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**FLORIDA** | Board of Podiatric Medicine

DRAFT MINUTES  
August 14, 2015

Tampa Marriott Westshore  
1001 North Westshore Boulevard  
Tampa, Florida 33607



Chet Evans, DPM  
**Chair**

Scott Koppel, DPM  
**Vice-Chair**

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

1 **General Board Business started: 9:00 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

13  
14 **BOARD COUNSEL:**

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

17  
18 **COURT REPORTER:**

19 For the Record  
20 (850) 222-5491

21  
22 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this*  
23 *meeting can be found online: <http://floridaspodiatricmedicine.gov/meeting-information/past-meetings>*

24  
25 **Section II began: 9:01 a.m.**

26  
27 **II. APPROVAL OF MINUTES – June 19, 2015**

28  
29 The minutes of the June 19, 2015 Full Board Meeting were reviewed.

30  
31 **Action:** Motion to accept the minutes was made by Dr. Sindone. Seconded by Dr. Morris.  
32 Vote: 7 yeas / 0 opposed; motion carried

33  
34 **Section II concluded: 9:02 a.m.**

35 **Section III began: 9:02 a.m.**

36  
37 **III. PETITIONS**

38  
39 **a. Variance/Waiver –**

- 40  
41 **i. Nicole Hancock, D.P.M.**  
42 **ii. David Jason Hancock, D.P.M.**

43  
44 Drs. Nicole and David Hancock were not present, and were not represented by counsel.

45  
46 Drs. Nicole and David Hancock appeared before the board at the March 27, 2015 meeting to request an  
47 extension to fulfill the requirement to attend one full day of a Florida Board of Podiatric Medicine meeting  
48 at which disciplinary hearings are conducted within 24 months of initial licensure, as required by Rule  
49 64B18-17.005, F.A.C. The board informed them that they must submit a formal Petition for  
50 Waiver/Variance in order to have their extension requests granted. The board agreed that their attendance at  
51 the March 27, 2015 would fulfill the requirement, as long as the formal petition was submitted and deemed  
52 to be in legal compliance. The petition was presented before the board for final action.

53  
54 **Action:** Motion to grant the Petition for Waiver/Variance for Nicole Hancock, D.P.M. was made by Dr.  
55 Strickland. Seconded by Dr. Sindone.  
56 Vote: 7 yeas / 0 opposed; motion carried  
57

1 **Action:** Motion to grant the Petition for Waiver/Variance for Jason Hancock, D.P.M. was made by Dr.  
2 Sindone. Seconded by Dr. Morris.  
3 Vote: 7 yeas / 0 opposed; motion carried  
4  
5

6 **b. Declaratory Statements –**  
7

8 **i. Richard C. Wilson, D.P.M.**  
9

10 Dr. Wilson was present and was not represented by counsel.  
11

12 Dr. Wilson submitted a Petition for Declaratory Statement regarding s. 461.003, F.S., which was filed July  
13 16, 2015. The petition inquired as to whether or not a podiatric physician could work with a medical doctor  
14 to inject varicose veins under ultrasound guidance in the thigh.  
15

16 **Discussion:**

17 Dr. Evans stated that he didn't find the petition to be specific enough, and said that the types of varicose  
18 veins being injected must be defined.  
19

20 Dr. Wilson specified that he would be working with superficial veins, but not deep veins.  
21

22 Dr. Sindone stated that he believes this type of practice is within the scope of practice of a podiatric  
23 physician. Dr. Koppel agreed.  
24

25 Dr. Koppel made a motion to approve the declaratory statement, which was seconded by Mr. Pearce.  
26 Before a vote was taken, the board discussed specific language for approval to be included in the motion.  
27

28 Dr. Koppel then made a new motion to approve injections of the superficial venous system of the upper leg,  
29 which was seconded by Dr. Sindone.  
30

31 **Action:** Motion to respond to the Petition for Declaratory Statement to say that it is within the scope of  
32 practice of a podiatric physician to inject superficial varicose veins of the leg was made by Dr. Koppel.  
33 Seconded by Dr. Sindone.  
34

