

**MINUTES
FLORIDA DEPARTMENT OF HEALTH
BOARD OF OCCUPATIONAL THERAPY PRACTICE
GENERAL BUSINESS MEETING
4042 BALD CYPRESS WAY, CONFERENCE ROOM 301
TALLAHASSEE, FL 32399-3255
JANUARY 29, 2007**

Call to Order

Ms. McIntosh, Chair, called the meeting to order at 9:04 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

Lisa McIntosh, OTA, Chair
Laura Garcia, OT, Vice-Chair
Shelley Isenberg Hickman, OT
Michele Watson, OT
Zoraida Diezel, OT
Rodney Phillip Scott, Consumer Member
Linda Shaub, Consumer Member

STAFF PRESENT

Susie Love, Executive Director
Allen Hall, Program Operations Administrator
Greg Ramer, Regulatory Specialist II

ASSISTANT ATTORNEY GENERAL

Joy Tootle

COURT REPORTER

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OTHERS PRESENT

Debbie Troupe, Professionals Resource
Network, (PRN)

To accommodate individuals wishing to address the Board, the Board Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

9:04 A.M. CALL TO ORDER - GENERAL BUSINESS MEETING

ADMINISTRATIVE PROCEEDINGS

PERSONAL APPEARANCES

TAB 1 Wanda Krogol, OTA by Endorsement, OTT 10367

Ms. Krogol was present, not represented by an attorney and sworn in by the court reporter.

Ms. Krogol made a previous personal appearance at the December 4, 2006, meeting due to positive answers for #9B and 10D on the application. The Board granted licensure approval to Ms. Krogol with the condition that she be examined and monitored by a Florida licensed medical doctor who must provide the Board a letter/report specifying the applicant's mental health diagnosis, treatment plan and medications prescribed. Such letter must include a statement from the medical doctor that it is his or her opinion that Ms. Krogol is able to practice with reasonable skill and safety. The Board requested the physician's report, to be received for review at the January 29th, 2007 meeting.

The board office received the physician's letter on December 21, 2006.

MOTION: Ms. Watson made a motion to grant licensure as an occupational therapy assistant. The motion was seconded by Ms. Hickman and passed 7/0.

TAB 2 Susan Reese, OT by Examination, OTT 12582

Ms. Reese was present, not represented by an attorney and sworn in by the court reporter.

Ms. Reese appeared before the Board due to a positive answer for #9B on the application.

Ms. Reese was scheduled to sit the NBCOT exam on January 26, 2007, and was authorized for a temporary permit, OTT# 12582 by the Board Chair, pending the Board's full review of her application.

MOTION: Ms. Shuab made a motion to grant licensure as an occupational therapist, pending a letter from a Florida licensed medical doctor that Ms. Reese is able to practice with reasonable skill and safety, and that she attain a passing exam score on the exam. The motion was seconded by Ms. Hickman and passed 7/0. The Board Chair is to review the letter to determine if it is acceptable.

TAB 3 Peter Ruggiero, OTA by Examination, File # 3152

Mr. Ruggiero was present, not represented by an attorney and sworn in by the court reporter. Ms. Debbie Troupe representing Professionals Resource Network (PRN) was present and addressed the Board.

Mr. Ruggiero appeared before the Board due to a positive answer for #8A on the application. Mr. Ruggiero was evaluated and PRN recommended a 2-year monitoring contract, which he signed on January 29, 2007, with eligibility for early release in one year. Mr. Ruggiero successfully passed the NBCOT exam since applying for licensure by examination status.

MOTION: Ms. Diezel made a motion to grant licensure as an occupational therapy assistant with the condition that he maintain compliance with his PRN contract for the life of the contract. The motion was seconded by Ms. Shuab and passed 7/0.

TAB 16 Compliance Management Unit: Compliance Tracking

Mr. William Alphin presented a PowerPoint presentation of the Compliance Unit's staff and functions regarding compliance tracking.

RULES REVIEW AND/OR DEVELOPMENT

TAB 4 Discussion Regarding Rule 64B11-2.001, F.A.C., Definition of Supervised Fieldwork Experience

The Board reviewed the following:

- Should a reference to 468.209(1)(c) be added?
- The last sentence references "occupational therapy assistant" but section (2) of 64B11 is the occupational therapy section. Section (3) of 64B11 is the OTA section. Should a similar

rule be added to section (3) (the OTA section of 64B11) since many of the OT rules in section (2) are duplicated in section (3) and change six months to two months for OTA's in the new rule?

