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**FLORIDA** | Board of Podiatric Medicine

MEETING MINUTES  
June 19, 2015

Caribe Royale  
8101 World Center Drive  
Orlando, Florida 32821



Chet Evans, DPM  
**Chair**

Scott Koppel, DPM  
**Vice-Chair**

Anthony B. Spivey, DBA  
**Executive Director**

1 **General Board Business started: 9:04 a.m.**

2  
3 I. The meeting was called to order by Dr. Evans, Chair. Those present for all or part of the meeting included the following:

4  
5 **MEMBERS PRESENT:**

6 Chet Evans, DPM, Chair  
7 Scott Koppel, DPM, Vice-Chair  
8 Mark S. Block, DPM  
9 Joseph Strickland, DPM  
10 Joseph Sindone, DPM  
11 Robert Morris, Ph.D.  
12 James Pearce, BBA, MBA

5 **STAFF PRESENT:**

6 Anthony B. Spivey, DBA, Executive Director  
7 Joseph Lesho, Program Operations Administrator  
8 Savada Knight, Regulatory Supervisor  
9 Edith Rogers, Administrative Assistant II

13  
14 **BOARD COUNSEL:**

15 Mary Ellen Clark, Assistant Attorney General  
16 Office of Attorney General

17  
18 **PROSECUTION COUNSEL:**

19 Matthew Witters, Assistant General Counsel  
20 Judson Searcy, Assistant General Counsel

21  
22 **COURT REPORTER:**

23 For the Record  
24 (850) 222-5491

25  
26 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this*  
27 *meeting can be found online: <http://floridaspodiatricmedicine.gov/meeting-information/past-meetings>*

28  
29 **Section II began: 9:05 a.m.**

30  
31 **II. APPROVAL OF MINUTES – March 27, 2015**

32  
33 The minutes of the March 27, 2015 Full Board Meeting were reviewed.

34  
35 **Action:** Motion to accept the minutes was made by Dr. Sindone. Seconded by Dr. Block  
36 Vote: 7 yeas / 0 opposed; motion carried

37  
38 **Section II concluded: 9:06 a.m.**

39 **Addendum Item began: 9:06 a.m.**

40  
41 **ADDENDUM ITEM – FINAL ORDER ACTION:**

42  
43 **a. Determination of Waiver –**

44  
45 **i. Nathan W. Moy, D.P.M., Case #2013-13918**

46 Dr. Moy was not present and was not represented by counsel.

47  
48 An Administrative Complaint filed on September 8, 2014 alleged violation of s. 464.013(1)(w), F.S., for failure  
49 to comply with a lawful order of the board. No Election of Rights Form has been received, and attempts by the  
50 department to contact Dr. Moy have been unsuccessful.

51  
52 **Action:** Motion to find that Respondent was properly served and has waived the right to a formal hearing was  
53 made by Dr. Sindone. Seconded by Dr. Block.  
54 Vote: 7 yeas / 0 opposed; motion carried

55  
56 **Action:** Motion to accept the investigative report into evidence for the purposes of imposing penalty was made  
57 by Dr. Sindone. Seconded by Dr. Block.  
58 Vote: 7 yeas / 0 opposed; motion carried

1  
2 **Action:** Motion to adopt the findings of fact as set forth in the administrative complaint was made by Dr.  
3 Sindone. Seconded by Dr. Block.  
4 Vote: 7 yeas / 0 opposed; motion carried  
5

6 **Action:** Motion to adopt the conclusions of law as set forth in the administrative complaint and find by clear  
7 and convincing evidence that they constitute a violation of the Podiatric Practice Act was made by Dr. Sindone.  
8 Seconded by Dr. Block.  
9 Vote: 7 yeas / 0 opposed; motion carried  
10

11 Mr. Searcy explained to the board that the board's disciplinary guidelines for this type of violation pursuant to  
12 Rule 64B18-14.002(tt), F.A.C. (sic), require that the respondent be placed on suspension until compliance and  
13 payment of a fine of from \$500 to \$1000; however, the department recommended revocation due to aggravating  
14 factors pursuant to Rule 64B18-14.003(5), F.A.C., based on prior disciplinary history.  
15

16 **Discussion:**

17 Ms. Clark sought clarification as to the current status of Dr. Moy's license, and it was confirmed that the license  
18 was in suspended status.  
19

