rules are sufficient as is.

Discussion ensued regarding the rules and the issues experienced.

Action Taken: Motion by Sergio Guerreiro to open Rule 64B20-6.001 and Rule 64B20-6.002 for development, seconded by Kristen Rutland. Motion passed unanimously.

Frederick Rahe agreed to work with Board Counsel on the language for the various areas in the rule(s) that could be changed. Proposed language will be presented to the board for review.

22. Rule 64B20-2.001(3), F.A.C.- Licensure by Certification of Credentials

This item was placed on the agenda due to the ambiguity. The Medical Errors continuing education is no longer required for initial licensure.

After discussion:

The board determined the language should read “all applicants for renewal must submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors;” however, the board elected to wait until the standardized application process is complete to address this item.

NEW BUSINESS

23. Follow Up Email from March 9, 2018 Teleconference Meeting Letter for Speech-Language Pathology & Audiology Changes

This item was included with discussion of agenda item nine.

24. 2019 Proposed Meeting Dates and Locations

Proposed meeting dates and locations were presented to the board for consideration.

Those dates and locations are:

January 25, 2018	Orlando
April 19, 2018	Tallahassee
July 26, 2018	Deerfield Beach
October 18, 2019	Tampa

Motion by Sergio Guerreiro, seconded by Kristen Rutland, to approve the meeting dates and locations as presented. Motion passed unanimously.

25. ADJOURN: Motion to adjourn Seconded by Sergio Guerreiro Meeting adjourned.

**Next Meeting: July 25, 2018
Panama City Beach, Florida**