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**DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE  
BOARD OF PODIATRIC MEDICINE**

**MINUTES – DRAFT  
GENERAL BUSINESS MEETING  
By  
TELEPHONE CONFERENCE**

4052 Bald Cypress Way  
Tallahassee, FL

**September 13, 2013**

15 These proceedings are being recorded and an audio file of the meeting will be posted to  
16 the board's website.

17  
18 **General Board Business started: 8:01 a.m.**

19  
20 **CALL TO ORDER:**

21 Dr. Chet Evans, Chairman, called the meeting to order at 8:01 a.m. Those present for all  
22 or part of the meeting included the following:

23  
24 **MEMBERS PRESENT:**

25 Chet Evans, MS, DPM  
26 Scott Koppel, DPM  
27 Mark S. Block, DPM  
28 Melvin Price, DPM  
29 Joseph H. Strickland, DPM  
30 Robert Morris, PhD  
31 James Pearce

32  
33 **MEMBERS NOT PRESENT:**

34 Robert Morris, PhD

35  
36 **BOARD STAFF:**

37 William Miller, Board Director  
38 Sharon Guilford, Program Operations Administrator

39  
40 **BOARD COUNSEL:**

41 Mary Ellen Clark, Assistant Attorney General  
42 Office of Attorney General

43  
44 **COURT REPORTER:**

45 For the Record Reporting (850) 222-5491

46  
47 **PETITION FOR DECLARATORY STATEMENT:**

1           **Eugene A. Fox, DPM – Section 461.003(5), Florida Statutes – Use of**  
2           **Pinpointe Laser on Fingernails**

3  
4 Dr. Fox was present but was not represented by counsel.

5  
6 Ms. Clark provided an overview of the procedures related to petitions for declaratory  
7 statements.

8  
9 Dr. Fox stated that he had purchased a Pinpointe laser for the treatment of fungal toenails  
10 and patients keep asking me to do their fingernails as well.

11  
12 Ms. Clark asked Dr. Fox whether a certification to use the Pinpointe laser is required?

13  
14 Dr. Fox answered that he completed a course specifically with Pinpointe laser.

15  
16 The members stated that this procedure on the fingernails would be outside the scope of  
17 practice of a podiatric physician because fingernails are not part of the human foot or leg  
18 as specified in s 461.003(5), F.S.

19  
20 Discussion ensued.

21  
22 **Dr. Koppel moved to answer the Petition for Declaratory Statement in the negative,**  
23 **stating that use of a pinpointe laser on Fingernails would not be within the scope of**  
24 **the practice of podiatric medicine in Florida. The motion was seconded and carried**  
25 **6/0.**

26  
27 **PETITION FOR VARIANCE/WAIVER:**

28  
29           **Samuel R. Galitzer, DPM – Rule 64B18-17.001, Florida Administrative Code**  
30           **– Continuing Education Required for License Renewal**

31  
32 Dr. Galitzer was present but was not represented by counsel.

33  
34 Ms. Clark provided an overview of the procedures related to petitions for variance or waiver.

35  
36 Dr. Galitzer addressed the board. He stated that the reason for the request was because he had  
37 been unable to find an online laws and rules course as he had been able to in the past.

38  
39 Dr. Evans stated that Dr. Galitzer was requesting a Petition for Variance/Waiver of Rule 64B18-  
40 17.001, F.A.C., of the required continuing education due to a financial hardship.

41  
42 Discussion ensued.

43  
44 **Dr. Koppel moved to deny Dr. Galitzer’s Petition for Variance/Waiver of Rule 64B18-**  
45 **17.001(2)b, F.A.C., finding that he had not demonstrated that the purpose of the underlying**  
46 **statute had been met nor that the rule’s application to his circumstances violated the**  
47 **principles of fairness or imposed a substantial hardship on him. The motion was seconded**  
48 **and carried 6/0.**

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**NEXT MEETING DATE:**

**November 15<sup>th</sup> – Tampa**

Information only.

**General Board Business ended: 8: 23 a.m.**

**ADJOURNMENT:**

The meeting adjourned at 8:23 a.m.