

FLORIDA | Board of Podiatric Medicine

DRAFT MINUTES

November 7, 2014

Teleconference

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399-3257



Chet Evans, M.S., D.P.M.

Chair

Mark S. Block, D.P.M.

Vice-Chair

Adrienne Rodgers, BSN, JD

Executive Director

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

- I. The meeting was called to order by Dr. Evans, Chair, at approximately 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 - excused
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.
Scott Koppel, D.P.M., Vice Chair

STAFF PRESENT:

Adrienne Rodgers, Executive Director
Michele Jackson, Regulatory Supervisor/Consultant

BOARD COUNSEL:

Mary Ellen Clark, Senior Assistant Attorney General
Office of Attorney General

PROSECUTION COUNSEL:

Yolanda Y. Green, Assistant General Counsel and Section Manager
Department of Health, Office of the General Counsel

COURT REPORTER:

none

Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this meeting can be found online: <http://floridaspodiatricmedicine.gov/>

General Board Business started at 9:05 a.m.

II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF PODIATRIC MEDICINE

July 18, 2014 – Full Board Meeting

Minutes of the July 18, 2014 meeting were reviewed.
Motion made to accept the minutes

Vote 6 ayes/ 0 opposed; motion carried

Section II ended at 9:07 a.m.

Section III started at 9:07 a.m.

III. PROSECUTION REPORT:

Discussion: The Board expressed concern that 2011 and 2012 cases had not been resolved and that despite almost 4 months

Motion to continue putting special emphasis on prosecuting the older cases (one year and over) made by Dr. Koppel, second by Mr. Pearce.

Vote 6 ayes/ 0 opposed; motion carried

Section III ended at 9:12 a.m.

Section IV started at 9:12 a.m.

1 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW**

- 2 1. Nelson Hulbert, D.P.M.

3 Dr. Hulbert requested his application be tabled to the next meeting of the Board.

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5 **Section IV, #1 ended at 9:13 a.m.**

6 **Section V, #1 began at 9:13 a.m.**

7
8 **V. RATIFICATION OF LICENSURE**

- 9
10 1. Podiatric Physicians

11 Motion to ratify issuance of podiatric license numbers 3680 through 3694 made by Dr. Block, second by Dr. Morris.

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13 Vote: 6 yeas / 0 opposed; motion carried

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15 **Section V, #1 ended at 9:15 a.m.**

16 **Section IV, #2 began at 9:15 a.m.**

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19 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW – continued**

- 20
21 2. Lee Howard Goldstein, D.P.M.

22 Applicant was not present and was not represented by counsel.

23
24 The application is before the Board for review because the National Practitioner Data Bank reported a medical malpractice
25 payment in 1997 based on surgery performed to remove a cyst from a patient's foot, which developed wound healing
26 problems requiring two additional surgeries. The settlement was in the amount of \$10,000. There was no discipline imposed
27 by the Kentucky Podiatry Board due to this action. Under sections 456.024 and 456.041, FS, the department is required to
28 verify information submitted by the applicant under this subsection using the National Practitioner Data Bank. The podiatry
29 disciplinary statute, section 461.013(1)(s), FS, provides that the term "malpractice" shall not be construed so as to require
30 more than one instance or act of malpractice. Although the practitioner's profile discloses only those malpractice actions
31 within the last 10 years, the disciplinary statute does not state a time limitation, or a dollar amount limitation, for which
32 malpractice actions can be ignored. While the paperwork of this application would be sufficient to license this individual, the
33 paperwork also demonstrates that there could be a concern that the Board should address. Board staff will take its direction
34 from the Board's decision.

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36 Discussion:

37 The Board expressed an interest in discussing the delegation of authority with regard to applicants who had malpractice
38 payouts prior to 10 years before applying to the Florida Board of Podiatry for licensure.

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40 Motion to issue a license made by Dr. Morris, second by Dr. Block.

