

FLORIDA | Board of Speech-Language
Pathology and Audiology

Meeting Minutes

**October 17, 2018
9:00 a.m.**

**Embassy Suites Tampa- USF/Near Busch Gardens
3705 Spectrum Blvd.
Tampa, FL
(813) 903-6620**



Peter Johnson, PhD
Chair

Frederick Rahe, Au.D.
Vice-Chair

Kama Monroe
Executive Director

October 17, 2018, Board Meeting

The Meeting was called to order by Board chair, Peter Johnson at 9:00 a.m.

Present for all or part of the meeting, include:

MEMBERS PRESENT:

Peter Johnson, Au.D., Chair
Frederick Rahe, Au.D., Vice-Chair
Sergio Guerreiro, Au.D.
Kristen Rutland, SLP
Sherry Jordan, Ed.S.
Paul Boyev, M.D.

BOARD STAFF PRESENT:

Kama Monroe, Executive Director
Carol Taylor, Program Office Administrator

MEMBERS ABSENT:

None

BOARD COUNSEL:

Rachelle Munson, Board counsel

COURT REPORTER:

Integra Reporting
850-878-2221
Sharon Boyd

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.

DISCIPLINARY CASES:

VOLUNTARY RELINQUISHMENTS

TAB 2 – VR 1 – Kimberly Bagley, S.L.P. Case # 2017-10981

PCP: waived

Respondent was not present.

PCP was waived; therefore, there were no recused members of the board.

The Department requested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: by Kristen Rutland; seconded by Sergio Guerreiro, to accept the Voluntary Relinquishment. Motion carried.

TAB 3 – VR 2 – Jennifer Lynn Carter, S.L.P., Case # 2017-17352

PCP: waived

Respondent was not present.

PCP was waived; therefore, there were no recused members of the board.

The Department requested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: by Sergio Guerreiro seconded by Paul Boyev, to accept the Voluntary Relinquishment. Motion carried.

Respondent was not present.

Ms. Rutland was recused due to participation on the probable cause panel.

The Department requested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: by Frederick Rahe; seconded by Paul Boyev, to accept the Voluntary Relinquishment. Motion carried.

REVIEW AND APPROVAL OF MINUTES

5 July 25, 2018, Teleconference Meeting

Minutes of the July 25, 2018, teleconference Board Meeting were reviewed.

Motion: by Frederick Rahe, seconded by Kristen Rutland, to approve the minutes. Motion carried.

Prosecution Services Report – John Wilson, Esq.

6. Prosecution Services Assistant General Counsel, John Wilson presented the prosecution services report to the board. Mr. Wilson reported that there are currently nineteen cases pending prosecution: eighteen of which are under legal investigation; and three have had probable cause found. He then stated that there are currently twelve cases over a year old and three that are being presented at the instant meeting. Mr. Wilson requested the board allow the Prosecution Services Unit (PSU) to continue prosecution of the cases a year and older.

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

Applicants

Speech-Language Pathology Assistant Application Review

7. Monica Mercadante-Castro, File #4448

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, applicant waived the ninety (90) day requirement for action to be taken on the application. Applicant will provide syllabus and course description, as well as, translation of the four hundred thirty-four credits she stated she completed.

8. Yadira Reiche Lopez, File #4417

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, applicant waived the ninety (90) day requirement for action to be taken on the application. Applicant completed multiple courses in Cuba with the same title. Applicant noted the courses taken covered a different speech component each year. Applicant will provide a copy of summary reflecting course content.

9. Zoraida Santiosteban, File# 4298

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

Applicant provided correct spelling of her last name, Santiesteban.

Action Taken: After discussion, applicant waived the ninety (90) day requirement for action to be taken on the application. Applicant is to produce a copy of the syllabus which includes the course content for the

courses titled Speech-Language Pathology and History of Speech-Language Pathology.

10. Longina Perez, File #4351

Applicant was present. Applicant was accompanied by translator, David Aguar. Applicant was not represented by counsel.

Action Taken: After discussion, it was determined the applicant is deficient 2.75 credit hours in Speech. The applicant waived the ninety (90) day requirement for action to be taken on the application.

13. Iliana Blanco, File #4482

Applicant was present. Applicant was accompanied by a translator, Rebeca Rodriguez. Applicant was not represented by counsel.

Action Taken: After discussion, it was determined the applicant did not meet the requirement of 15 credit hours in Speech-Language and Pathology. The applicant withdrew her application.

11. Barbara Estela Loyola Pacheco, File #8658

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

Action Taken: After discussion, the application was tabled until the next meeting. Applicant will be required to appear at the next meeting.

Provisional Speech-Language Pathology Application Review

12. Estrella Valdes Sosa, File #8905

Applicant was present. Applicant was accompanied by a translator. Applicant was not represented by counsel.

