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

**MINUTES – DRAFT  
GENERAL BUSINESS MEETING**

**Embassy Suites Orlando – Lake Buena Vista South  
4955 Kyngs Heath Road  
Kissimmee, Florida 34746**

**March 28, 2014**

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.

**General Board Business started: 9:03 a.m.**

**CALL TO ORDER:**

Dr. Chet Evans, Chairman, called the meeting to order at 9:03 a.m. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Chet Evans, M.S., D.P.M., Chair  
Mark S. Block, D.P.M.  
Melvin Price, D.P.M.  
Joseph Strickland, D.P.M.  
Robert Morris, Ph.D.  
James Pearce, B.B.A., M.B.A.

**MEMBER NOT PRESENT:**

Scott Koppel, D.P.M., Vice-Chair (excused)

**BOARD STAFF:**

Sharon Guilford, Program Operations Administrator  
Jose Montalvan, Regulatory Supervisor/Consultant

**BOARD COUNSEL:**

Mary Ellen Clark, Assistant Attorney General  
Office of Attorney General

**PROSECUTING ATTORNEY:**

Kristal Beharry, Assistant General Counsel  
Department of Health

**COURT REPORTER:**

American Court Reporting  
(407) 896-1813

1 **APPROVAL OF MINUTES:**

2  
3 **November 15, 2013 – Telephone Conference Call**

4  
5 **Dr. Price moved to approve the minutes. This motion was seconded and carried 6/0.**

6  
7 **General Business Ended: 9:15 a.m.**

8 **Disciplinary Actions started: 9:15 a.m.**

9  
10 **FINAL ORDER ACTION:**

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

13  
14 **Nimesh M. Patel, DPM – Case Number 13-11286**

15 **PCP: Koppel/James Strickland**

16  
17 Dr. Patel was present, sworn and was represented by Mr. Scott Flint, Esq.

18  
19 Ms. Beharry informed the board that the respondent had violated:

- 20
  - Section 460.413(1)(u), F.S.
  - 21 • Section 460.413(1)(m) and (ff), F.S., and/or Rule 64B2-17.0065, F.A.C.

22  
23 Ms. Beharry advised the board that the settlement agreement contained the following provisions:

- 24
  - reprimand
  - 25 • administrative fine of \$5,000.00, payable within 60 days
  - 26 • administrative costs of \$629,800.00, payable within 60 days
  - 27 • probation for a period of three (3) years with indirect supervision
  - 28 • monitor shall review 20% of respondent's active patient records at least once every
  - 29 quarter
  - 30 • respondent shall submit quarterly reports
  - 31 • tolling provision applies
  - 32 • leaving active practice for a period of 1 year or more – respondent shall appear before the
  - 33 board and demonstrate his ability to practice podiatric medicine in this state

34  
35 Dr. Patel addressed the board.

36  
37 Discussion ensued.

38  
39 **Dr. Price moved to accept the settlement agreement. The motion was seconded and**  
40 **carried 6/0.**

41 **Disciplinary Actions ended: 9:40 a.m.**

42 **Other Disciplinary Actions: 9:40 a.m.**

43  
44 **COMMITTEE REPORTS:**

45  
46 **Disciplinary Compliance – Melvin Price, D.P.M.**

1                   **Syed M. Amouzegar, D.P.M. – Case Number 07-31350 – Termination of**  
2                   **Probation**

3  
4 Dr. Amouzegar and Dr. Robert Hoover (monitor) was present and sworn.

5  
6 Dr. Price provided an overview of the monitoring period and recommended termination  
7 of probation.

8  
9 Discussion ensued.

10  
11 **Dr. Price moved to approve the Termination of Probation. The motion was**  
12 **seconded and carried 6/0.**

13  
14 **PROSECUTION REPORT**

15  
16 **Dr. Price moved to continue putting special emphasis on prosecuting the older cases**  
17 **(one year and over) and to accept the prosecution report. The motion was seconded**  
18 **and carried 6/0.**

19  
20 **Other Disciplinary Actions: 9:45 a.m.**

21 **General Business started: 9:50 a.m.**

22  
23 Dr. Evans requested the probable cause panel to meet in person prior to the board  
24 meetings in lieu of telephone conference calls.

25  
26 Ms. Guilford stated that she would address the request with the Bureau Chief.

27  
28 **APPLICANT FOR CONSIDERATION:**

29  
30                   **Nelson C. Hulbert, DPM**

31  
32 Dr. Hulbert was present, sworn but was not represented by counsel.

33  
34 Ms. Clark provided an overview of Dr. Hulbert’s application. The board staff had  
35 indicated that the applicant had responded “yes” to questions #14, #16, #17 on the  
36 application. Also he had been terminated from his residency program during his 2<sup>nd</sup> year.

37  
38 Discussion ensued.

39  
40 Ms. Clark recommended the board to request Dr. Hulbert to waive his 90 day  
41 requirement to allow him to provide the PRN evaluation for review and consideration at  
42 the next meeting.

43  
44 Dr. Hulbert concurred.

45

1 **Dr. Price moved to accept Dr. Hulbert's request to waive his 90 day statutory**  
2 **requirement. The motion was seconded and carried 6/0.**

3  
4  
5 **RATIFICATION LISTS:**

6  
7 **Podiatric Physicians**

8  
9 **Dr. Morris moved to approve the ratification list beginning with PO 3630 through PO 3690. This**  
10 **motion was seconded and carried 6/0.**

11  
12 **Certified Podiatric X-ray Assistants**

13  
14 **Dr. Price moved to approve the ratification list beginning with PXA 1537 through PXA 1568. This**  
15 **motion was seconded and carried 6/0.**

16  
17 **CHAIR/VICE-CHAIR REPORT:**

18  
19 No report.

