

MEETING MINUTES

The Florida Board of Occupational Therapy Practice

GENERAL BUSINESS MEETING

March 28, 2022

DIAL-IN NUMBER: 1-888-585-9008

When prompted, enter the following conference room number:
564-341-766, followed by the #sign.



James Spafford, Board Chair

1 DEPARTMENT OF HEALTH
2 BOARD OF OCCUPATIONAL THERAPY PRACTICE
3 GENERAL BUSINESS MEETING
4 BY TELEPHONE CONFERENCE CALL
5 **March 28, 2022**

6 **MEETING MINUTES**

7 **DIAL-IN NUMBER: 1-888-585-9008**

8 When prompted, enter the following conference room number:
9 **564-341-766**, followed by the #sign.

10 **Participants in this public meeting should be aware that these proceedings are being**
11 **recorded and that an audio file of the meeting will be posted to the Board's website.**

12 ***Call to Order***

13 **9:00 a.m. EST** - Call to Order - General Business Meeting

14 Mr. Spafford, Chair, called the general business meeting to order at 9:00 a.m. Those
15 present for all or part of the meeting, included the following:

16 **MEMBERS PRESENT**

17 James F. Spafford, Consumer, Chair
18 Tameka German, OT
19 Elena Vizvary, OT

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Operations Administrator
Deborah Boutwell, Lead Regulatory Specialist
Ahna Chamlis, Regulatory Specialist III
Keyna Page, Regulatory Specialist II

20 **MEMBER ABSENT**

21 Dr. Caylee Banta, OT, Vice Chair-Excused

22 **BOARD COUNSEL**

23 Ronald "Tom" Jones, Asst. Attorney General

PROSECUTING ATTORNEY

Chase Dan Beste, Asst. General Counsel

24 **COURT REPORTER**

25 For the Record Court Reporting
26 1500 Mahan Drive, Suite 140
27 Tallahassee, FL 32317
28 (850) 222-5491
29 fortherecord@tallahasseecourtreporting.com

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

1 **DISCIPLINARY PROCEEDINGS**

2 **HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

3 **TAB 1 Maria Del Pilar Saa, OT10046, DOH Case # 2020-27026**
4 **File # 9475 (PCP Hicks & Banta)**

5 Dr. Saa was present on the call and represented by legal counsel, Barbara Kornblau, Esquire.
6 The Complainant and parent of the minor patient in this matter were also present.

7 Dr. Saa was before the Board for an alleged violation of Section 456.072(1)(v), Florida Statutes
8 (2019), for engaging or attempting to engage in sexual misconduct as defined and prohibited in
9 Section 456.063(1), Florida Statutes. Section 456.063(1), Florida Statutes, in part, provides that
10 sexual misconduct in the practice of a health care profession means violation of the professional
11 relationship through which the health care practitioner uses such relationship to engage an
12 immediate family member in, or to induce or attempt to induce such person to engage in, verbal
13 or physical sexual activity outside the scope of the professional practice of such health care
14 profession.

15 Mr. Chase Den Beste, Assistant General Counsel, presented the case to the Board.

16 **MOTION:** Mr. Spafford moved to accept the investigative report into evidence, to find that the
17 Respondent was properly served and to adopt the findings of fact as set forth in the
18 Administrative Complaint. The motion was seconded by Ms. Vizvary and carried 3/0.

19 During the proceeding, both the Complainant and parent of the minor patient were allowed the
20 opportunity to address the Board.

21 **MOTION:** Mr. Spafford made a motion to adopt the conclusions of law as set forth in the
22 Administrative Complaint and that this constitutes a violation of the Florida Statutes. The motion
23 was seconded by Ms. Vizvary and carried 3/0.

24 Mr. Den Beste provided the Department's recommendation that Dr. Saa's license to practice be
25 revoked and that costs be assessed through a separate motion.

26 Ms. Christina Shideler, Assistant General Counsel, also addressed the Board during the
27 proceeding.

28 **MOTION:** Following extensive discussion, Ms. German made a motion to impose the following
29 penalties based on mitigating factors identified in Rule 64B11-4.003(3)(d) and (3)(g), Florida
30 Administrative Code:.

- 31 • 2-year suspension of license to practice*;
32 • \$7,500 fine to be paid within 1 year of the filing of the final order; and
33 • Completion of 8 hours of continuing education in the area of boundaries and ethics to
34 be completed within 90 days after the termination of the 2-year suspension.

35 The motion was seconded by Ms. Vizvary and carried 3/0.

1 **It was clarified that during the suspension period, Dr. Saa would be able to continue to operate*
2 *her business, but would not be able to engage in the practice of occupational therapy services.*

3 **MOTION:** Mr. Spafford made a motion to impose costs in the amount of \$1,769.29 to be paid
4 within 12 months of the filing of the final order. Ms. German seconded the motion, which carried
5 3/0.