Applicant's name was corrected on the record to be Estrella Valdes Sosa.

Action Taken: After discussion, it was determined the applicant was deficient six (6) graduate credit hours. The applicant waived the ninety (90) day requirement for action to be taken on the application.

Speech-Language Pathology and Audiology Application Review

14. Patricia McCown, File #17702

Applicant was present and sworn in.

Action Taken: After discussion, Sergio Guerreiro, moved to table the application, Frederick Rahe, seconded the motion, which passed unanimously.

16. PETITION FOR VARIANCE OR WAIVER- Dan Gardner, M.S. Master Audiologist, File #475; James Baker, Au.D, File #625; Joanne Conter, Au.D, File #81; Rachel Conter, Au.D, File #2240; and Angela Schenk, Au.D., File #1795, and Dan Gardner, Inc.

Petitioners were present and sworn in. Applicant was represented by counsel, Tony Ionaccio.

Counsel for Petitioners presented the petition. The Petitioner demonstrated the hardship created by the current rule when servicing clients in rural areas. It was noted that two thirds of Petitioner's clients are located in a rural area.

Additionally, counsel provided a brief presentation to the board demonstrating how the proposed direct video supervision (DVS) would be conducted.

Action Taken: After discussion, Kristen Rutland, moved to grant the petition for variance from or waiver of Rule 64B20-4.003(7) and Rule 64B20-4.004(3), Florida Administrative Code for a period of one year with two conditions, Sergio Guerreiro seconded the motion, which passed unanimously.

Action Taken: Kristen Rutland, amended her previous motion by moving to grant the petition for variance from or waiver of Rule 64B20-4.003(7) and Rule 64B20-4.004(3), Florida Administrative Code for a period of one year with two conditions; the conditions are (1) the petitioner is to provide a description of the DVS system and the systems HIPAA compliance qualifications, and (2) the petitioner is to provide a copy of the policy and procedures that specifically address what would occur in the event that the system malfunctions; the conditions are to be met within thirty days of the filing of the order, Sergio Guerreiro seconded the motion, which passed unanimously. The board indicated this item was being approved in consideration of the hardship created because of the rural nature of the Petitioner's caseload.

32. NEW BUSINESS

Election of Officers

Motion: by Frederick Rahe, to nominate Peter Johnson to serve as board chair, Sergio Guerreiro seconded the motion, which passed unanimously.

Motion: by Peter Johnson, to nominate Frederick Rahe to serve as board chair, Sergio Guerreiro seconded the motion, which passed unanimously.

The board liaisons agreed to continue to serve in their current positions.

The board liaisons are as follows:

Budget Liaison Report - Dr. Johnson

Application – Dr. Rahe (AuD) & Dr. Johnson (SLP)

Continuing Education – Dr. Guerreiro

Laws and Rules – Dr. Rahe (AuD)

Unlicensed Activity – Dr. Rahe (AuD) & Dr. Johnson (SLP)

Healthy Weight – Ms. Rutland

The chair elect and vice-chair elect were provided the date, time and location for the chair/vice-chair meeting in the spring.

SETTLEMENT AGREEMENTS

TAB 1 – SA 01 – Michael David Murphy, Au.D., Case # 2016-08515

PCP: Rutland/Guerreiro

Respondent was present. Respondent was represented by counsel, Joy G. Zubkin, Esq.

Ms. Rutland was no longer in attendance when this matter was presented.

Dr. Guerreiro were recused due to participation on the probable cause panel.

Dr. Rahe recused himself from deliberating this matter.

John Wilson represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 468.1295(1)(f), Florida Statutes (2011), for being guilty of negligence, incompetency, or misconduct in the practice of audiology; and Section 468.1295(1)(bb), Florida Statutes (2011) by violating Section 456.072(1)(cc), Florida Statutes (2011), by leaving a foreign body in Patient E.R.

The terms of the settlement agreement are: appearance; letter of concern; a fine in the amount of five thousand (\$5,000.00) dollars payable within three (3) years from the filing of the final order, reimbursement of costs for the investigation and prosecution of this case, payable within three (3) years of filing of final order (costs are not to exceed three thousand five hundred dollars [\$3,500.00]); Respondent will complete two hours of Continuing Education in Prevention of Medical Errors for Audiologists; Respondent shall provide verification of course content and course completion to the Speech-Language, Pathology and Audiology compliance officer within six months from the date of the Final Order in this matter.

After discussion:

Motion: by Paul Boyev, seconded by Sherry Jordan, to accept the settlement agreement. Motion carried.

AHCA Exemption Application

15. Vicki G Goodwin, File #16973

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

Action Taken: After discussion, Frederick Rahe, moved to grant the exemption, Sergio Guerreiro seconded the motion, which passed unanimously.

