

**DEPARTMENT OF HEALTH
BOARD OF RESPIRATORY CARE
GENERAL BUSINESS MEETING
GENERAL RULES REVIEW
January 10, 2014**

Minutes

**Sawgrass Marriott Golf Resort & Spa
1000 PGA Tour Blvd.
Ponte Vedra Beach, FL 32082
(904) 285-7777**

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 board's website.

Call the Meeting to Order and Roll Call:

Bayyinah Sherrod, RRT, Chair, called the general business meeting to order at 8:30 a.m. Those present for the meeting, included the following:

Members Present

Bayyinah Sherrod, RRT, Chair
Dick Fields, RRT
Peter Hendriksen, RRT
Michele Grassi, RRT
Morfia (Joy) Nunez, CRT

Staff Present

Allen Hall, Executive Director
Jessica Sapp, Program Operations Administrator

Board Counsel

Douglas Dolan, Board Counsel
Office of the Attorney General

Consumer Member

Shawnta Friday-Stroud, Ph.D., Vice Chair

Prosecuting Attorney

Cecilie Sykes, DOH
Assistant General Counsel

Court Reporter:

Volusia Reporting Company
Toni N. Wright, FPR
432 South Beach Street
Daytona Beach, FL 32114
(386) 255-2150

Dr. Penny Ziegler was present on behalf of the Professionals Resource Network, Inc. (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.

DISCIPLINARY PROCEEDINGS

Due to participation in the Probable Cause Panel, Ms. Nunez was recused from tabs 1 and 5, Mr. Hendriksen was recused from tabs 1 and 5 and Mr. Fields was recused from tabs 2, 3 and 4.

MOTION FOR BOARD'S FINAL ORDER BY SETTLEMENT AGREEMENT

**TAB 1 Douglas A. Walker, CRT, DOH Case No: 2012-05981
Settlement Agreement, (PCP Members – Hendriksen, Nunez)**

Respondent was present and sworn in by the court reporter. Respondent's Attorney, Brian P. Battaglia, was not present.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1:** Section 468.365 (1)(w), Florida Statutes (2011-2012), for being currently unable to practice respiratory therapy with reasonable skill and safety to patients. **Count 2:** Section 468.365(1)(g), Florida Statutes (2010), for engaging or attempting to engage in the possession, sale, or distribution of controlled substances, as set forth by law, for any purpose other than a legitimate purpose.

The case was presented as a Settlement Agreement that would impose the following penalties:

- Appearance
- Fine of \$1,250.00 to be paid within 3 years of the filing of the Final Order
- Costs of \$6,849.05 to be paid within 3 years of the filing of the Final Order
- Suspension of License until Respondent presents a favorable evaluation from PRN stating he is able to practice with reasonable skill and safety; and comply with a PRN monitoring contract, if applicable.

MOTION: Ms. Sherrod made a motion to accept the Settlement Agreement. The motion was seconded by Dr. Friday-Stroud and carried 4/0.

**TAB 2 Betty Sianthia Cole, RRT, DOH Case No: 2013-04953
Settlement Agreement, (PCP Members – Barrett, Fields)**

Respondent was not present nor represented by legal Counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violations: **Count 1:** Section 468.365 (1)(x), 456.057(8), Florida Statutes (2010-2012), for failing to maintain patient confidentiality. **Count 2:** Section 468.365 (1)(u), Florida Statutes (2010-2012), by exploiting patients for financial gain. **Count 3:** Section 468.365(1)(f), Florida Statutes (2010-2012), for unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to acceptable standards related to the delivery of respiratory care services, as set forth by the board.

The case was presented as a Settlement Agreement that would impose the following penalties:

- Reprimand
- Fine of \$1,000.00 to be paid within two (2) years of the filing of the Final Order
- Costs of \$1,150.67 to be paid within two (2) years of the filing of the Final Order
- Respondent's license shall be placed on probation for a period of one (1) year.

MOTION: Ms. Sherrod made a motion to reject the Settlement Agreement. The motion was seconded by Ms. Nunez and carried 5/0.

MOTION: Dr. Friday-Stroud made a motion requiring this case to be presented as an informal hearing at the April 11, 2014, Respiratory Care Board meeting. The motion was seconded by Ms. Nunez and carried 5/0.