35 Vote: 5 yeas / 2 opposed (Block, Strickland); motion carried  
36

36 **Section III concluded: 9:23 a.m.**

37 **Section IV began: 9:23 a.m.**  
38

39 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW:**  
40

41 **a. Brian J. Altman, D.P.M.**  
42

43 Dr. Altman was present and was not represented by counsel.  
44

45 Dr. Altman submitted an application for licensure as a podiatric physician, which was received by the board office  
46 on March 24, 2015. The application was presented to the board due to Dr. Altman's criminal history. Dr. Altman  
47 also holds licenses to practice as a podiatric physician in Illinois, Ohio, and Indiana. The Illinois and Ohio licenses  
48 have had no disciplinary actions taken against them; however, the Indiana license had litigation pending.  
49

50 **Discussion:**

51 The board discussed Dr. Altman's podiatric physician and DEA licenses in Ohio and Indiana. Dr. Altman stated that  
52 he has chosen not to renew any of those licenses.  
53

54 The board then discussed the possibility of approving Dr. Altman's application for licensure contingent upon a  
55 positive PRN evaluation.  
56

1 Dr. Sindone made a motion to deny the application and require a PRN evaluation. Ms. Clark pointed out that  
2 denying the application would require Dr. Altman submit a new application for licensure if he were able to continue  
3 with the process. Dr. Sindone then withdrew his motion.  
4

5 After additional discussion, Dr. Altman agreed to waive the 90-day application requirement, and agreed to be  
6 evaluated by PRN.  
7

8 **Section IV concluded: 9:39 a.m.**

9 **Section V began: 9:39 a.m.**

10  
11 **V. RATIFICATIONS:**

12  
13 **a. Licensure –**

14  
15 **i. Podiatric Physicians**

16  
17 **Action:** Motion to ratify the issuance of Podiatric Physician licenses 3730 through 3742 was made by Dr.  
18 Morris. Seconded by Dr. Sindone.

19 **Vote:** 7 yeas / 0 opposed; motion carried  
20

21 **ii. Podiatric Residents**

22  
23 **Action:** Motion to ratify the issuance of Podiatric Resident licenses 411 through 442 was made by Dr.  
24 Koppel. Seconded by Dr. Sindone.

25 **Vote:** 7 yeas / 0 opposed; motion carried  
26

27 **iii. Certified Podiatric X-Ray Assistants**

28  
29 **Action:** Motion to ratify the issuance of Certified Podiatric X-Ray Assistant licenses 1782 through 1785  
30 was made by Dr. Koppel. Seconded by Dr. Sindone.

31 **Vote:** 7 yeas / 0 opposed; motion carried  
32

33 **b. Continuing Education –**

34  
35 **i. Providers and Courses Approved by CE Committee Chair**

36  
37 **Action:** Motion to ratify the providers and courses approved by the CE committee chair was made by Dr.  
38 Strickland. Seconded by Mr. Pearce.

39 **Vote:** 7 yeas / 0 opposed; motion carried  
40

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

42 **Section VI began: 9:46 a.m.**

43  
44 **VI. PROSECUTION REPORT:**

45  
46 Dr. Spivey presented the report provided by prosecution.

47  
48 **Action:** Motion to accept the prosecution report made by Dr. Koppel. Seconded by Dr. Strickland.

49 **Vote:** 7 yeas / 0 opposed; motion carried  
50

51 **Section VI concluded: 9:48 a.m.**

52 **Section VII began: 9:48 a.m.**

53  
54 **VII. CHAIR/VICE-CHAIR REPORT:**

55  
56 **a. Future Agenda Items:** Nothing to report  
57

58 **Section VII concluded: 9:48 a.m.**

1 **Section VIII began: 9:48 a.m.**  
2

3 **VIII. EXECUTIVE DIRECTOR'S REPORT:**  
4

5 **a. Abandoned Medical Records:**

6 Dr. Spivey spoke about the issue of how to handle abandoned medical records in the event that the records owner  
7 passes away. He stated that he and the other Executive Directors within the bureau have met and would like  
8 feedback on how these scenarios should be handled.  
9

10 After discussion, the board asked board staff to do additional research on the subject to try to find a viable solution.  
11