Ratification of Licenses Issued 7/1/2018-9/30/2018

7.(a) 3001 - Speech-Language Pathologist

Motion: by Paul Boyev, seconded by Frederick Rahe, to approve ratification of license numbers 16349-16657 issued between 7/1/2018 and 9/30/2018. Motion carried.

(b) 3002 – Audiologist

Motion: by Sergio Guerreiro, seconded by Frederick Rahe, to approve ratification of license numbers 2199-2231 issued between 7/1/2018 and 9/30/2018. Motion carried.

(c) 3003 - Speech-Language Pathology Assistant

Motion: by Sergio Guerreiro, seconded by Paul Boyev to approve ratification of license numbers 3626-3800 issued between 7/1/2018 and 9/30/2018. Motion carried.

(d) 3004 – Audiologist Assistant

Motion: by Sergio Guerreiro, seconded by Paul Boyev, to approve ratification of license numbers 294-315 issued between 7/1/2018 and 9/30/2018. Motion carried.

(e) 3005 - Provisional Speech-Language Pathologist

Motion: by Frederick Rahe, seconded by Paul Boyev, to approve ratification of license numbers 8615-8878 issued between 7/1/2018 and 9/30/2018. Motion carried.

(f) 3006 – Provisional Audiologist

Motion: by Frederick Rahe, seconded by Paul Boyev, to approve ratification of license number 756 – 760 issued between 7/1/2018 and 9/30/2018. Motion carried.

BOARD COUNSEL REPORT

18. RULES REPORT

October 2018 Rules Report
September 2018 Report
August 2018 Report

19. Rules Approved and Effective Since Last Meeting:

64B20-3.0001, F.A.C. (Fees). Previous rules repealed.
64B20-5.005, F.A.C. (Renewal of Provisional Licensure)

20. RULE DISCUSSION

a. 2018-2019 ANNUAL REGULATORY PLAN
b. Rule 64B20-6.001 and 6.002, F.A.C
Rule 64B20-6.001
Rule 64B20-6.002

Rule 64B20-6.002-6.002(1)(h), FAC
FLAA-CEU form

Tabs eighteen, nineteen and twenty were presented together.

Board counsel, Rachelle Munson directed the board's attention to the October rules report. She stated the report reflects the rules opened for development and the rules that were since closed following the July teleconference meeting. Ms. Munson then went through the rules listed on the reports and provided related information.

Ms. Munson reviewed for the board, the rules that were approved and have become effective since the July meeting, which included Rule 64B20-3.001 and Rule 64B20-5.005, Florida Administrative Code.

Ms. Munson informed the board that the Annual Regulatory Plan (ARP) is included with the materials. She reminded the board of the purpose of the ARP and noted that it lists the rules the board anticipates opening during the fiscal year 2018-2019. Ms. Munson requested the board ratify the ARP.

Action Taken: After discussion: Paul Boyev, moved that the Annual Regulatory Plan (ARP) be ratified, Frederick Rahe seconded the motion. Motion passed unanimously.

Ms. Munson then opened the floor to Dr. Rahe to offer a sample of the continuing education hours for discussion regarding Rule 64B20-6.002(1)(h). Discussion followed regarding whether there was a need to clarify the rule or to leave it as is. Discussion included whether there is a need to include a minimum number of credit hours allowed.

Action Taken: After lengthy discussion: Frederick Rahe, moved to add the language, "the minimum course credit accepted for consideration is .5 continuing education hour or thirty minutes," at the end of Rule 64B20-6.002(1)(h), Florida Administrative Code, seconded by Peter Johnson. Motion passed unanimously.

Board Chair Report – Dr. Johnson

21. Open Discussion Regarding the Impact and Ability to Practice of Licensees with English as a Second Language

Board chair, Peter Johnson informed the board that ASHA is working on an English proficiency exam. He also, shared with the board a proposed flyer which basically informs licensees not to turn a blind eye to unlicensed behavior and a proposed email blast. Dr. Johnson then turned to the budget and noted that the board is in good shape.

EXECUTIVE DIRECTOR REPORT-Kama Monroe, J.D., Executive Director

22: Standardized Application Update Health History Questions draft (September)

23: Speech Language Pathology & Audiology Renewal of License; Continuing Education

- 468.1145 Fee; establishment; disposition
- 468.1195 Renewal of License or Certificate; continuing education requirements
- 468.1215 Speech-language pathology assistant and audiology assistant; certification
- Speech Renewal Statute Revisions
- Department; Powers and Duties-Section 456.004(1), F.S.

Executive Director Kama Monroe presented Tabs 22 and 23 together.