**TAB 3 Pierre Eugene Buice, RRT, DOH Case No: 2013-07173
Settlement Agreement, (PCP Members – Barrett, Fields)**

Respondent was present and sworn in by the court reporter.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 468.365 (1)(i), Florida Statutes (2012), for violating a lawful order of the Board previously entered in a disciplinary hearing.

The case was presented as a Settlement Agreement that would impose the following penalties:

- Reprimand
- Fine of \$300.00 to be paid within one (1) year of the filing of the Final Order
- Costs of \$409.66 to be paid within one (1) year of the filing of the Final Order
- Respondent's license shall be suspended until he complies with the terms of the Final Order entered in case number 2010-01018.

MOTION: Dr. Friday-Stroud made a motion to accept the Settlement Agreement. The motion was seconded by Ms. Nunez and carried 5/0.

MOTION FOR BOARD'S FINAL ORDER BY HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT AND DETERMINATION OF RESPONDENT'S WAIVER OF RIGHT TO REQUEST A FORMAL HEARING

**TAB 4 Robin Gail Smith, CRT, DOH Case No: 2013-08427
Informal Waiver/Default, (PCP Members – Barrett, Fields)**

Respondent was not present nor represented by counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.365 (1) (i), Florida Statutes (2013) by violating a lawful order of the Board previously entered in a disciplinary hearing.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request an informal hearing by default.

MOTION: Dr. Friday-Stroud made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Ms. Nunez and carried 5/0.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived her right to a formal hearing. The motion was seconded by Ms. Nunez and carried 5/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida

Statutes, as set forth in the Administrative Complaint. The motion was seconded by Ms. Nunez and carried 5/0.

MOTION: After discussion, Ms. Sherrod made a motion to impose the following penalties:

- Reprimand
- Fine of \$300.00 to be paid within 18 months of the filing of the Final Order
- Costs of \$116.96 to be paid within 18 months of the filing of the Final Order
- Respondent's license shall be suspended until he complies with the terms of the Final Order entered in case number 2010-13372.

The motion was seconded by Ms. Grassi and carried 5/0.

TAB 5 Ray Nelson, RCP, DOH Case No: 2012-09965
Informal Waiver/Default, (PCP Members –Hendriksen, Nunez)

Respondent was not present nor represented by counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.365 (1) (i), Florida Statutes (2011) by violating a lawful order of the Board previously entered in a disciplinary hearing.

The case was presented as a Hearing Not Involving Disputed Issues of Material Facts and determination of Respondent's waiver of right to request an informal hearing by default.

MOTION: Ms. Sherrod made a motion to accept the investigative report and exhibits into evidence for the purposes of imposing penalty. The motion was seconded by Dr. Friday-Stroud and carried 4/0.

MOTION: Ms. Sherrod made a motion to find that the Respondent was properly served and has waived his right to a formal hearing. The motion was seconded by Dr. Friday-Stroud and carried 4/0.

MOTION: Ms. Sherrod made a motion to adopt the findings of fact and conclusions of Law as set forth in the Administrative Complaint and that this constitutes a violation of the Florida Statutes, as set forth in the Administrative Complaint. The motion was seconded by Ms. Grassi and carried 4/0.

MOTION: After discussion, Ms. Sherrod made a motion to impose the following penalties:

- Reprimand
- Fine of \$300.00 to be paid within 12 months of the filing of the Final Order
- Costs of \$772.08 to be paid within 12 months of the filing of the Final Order
- Respondent's license shall be suspended until he complies with the terms of the final Order entered in case number 2010-03463.

The motion was seconded by Dr. Friday-Stroud and carried 4/0.

MOTION FOR BOARD'S FINAL ORDER BY VOLUNTARY RELINQUISHMENT OF LICENSE

TAB 6 Ronnie Joe Hayden, RRT, DOH Case No: 2013-13809
Voluntary Relinquishment, (PCP - Waived)

Respondent was not present nor represented by counsel.

Ms. Sykes summarized the case for the Board. Respondent was charged with the following violation: Section 456.072(1)(z)(dd)(hh); and 468.365 (1)(w)(x), Florida Statutes, being unable to deliver respiratory care services with reasonable skill and safety, by violating any provision of this chapter or chapter 456.

MOTION: After discussion, Ms. Sherrod moved to accept the Voluntary Relinquishment. The motion was seconded by Ms. Grassi and carried 6/0.