64B11-2.011 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for in Section 468.209(2), Florida Statutes, shall mean experience at an occupational therapist level occurring in a clinical setting affiliated with an educational institution in occupational therapy for a minimum of at least 6 months, with the fieldwork experience supervised by a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the **occupational therapy assistant** has daily direct contact at the worksite with his or her supervisor.

MOTION: Ms. Diezel moved to approve the recommended changes for 64B11-2.001, F.A.C. and requested Ms. Tootle prepare language for the March 26th meeting. The motion was seconded by Ms. Garcia and passed 7/0.

TAB 5 Discussion Regarding Rule 64B11-5.001, F.A.C., Requirements for Licensure Renewal of an Active License

The Board reviewed a conflict in sections (4) and (8) of rule 64B11-5.001, F.A.C. Section (8) exempts individuals who were licensed in the second half of the biennium (3/1/06 to 2/28/07) from CE requirements except for two hours of medical errors. However, section (4) requires completion of (1) hour of HIV/AIDS no later than first renewal. With the 2006 legislation changes HIV/AIDS is no longer required for initial licensure.

64B11-5.001 Requirements for License Renewal of an Active License.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles.

An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) As a condition to the renewal of an active license, an occupational therapist must complete twenty-six (26) hours of approved continuing education per biennium.

(2) As a condition to the renewal of an active license, an occupational therapist assistant must complete twenty-six (26) hours of approved continuing education per biennium.

(3) Home Study – A licensee may perform no more than twelve (12) hours of continuing education as home study education per biennium. Home study education is independent study and requires a certificate of completion. Home study education does not include a web-based, satellite transmitted or online instruction program that allows or requires the licensee to interact or communicate back and forth with the instructor during the presentation of the program.

(4) HIV/AIDS – The licensee shall complete one (1) hour of HIV/AIDS education as set forth in Section 456.033, F.S., no later than upon first renewal.

(5) Medical Errors – Each licensee shall attend and certify attending a Board-approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for licensure renewal. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety and must include contraindications and indications specific to occupational therapy management including medication and side effects.

(6) Laws and Rules – As part of the twenty-six (26) hours of continuing education required herein for licensure renewal, each licensee shall attend a two (2) hour Board approved course on laws and rules, i.e., Chapters 456 and 468, Part III, F.S., and Chapter 64B11, F.A.C.

(7) Documentation – The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met. Upon being audited, a licensee shall, within 30 days, or longer period of time if specified in the audit notice, provide documentation to the Board that shows proof of compliance with the continuing education requirements imposed by this chapter and Chapter 64B11-6, F.A.C.

(8) Exemption – Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two hour prevention of medical errors course requirement referenced above and required by Section 456.013, F.S.

MOTION: Ms. Garcia moved to approve the recommended changes for 64B11-5.001, F.A.C., and requested Ms. Tootle prepare language for the March 26th meeting. The motion was seconded by Ms. Hickman and passed 7/0.

CERTIFICATION OF APPLICATIONS

TAB 6 Endorsement Candidates: Occupational Therapists & Assistants

MOTION: Ms. Watson moved to approve the list of applicants for licensure, totaling 54 names, which was seconded by Ms. Shuab and carried 7/0.

ACTION TAKEN: 54 names ratified for licensure.

TAB 7 Examination Candidates: Occupational Therapists & Assistants

MOTION: Ms. Watson moved to ratify for licensure pending the successful passage of the NBCOT examination the list of applicants, totaling 23 names. Ms. Shuab seconded the motion, which carried 7/0.

ACTION TAKEN: 23 names approved for licensure pending successful exam results.

TAB 8 Examination With Waiver Candidates: Occupational Therapists & Assistants

MOTION: Ms. Watson moved to approve the list of applicants for licensure, totaling 2 names, which was seconded by Ms. Hickman and carried 7/0.

ACTION TAKEN: 2 names ratified for licensure.

TAB 9 Continuing Education Provider Applications

To be ratified or approved by the board:

Provider Names	CE Provider/Tracking Numbers
1. Aventura Hospital and Medical Center	50- 169
2. Brian Prell	50- 7539
3. CEU Institute	50-351
4. Great Lakes Seminars	50-8423
5. JK Seminars	50-1062
6. KK Educational Services	50-1163
7. Kid's Therapy Unlimited, Inc.	50-7997

8. Lippinsott Williams & Wilkins	50-1223
9. Mowder Consulting, Inc.	50-7144
10. Pesi, LLC	50-1586
11. Rehabcare	50-5394
12. The School Board of Broward County	50-6687

MEDICAL ERROR COURSES FOR REVIEW:

Provider Names	CE Provider/Tracking Numbers
1. Manatee Community College OTA Program	50-6724
2. OT Department, Florida International University	50-7210

LAWS AND RULES COURSES FOR REVIEW:

Provider Names	CE Provider/Tracking Numbers
1. Manatee Community College OTA Program	50-6724
2. OT Department, Florida International University	50-7210

MOTION: Ms. Diezel moved to approve the twelve continuing education providers. Ms. Watson seconded the motion, which carried 7/0.