6 **PROSECUTOR'S REPORT**

7 **TAB 2 Chase Den Beste, Prosecuting Attorney**

8 Mr. Den Beste presented the Prosecutor's Report outlining the status of 15 open/active
9 disciplinary cases.

10 DOH PROSECUTOR'S REPORT
11 Meeting Date: February 28, 2022
12 Chase E. Den Beste, Assistant General Counsel
13 Current Open/Active Occupational Therapy Cases

14

<u>Case Status</u>	<u>Report Date</u> 2/28/2022
Total cases open/active in Prosecution Services:	15
Cases in Emergency Action Unit:	1
Cases under legal review:	2
Cases awaiting supplemental investigation/expert opinion:	0
Cases with PCP recommendation:	4
Cases where probable cause has been found:	0
Cases where DOAH has been requested:	2
Cases pending before DOAH:	0
Cases on Board meeting agendas:	6
Cases on appeal:	0
Cases older than one year: *	2

15 * Does not include cases already agendaed for final action by the Board.

16 **MOTION:** Mr. Spafford moved to allow Prosecution Services to continue prosecuting
17 cases older than one year. Ms. Vizvary seconded the motion, which carried 3/0.

1 **ADMINISTRATIVE PROCEEDINGS**

2 **INDIVIDUAL CONSIDERATIONS**

3 **TAB 3 Nicole A. Cheatham, File # 23154, OT by Endorsement**

4 Ms. Cheatham was present on the call and not represented by legal counsel.

5 Ms. Cheatham's application for Occupational Therapist Licensure by Endorsement was
6 presented to the Board for consideration.

7 **MOTION:** Following discussion, Mr. Spafford moved to approve Ms. Cheatham's application for
8 licensure. Ms. German seconded the motion, which carried 3/0.

9 **TAB 4 Jordan Leigh Papajeski, File # 23273, OT by Endorsement**

10 Ms. Papajeski was not present on the call and not represented by legal counsel.

11 Ms. Papajeski's application for Occupational Therapist Licensure by Endorsement was
12 presented to the Board for consideration.

13 **MOTION:** Following discussion, Ms. Vizvary moved to approve Ms. Papajeski's application for
14 licensure. Ms. German seconded the motion, which carried 3/0.

15 **TAB 5 Luis Alonzo, File # 23084, OT by Endorsement**

16 Mr. Alonzo was present on the call and represented by David Anthony Nunez, Esquire.

17 Mr. Alonzo's application for Occupational Therapist Licensure by Endorsement was presented
18 to the Board for consideration.

19 Mr. Hall stated Mr. Alonzo is on the U.S. Department of Health Human Services, Office of the
20 Inspector General's (OIG) List of Excluded Individuals & Entities, with a different spelling of his
21 last name as Alonzo, with an "s" instead of a "z". The same date of birth, address and social
22 security number were verified in the OIG's database as a match for Mr. Alonzo.

23 **MOTION:** After discussion, Ms. German moved to deny Mr. Alonzo's application for licensure
24 based on being currently listed on the OIG's Exclusions list, rendering him ineligible for
25 licensure under Section 456.0635, F.S.

26 **MOTION:** Following further discussion, Ms. German amended the previous motion to deny
27 licensure based on previous disciplinary action with this Board and being listed on the current
28 OIG's Exclusions list, which prohibits the Board from issuing the license under Section
29 456.0635, F.S. Ms. Vizvary seconded the motion, which carried 3/0.

30 *At this point in the meeting, the Board Chair moved the agenda out of order to review an*
31 *Individual Consideration file under Addendum Tab 22.*

1 **ADDENDUM - INDIVIDUAL CONSIDERATION**

2 **TAB 22. Kimberly Boan, File #12370, OTA By Endorsement**

3 Ms. Boan was present on the call and not represented by legal counsel.

4 Ms. Boan’s application for Occupational Therapy Assistant Licensure by Endorsement was
5 presented to the Board for consideration.

6 **MOTION:** Following discussion, Ms. German moved to approve the application for licensure
7 contingent upon receipt of a physician’s letter clarifying Ms. Boan is safe to practice
8 occupational therapy without restriction, to be reviewed and approved by the Board Chair. Ms.
9 Vizvary seconded the motion, which carried 3/0.

10 **APPLICANT RATIFICATION LISTS**

11 **TAB 6 Licensed Occupational Therapists**

12 **MOTION:** Mr. Spafford moved to approve the ratification list of **340** Occupational Therapists.
13 Ms. Vizvary seconded the motion, which carried 3/0.

14 **ACTION TAKEN:** **340** Occupational Therapists ratified for licensure.