PROSECUTOR'S REPORT

TAB 7 Prosecutor's Attorney

- PSU Respiratory Care Inventory

Respiratory Care Inventory older than 1 year = 10

PSU Inventory = 33

Under Legal Review 9

Priority One Cases (EAU) 8

Agendaed for PCP 6

Post-PCP Complaints 9

Presented at Current Board 5

Awaiting Proper Service/Diligent Search 4

MOTION: Ms. Sherrod made a motion to allow prosecution to continue prosecuting year old cases. The motion was seconded by Dr. Friday-Stroud and carried 6/0.

ADMINISTRATIVE PROCEEDINGS

REQUESTING MODIFICATION OF FINAL ORDER

TAB 8 Albert Sanders, TT7971

Mr. Sanders was present and sworn in by the court reporter.

Mr. Sanders is requesting a modification of his Final Order, granting an extension to pay the fine and costs generated in DOH case 2007-23712.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant Mr. Sanders' request. The fine and costs are due May 31, 2015. The motion was seconded by Ms. Nunez and carried 6/0.

TAB 9 Alfonso J. Ferreiro, RT1312

Mr. Ferreiro was not present.

Mr. Ferreiro is requesting a modification of his Final Order, granting an extension to pay the fine and costs generated in DOH case 2011-20998.

MOTION: Ms. Nunez made a motion to grant Mr. Ferreiro's request. The fine and costs are due May 31, 2015. The motion was seconded by Mr. Hendriksen and carried 6/0.

PERSONAL APPEARANCE PURSUANT TO §456.013(3)(c), F.S.

TAB 10 Stephen Edward McCann, Registered Respiratory Therapist

Mr. McCann was present and sworn in by the court reporter.

He was requested to appear before the board due to the "yes" answers in the disciplinary and criminal history sections of his application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Ms. Grassi and carried 6/0.

TAB 11 Albert Coney, Jr., Certified Respiratory Therapist

Mr. Coney was present and sworn in by the court reporter.

He was requested to appear before the board due to the "yes" in the disciplinary history section of his application.

MOTION: After discussion, Mr. Hendriksen made a motion to grant licensure with no conditions. The motion was seconded by Dr. Friday-Stroud and carried 5/1. Ms. Grassi opposed.

TAB 12 Roger Keith Stokes, Registered Respiratory Therapist

Mr. Stokes was present and sworn in by the court reporter.

He was requested to appear before the board due to the "yes" in the personal and disciplinary history sections of his application.

MOTION: After discussion, Mr. Hendriksen made a motion to grant licensure with no conditions. The motion was seconded by Mr. Fields and carried 6/0.

TAB 13 Elizabeth Johnson, Certified Respiratory Therapist

Ms. Johnson was present and sworn in by the court reporter.

She was requested to appear before the board due to the “yes” in the criminal history section of her application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Ms. Nunez and carried 6/0.

TAB 14 Melissa Lynn White, Registered Respiratory Therapist

Ms. White was not present nor represented by counsel.

She was requested to appear before the board due to the “yes” in the disciplinary history section of her application.

Due to Ms. White’s work schedule commitment with her current position out of state, she will not be able to attend the board and requested to withdraw her application.

TAB 15 Jeffrey Warren Kotter, Certified Respiratory Therapist

Mr. Kotter was present and sworn in by the court reporter.

He was requested to appear before the board due to the “yes” in the criminal history section of his application.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant licensure with no conditions. The motion was seconded by Mr. Hendriksen and carried 6/0.

REQUEST FOR CONSIDERATION OF EXEMPTION FOR DISQUALIFICATION FROM EMPLOYMENT

TAB 16 Alexis Polite, TT8788

Mr. Polite was present and sworn in by the court reporter.

He has submitted an application for Exemption from Disqualification to seek employment in a health care facility licensed under Chapter 400, Florida Statutes.

MOTION: After discussion, Dr. Friday-Stroud made a motion to grant Mr. Polite’s request for an Employment Exemption from Disqualification. The motion was seconded by Mr. Hendriksen and carried 6/0.

Dr. Friday-Stroud was excused from the meeting.

APPLICANT RATIFICATION LISTS

TAB 17 Certified Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 59 names (Exhibit A), beginning with Yesenia Monette Gentile and ending with Shirley Sanabria for CRT licensure by endorsement. The motion was seconded by Ms. Nunez and carried 5/0.