20 Additional discussion ensued regarding the details of a possible revocation, including concerns about whether  
21 or not Dr. Moy could attempt to obtain a new license if revocation were imposed. Ms. Clark explained to the  
22 board that if Dr. Moy were to reapply, his application would have to be reviewed by the board, and past  
23 disciplinary history would be considered.  
24

25 **Action:** Motion to revoke Dr. Moy's Podiatric Physician license based upon the finding that there were  
26 aggravating circumstances as contemplated in Rule 64B18-14.003(5), F.A.C., was made by Dr. Koppel.  
27 Seconded by Dr. Sindone.  
28 Vote: 7 yeas / 0 opposed; motion carried  
29

30 **Addendum Item concluded: 9:14 a.m.**

31 **Section VI began: 9:14 a.m.**  
32

33 **VI. PROSECUTION REPORT:**

34 Mr. Witters explained to the board that prosecution had 35 cases pending, which was lowered to 24 after the most recent  
35 Probable Cause Panel meeting and the final decision on Dr. Moy's case. He then asked the board for permission to continue  
36 prosecution of cases older than one year.  
37

38 **Action:** Motion to allow prosecution to continue prosecuting cases older than one year was made by Dr. Sindone. Seconded  
39 by Dr. Strickland.  
40 Vote: 7 yeas / 0 opposed; motion carried  
41

42 Mr. Witters then stated that of the year-old cases, 12 are from 2014, and 3 are from 2013. He said that the board has  
43 historically only had one prosecutor assigned to its caseload, but he has increased the number of prosecutors to two, and  
44 explained that the new prosecutor will work the caseload from the oldest to the newest.  
45

46 **Section VI concluded: 9:16 a.m.**

47 **Section III began: 9:16 a.m.**  
48

49 **III. PETITIONS:**

50 **a. Declaratory Statements:**

51 **i. Charles A. Horan, III**

52 Ms. Clark explained that the petitioner did not have standing to submit a petition, and was only placed on the  
53 agenda as an FYI.  
54  
55  
56

57 **Section III concluded: 9:18 a.m.**

58 **Section IV began: 9:18 a.m.**

1  
2 **IV. DISCIPLINARY APPEARANCES:**  
3

4 **a. Respondent and Monitor First Appearance –**  
5

6 **i. Brian K. Hameroff, D.P.M.**

7 Dr. Hameroff was present, and was not represented by counsel. His proposed monitor, Jeffrey Andrew  
8 Worman, D.P.M., was also present.  
9

10 A Final Order filed on April 20, 2015 in case number 2011-00493 placed Dr. Hameroff's Podiatric Physician  
11 license on probation for a period of 3 years under the indirect supervision of a board-approved monitor.  
12

13 Dr. Hameroff and his proposed monitor, Jeffrey Andrew Worman, D.P.M., came before the board to obtain  
14 monitor approval.  
15

16 **Discussion:**

17 After discussion to ensure that Dr. Worman was aware of his responsibilities as a monitor, the board approved  
18 Dr. Worman to serve as Dr. Hameroff's monitor. The board requested yearly appearances for the duration of the  
19 probation period, in addition to the quarterly reports required by the Final Order.  
20  
21

22 **ii. Nimesh Patel, D.P.M.**

23 Dr. Patel was present, and was not represented by counsel. His proposed monitor, Barry C. Blass, D.P.M., was  
24 also present.  
25

26 A Final Order filed on March 31, 2014 in case number 2013-11286 placed Dr. Patel's Podiatric Physician  
27 license on probation for a period of 3 years under the indirect supervision of a board-approved monitor. Before  
28 Dr. Patel could begin his probation, his license was denied renewal for being listed on the U.S. Department of  
29 Health & Human Services Office of Inspector General (OIG) exclusion list. At the March 27, 2015 meeting, the  
30 board agreed to issue Dr. Patel a new Podiatric Physician license under the condition that he fulfill the terms of  
31 the previous Final Order.  
32

33 Dr. Patel and his proposed monitor, Barry C. Blass, D.P.M., came before the board to obtain monitor approval.  
34

35 **Discussion:**

36 After discussion to ensure that Dr. Blass was aware of his responsibilities as a monitor, the board approved Dr.  
37 Blass to serve as Dr. Patel's monitor. The board requested yearly appearances for the duration of the probation  
38 period, in addition to the quarterly reports required by the Final Order.  
39

