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3 **DEPARTMENT OF HEALTH**
4 **MEDICAL QUALITY ASSURANCE**
5 **BOARD OF PODIATRIC MEDICINE**

6 **MINUTES - DRAFT**
7 **GENERAL BUSINESS MEETING**

8
9 **Grand Hyatt Tampa Bay**
10 **2900 Bayport Drive**
11 **Tampa, FL**

12
13 **June 28, 2013**
14

15 Mr. Miller stated on the record that participants in this public meeting should be aware
16 that these proceedings are being recorded and that an audio file of the meeting will be
17 posted to the board's website.

18
19 **General Board Business started: 9:00 a.m.**

20
21 **CALL TO ORDER:**

22 Dr. Pearce, Chair, called the meeting to order at 9:00 a.m. Those present for all or part of
23 the meeting included the following:

24
25 **MEMBERS PRESENT:**

26 Beth Pearce, D.P.M., Chair
27 Sherwood Weisman, D.P.M., Vice-Chair
28 Chet Evans, D.P.M.
29 Scott Koppel, D.P.M.
30 Robert Morris, Ph.D.

31
32 **STAFF PRESENT:**

33 William F. Miller, Board Executive Director
34 Sharon Guilford, Program Operations Administrator

35
36 **BOARD COUNSEL:**

37 Mary Ellen Clark, Assistant Attorney General
38 Office of Attorney General

39
40 **PROSECUTING ATTORNEY:**

41 Michael Lawrence, Assistant General Counsel
42 Department of Health

43
44 **COURT REPORTER:**

45 Berryhill
46 (813) 229-8225

1 **APPROVAL OF MINUTES:**

2
3 **March 22, 2013 – Full Board Meeting**

4
5 **Dr. Evans moved to approve the minutes as presented. This motion was seconded carried 5/0.**

6
7 **General Board Business ended: 9:05 a.m.**

8 **Discipline started: 9:05 a.m.**

9
10 **FINAL ORDER ACTIONS:**

11
12 **Motion for Final Order by Settlement Agreement:**

13
14 **Boyd A. Robinson, D.P.M. – Case Numbers 12-17534 and**

15 **13-05835**

16 **PCP: Drs. Pearce/Strickland**

17
18 Dr. Robinson was neither present nor represented by counsel.

19
20 Mr. Lawrence informed the board that the respondent had violated:

- 21
 - Section 461.013(1)(o), F.S.

22
23 Mr. Lawrence advised the board that the settlement agreement contained the following
24 provisions:

- 25
 - appearance
 - reprimand
 - administrative fine of \$4,000.00, payable within five (5) years
 - permanent practice restriction – may not treat or prescribe medications to his spouse, children, stepchildren, brothers, sisters, nieces, nephews, parents, grand parents
 - suspension until an evaluation completed by PRN and complies with any and all terms and conditions imposed by PRN as a result of evaluation
 - probation for a period of five (5) years with terms and conditions outlined in the Final Order
 - formal approval with terms and conditions outlined in the Final Order
 - tolling provisions shall apply

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37
38 Ms. Clark stated that Dr. Robinson had signed a Settlement Agreement that required his
39 personal appearance. Therefore, she would advise the board to not accept the agreement.

40
41 Ms. Martha Brown, Assistant Medical Director, with the Professional Resource Network
42 (PRN), stated that Dr. Robinson had signed a five year contract, but did not know why he
43 did not appear today.

44
45 Discussion ensued.

1 The board tabled the action until next meeting.

2
3 **Motion for Determination of Waiver and For Final Order after a Hearing Not**
4 **Involving Disputed Issues of Material Fact:**

5
6 **Neil A. Kravitz, D.P.M. – Case Number 11-18323**
7 **PCP: Drs. Pearce/Strickland**
8

9 Dr. Kravitz was neither present nor represented by counsel.

10
11 Mr. Lawrence informed the board that the respondent had violated:

- 12 • Section 461.013(1)(j), F.S.
- 13 • Section 461.013(1)(z), F.S.

14
15 **Dr. Evans moved that the respondent was properly served by certified mail and**
16 **failed to respond. The motion was seconded and carried 4/0.**

17
18 **Dr. Evans moved to accept the investigative report and all case materials including**
19 **all confidential and addendum materials, if any, into evidence in these proceedings.**
20 **The motion was seconded and carried 4/0.**

21
22 **Dr. Evans moved to adopt the findings of fact into evidence as alleged in the**
23 **administrative complaint. The motion was seconded and carried 4/0.**

24
25 **Dr. Evans moved to adopt the conclusions of law as alleged in the administrative**
26 **complaint. The motion was seconded and carried 4/0.**

27
28 The board discussed the following penalty:

- 29 • revocation

30
31 Mr. Lawrence stated that the department has determined the respondent is in violation of
32 Rules 64B2-14.003(1)(2)(5)(9)(12), F.A.C.