TAB 18 Registered Respiratory Therapists

MOTION: Ms. Sherrod made a motion to ratify the list of 168 names (Exhibit B), beginning with Alexander Leo Sheremet and ending with Kathleen Gayle McKinlay for RRT licensure by endorsement. The motion was seconded by Ms. Nunez and carried 5/0.

TAB 19 Continuing Education Providers

MOTION: Ms. Nunez made a motion to ratify the one name (Exhibit C), Respiratory Recovery LLC for providership. The motion was seconded by Mr. Hendriksen and carried 5/0.

TAB 20 Exemptions For Disqualification From Employment

MOTION: Ms. Sherrod made a motion to ratify the one name (Exhibit D) for exemption from disqualification, Judy D. Davault. The motion was seconded by Mr. Hendriksen and carried 5/0.

RULES DISCUSSION

TAB 21 Continuing Education Requirements, Rule 64B32-6.001, F.A.C.

Board staff has received requests from the public and interested parties for the board to consider removing the requirement of the two hour continuing education course, Emergency Preparedness.

64B32-6.001(5)(b)3.

Emergency Preparedness: Mandatory part of Direct Delivery Services Requirements for all licensees 2 hour course offered by a board approved CE provider.

MOTION: After discussion, Ms. Nunez made a motion to approve the proposed rule change, removing the mandatory 2 hour continuing education requirement for Emergency Preparedness and directed counsel to proceed with rule promulgation. The motion was seconded by Ms. Grassi and carried 5/0.

MOTION: Ms. Sherrod made a motion to find the proposed revisions do not have an adverse impact on small businesses and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded by Ms. Nunez and carried 5/0.

TAB 22 Public Meetings; Reasonable Opportunity to be Heard

This legislation relates to members of the public being given a reasonable opportunity to be heard on a proposition before the Board.

Rules may be adopted limiting the time an individual has to address the Board; allowing representatives of groups or factions speak rather than all members to speak; and designating a specified period of time for public comments.

64B32-1.005 Public Comment

The Board of Respiratory Care invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to 10 minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) Members of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of 3 or more persons. Any person or entity appearing before the Board may use a pseudonym if he or she does not wish to be identified.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History--New

MOTION: After discussion, Ms. Nunez made a motion to approve the proposed draft and directed counsel to move forward with rule promulgation. The motion was seconded by Ms. Grassi and carried 5/0.

MOTION: Ms. Sherrod made a motion to find the proposed revisions do not have an adverse impact on small businesses and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded by Ms. Nunez and carried 5/0.

TAB 23 Proposed Rule Amendments – Mediation

The Board considered a Department of Health, Bureau of Enforcement proposal to amend disciplinary Rules 64B32-5.006, F.A.C., Mediation; 64B32-5.007, F.A.C., Citations; and 64B32-5.008, F.A.C., Notice of Noncompliance. The intent of the Bureau of Enforcement proposal was to increase the number of minor violations which could be resolved through citation, mediation, or a Notice of Noncompliance. The Board voted to open the three rules for development.

- 64B32-5.006

64B32-5.006 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement. When an offense subject to mediation is also a citation violation, the mediator shall be informed regarding the citation penalty for the offense.

(2) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation:

(a) ~~First time~~ Violations of Rule subsection 64B32-6.001(2), F.A.C., failure to timely respond to a continuing education audit.

(b) Failure to notify the Department of a change of address as required by Rule 64B32-1.006, F.A.C., ~~if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.~~

(c) ~~Non-intentional~~ issuance of a bad check to the Department under Section 468.365(1)(l), F.S., ~~if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.~~

(d) Violation of continuing education requirements under Section 468.361, F.S.

(e) Unprofessional conduct violations under Rule 64B32-5.003, F.A.C.

(f) Exercising influence on a patient to exploit the patient for financial gain under Section

468.365(1)(u), F.S.

(g) Failure to pay required fees, and/or fines, or costs in a timely matter as required by Rule 64B32-5.002, F.A.C. if disputed under Section 468.365(1)(i), F.S.

(h) Failure to turn over patient records as required by Section 456.057, F.S.

(i) Failure to provide the specific disclosure statement required by Section 456.062, F.S., which must appear in any advertisement for a free, discounted fee, or reduced fee service.

(j) Charging a patient or patient's legal representative a fee for releasing patient records in excess of that authorized by Section 456.057(18), F.S.