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42 Vote: 6 yeas / 0 opposed; motion carried

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44 **Section IV, #2 ended at 9:21 a.m.**

45 **Section V began at 9:21 a.m.**

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47 **V. RATIFICATION OF LICENSURE**

- 48
49 2. Podiatry Residents

50 Motion to ratify issuance of license to Podiatric Residents numbers 402 through 409 made by Dr. Morris, second by Dr.
51 Strickland.

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53 Vote: 6 yeas / 0 opposed; motion carried

- 54
55 3. Certified Podiatric X-ray Assistants

56 Motion to ratify issuance of Certified Podiatric X-ray Assistant license numbers 1659 through 1698 made by Dr. Morris
57 second by Dr. Strickland.

1 Vote: 6 yeas / 0 opposed; motion carried

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3 **Section V ended at 9:24 a.m.**

4 **Section VI began at 9:24 a.m.**

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7 **VI. CHAIR/VICE CHAIR REPORT**

- 8 1. Future Agenda Items – no discussion
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- 10 2. Pneumatic Compression Devices – question posed by Dr. Block

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12 Dr. Block asked for a written statement of general applicability to the practice regarding the use of Pneumatic Compression
13 Devices stating that there are issues with certain carriers nationwide and that a challenge may soon come to Florida. Ms. Clark
14 advised the Board of their authority with regard to the profession and referred the Board to section 461.003, F.S., which states
15 that the practice of podiatric medicine means the diagnosis or medical, surgical, palliative, and mechanical treatment of ailments
16 of the human foot and leg. Ms. Clark informed the Board that a declaratory statement is a Board's opinion as to the applicability
17 of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances. Ms.
18 Clark added that there was no authority for the Board to issue a rule regarding the use of Pneumatic Compression Devices.

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21 **Section VI ended at 9:33 a.m.**

22 **Section VII began at 9:33 a.m.**

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25 **VII. EXECUTIVE DIRECTOR'S REPORT**

26 Ms. Rodgers presented information regarding the 2015 meeting dates and locations. In particular, the December 18, 2015
27 meeting date presented a conflict between two Boards at which Ms. Rodgers must be present. The Board was asked to suggest
28 an alternative date. In addition, the location requested by the Board for its July 2015 meeting could not be confirmed and
29 Springhill Suites (Marriott) Orlando Airport was secured.

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31 **Section VII ended at 9:37 a.m.**

32 **Section VIII began at 9:37 a.m.**

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35 **VIII. BOARD COUNSEL'S REPORT**

- 36 1. Rules Status Report

37 Ms. Clark gave an update on the October 2014 status of rule 64B18-24.002, F.A.C., which was adopted on October 27, 2014.

- 38
39 2. Section 893.11, FS withdrawn from discussion

- 40
41 3. Ms. Rodgers addressed the Board regarding rule 64B18-24.002, F.A.C. The language and form have been developed and
42 will be presented to the Board at its next meeting. No new providers have expressed interest in applying.

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44 **Section VIII ended at 9:40 a.m.**

45 **Section IX began at 9:40 a.m.**

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48 **IX. COMMITTEE REPORTS**

49 Budget – Robert Morris, Ph.D. had no report.

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51 Continuing Education – Scott Koppel, DPM had no report.

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53 Credentials – Scott Koppel, DPM had no report.

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55 Disciplinary Compliance and Residency – Melvin Price, DPM had no report.

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57 Legislative – Scott Koppel, DPM had no report.

1 Probable Cause – Mark Block, DPM had no additional report to materials in the agenda package.

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3 Unlicensed Activity – Robert Morris, Ph.D. had no report. (Dr. Block lost connectivity with the meeting for several
4 seconds)

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6 **X. NEXT MEETING – March 27, 2015 – Orlando**

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8 Dr. Koppel asked Ms. Clark if the newly licensed practitioner on the telephone conference call would receive credit for her attendance
9 at this meeting. Ms. Clark responded that the rule requires attendance at an in person meeting. Dr. Koppel advised the practitioner
10 that she would have to be present at a live meeting.

11
12 **General Board Business concluded at: 9:46 a.m.**

13 The meeting was adjourned at 9:46 p.m.