

**MINUTES DRAFT**

**The Florida  
Board of Occupational Therapy Practice**

**GENERAL BUSINESS MEETING**

**February 27, 2023**

**Florida Department of Health  
4042 Bald Cypress Way  
Conference Room #301  
Tallahassee, FL 32399-3255  
Office Telephone Number: (850) 245-4373**



**James Spafford, Board Chair**

**DEPARTMENT OF HEALTH  
BOARD OF OCCUPATIONAL THERAPY PRACTICE  
GENERAL BUSINESS MEETING  
FEBRUARY 27, 2023**

**DRAFT MINUTES**

**Florida Department of Health  
4042 Bald Cypress Way  
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**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 9:00 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

**STAFF PRESENT**

Allen Hall, Executive Director  
Anna King, Program Administrator  
Ahna Chamlis, Regulatory Specialist III

9 **MEMBER ABSENT**

10 Dr. Caylee Banta, OT

11 **ASSISTANT ATTORNEY GENERAL**

12 Kara H. Aikens, Board Counsel  
13

**PROSECUTING ATTORNEY**

Chase Den Beste, Prosecuting  
Collie Nolen, Prosecuting

14 **COURT REPORTER**

15 Phipps Reporting/Lexitas  
16 2894 Remington Green Lane, Suite A,  
17 Tallahassee, Florida 32308, US  
18 (888) 811-3408  
19 [info@phipp reporting.com](mailto:info@phipp reporting.com)

1 **DISCIPLINARY PROCEEDINGS**

2 **SETTLEMENT AGREEMENT**

3 **TAB 1 Bethany O. MacDonald, OT, Case No. 2022-08207 (p/c/p Judie Johnson and**  
4 **Caylee Banta)**

5 Ms. MacDonald was present and not represented by legal counsel.

6 Ms. MacDonald's case was before the Board for the allegation of violating a lawful order of the  
7 department or the board or failing to comply with a lawfully issued subpoena of the department.

8 Mr. Den Beste, Prosecuting Attorney, presented the case, and a proposed Settlement  
9 Agreement to the Board, which includes the following:

- 10 • \$500 fine paid within one (1) year from the date of filing of the Final Order
- 11 • \$3,100 costs within three (3) years from the date of filing of the Final Order. \$1,000 due  
12 each year with the remainder due in the final year.
- 13 • Suspension of license until PRN undergoes an evaluation and complies with any and all  
14 terms and conditions imposed by PRN

15 Dr. Alexis Polles with PRN was present during the meeting representing Ms. MacDonald. Dr.  
16 Polles noted PRN will notify the Department when they deem the licensee is safe to practice.  
17 License status to remain in voluntarily withdrawn status until such notification from PRN.

18 **MOTION:** Following discussion, Mr. Spafford moved to accept the Settlement Agreement with  
19 the notion that the suspension be lifted due to being in compliance with PRN. Ms. German  
20 seconded the motion, which carried 3/0.

21 **TAB 2 Karen B. Didovets, OTA, Case No. 2021-17504 (p/c/p Judie Johnson and**  
22 **James Spafford)**

23 Pulled due to lack of quorum. Dr. Banta notified of last minute inability to attend the morning of  
24 the meeting.

25 Legal counsel for Ms. Didovets, Mr. George F. Indest III, requested that the required  
26 appearance for Ms. Didovets be waived for the next board meeting.

27 **MOTION:** Following discussion, Mr. Spafford moved to deny the request to waive the required  
28 appearance. Ms. German seconded the motion, which carried 3/0.

29 **HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT**

30 **TAB 3 Yvette Burt, OTA, Case No. 2021-40691 (p/c/p Judie Johnson and James**  
31 **Spafford)**

32 Pulled due to lack of quorum. Dr. Banta notified of last minute inability to attend the morning of  
33 the meeting.

1 **PROSECUTOR’S REPORT**

2 **TAB 4 Chase E. Den Beste, Assistant General Counsel**

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

<u>Case Status</u>	<u>Report Date</u> <u>8/8/2022</u>	<u>Report Date</u> <u>11/7/2022</u>	<u>Report</u> <u>Date 2/27/2023</u>
Total cases open/active in Prosecution Services:	<b>12</b>	<b>10</b>	<b>8</b>
Cases in Emergency Action Unit:	2	1	1
Cases under legal review:	1	2	0
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	5	2	3
Cases where probable cause has been found:	2	3	2
Cases where DOAH has been requested:	1	2	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	3	1	3
Cases on appeal:	0	0	0
<b>Cases older than one year: *</b>	<b>0</b>	<b>0</b>	<b>0</b>

4 **MOTION:** Mr. Spafford moved to allow Prosecution Services to continue prosecuting  
5 year-old cases. Ms. German seconded the motion, which carried 3/0 vote.

6 **ADMINISTRATIVE PROCEEDINGS**

7 **INDIVIDUAL CONSIDERATION**

8 **TAB 5 Mariah Winkates, OT – File #23990 Endorsement**

9 Ms. Winkates was not present and not represented by legal counsel.

10 Ms. Winkates’s application for Occupational Therapist Licensure by Endorsement was  
11 presented before the Board for consideration due to her ‘Yes’ answer to the Criminal History  
12 questions on her application.

13 **MOTION:** Following discussion, Mr. Spafford moved to approve for licensure. Ms. German  
14 seconded the motion, which carried 3/0 vote.

1 **TAB 6 Gina Alexander, OT – File #24388 Endorsement**

2 Ms. Alexander was present on and not represented by legal counsel.

3 Ms. Alexander’s application is before the Board regarding her “Yes” response to Criminal  
4 History questions on the application.