Rulemaking Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New 3-21-95, Formerly 59R-74.005, 64B8-74.005, Amended 5-31-04,_____.

MOTION: After discussion, Ms. Nunez made a motion to approve the proposed draft and directed counsel to move forward with rule promulgation. The motion was seconded by Ms. Grassi and carried 5/0.

MOTION: Ms. Sherrod made a motion to find the proposed revisions do not have an adverse impact on small businesses and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded by Ms. Grassi and carried 5/0.

- 64B32-5.007

64B32-5.007 Citations.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 90 days, and impose whatever obligations will remedy the offense, except documentation of completion of continuing education requirements shall be as specified in paragraph (2)(a). If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative fine imposed, the Respondent shall be required by the Department to pay the costs of investigation. The form to be used is specified in the rules of the Department of Health.

(2) The following violations may be disposed of by citation with the specified penalty:

(a) Violations of continuing education requirements required by Section 468.361, F.S.: are to be completed within 90 days of the date of the filing of the final order. Licensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period.

1. Failure to document HIV/AIDS continuing education requirement the fine shall be \$100.

2. Documentation of some but not all of the 24 hours of continuing education for license renewal the fine shall be \$50 for each hour not documented.

(b) Falsely certifying compliance with required continuing education requirements for the purpose of renewing a license, the fine shall be \$500.

(c)(g) Failure to submit compliance documentation after receipt of the continuing education audit notification under Section 468.365(1)(x), F.S. the fine shall be \$150.

(d)(b) Violation of any portion of Section 468.365(a)(f), F.S. or Rule 64B32-5.003, F.A.C., for unprofessional conduct the fine shall be \$300.

~~(e)(e)~~ Failure to notify the Board of current mailing or practice address or notify the Board of a change in address address as required by Rule 64B32-1.006, F.A.C. the fine shall be \$50.

~~(f)(d)~~ Failure to keep written respiratory care records justifying the reason for the action taken on only one patient under Section 468.365(1)(t), F.S. the fine shall be \$100.

~~(g)(e)~~ Circulating misleading advertising in violation of Section 468.365(1)(e), F.S., the fine shall be \$500.

~~(h)~~ Violation of Section 456.062, F.S., advertising for discounted services, the fine shall be \$250.

~~(i)(f)~~ Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs under Section 468.365(1)(u), F.S. the fine shall be \$1,000.

~~(j)(h)~~ Failure to provide satisfaction including the costs incurred following receipt of the Department's notification of a check dishonored for insufficient funds under Section 468.365(1)(l), F.S. the fine shall be \$150.

~~(k)~~ Violation of Section 456.072(1)(h), F.S., obtaining a license by issuing a bad check, the fine shall be \$100.

~~(l)(f)~~ Failure to pay required fees, ~~and/or~~ fines, or costs in a timely manner under Section 468.365(1)(i), F.S. the fine shall be \$150.

~~(m)~~ Failure to turn over patient records as required by Section 456.057, F.S., the fine shall be \$100.

~~(n)~~ Failure to report in writing to the Board within 30 days after criminal conviction of licensee as required by Section 456.072(1)(w), F.S., the fine shall be \$250.

~~(o)~~ Failure to display required signs, licenses, and permits as specified in Section 456.077(2), F.S., the fine shall be \$100.

~~(p)~~ Failure to report another licensee in violation of a statute or rule of the Board, as required by Sections 456.072(1)(i), F.S., the fine shall be \$500.

~~(q)~~ Making or filing a report which the licensee knows to be false, or negligently failing to file a report or record required by state or federal law, as prohibited by Sections 468.365(1)(d) and 456.072(1)(l), F.S., the fine shall be \$500.

(3) When an initial violation for which a citation could be issued occurs in conjunction with a violation or other violations for which a citation could not be issued, the procedures of Section 456.073, F.S., shall apply.

(4) The licensee has 90 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the Department of Health, and sent to the Department in Tallahassee. A copy of the citation shall accompany the payment of the fine and costs.

(5) The Department of Health shall periodically, submit a report to the Board regarding the number and nature of the citations issued, the penalties imposed, and the level of compliance.

Rulemaking Authority, 456.072(3), 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History—New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended 1-6-02, 5-31-04, 2-23-06, 3-28-10, 9-15-10.