MOTION: Ms. Diezel moved to approve the two medical errors courses. Ms. Hickman seconded the motion, which carried 7/0.

MOTION: Ms. Diezel moved to approve the two laws and rules courses. Ms. Watson seconded the motion, which carried 7/0.

ACTION TAKEN: 12 continuing education provider applications approved; 2 medical errors courses and 2 laws and rules courses approved.

APPROVAL OF MINUTES

TAB 10 December 3, 2006 General Business Meeting

There was one noted correction.

Page 2 line 15, delete “a” in the sentence... “becoming a null and void.”

MOTION: Ms. Watson moved to accept the minutes noting the correction above. The motion was seconded by Ms. Diezel and passed 7/0.

REPORTS, IF ANY

TAB 11 Prosecutors Report, Alison Dudley, Prosecuting Attorney

The Prosecuting attorney submitted the following status report.

Total cases open/active: 7

Total Pre-Probable Cause Cases: 7

Cases still in investigations: 0

Cases under legal review: 7

Cases where Probable Cause Recommendation has been made: 2

Total Cases where Probable Cause has been found: 0
Cases in a holding status: 0
Cases in which AC has been filed: 0
Cases pending before the Division of Administrative Hearings: 0

TAB 12 Executive Director, Susie Love

- **PRN Monthly Report**

Informational item.

OLD BUSINESS

TAB 13 Discussion: Monitoring/ Mentoring Program

Ms. Tootle advised the Board, that monitor approvals needed to be reviewed on a case by case basis by the Board. Ms. Tootle further advised that recruiting an appropriate monitor should remain the responsibility of the licensee. She cautioned the Board regarding issuing continuing education credit as an incentive to licensees who agreed to be monitors since continuing education is specifically required of licensees for the protection and welfare of the public.

After a brief discussion, the Board agreed with Ms. Tootle's counsel and decided to not request the Florida Occupational Therapy Association (FOTA) develop a list of available monitors as previously discussed.

The Board reviewed the suggested supervision/monitoring questions and explanations developed by staff, made a few technical changes, and requested staff to prepare a web update with the revised questions.

NEW BUSINESS

TAB 14 Probation Language for Final Orders

Ms. Tootle provided the Board with a list of information on probation to consider when reviewing discipline cases. After some technical changes, the Board requested Ms. Tootle submit the corrected probation checklist to staff for submission in each agenda when discipline cases are being reviewed.

TAB 15 ELECTION OF OFFICERS

The Board held their annual election of officers. After discussion and nominations the following officers were established for the upcoming year:

Chair – Laura Garcia
Vice Chair – Zoraida Diezel
Budget Liaison – Rodney Scott
CE Committee – Zoraida Diezel
Community Relations Liaison – Linda Shaub
Legislative Liaison – Shelly Hickman
Unlicensed Activity Liaison – Shelly Hickman
Probable Cause Panel Members – Rodney Scott and Judith Johnson
Probable Cause Panel Member Alternate – Michele Watson

OTHER BUSINESS AND INFORMATION

TAB 17 Staff Recognition

Informational item.

ANY OTHER BUSINESS OF THE BOARD

CE Broker

Ms. Diezel discussed several issues regarding CE Broker and requested the following:

- Request specific definitions for “class”, “seminar” and “course” be made available in the system
- Request a confirmation when licensees self submit data. Under the current system it is unclear if the data was accepted which leads licensees to submit the information again

Staff is to contact CEBroker and request the changes.

NBCOT – FOTA – AOTA Annual Conference/Meetings for 2007

The Board requested Board staff gather information and attend as a representative of the Board at the AOTA, FOTA and NBCOT annual conferences, along with at least one Board member. The AOTA 2007 conference will be held in St. Louis Missouri April 20-23, 2007, and Ms. Watson volunteered to attend as the Board representative. Board will request travel authorization for Ms. Watson and to provide the required information regarding annual meetings and locations for FOTA and NBCOT conferences for the March agenda.

ADJOURNMENT

The meeting adjourned at approximately 10:40 a.m.