20  
21 **Future Agenda Items**

22  
23 No agenda items provided.

24  
25 **EXECUTIVE DIRECTOR'S REPORT:**

26  
27 **Annual Delegation Authority**

28  
29 Ms. Guilford stated according to 456, F.S., the board shall vote on a list of assignments  
30 that may be delegated to members of the board, board counsel or board staff.

31  
32 Ms. Clark addressed each item on the report and provided a summary of each assignment.

33  
34 **Dr. Evans moved to approve the Annual Delegation Authority as presented. The**  
35 **motion was seconded and carried 6/0.**

36  
37 **PRN Medical Director – Penny Ziegler, M.D.**

38  
39 Ms. Guilford stated the letter from Dr. Judy Rivenbark, former Medical Director with  
40 PRN announced Dr. Penny Ziegler as the new Medical Director with PRN.

41  
42 Dr. Evans recognized Dr. Judy Rivenbark, former Medical Director with PRN, of her  
43 dedication to the department and the podiatric medical profession..

44  
45 **BOARD COUNSEL'S REPORT:**

46  
47 **• Rules Stats Report**

Board of Podiatric Medicine – General Business  
March 28, 2014

1  
2 Ms. Clark provided a brief report on the status of Rules 64B18-10.010, 64B18-16.005,  
3 64B18-17.005, F.A.C.

- 4
- 5 • **Podiatric Resident Hospital Report**
- 6 • **Rule 64B18-16.005, F.A.C. – Content of Residency Program – Reports**
- 7 **(JAPC Letter and Application)**
- 8

9 Ms. Clark provided an overview of the modifications to the Podiatric Resident Hospital  
10 Report and the correspondence from JAPC.

11 Discussion ensued.

12

13

14 **Dr. Price moved to approve the modifications to the Podiatric Resident Hospital**  
15 **Report in Rule 64B18-16.005, F.A.C. The motion was seconded and carried 6/0.**

- 16
- 17 • **Correspondence – Wendy Gilmore, D.C. – Scope of Practice**
- 18

19 Ms. Clark provided an overview of the response given to Dr. Gilmore to the filed  
20 Petition for Declaratory Statement. She recommended the board to not respond to Dr.  
21 Gilmore as the Rule 64B18-23.001 Definitions have been repealed as of December 2,  
22 2008.

23

24 There was no action taken.

- 25
- 26 • **Discussion of Rule 64B18-17.001, F.A.C. – Continuing Education Required**
- 27 **for License Renewal and .002, F.A.C. – Board Approval of Continuing**
- 28 **Education Programs**
- 29

30 Ms. Clark stated that the board does not have the authority to review or approve  
31 continuing education courses submitted by the licensee for approval.

32

33 The board requested staff to contact the Florida Pharmacy Association to determine if  
34 they are interested in becoming a board approved provider.

35

36 No action taken.

37

38 **Dr. Price moved to approve the board counsel’s report as presented. The motion**  
39 **was seconded and carried 6/0.**

40

41 **COMMITTEE REPORTS:**

42

43 **Budget – Robert Morris, Ph.D.**

44

45 Dr. Morris provided an overview of the Budget report.

1 **Dr. Price moved to accept Dr. Morris report. The motion was seconded and carried**  
2 **6/0.**

3  
4 **Continuing Education – Scott Koppel, DPM**

5  
6 **CE Providers & Courses Provided by Board Staff**

7  
8 **Dr. Price moved to approve the ratification list of courses approved by the CE Committee.**  
9 **The motion was seconded and carried 6/0.**

10  
11 **CE Providers & Courses Provided by Committee**

12  
13 **Dr. Price moved to approve the ratification list of courses approved by the CE Committee.**  
14 **The motion was seconded and carried 6/0.**

15  
16 **Credentials – Scott Koppel, DPM**

17  
18 No report by staff.

19  
20 **Disciplinary Compliance – Melvin Price, DPM**

21  
22 **Fines/Costs Received through 12/3/2013**

23  
24 Ms. Guilford provided an overview of the report.

25  
26 Discussion ensued.

27  
28 **Dr. Morris moved to approve the Disciplinary Compliance report. The motion was**  
29 **seconded and carried 6/0.**

30  
31 **Examination – Chet Evans, DPM**

32  
33 No report.

34  
35 **Healthy Weight – Chet Evans, DPM**

36  
37 Dr. Evans provided an overview of the Healthy Weight meeting that was held in  
38 Tallahassee.

39  
40 **Legislative – Scott Koppel, DPM**

41  
42 Mr. Michael Schwartz, Executive Director, introduced Mr. Harry Higgins, new Executive  
43 Director and Mr. Jason Wings, Esq., General Counsel with the FPMA.

44  
45 Mr. Schwartz provided a brief overview of the Federal and State legislation and their  
46 involvement.

1  
2 Mr. Schwartz requested the board to review the continuing education requirements for  
3 the Certified Podiatric X-ray Assistants.

4  
5 Discussion ensued.

6  
7 Dr. Price and Ms. Clark will assist in drafting language for the continuing education for  
8 Certified Podiatric X-ray Assistants for the next meeting.

9  
10 **Probable Cause – Mark Block, DPM**

11  
12 **Stats**

13  
14 Information only.

15  
16 **Residency Programs – Melvin Price, DPM**

17  
18 No report.

19  
20 **Rules – Chet Evans, DPM**

21  
22 No additional report.

23  
24 **Unlicensed Activity – Robert Morris, Ph.D.**

25  
26 No report.

27  
28 **NEXT MEETING DATE – July 18<sup>th</sup> – Tampa**

29  
30 Information only.

31  
32 **General Business ended: 10:52 a.m.**

33  
34 **ADJOURNMENT:**

35  
36 The meeting was adjourned at 10:52 a.m.