5 Ms. Alexander previously applied to the Board in 2017 and withdrew her application based on  
6 Section 456.0635, Florida Statutes, which prohibits licensure based on Ms. Alexander’s  
7 previous charges, until 10 years past her probation has been completed.

8 **MOTION:** Following discussion, Ms. German moved to approve for licensure. Ms. Vizvary  
9 seconded the motion, which carried 3/0 vote.

10 **APPLICANT RATIFICATION LISTS**

11 **TAB 7 Licensed Occupational Therapists**

12 **MOTION:** Mr. Spafford moved to approve the ratification list of 296 Occupational Therapists.  
13 Ms. German seconded the motion, which carried 3/0 vote.

14 **ACTION TAKEN:** 296 Occupational Therapists ratified for licensure.

15 **TAB 8 Licensed Occupational Therapy Assistants**

16 **MOTION:** Mr. Spafford moved to approve the ratification list of 130 Occupational Therapy  
17 Assistants applicants for licensure. Ms. German seconded the motion, which carried 3/0 vote.

18 **ACTION TAKEN:** 130 Occupational Therapy Assistants ratified for licensure.

19 **AT THIS TIME THE BOARD CHAIR MOVED TO TAB 10**

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

21 **TAB 10 Rule Status Report:**

22 Ms. Aikens presented the status of Board rules currently under development per the January  
23 2023 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) 11/17/2022 Notice of Change	12/27/2022	01/16/2023

- 1       • Rule 64B11-4.001, F.A.C., Use of Prescription Devices  
2 Informational Item

3       **TAB 11                                  Sunshine Laws Review**

4 Ms. Aikens presented the Review of Sunshine Laws to the Board.

5       **AT THIS TIME THE BOARD CHAIR MOVED BACK TO TAB 9**

6       **TAB 9                  Continuing Education Provider Applications**

7       **MOTION:** Mr. Spafford moved to approve the list of **20** continuing education providers/courses.  
8 Ms. German seconded the motion, which carried 3/0 vote.

9       **ACTION TAKEN:** **20** continuing education providers/courses ratified for licensure.

10      **AT THIS TIME THE BOARD CHAIR MOVED BACK TO TAB 12**

11      **REPORTS IF ANY**

12      **TAB 12                  Board Chair, James Spafford**

- 13                                  • Other Board Members

14 Mr. Spafford noted an excellent presentation put on at the Annual BC/VC LRP meeting. Ms.  
15 Vizvary also noted receipt and approval of first Pro-Bono CE request.

16      **TAB 13                  Executive Director**

- 17                                  • Cash Balance Report  
18                                  • Expenditures by Function Report  
19                                  • Annual Long-Range Planning Meeting Materials

20 Informational Item

21      **NEW BUSINESS**

22      **TAB 14                  2023 Conviction Record Guidelines**

23 The Conviction Record Guidelines, reviewed and approved by the Boards/Councils annually,  
24 are used by staff to assist in determining which licensure applications require individual  
25 consideration at the quarterly meetings.

26       **MOTION:** Following discussion, Mr. Spafford moved to approve the 2023 Conviction Record  
27 Guidelines. Ms. German seconded the motion, which carried 3/0.

28      **TAB 15                  2023 Delegation of Authority**

1 The Delegation of Authority, reviewed and approved annually, facilitates administrative  
 2 efficiency and documents when individuals or entities have been delegated to act on behalf of a  
 3 Board/Council.

4 **MOTION:** Following discussion, Mr. Spafford moved to approve the 2023 Delegation of  
 5 Authority. Ms. German seconded the motion, which carried 3/0.

6 **TAB 16 2024 Proposed Board Meeting Dates**

7 General Business Meetings:

- 8 • February 26<sup>th</sup>
- 9 • May 20<sup>th</sup>
- 10 • August 5<sup>th</sup>
- 11 • November 4<sup>th</sup>

12 **MOTION:** Following discussion, Mr. Spafford moved to approve the 2024 Board Meeting Dates.  
 13 Ms. German seconded the motion, which carried 3/0.

14 **TAB 17 Financial Reports**

15 Mr. Hall presented informational financial reports provided by the MQA Budget Analyst.

16 **AT THIS TIME THE BOARD CHAIR MOVED BACK TO TAB 10**

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

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 20 2023 report.

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- 21 • Rule 64B11-4.001, F.A.C., Use of Prescription Devices

22 It was requested that Rule 64B11-4.001, F.A.C., Use of Prescription Devices language be re-  
 23 written to better clarify its intent that the required supervised treatments must take place in a  
 24 clinical setting versus a simulated setting.

25 **MOTION:** Following discussion, Mr. Spafford moved to open the rule language for development.  
 26 Ms. German seconded the motion, which carried 3/0.

1 Ms. Kara Aikens will revise the rule language to present to the Board at the next meeting.

2 **AT THIS TIME THE BOARD CHAIR MOVED TO TAB 20**

3 **OTHER BUSINESS AND INFORMATION**

4 **TAB 20        Electronic Licensing**

5 Informational only.

6 **AT THIS TIME THE BOARD CHAIR MOVED BACK TO TAB 18**

7 **OLD BUSINESS**

8 **TAB 18        November 7, 2022, General Business Meeting Minutes**

9 **MOTION:** Mr. Spafford moved to approve the November 7, 2022, minutes as presented. Ms.  
10 German seconded the motion, which carried 3/0 vote.

11 **OTHER BUSINESS AND INFORMATION**

12 **TAB 19        OTD Capstone Experience Exemption Registrants**

13 Informational only.

14 **TAB 21        Florida PDMP Monthly Report**

15 Informational only.

16 **TAB 22        Staff Recognition**

17 Informational only.

18 **ADJOURNMENT**

19 There being no further business the meeting adjourned at 10:13 a.m.