12 **b. Chair/Vice-Chair Meeting**

13 Dr. Spivey explained to the board that the annual Chair/Vice-Chair Meeting will be held on September 24, 2015,  
14 and the Healthiest Weight meeting will be held on the day prior, September 23, 2015.  
15

16 **c. 2016 Board Meeting Dates –**

- 17  
18 **i. January 22, 2016 – Orlando**  
19 **ii. March 25, 2016 – Orlando**  
20 **iii. July 8, 2016 – Orlando**  
21 **iv. September 30, 2016 – Orlando**  
22

23 Dr. Spivey presented the proposed meeting dates for 2016. The board had no conflicts with the dates.  
24

25 **d. 2016 Probable Cause Panel Meeting Dates**

26 The board agreed to hold the 2016 PCP meetings in person on the afternoon before the 2016 full board meetings.  
27  
28

29 **Section VIII concluded: 10:10 a.m.**

30 **Section IX began: 10:10 a.m.**  
31

32 **IX. BOARD COUNSEL'S REPORT:**  
33

- 34 **a. Rules Status:** Ms. Clark informed the board that the effective date of Rule 64B18-24.002, F.A.C. is August 26,  
35 2015.  
36

37 **b. Review of Suggested Rules for Repeal**

38 Ms. Clark reminded the board that at the previous meeting, they discussed repealing Rules 64B18-12.007, 64B18-  
39 12.001, 64B18-12.009, and 64B18-12.012, F.A.C. She asked the board if they would like to discuss each rule  
40 individually, or if they'd like to take action on them in a group.  
41  
42

43 **Action:** Motion to take action as group and repeal all four rules was made by Dr. Strickland. Seconded by Dr.  
44 Sindone.

45 Vote: 7 yeas / 0 opposed; motion carried  
46

47 Ms. Clark then asked the board if a Statement of Estimated Regulatory Cost (SERC) would need to be completed.  
48

49 **Action:** Motion that a SERC will not be required was made by Dr. Evans. Seconded by Dr. Sindone.

50 Vote: 7 yeas / 0 opposed; motion carried  
51

52 **c. 2015-2016 Annual Regulatory Plan**

53 Ms. Clark presented the 2015-2016 Annual Regulatory Report, in which she identified Rule 64B18-14.010, F.A.C.  
54 as a rule that will need to be worked on in the coming year.  
55  
56

1 Dr. Sindone then asked if it would be possible to change the Medical Errors continuing education requirement from  
2 two hours to one. It was determined that nothing could be done at the board level because the requirement is set by  
3 Chapter 456, F.S.  
4

5 **Action:** Motion to approve the 2015-2016 Annual Regulatory Plan was made by Dr. Koppel. Seconded by Dr.  
6 Strickland.

7 Vote: 7 yeas / 0 opposed; motion carried  
8

9 **Section IX concluded: 10:24 a.m.**

10 **Section X began: 10:24 a.m.**  
11

## 12 X. COMMITTEE REPORTS:

- 13
- 14 a. **Budget – Robert Morris, Ph.D.:** Dr. Morris told the board that he spoke with a Department of Health contact, who  
15 told him that the budget for 3<sup>rd</sup> quarter has been completed, and that there was nothing of note. He then stated that  
16 the 4<sup>th</sup> quarter budget was still pending.
  - 17 b. **Continuing Education – Scott Koppel, D.P.M.:** Nothing to report
  - 18 c. **Credentials – Scott Koppel, D.P.M.:** Nothing to report
  - 19 d. **Disciplinary Compliance – Joseph Strickland, D.P.M.:** Nothing to report
  - 20 e. **Examination – Chet Evans, D.P.M.:** Nothing to report
  - 21 f. **Healthy Weight – Chet Evans, D.P.M.:** Dr. Evans reiterated the upcoming Healthiest Weight meeting, but had  
22 nothing new to report.
  - 23 g. **Legislative – Scott Koppel, D.P.M.:** Nothing to report
  - 24 h. **Probable Cause – Mark Block, D.P.M.**

25

- 26 i. **Stats:** Nothing new to report since the last meeting.