MOTION: After discussion, Ms. Nunez made a motion to approve the proposed draft with verbal amendments: (j) and (k) amended to make the fine consistent at \$150.00, and directed counsel to move forward with rule promulgation. The motion was seconded by Ms. Sherrod and carried 5/0.

MOTION: Ms. Sherrod made a motion to find the proposed revisions do not have an adverse impact on small businesses and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded by Ms. Grassi and carried 5/0.

- 64B32-5.008

64B32-5.008 Notice of Noncompliance.

In accordance with Sections 120.695 and 456.073, F.S., the ~~Board~~ Department is authorized to ~~shall~~ issue a notice of noncompliance as a first response to a minor violation of a rule in any instance in which it is reasonable to assume that the violator was unaware of the rule or unclear how to comply with it. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. Failure of a licensee to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations for which the Department is authorized to issue shall result in a notice of noncompliance are:

(1) Failure to notify of a change of address within 60 days as required by Rule 64B32-1.006, F.A.C.

(2) Non - intentional issuance of a bad check to the Department under Section 468.365(1)(l) ~~486.365(1)(x)~~, F.S.

(3) Failure to provide the specific disclosure statement required by Section 456.062, F.S. which must appear appear in any advertisement for a free, discounted fee, or reduced fee service.

Rulemaking Authority 120.695, 456.073(3), ~~468.365(1)(x)~~ FS. Law Implemented 120.695, 456.073(3) FS. History—New 5-31-04,_____.

MOTION: After discussion, Ms. Nunez made a motion to approve the proposed draft and directed counsel to move forward with rule promulgation. The motion was seconded by Ms. Grassi and carried 5/0.

MOTION: Ms. Sherrod made a motion to find the proposed revisions do not have an adverse impact on small businesses and will not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded by Ms. Grassi and carried 5/0.

TAB 24 Assistant Attorney General, Douglas Dolan

- Rules Status Report

None.

REPORTS

TAB 25 Board Chair, Bayyinah Margaret Sherrod

None.

TAB 26 Executive Director, Allen Hall

- Expenditures by Function
- Cash Balance Report

Mr. Hall gave a brief overview of the function and cash balance. No action taken.

OLD BUSINESS

TAB 27 Board of Respiratory Care Minutes

- October 10, 2013 General Business Meeting

Motion: After Discussion, Ms. Nunez made a motion to approve the October 10, 2013 minutes as presented. The motion was seconded by Ms. Grassi and carried 5/0.

NEW BUSINESS

TAB 28 Healthy Weight Liaison

The Department has requested each Board/Council to designate a “Healthy Weight Liaison” to assist in the Department’s priority of promoting healthy weight. Additional details will be forthcoming as the program develops.

Motion: Ms. Nunez made a motion to appoint Dr. Friday-Stroud as the Healthy Weight Liaison. The motion was seconded by Ms. Sherrod and carried 5/0. Ms. Grassi volunteered to be the back up, if needed.

TAB 29 2014 Election of Officers

MOTION: After discussion, Ms. Grassi made a motion to elect the following officers and liaisons as listed below. The motion was seconded by Ms. Nunez and carried 5/0.

Board Chair: Morfia (Joy) Nunez
Vice Chair: Bayyinah Sherrod
Legislative Liaison: Peter Hendriksen
Budget Liaison: Dick Fields
Unlicensed Activity Liaison: Michele Grassi
Education Liaison: Michele Grassi
Enforcement Liaison: Dick Fields

TAB 30 Delegation of Authority

MOTION: After discussion, Ms. Grassi made a motion to accept the Delegation of Authority as proposed. The motion was seconded by Ms. Nunez and carried 5/0.

TAB 31 Annual Financial Reports and Projections (*Informational*)

TAB 32 Fee Change Recommendations

The Senior Health Budget Analyst, Mendy Simmons has conducted a review and analysis of current fees and projected cash balances. Ms. Simmons indicated that the current renewal fee is currently set 35% below the cost to regulate. Section 456.025, F.S., states that renewal fees “Shall not be more than 10 percent greater than the actual cost to regulate that profession for the previous biennium”.

MOTION: After discussion, Ms. Sherrod made a motion to accept the proposal to reduce only the renewal fee from \$121.00 to \$120.00. The motion was seconded by Ms. Grassi and carried 5/0.

MOTION: Ms. Sherrod made a motion to find the proposed revisions do not have an adverse impact on small businesses and will not be likely to directly or indirectly increase regulatory

costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded by Ms. Grassi and carried 5/0.