Ms. Monroe provided the board with a standardized application update. Ms. Monroe stated the Department has decided they do not wish to split the 456 questions from the remainder of the application; they now wish to keep it together but standardize the language. She noted that she and Dr. Guerreiro will work together to create a draft of applications that are wholesale revisions. She noted that they will be a first draft for review and consideration. Ms. Monroe noted that once input is received and revisions made the applications would then be presented at the March meeting for a vote.

Ms. Monroe then informed the board that she will also bring a revision of the applications that change the health history questions only. She provided the board an update regarding the progress of the health history question workgroup and the latest revised draft of the questions.

Ms. Monroe noted that she will bring to the next meeting a set of applications that only change the health history question and one set that include all of the changes that she and Dr. Guerreiro will work on. If the applications are acceptable to the board at that time then the board will proceed; however, if the applications she and Dr. Guerreiro worked on require changes, the board can move forward on the applications with the updated health history questions and continue to work on the others.

Ms. Monroe provided the board with information regarding moving to a four-year renewal cycle. She informed the board that with the current excess in revenues, it would be possible to move to a four-year renewal cycle without the need to increase renewal fees. Ms. Monroe informed the board that to go to a four-year renewal cycle requires a revision of one sentence of one statute, specifically Section 468.1145(8). The statute states the biennial renewal fee shall not exceed five hundred dollars. The word biennial would need to be removed for the board to have the option to move to a four-year renewal.

Action Taken: After lengthy discussion: Frederick Rahe, moved to proceed with a legislative package to remove the word "biennium" from Section 468.1145(8), Paul Boyev seconded the motion. Motion passed unanimously.

Board Liaison Reports -

- 13. Budget Liaison Report-** Discussed during board chair report.
- 14. Application** – Dr. Rahe (AuD) & Dr. Johnson (SLP): Modifying applications was discussed during the Executive Director Report.
- 15. Continuing Education** – Dr. Guerreiro stated it is going well.
- 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** –No report at this time.

19. GENERAL DISCUSSION

Discussion on rules regarding Audiology Assistant Supervision

This item was discussed earlier in the meeting. There was no other general discussion.

OLD BUSINESS

- 31. Rules 64B20-4.003 and 4.004, F.A.C.**
 - Presented by FLASHA for Discussion**
 - FLASHA Revised Proposed Language**
 - Dr. Johnson presentation**

Charlene Westman, Vice-President of governmental education with Florida Association of Speech Language Pathologists and Audiologists (FLASHA) and Debbie Campbell appeared before the board with a presentation regarding Rules 64B20-4.003 and 64B20-4.004. Both have appeared before the board multiple times on behalf of ASHA regarding the Speech Language Pathology Assistant (SLPA) supervision rules. Ms. Westman noted the vast variability between the states regarding SLPA supervision and noted that ASHA has recognized a need for standardization. ASHA will have a national exam credentialing SLPAs and Audiology Assistants by 2020. Upon successful passing of the exam licensees would receive certification. The presentation provided a summary of the benefits a certification program will provide. It was noted that Florida has the most stringent requirements of all fifty states in their supervision requirements. Statistics were provided for Speech-Language Pathology (slp) graduates in 2015-2016, slpa graduates in 2015-2016, and slp need based on population in various states. The presentation further provided a comparison of education requirements, experience at the onset of initial licensure, licensure maintenance, supervision rules, available settings for employment, national examination and use of unlicensed personnel for assistants in Florida. Feedback from various parties was also included in the presentation. Ms. Westman expressed her belief that the creation of a certification program by ASHA will affect the practice act.

Audience member Kay Grimm requested to speak regarding her experience as an employee of Early Steps. She provided the board with insight into some of the experiences and difficulties she incurred while in her position.

Ms. Westman provided proposed changes to Rules 64B20-4.003 and 64B20-4.004 created by FLASHA for consideration by the board. Debbie Campbell noted a need to further define on-site supervision. Ms. Westman noted that the supervisor/assistant ratio would remain the same. The proposed rule changes were discussed.

Board counsel, Rachele Munson, reminded the board and audience that rules can't be created that conflict with the controlling statute. Ms. Munson emphasized that each change is going to be reviewed closely and there is a need for the changes to be written well. A suggestion to reference the statute in the proposed rule was made to Ms. Campbell.

After discussion, Ms. Westman and Ms. Campbell agreed to make further changes to the proposed rules and resubmit for review. An ad hoc committee consisting of Dr. Johnson and Dr. Rahe will have a public meeting to review the proposed changes from FLASHA and work towards a draft for review by the full board in February.

NEW BUSINESS

Election of Officers occurred earlier in the meeting. There was no other new business.

25. ADJOURN: Motion to adjourn
Seconded by Frederick Rahe
Meeting adjourned at 2:08 p.m.

Next Meeting: February 1, 2019
Orlando, Florida