

MINUTES DRAFT

**The Florida
Board of Occupational Therapy Practice**

GENERAL BUSINESS MEETING

November 7, 2022

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

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



James Spafford, Board Chair

**DEPARTMENT OF HEALTH
BOARD OF OCCUPATIONAL THERAPY PRACTICE
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
NOVEMBER 7, 2022**

DRAFT MINUTES

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

When prompted, enter the following conference code:

564-341-766, followed by the # sign.

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

1 ***Call to Order***

2 **9:00 a.m. EST** - Call to Order - General Business Meeting

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

5 **MEMBERS PRESENT**

6 James F. Spafford, Consumer Member, Chair

7 Tameka German, OT, Vice-Chair

8 Elena Vizvary, OT

9 Dr. Caylee Banta, OT

10

11

12

STAFF PRESENT

Allen Hall, Executive Director

Anna King, Program Administrator

Ahna Chamlis, Regulatory Specialist III

Keyna Page, Regulatory Specialist II

Deborah Boutwell, Regulatory Specialist II

Terrica Jones, Regulatory Specialist II

Ashley Craun, Regulatory Specialist II

13 **ASSISTANT ATTORNEY GENERAL**

14 Kara H. Aikens, Board Counsel

PROSECUTING ATTORNEY

Chase Den Beste, Prosecuting

Collie Nolen, Prosecuting

15 **COURT REPORTER**

16 For the Record, Inc.

17 1500 Mahan Drive

18 Tallahassee, FL 32317

19 850-222-5491

20 **GENERAL BUSINESS**

21 **DISCIPLINARY PROCEEDINGS**

1 Mr. James Spafford was recused from discussion on Tab 1 due to participation on the Probable
2 Cause Panel. Ms. Tameka German presided over these proceedings in his stead.

3 **VOLUNTARY RELINQUISHMENT**

4 **TAB 1 Elizabeth A. Niedbala, OTA, Case No. 2021-14297 (p/c/p Judie Johnson and**
5 **James Spafford)**

6 Ms. Niedbala was present on the call but not represented by legal counsel.

7 Ms. Niedbala’s case was before the Board for Allegation(s) of Failure to perform legal obligation;
8 Impaired from alcohol/drugs/other; Violate Statute/Rule of Board.

9 Allegations:

10 Count I- Section 456.072(1)(c), Florida Statutes (2020)

11 Count II- Section 456.072(1)(x), Florida Statutes (2020)

12 Mr. Den Beste, Prosecuting Attorney, presented the case, and a proposed Voluntary
13 Relinquishment to the Board.

14 **MOTION:** Following discussion, Ms. German moved to accept the Voluntary Relinquishment.
15 Dr. Banta seconded the motion, which carried 3/0.

16 **PROSECUTOR’S REPORT**

17 **TAB 2 Chase E. Den Beste, Assistant General Counsel**

18 Mr. Den Beste presented the following Prosecutor’s Report

<u>Case Status</u>	<u>Report Date</u> 5/16/2022	<u>Report Date</u> 8/8/2022	<u>Report</u> Date 11/7/2022
Total cases open/active in Prosecution Services:	14	12	10
Cases in Emergency Action Unit:	2	2	1
Cases under legal review:	2	1	2
Cases awaiting supplemental investigation/expert opinion:	2	0	0
Cases with PCP recommendation:	3	5	2
Cases where probable cause has been found:	0	2	3
Cases where DOAH has been requested:	0	1	2
Cases pending before DOAH:	0	0	0

Cases on Board meeting agendas:	7	3	1
Cases on appeal:	0	0	0
Cases older than one year: *	0	0	0

1 **MOTION:** Mr. Spafford moved to allow Prosecution Services to continue prosecuting
2 year-old cases. Dr. Banta seconded the motion, which carried 4/0.

3 **ADMINISTRATIVE PROCEEDINGS**

4 **INDIVIDUAL CONSIDERATION**

5 **TAB 3 Kristen LeBlanc – OT File #24137 Endorsement**

6 Ms. LeBlanc was present on the call but not represented by legal counsel.

7 Ms. LeBlanc’s application for Occupational Therapist Licensure by Endorsement was presented
8 before the Board for consideration due to her ‘Yes’ answer to the Health History questions on
9 her application.

10 **MOTION:** Following discussion, Ms. Vizvary moved to approve for licensure. Dr. Banta
11 seconded the motion, which carried 4/0.

12 **APPLICANT RATIFICATION LISTS**

13 **TAB 4 Licensed Occupational Therapists**

14 **MOTION:** Mr. Spafford moved to approve the ratification list of **272** Occupational Therapists.
15 Dr. Banta seconded the motion, which carried 4/0.

16 **ACTION TAKEN:** **272** Occupational Therapists ratified for licensure.

17 **TAB 5 Licensed Occupational Therapy Assistants**

18 **MOTION:** Mr. Spafford moved to approve the ratification list of **115** Occupational Therapy
19 Assistants applicants for licensure. Ms. German seconded the motion, which carried 4/0.

20 **ACTION TAKEN:** **115** Occupational Therapy Assistants ratified for licensure.

21 **TAB 6 Continuing Education Provider Applications**

22 Dr. Banta expressed concern regarding one of the Continuing Education Provider Applications
23 not covering newly revised Laws and Rules. The Board decided to remove the course from the
24 ratification list, dropping the list from five to four applications.