33
34 Ms. Clark stated that if the department was recommending revocation that it would be
35 appropriate for Mr. Lawrence to address both cases for action.

36
37 **Neil A. Kravitz, D.P.M. – Case Number 12-00767**
38 **PCP: Drs. Pearce/Strickland**
39

40 Mr. Lawrence informed the board that the respondent had violated:

- 41 • Section 461.013(1)(w), F.S.

42
43 **Dr. Evans moved that the respondent was properly served by certification and**
44 **failed to respond. The motion was seconded and carried 4/0.**

1 **Dr. Koppel moved to accept the investigative report and all case materials including**
2 **all confidential and addendum materials, if any, as alleged in the administrative**
3 **complaint to impose penalty. The motion was seconded and carried 4/0.**

4
5 **Dr. Koppel moved adopt the findings of fact into evidence as alleged in the**
6 **administrative complaint. The motion was seconded and carried 4/0.**

7
8 **Dr. Evans moved to adopt the conclusions of law as alleged in the administrative**
9 **complaint. The motion was seconded and carried 4/0.**

10
11 Mr. Lawrence stated that the department has determined the respondent is in violation of
12 64B2-14.003(3)(5)(9)(12), F.A.C.

13
14 Mr. Lawrence stated that the department does not impose administrative costs in a
15 revocation case.

16
17 Further discussion resulted in the following motion:

18
19 **Dr. Evans moved to accept the department's recommendation to revoke the**
20 **respondent's license. The motion was seconded and carried 4/0.**

21
22 **Motion for Final Order by Settlement Agreement: (readdressed)**

23
24 **Boyd A. Robinson, D.P.M. – Case Numbers 12-17534 and**
25 **13-05835**
26 **PCP: Drs. Pearce/Strickland**

27
28 Dr. Robinson was present and sworn, but was not represented by counsel. Also Ms.
29 Brown with PRN, present, sworn and addressed the board.

30
31 Mr. Lawrence informed the board that the respondent had violated:

- 32
- 33 • Section 461.013(1)(o), F.S.

34
35 Mr. Lawrence advised the board that the settlement agreement contained the following
provisions:

- 36
- 37 • appearance
 - 38 • reprimand
 - 39 • administrative fine of \$4,000.00, payable within five (5) years
 - 40 • permanent practice restriction – may not treat or prescribe medications to his
41 spouse, children, stepchildren, brothers, sisters, nieces, nephews, parents, grand
42 parents
 - 43 • suspension until an evaluation completed by PRN and complies with any and all
44 terms and conditions imposed by PRN as a result of evaluation
 - 45 • probation for a period of five (5) years with terms and conditions outlined in the
46 Final Order
 - formal approval with terms and conditions outlined in the Final Order

- 1 • tolling provisions shall apply

2
3 **Dr. Evans moved to accept the Settlement Agreement as presented. The motion was**
4 **seconded and carried 4/0.**

5
6 Ms. Clark stated that the board may need to reconsider the motion to allow the
7 respondent to address the aboard.

8
9 **Mr. Morris moved to reconsider the motion to allow the respondent to address the**
10 **board. The motion was seconded and carried 4/0.**

11
12 Ms. Brown with PRN addressed the board.

13
14 Dr. Robinson addressed the board.

15
16 Dr. Robinson stated that he had selected the monitor Dr. David Johnson to be approved.
17 He provided Dr. Johnson's CV for review.

18
19 **Dr. Evans moved to accept Dr. David Johnson as the respondent's monitor. The**
20 **motion was seconded and carried 4/0.**

21
22 **Dr. Evans moved to accept the Settlement Agreement as presented. The motion was**
23 **seconded and carried 4/0.**

24
25 **PROSECUTION REPORT:**

26
27 Mr. Lawrence provided an overview of the Prosecution Report.

28
29 **Discipline ended: 9:45 a.m.**

30 **Applications started: 9:45 a.m.**

31
32 **APPLICANT PRESENTED FOR BOARD REVIEW:**

33
34 **Debra A. Edwards, P.X.A.**

35
36 Dr. Pearce stated that the board received notification of withdrawal of Ms. Edwards's
37 application.