### 27

- 28 i. **Residency Programs – Joseph Sindone, D.P.M.:**

#### 29

- 30 i. **Podiatric Resident Registration Letter**

31 Dr. Sindone informed the board that there were still three residents that are unlicensed; two from Westside  
32 Regional Medical Center, and one from James A. Haley Veteran’s Hospital. He explained that the issue  
33 stems from the resident’s transcripts, which do not specify the type of degree earned.  
34

35 After discussion, the board directed board staff to work with the schools and residency programs to ensure  
36 the three remaining residents are licensed in the appropriate amount of time.  
37

- 38
- 39 j. **Rules – Chet Evans, D.P.M.:** Nothing to add to the rules report
  - 40 k. **Unlicensed Activity – Robert Morris, Ph.D.:** Dr. Morris reported no known issues of Unlicensed Activity. At the  
41 board’s direction, Mr. Lesho stated he will get in touch with an Unlicensed Activity liaison at the department to  
42 provide up-to-date reports to Dr. Morris ahead of board meetings.

43

44 **Action:** Motion to accept the committee reports was made by Dr. Koppel. Seconded by Dr. Sindone.

45 Vote: 7 yeas / 0 opposed; motion carried  
46

47 **Section X concluded: 10:51 a.m.**

48 **Section XI began: 10:51 a.m.**  
49

## 50 XI. OLD BUSINESS:

51

52

53

54 **Section XI concluded: 10:52 a.m.**

55 **Section XII began: 10:52 a.m.**  
56

## 57 XII. NEW BUSINESS:

58

1 Dr. Blocked asked that the board office send follow up e-mails when addendums are sent out by the board office.

2  
3 Dr. Sindone discussed an issue with CE Broker where licensees are having a difficult time finding the free account option.  
4 Mr. Lesho pointed out that if they access CE Broker through the department or board websites, or through  
5 [www.CEatRenewal.com](http://www.CEatRenewal.com), then they will be presented with the free option.  
6

7 Dr. Strickland then brought up an issue with podiatric physicians coming from out of state who were licensed prior to Part  
8 III of the national examination being required for licensure. It was determined that all podiatric physicians who are applying  
9 in Florida must meet the current licensure requirements, meaning they must still sit for Part III; however, since the  
10 requirement is in board rule, the podiatric physicians can submit a Petition for Waiver/Variance if they wish.  
11

12 It was then brought up that Part III of the examination is no longer called PMLexis, and that Rule 64B18-11.002, F.A.C.  
13 must be changed to reflect that.  
14

15 **Action:** Motion to add 64B18-11.002, F.A.C. to the Annual Regulatory Plan was made by Dr. Strickland. Seconded by Dr.  
16 Sindone.

17 Vote: 7 yeas / 0 opposed; motion carried  
18

19 The board allowed Jason Winn, Esq. from the Florida Podiatric Medical Association (FPMA) to speak for a few minutes.  
20 He thanked the board and board staff for providing the association with the meeting materials ahead of time so that they can  
21 be prepared to attend the meetings. He then stated that FPMA is still transitioning, and that they will hold a board meeting  
22 in September. When questioned about their search for a new Executive Direction, Mr. Winn indicated that they're on track  
23 to have one appointed by the end of the year.  
24

25 Dr. Evans asked if any members of the audience were in attendance for purposes of CE credit. Five members of the  
26 audience raised their hands. Dr. Evans then asked if they would be allowed to receive credit since no disciplinary cases were  
27 heard. After discussion, the board decided to allow credit to be granted.  
28

29 **Action:** Motion to allow licensees in attendance at the August 14, 2015 meeting to receive CE credit was made by Dr.  
30 Sindone. Seconded by Dr. Strickland.

31 Vote: 7 yeas / 0 opposed; motion carried  
32

33 **Section XII concluded: 11:07 a.m.**

34 **Section XIII began: 11:07 a.m.**  
35

### 36 XIII. NEXT MEETINGS – October 23, 2015, Orlando

37  
38 **Section XI concluded: 11:07 a.m.**

39 **Section XII began: 11:07 a.m.**  
40

### 41 XIV. ADJOURNMENT

42 **Action:** Motion to adjourn the meeting was made by Dr. Morris. Seconded by Mr. Pearce.

43 Vote: 7 yeas / 0 opposed; motion carried  
44  
45

46 **The meeting was adjourned at 11:09 a.m.**