OTHER BUSINESS AND INFORMATION

TAB 33 Staff Recognition Correspondences (*Informational*)

Being no further business, the meeting adjourned at 11:45 a.m.

**CERTIFIED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Gentile, Yesenia Monette	TT	15643
2. May, Netanya Sue	TT	15644
3. Almanza, Lisandra	TT	15645
4. Baugh, Paula Alishia	TT	15646
5. Harris, Clydina	TT	15647
6. Edmond, Joel	TT	15648
7. Jernigan, Sharon Renee	TT	15649
8. Johnson, Nicole Christene	TT	15650
9. Cabonce, Marje Dayao	TT	15651
10. Hartzell, David Jonathan	TT	15652
11. Hirsch, Mitchell David	TT	15653
12. Bresier, Margarete	TT	15654
13. Wheeler, Chanta Lovette	TT	15655
14. Freeman, Brittany Charmaine	TT	15656
15. Baker, Dee Ann	TT	15657
16. Jean, Kettly Capitha	TT	15658
17. Holland, Diana M	TT	15659
18. Melville, Tamara Raquel	TT	15660
19. Maurice, Claudia	TT	15661
20. Northrup, Teresa Diane	TT	15662
21. Williams, Dominique D'Ambyr	TT	15663
22. Robinson, Brandon Justin	TT	15664
23. Adeniji, Stacey-Ann Marie	TT	15665
24. Cineus, Marie Pierre	TT	15666
25. Pierre, Jessica Rose	TT	15667
26. Emert, Kortney Cherie	TT	15670
27. Dumervil, Alexandra	TT	15671
28. Sykes, Leslie Renee	TT	15672
29. Perrin, Autumn Rose	TT	15673
30. Ossai, Charlyne	TT	15674
31. Dieterlen, Deborah Ann	TT	15675
32. Rivas, Clara E	TT	15676
33. McCormick, Brittany Patricia	TT	15677
34. Scott, Sheri Kay	TT	15678
35. Chresfield, Rachel M	TT	15679
36. Bliss, Elisa Kendall	TT	15680
37. Fernandez, Nelson	TT	15681
38. Flores, Steven Michael	TT	15682
39. Charlien, Marie Yolaine	TT	15683
40. Dinkins, Andrea Louise	TT	15684
41. Abel, Ketline	TT	15685
42. Deloreto, Danielle Elizabeth	TT	15686
43. Palacios, Mercedes	TT	15687
44. Benton, Brittany Marie	TT	15688
45. Ibanez, Susana	TT	15689

46. Garibay, Yolisma	TT	15690
47. Taylor, Ashley Rene	TT	15691
48. Jones, Brittany Antoinette	TT	15692
49. Huemoller, Debra Anne	TT	15693
50. Hostetler, Brandy Melissa	TT	15694
51. Hyatt, Samuel Dale	TT	15695
52. Benjamin, Gerta	TT	15696
53. Abraham, Merin Mary	TT	15697
54. Lovaglio, Joseph Patrick	TT	15698
55. Chuku, Simon Ochuba	TT	15699
56. Baker, Leslie Jeanne	TT	15700
57. Segarra, Rebecca C	TT	15701
58. Gunter, Christopher Scott	TT	15702
59. Sanabria, Shirley	TT	15703