25 **MOTION:** Mr. Spafford moved to approve the list of **4** continuing education providers/courses.
26 Dr. Banta seconded the motion, which carried 4/0.

1 **ACTION TAKEN:** 4 continuing education providers/courses ratified for licensure.

2 **RULES REVIEW AND DEVELOPMENT**

3 **TAB 7 Rule 64B11-4.001, F.A.C., Use of Prescription Devices**

4 During the May 2022 meeting, Board staff requested review of this rule in light of
5 correspondence received regarding the lack of availability of prescription device certification
6 courses as well as concerns regarding the training requirements.

7 During the August 2022 meeting, the Board approved the following amended proposed rule
8 language, applicable to each prescription device (electronic stimulation, ultrasound and
9 neurofeedback) outlined in the rule:

10 “Didactic training or performance training may be in person or from interactive, real-time
11 courses. An interactive, real-time course may be a web-based, satellite transmitted or video
12 conference, or online instruction program that allows or requires the licensee to interact in real
13 time, including live chat, with the instructor during the presentation of the program.”

14 Following the August meeting, OFARR kicked the proposed rule change back, due to its
15 absence of a Sunset Provision. The Board is asked to consider adding the following proposed
16 Sunset language to the rule:

17 “This rule shall be reviewed, and if necessary, repealed, modified, or renewed through
18 the rulemaking process five years from the effective date.”

19 **MOTION:** Following discussion, Mr. Spafford moved to approve the rule amendments as stated
20 in the language presented. Ms. German seconded the motion, which carried 4/0.

21 **REPORT OF ASSISTANT ATTORNEY GENERAL – Kara H. Aikens**

22 **TAB 8 Rule Status Report:**

23 Ms. Aikens presented the status of Board rules currently under development per October 2022
24 report.

Rule Number	Rule Title	Date Rule Language Approved by Board	Date Sent to OFARR	Rule Development Published	Notice Published	Adopted	Effective
64B11-4.001	Use of Prescription Devices	08/15/2022	08/15/2022	08/23/2022	09/07/2022(RN)		
64B11-5.001	Requirements for License Renewal of an Active License; Continuing Education	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 12/13/2021 JAPC Ltr	06/22/2022	07/12/2022

					12/23/2021 Attorney Response 05/27/2022 Notice of Change		
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- 1 • Rule 64B11-4.001, F.A.C., Use of Prescription Devices

2 Informational Item

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

5 Informational Item

6 **TAB 9 2022-23 Annual Regulatory Plan**

7 Ms. Aikens presented the Florida Board of Occupational Therapy Annual Regulatory Plan for
8 2022 – 23.

9 **MOTION:** Following discussion, Mr. Spafford moved to approve the annual regulatory plan as
10 presented. Dr. Banta seconded the motion, which carried 4/0.

11 **REPORTS IF ANY**

12 **TAB 10 Board Chair, Jim Spafford**

- 13 • Other Board Members

14 Informational Item

15 **TAB 11 Executive Director**

- 16 • Cash Balance Report
17 • Expenditures by Function Report

18 Informational Item

19 **NEW BUSINESS**

20 **TAB 12 2023 Board Elections**

Position	Current Assignment	New Assignments
Board Chair	Jim Spafford	Jim Spafford
Vice Chair	Tameka German	Tameka German
CE Committee Person	Dr. Caylee Banta Tameka German (back-up)	Dr. Caylee Banta

		Tameka German (back-up)
Legislative Liaison	Jim Spafford	Jim Spafford
Budget Liaison	Jim Spafford	Jim Spafford
Unlicensed Activity Liaison	Tameka German	Tameka German
Probable Cause Panel	Judith Johnson Dr. Caylee Banta	Judith Johnson Dr. Caylee Banta
Pro Bono CE Approval Liaison	Elena Vizvary	Elena Vizvary

1 **MOTION:** Following discussion, Ms. German moved to approve the officers and liaisons
2 nominated. Ms. Vizvary seconded the motion, which carried 4/0.

3 **TAB 13 ELI Chat System Overview and Updates**

4 Regina Richardson, a representative of System Support Services, discussed the ELI Chat
5 system and how the technology helps processors and applicants with licensure and renewal
6 issues and questions.

7 **OLD BUSINESS**

8 **TAB 14 August 8, 2022, General Business Meeting Minutes**

9 **MOTION:** Mr. Spafford moved to approve the August 8, 2022, minutes as presented. Ms. Vizvary
10 seconded the motion, which carried 4/0.

11 **AT THIS TIME THE BOARD CHAIR MOVED BACK TO TAB 6**

12 **TAB 6 Continuing Education Provider Applications**

13 Mrs. King presented to the Board that the continuing education provider that was in question
14 had provided documents and teaching information for the course that included the new Laws
15 and Rules of the Board. After reviewing the documents and information Dr. Banta approved the
16 continuing education provider that was in question prior.

17 **MOTION:** Mr. Spafford moved to approve the list of 5 continuing education providers/courses.
18 Ms. German seconded the motion, which carried 4/0.

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

20 **AT THIS TIME THE BOARD CHAIR MOVED BACK TO TAB 15**

21 **OTHER BUSINESS AND INFORMATION**

22 **TAB 15 OTD Capstone Experience Exemption Registrants**

23 Informational only.

1 **TAB 16** **Staff Recognition**

2 Informational only.

3 **ADJOURNMENT**

4 There being no further business the meeting adjourned at 10:08 a.m.