15 **TAB 7 Licensed Occupational Therapy Assistants**

16 **MOTION:** Mr. Spafford moved to approve the ratification list of **158** Occupational Therapy
17 Assistants applicants for licensure. Ms. German seconded the motion, which carried 3/0.

18 **ACTION TAKEN:** **158** Occupational Therapy Assistants ratified for licensure.

19 **TAB 8 Continuing Education Provider Applications**

20 **MOTION:** Mr. Spafford moved to approve the list of **5** continuing education providers/courses.
21 Mrs. Vizvary seconded the motion, which carried 3/0.

22 **ACTION TAKEN:** **5** continuing education providers/courses ratified for licensure.

Educational Provider Name	CE Broker Tracking #	Course Name	Course Tracking #	Status	Date Approved
FLORIDA A&M UNIVERSITY	50-4009	Sex Trafficking and Labor	20-886584	Approved	11/12/2021
EPICOMPLIANCE, LLC	50-29924	HIPAA, OSHA for Healthcare, and Prevention of Waste, Fraud & Abuse Course Bundle (ACA/OIG, Medicare, Billing) - 4.0 Hours CE	20-772952	Approved	11/12/2021
WWW.ASOP.ORG	50-29279	Course Info - ORTHOPEDIC CASTING AND SPLINTING WORKSHOP 14	20-757037	Approved	11/03/2021
CEU CHOICE	50-30969	Human Trafficking	20-853099	Approved	12/16/2021
BAPTIST HEALTH SOUTH FLORIDA	50-182	Human Trafficking Training by Global Strategic Operatives	20-866210	Approved	11/12/2021

1 **RULES REVIEW AND DEVELOPMENT**

2 **Tab 9 Rule 64B11-5.001, F.A.C., Requirements for License Renewal of an Active**
 3 **License; Continuing Education: Review of JAPC Correspondence**

4 During the August 2021 meeting, the Board discussed an inquiry regarding continuing education
 5 credit for Occupational Therapists who supervise OT Doctoral Capstone residency students.
 6 The inquiry was received from Dr. Linda Struckmeyer, Clinical Assistant Professor and
 7 Capstone Coordinator, for the University of Florida’s Occupational Therapy Program. Ms.
 8 Vizvary and Dr. Struckmeyer worked with Mr. Jones to draft rule language that was approved by
 9 the Board at the November 2021 meeting.

10 Following the meeting, Mr. Jones received a letter from the Joint Administrative Procedures
 11 Committee (JAPC) regarding defining the Capstone experience. Mr. Jones provided the
 12 proposed draft rule language below, for the Board’s consideration.

13 **64B11-5.001(11), F.A.C., Requirements for License Renewal of an Active License; Continuing Education.**
 14 *(11) Fieldwork or Doctoral Capstone Experience – A licensee may earn up to six (6) continuing education hours per*
 15 *biennium for supervision of a Level II Occupational Therapy or Occupational Therapy Assistant fieldwork or entry*
 16 *level doctoral capstone student at the rate of no more than three (3) hours per student. To be eligible for the credit,*
 17 *the licensee must participate as the primary clinical fieldwork educator or site mentor for the student. Documentation*
 18 *shall include verification provided by the school to the fieldwork educator or site mentor with the name of the student,*
 19 *school, and dates of fieldwork or doctoral capstone experience or the signature page of the completed student*
 20 *evaluation form. Evaluation scores and comments shall be deleted or blocked out. The Capstone Experience is a*
 21 *self-contained research study carried out by a student or in a defined group, to identify the volume and depth of*
 22 *theoretical knowledge gained during training and evaluate the ability to apply it to practical problems. The paper*
 23 *deals with a specific scientific question that is new and relevant in terms of the current state of research.*

24 After further discussion, the Board determined to table this item to the May 2022 meeting, to
 25 allow Mr. Jones, Ms. Vizvary and Dr. Struckmeyer to review and bring additional proposed
 26 suggestions for the Board’s consideration. Mr. Jones indicated there would be no issue with the
 27 timeframe to make these updates, as the rule development time has been tolled for completion.

28 **REPORT OF ASSISTANT ATTORNEY GENERAL – Ronald “Tom” Jones**

29 **Tab 10 Rule Status Report:**

30 Mr. Jones presented the status of the following rules recently approved by the Board.

- 31 • 64B11-5.001, F.A.C., Requirements for License Renewal of an Active License; Continuing
 32 Education

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B11-5.001	Requirements for License Renewal of an	11/08/2021	11/15/2021	11/23/2021	12/08/2021(RN) 12/09/2021 JAPC ltr 12/09/2021 Attorney Response 12/09/2021 TOLLED		

	Active License; Continuing Education						
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1 **TAB 11 Board Chair, Jim Spafford**

None to report

2 **Other Board Members**

None to report

3 **TAB 12 Executive Director**

- 4 • Cash Balance Report
- 5 • Expenditures by Function Report

6 Mr. Hall presented the quarterly cash balance and expenditures by function reports. Mr. Hall
7 also provided a brief update on the status of legislation that might impact the Board.