40 Dr. Patel explained that he will not begin practicing until approximately September or October 2015, and Ms.  
41 Clark pointed out that the probation will be tolled until he begins practice. Dr. Patel affirmed that he understood  
42 the tolling provision. The board requested that a quarterly report still be submitted even if Dr. Patel has not  
43 practiced. Drs. Blass and Patel agreed to oblige.  
44

45 **Section IV concluded: 9:30 a.m.**

46 **Section V began: 9:30 a.m.**  
47

48 **VII. RATIFICATIONS:**  
49

50 **a. Licensure Ratifications:**  
51

52 **i. Podiatric Physicians**

53 **Action:** Motion to ratify the issuance of Podiatric Physician license numbers 3715 through 3730 was made by  
54 Dr. Koppel. Seconded by Dr. Morris.  
55

56 Vote: 7 yeas / 0 opposed; motion carried  
57

58 **ii. Podiatric Residents**

1  
2 No Podiatric Resident licenses were issued during this period.  
3

4 The board had questions about the Podiatric Resident registration process. Board staff was directed to compile a  
5 report outlining the processes to be presented at the next board meeting.  
6

7 **iii. Podiatric X-Ray Assistants**

8 **Action:** Motion to ratify the issuance of Podiatric X-Ray Assistant license numbers 1728 through 1781 was  
9 made by Dr. Koppel. Seconded by Dr. Strickland.

10 Vote: 7 yeas / 0 opposed; motion carried  
11

12 **Section V concluded: 9:46 a.m.**

13 **Section VII began: 9:46 a.m.**  
14

15 **VII. CHAIR/VICE-CHAIR REPORT:**

16 **a. Future Agenda Items:** No report  
17  
18

19 **Section VII concluded: 9:46 a.m.**

20 **Section VIII began: 9:46 a.m.**  
21

22 **VIII. EXECUTIVE DIRECTOR'S REPORT:**

23 **a. Delegation of Authority**

24 Dr. Spivey presented the 2015-2016 Annual Delegation of Authority to the board.  
25

26 **Discussion:**

27 Ms. Clark recommended that the board delegate authority to the Probable Cause Panel to dismiss cases that prosecution  
28 no longer feels the need to prosecute. After discussion, the board delegated Dr. Evans the authority to approve this  
29 amendment upon a draft and review of the language.  
30  
31

32 **Action:** Motion to delegate the approval of the amended Delegation of Authority to Dr. Evans was made by Dr. Sindone.  
33 Seconded by Dr. Koppel.

34 Vote: 7 yeas / 0 opposed; motion carried  
35  
36

37 **Section VIII concluded: 9:57 a.m.**

38 **Section IX began: 9:57 a.m.**  
39

40 **IX. BOARD COUNSEL'S REPORT:**

41 **a. Rules Status – June 2015**

42 **i. Rule 64B18-24.002, F.A.C.**

43 Ms. Clark explained that she received a letter from the Joint Administrative Procedures Committee (JAPC)  
44 expressing concerns with the proposed rule. She then presented proposed changes to the draft language, and  
45 proposed changes to the form that accompanies the new rule. She noted that in the rule draft, the word  
46 "Medical" needed to be added to "the Council on Podiatric *Medical* Education."  
47  
48

49 **Discussion:**

50 The board requested that the term "chiroprody" be removed from the rule and form.  
51  
52

53 **Action:** Motion to accept the changes to the rule with the noted amendments was made by Dr. Strickland.

54 Seconded by Dr. Sindone

55 Vote: 7 yeas / 0 opposed; motion carried  
56

57 **Action:** Motion to accept the changes to the form with the noted amendments was made by Dr. Morris.

58 Seconded by Dr. Strickland.

1 Vote: 7 yeas / 0 opposed; motion carried

2  
3 **Action:** Motion to find that no Statement of Estimated Regulatory Costs will be necessary was made by Dr.  
4 Koppel. Seconded by Dr. Morris.

5 Vote: 7 yeas / 0 opposed; motion carried

6  
7 **b. Annual Review of Existing Rules**

8 Ms. Clark explained that The Office of Fiscal Accountability and Regulatory Reform (OFARR) prepared a  
9 questionnaire that is required to be answered for each rule to determine whether or not any rules to can be repealed  
10 and lessen regulatory burden. She listed 3 rules that she recommended to be repealed:

- 11 • Rule 64B18-12.007, F.A.C., due to duplication with the statutes
- 12 • Rule 64B18-12.011, F.A.C., due to outdated and irrelevant language
- 13 • Rule 64B18-12.009, F.A.C., due to duplication with Rule 64B18-12.012, F.A.C.