38
39 **RATIFICATION LISTS:**

40
41 **Podiatric Physicians**

42 (Joe Li, PO 3598 through Avia Reuveni, PO 3620)

43
44 **Dr. Weisman moved to approve the ratification list as presented. The motion was**
45 **seconded and carried 5/0.**

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Podiatric X-ray Assistants
(Gia L Buckley, PXA 1429 through Heather Marie Jernigan, PXA 1509)

Dr. Weisman moved to approve the ratification list as presented. The motion was seconded and carried 5/0.

Applications ended: 9:48 a.m.
General Business started: 9:48 a.m.

CHAIR/VICE-CHAIR REPORT:

Future Agenda Items

No report.

EXECUTIVE DIRECTOR’S REPORT:

Mr. Miller provided an overview of the following:

- Request to alternate next year meetings between Orlando and Tampa
- Reviewed the Unlicensed Activity Report – FYI
 - Dr. Weisman requested information on the two cases that were acted on by the department

DISCUSSION OF SB 248 – SECTION 456.076, F.S. – Treatment of programs for impaired practitioners

Mr. Miller stated that the changes in Chapter 456, F.S., would impose new provisions regarding impaired treatment programs. He requested the board to vote on whether to allow the board chair, credentials committee chair, or to continue allowing the board to review the applications. A copy of the language was provided to the members.

Dr. Weisman moved to continue with the board reviewing the applicants. The motion was seconded and carried 5/0.

BOARD COUNSEL’S REPORT:

Rules Status

Ms. Clark stated the board had no current rules in process.

Annual Regulatory Plan

Ms. Clark provided an overview of the Annual Regulatory Plan and requested the board to approve the report.

1 Discussion ensued.

2
3 **Dr. Wellikoff moved to approve the Annual Regulatory Plan. The motion was**
4 **seconded and carried 5/0.**

5
6 Mr. Michael Schwartz stated that the FPMA board approved PXA Course. FPMA has
7 been informing candidates that if they have any issues related to the Chapter 456, F.S.

8
9 **Correspondence from Dr. Trathen – Scope of Practice**

10
11 No action.

12
13 **COMMITTEE REPORTS:**

14
15 **Budget – Dr. Morris**

16
17 No report.

18
19 **Continuing Education – Dr. Koppel**

20
21 **CE Provider Approved by Staff**

22
23 **Dr. Evans moved to approve the ratification list as presented. The motion was**
24 **seconded and carried 5/0.**

25
26 **Credentials – Dr. Koppel**

27
28 No report.

29
30 **Disciplinary Compliance – Dr. Weisman**

31
32 Dr. Weisman provided an overview of the disciplinary compliance reports from the
33 department. He also provided an overview of the administrative fines and costs received.
34 January 2013 to June 2013.

35
36 Dr. Weisman asked what happens to those cases that are closed and does not come to the
37 board.

38
39 Ms. Clark stated that it would benefit the board to receive such information.

40
41 Mr. Miller stated he would provide the information at the next meeting.

42
43 **Examination – Dr. Evans**

44
45 No report.

1 **Probable Cause – Dr. Pearce**

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3 **Stats**

4
5 Information only.

6
7 Mr. Michael Schwartz, Executive Director with the Florida Podiatric Medical
8 Association, addressed the board.

9
10 **Residency Programs – Dr. Pearce**

11
12 No report.

13
14 **Rules – Dr. Evans**

15
16 Dr. Evans requested the board staff to provide an update on the status of the current
17 number of Podiatric Residency Programs and Residents.

18
19 Ms. Guilford stated that she will provide the report at the next meeting.

20
21 **Unlicensed Activity – Dr. Morris**

22
23 No report.

24
25 **Legislative – Dr. Koppel**

26
27 Dr. Koppel had no report.

28
29 Mr. Schwartz, FPMA provided a brief report.

30
31 Ms. Clark commented on SB50 regarding public comment. She stated that the board may
32 be required to draft a rule, but had requested to postpone drafting the language until the
33 Board of Medicine has submitted their language. She will provide an update at the next
34 meeting.

35
36 **2014 MEETING DATES:**

37
38 There were no dates provided on the agenda, but Mr. Miller will have them sent to the
39 members.

40
41 Dr. Pearce requested to add an agenda item “New Business” for all future agendas.

42
43 Dr. Weisman addressed the board about the new Medicaid background screening. He
44 requested Mr. Miller to research and provides an update at the next meeting.

45
46 **NEXT MEETING DATE:**

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November 8th – Tampa

General Board Business end: 10:33 a.m.

ADJOURNMENT:

The meeting was adjourned at 10:33 a.m.