8 Informational Item.

9 **NEW BUSINESS**

10 **TAB 13 Update on CS/SB 632 and HB 847, Occupational Therapy Practice Act,**
11 **Debora Oliveira Ph.D., OTR/L, President, Florida Occupational Therapy**
12 **Association**

13 Mr. Hall presented an update regarding the status of this legislation, as Ms. Oliveira was
14 unavailable to attend due to a prior obligation. Mr. Hall noted that the Senate version of the bill
15 had passed and was pending signature by the Governor. It was noted that the legislation would
16 require the Department of Health to create a registration process for OTD student's seeking an
17 exemption to include clinical activities as part of their Capstone Experience.

18 **TAB 14 Discussion: Rule 64B11-4.001, F.A.C., Use of Prescription Devices**
19 **re: Inquiries on Didactic and Practical Training Requirements**

20 The Board Office has received inquiries regarding the lack of availability of Prescription Device
21 Certification courses in light of this rule's restriction on neither the didactic nor the supervised
22 practical portions of the course being able to be completed online. The Board was provided with
23 a few of the inquiries received for reference during the discussion.

24 Following discussion, the Board determined to table this item to the May 2022 meeting agenda
25 to allow Mr. Jones and Ms. Vizvary to work on proposed language for the Board's review.

1 **TAB 15 2022 Delegations of Authority**

2 The Delegation of Authority, reviewed and approved annually, facilitates administrative
3 efficiency and documents when individuals or entities have been delegated to act on behalf of
4 the Board. The Board was invited to review and make changes, if necessary, to the proposed
5 2022 delegation.

6 **MOTION:** Following discussion, Mr. Spafford moved to approve the 2022 Delegation of
7 Authority as presented. Ms. German seconded the motion, which carried 3/0.

8 **TAB 16 2022 Conviction Record Guidelines**

9 The Conviction Record Guidelines, reviewed and approved by the Board annually, is used by
10 Board staff to assist in determining which licensure applications require individual consideration
11 at the quarterly meetings. The Board was invited to review and make changes, if necessary, to
12 the proposed 2022 Conviction Record Guidelines.

13 **MOTION:** Following discussion, Mr. Spafford moved to approve the 2022 Conviction Record
14 Guidelines as presented. Ms. Vizvary seconded the motion, which carried 3/0.

15 **TAB 17 2022 Officer Elections**

16 On an annual basis, the Board holds elections to determine officers and liaisons for the year.

17 Ms. Vizvary nominated Ms. German to serve as Vice Chair.

18 **MOTION:** Mr. Spafford moved that the nomination for Vice-Chair be closed. Ms. German
19 seconded the motion, which carried 3/0.

20 **MOTION:** Mr. Spafford moved that Ms. German serve as the Board’s Vice-Chair. Ms. Vizvary
21 seconded the motion, which carried 3/0.

22 The Board determined the remainder of the positions would remain the same, as noted below.

Position	New Assignments
Board Chair	Jim Spafford
Vice Chair	Tameka German
CE Committee Person	Dr. Caylee Banta / Tameka German (back-up)
Legislative Liaison	Jim Spafford
Budget Liaison	Jim Spafford
Unlicensed Activity Liaison	Tameka German
Probable Cause Panel	Judith Johnson & Dr. Caylee Banta
Pro Bono CE Approval Liaison	Elena Vizvary

1 **TAB 18 2023 Meeting Dates**

2 The following dates were proposed for the Board’s 2023 General Business and Probable Cause
3 Panels meetings.

- 4 • **February 27**
- 5 • **May 15**
- 6 • **August 7**
- 7 • **November 6**

8 **MOTION:** Following discussion, Mr. Spafford moved to approve the 2023 Meeting Dates as
9 presented. Ms. German seconded the motion, which carried 3/0.

10 **OLD BUSINESS**

11 **Tab 19 November 8, 2021, General Business Meeting Minutes**

12 The Board was provided the draft minutes from the November 2021 meeting for review.

13 **MOTION:** Mr. Spafford moved to approve the November 8, 2021 minutes as presented. Ms.
14 Vizvary seconded the motion, which carried 3/0.

15 **OTHER BUSINESS AND INFORMATION** *(items that do not require Board action)*

16 **Tab 20 Florida Prescription Drug Monitoring Program (PDMP) Monthly Report**

17 Informational only.

18 **Tab 21 Staff Recognition**

19 Informational only.

20 **ADJOURNMENT**

21 There being no further business, the meeting adjourned at approximately 12:12 p.m..