**REGISTERED RESPIRATORY THERAPISTS
LIST FOR RATIFICATION**

1. Sheremet, Alexander Leo	RT	13056
2. Huffman, Lauren Hope	RT	13057
3. Ward, William Daniel	RT	13058
4. Aufderheide, Heather	RT	13059
5. Chidester, Alan Lee	RT	13060
6. Ramrattan, Vijay Thaman	RT	13061
7. Rodriguez, Mileida Janet	RT	13062
8. Hester, Veva Leesona Dawn	RT	13063
9. Georges, Joel Antonio	RT	13064
10. Goodwin, Scott	RT	13065
11. Reppert, Francis James Sr	RT	13066
12. St Onge, Lisa A	RT	13067
13. Gulley, Kathleen Marie	RT	13068
14. Majewski, Lee Ann	RT	13069
15. Lucas, Victoria Elizabeth	RT	13070
16. Hukle, Jana Evelyn	RT	13071
17. Dickerson, David Alan	RT	13072
18. Windett, Yolando Rolando	RT	13073
19. Corneck, Amanda Chel	RT	13074
20. Wheaton, Natasha Marie	RT	13075
21. Tran, Phuong	RT	13076
22. Hemmelgarn, Clinton Lee	RT	13077
23. Fraley, Aaron Marshall	RT	13078
24. Laptew, Terri Kristine	RT	13079
25. Mutispaugh, Douglas Wayne	RT	13080
26. Coney, Lashand Lucille	RT	13081
27. Bettis, Marcus L	RT	13082
28. Ortega, Pedro	RT	13083
29. Pochette, Lacy-Ann Camile	RT	13084
30. Gill, Tabitha Rachel	RT	13085
31. Garcia, Talyna	RT	13086
32. Rajan, Ritty	RT	13087
33. Lorenzetti, Anthony V	RT	13088
34. Gonzalez, Nora Maria	RT	13089
35. Jumalon, Elvira Redoble	RT	13090
36. Kemp, Nina	RT	13091
37. Gil, Carolina	RT	13092
38. Furber, Andrew	RT	13093
39. Marcus, Ellen	RT	13094
40. Stoger, Emily B	RT	13095
41. Hodges, Kayla Kristine	RT	13096
42. Sama, Bejanel	RT	13097
43. Kinj, Fatima	RT	13098
44. Fluharty, Sarah Jean	RT	13099
45. Key, Heather Nicole	RT	13100

46. Mason, Sheryl Ann	RT	13101
47. Hillyer, Gary Wayne	RT	13102
48. Sampson, Stacy Marie	RT	13103
49. Chapman, Rebekah	RT	13104
50. Gillmore, Eli Tristan	RT	13105
51. Rojo, Robin B	RT	13106
52. Heath, Christopher Charles	RT	13107
53. Tommessilli, Andrew John	RT	13108
54. Nicosia, Ana Maria	RT	13109
55. Aubin, Anscy	RT	13110
56. Hornfeck, Nicholas David	RT	13111
57. Mahmoud, Amal	RT	13112
58. Heald, Corey Garrett	RT	13113
59. Bobo, Archie Randall	RT	13114
60. Montmarquet, Michael James	RT	13115
61. Pressley, Beverly Ann	RT	13116
62. Noel, Fabiola	RT	13117
63. Kee, Jason F	RT	13118
64. Casacchia, Thomas	RT	13119
65. Nabor, Melissa May	RT	13120
66. Nunes, Susana Faria	RT	13121
67. Kelley, Michelle Lee	RT	13122
68. Parks, Susan Carol	RT	13123
69. Mimnaugh, James A	RT	13124
70. Hartman, Laura Elizabeth	RT	13125
71. Gorman, Donna Marie	RT	13126
72. Reed, Shantel Marie	RT	13127
73. Laine, Ginette	RT	13128
74. Legoute, Sergio	RT	13129
75. Dessalines, Sandada David	RT	13130
76. Johnson, Angraew Dowaine	RT	13131
77. Price, Farrah Lanee	RT	13132
78. Phillips, Elizabeth Anne	RT	13133
79. Hurley, Brenda L	RT	13134
80. Mann, Kimberly Dawn	RT	13135
81. Combs, Kelly A	RT	13136
82. Edgecombe, Joseph Charles	RT	13137
83. Prichard, Grant	RT	13138
84. Aliaga, Manuel A	RT	13139
85. Dulaney, Tara Dell	RT	13140
86. Hale, Sharon Dickerson	RT	13141
87. Young, Bernice Adair	RT	13142
88. Negron, Nitza J	RT	13145
89. Denton, Hillary Jane	RT	13146
90. Dilorenzo, Ronald L	RT	13148
91. Carty, James Randall	RT	13149
92. Bouchard, Geraldine	RT	13150
93. Conley, Teisha Alexandria	RT	13151
94. Hughes, Cary Andrew	RT	13152
95. Julien, Odetta Akinola	RT	13153

96. Seelig, Terri R	RT	13154
97. Burch, John Douglas	RT	13155
98. Leonard, Scott Eric	RT	13156
99. King, Kathy Welch	RT	13157

**CONTINUING EDUCATION PROVIDERS
FOR RATIFICATION**

- 1) Respiratory Recovery Consultants LLC 50-15880

**EXEMPTIONS
FOR RATIFICATION**

1. Judy D. Davault

RT8181