14  
15  
16 She also recommended that the board's Legislative Committee look at s. 461.018, F.S., to see if it can be repealed.  
17 Dr. Sindone expressed discomfort with opening up the practice act, but Dr. Evans agreed to have the Legislative  
18 Committee review the issue.

19  
20 Ms. Clark then asked the board for other rules that they feel can be repealed. The board had no other suggestions.

21  
22 **c. Annual Regulatory Plan (this item was taken during the Rules Committee report)**

23  
24 **i. House Bill 7023**

25  
26 **Section IX concluded: 10:15 a.m.**

27 **Section X began: 10:15 a.m.**

28  
29 **X. COMMITTEE REPORTS:**

- 30  
31 **a. Budget – Robert Morris, Ph.D.:** Dr. Morris told the board that the budget is in relative balance, and had nothing further  
32 to report.
- 33  
34 **b. Continuing Education – Scott Koppel, D.P.M.:** Nothing to report
- 35  
36 **c. Credentials – Scott Koppel, D.P.M.:** Nothing to report
- 37  
38 **d. Disciplinary Compliance – Joseph Strickland, D.P.M.:** Nothing to report
- 39  
40 **e. Examination – Chet Evans, D.P.M.:** Dr. Evans stated that all was in order, and had nothing further to report.
- 41  
42 **f. Healthy Weight – Chet Evans, D.P.M.:** Dr. Evans explained that Healthy Weight remains a priority of the State  
43 Surgeon General, and agreed that it should be a priority. He recommended that the board review the presentation on the  
44 board's website.
- 45  
46 **g. Legislative – Scott Koppel, D.P.M.:** Nothing to report
- 47  
48 **h. Probable Cause – Mark Block, D.P.M.**
  - 49  
50 **i. Stats:** Dr. Block reiterated that the outstanding caseload was reduced caseload at the last PCP meeting by  
51 10 cases, and stated that he hopes to have the backlog of cases erased by the end of the year.
- 52  
53 **i. Residency Programs – Joseph Sindone, D.P.M.:** Dr. Sindone had no report, but stated that he will have one for the  
54 next meeting.
- 55  
56 **j. Rules – Chet Evans, D.P.M.:** Dr. Evans had nothing else to add to Ms. Clark's rules status report.
- 57

1 Ms. Clark explained that in the past, the Annual Regulatory Plan was due on July 1, but due to recent legislation, the  
2 plan will be due on October 1 going forward. She stated that she will prepare the report for discussion at the next  
3 meeting.  
4

5 **k. Unlicensed Activity – Robert Morris, Ph.D.:** Nothing to report  
6

7 **Section X concluded: 10:20 a.m.**

8 **Section XI began: 10:20 a.m.**  
9

10 **XI. OLD BUSINESS:**  
11

12  
13 **Section XI concluded: 10:20 a.m.**

14 **Section XII began: 10:20 a.m.**  
15

16 **XII. NEW BUSINESS:**

17 Jason Winn from the Florida Podiatric Medical Association addressed the board and provided an update on the association's  
18 search for a new Executive Director. He also announced to the board that the national association meeting will be held in  
19 Orlando on July 22-25, 2015.  
20

21 Dr. Sindone asked the board office to provide a contact list of the board members and board staff. Dr. Spivey emphasized  
22 the importance of not discussing board business outside of publicly noticed meetings.  
23

24 Dr. Morris sought clarification about the Statement of Financial Disclosure forms, and it was confirmed that the forms are  
25 due July 1, 2015.  
26

27 **Section XII concluded: 10:27 a.m.**

28 **Section XIII began: 10:27 a.m.**  
29

30 **XIII. NEXT MEETINGS:**  
31

32 **a. August 14, 2015, Orlando** – Mr. Lesho pointed out that this meeting has been moved to Tampa.

33 **b. October 23, 2015, Orlando**  
34

35 **Section XI concluded: 10:33 a.m.**

36 **Section XII began: 10:33 a.m.**  
37

38 **XIV. ADJOURNMENT**  
39

40 **Action:** Motion to adjourn the meeting was made by Dr. Sindone. Seconded by Dr. Koppel.

41 **Vote:** 7 yeas / 0 opposed; motion carried  
42

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