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FLORIDA | Board of Podiatric Medicine

DRAFT MINUTES

January 22, 2016

Teleconference Call
4042 Bald Cypress Way
Tallahassee, FL 32399



Chet Evans, DPM

Chair

Joseph Sindone, DPM

Vice-Chair

Anthony B. Spivey, DBA

Executive Director

1 **General Board Business started: 9:02 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 Joseph Sindone, DPM, Vice-Chair
8 Mark S. Block, DPM
9 Joseph Strickland, DPM
10 Scott Koppel, 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 Kelly Woodard, Regulatory Specialist II
10 Austin Fletcher, Regulatory Specialist 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
21 **COURT REPORTER:**

22 For The Record

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

26
27
28 Dr. Evans explained that an additional item, the compliance case for James F. Pruchniewski, D.P.M., was added less than 7
29 days before the meeting for good cause shown.

30
31 **Action:** Motion to accept the addendum for good cause shown was made by Dr. Evans. Seconded by Dr. Morris.
32 Vote: 7 yeas / 0 opposed; motion carried

33
34 **Section II began: 9:06 a.m.**

35
36 **II. APPROVAL OF MINUTES –**

- 37
38 a. **October 23, 2015 – Full Board Meeting – Lake Buena Vista**
39
40 b. **December 9, 2015 – Disciplinary Guidelines Sub-Committee – Teleconference Call**

41
42 **Action:** Motion to accept the minutes as written was made by Dr. Koppel. Seconded by Dr. Sindone.
43 Vote: 7 yeas / 0 opposed; motion carried

44
45 **Section II concluded: 9:06 a.m.**

46 **Section III began: 9:06 a.m.**

47
48 **III. PETITIONS:**

49
50 a. **Variance/Waiver –**

51
52 i. **Chitra Reddy, D.P.M.**

53 Dr. Reddy was present and was not represented by counsel.

54
55 Dr. Reddy submitted a Petition for Variance/Waiver, which was filed on January 4, 2016. The petition
56 requested variance from the 40-hour continuing education (CE) hour requirement established by Rule 64B18-
57 17.001, F.A.C. Dr. Reddy stated in her petition that she misunderstood the CE hour requirements, and believed
58 she only needed to complete 20 hours. Dr. Reddy requested that the board accept 10 hours of CE credits that

1 were earned approximately 10 days before the beginning of the biennium, which she has never claimed for the
2 purposes of licensure renewal.
3

4 **Discussion:**

5 After discussion, the board asked that Dr. Reddy obtain a CE course certificate that has been signed by the
6 course instructor and which has her not on it, and provide it to the board office within 30 days.
7

8 **Action:** Motion to approve the Petition for Variance/Waiver upon receipt of the corrected documentation within
9 30 days was made by Dr. Koppel. Seconded by Dr. Morris.

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

12 **ii. Steven Friedman, D.P.M.**

13 Dr. Friedman was present and was not represented by counsel.
14

15 Dr. Friedman submitted a Petition for Variance/Waiver, which was filed on December 29, 2015. The petition
16 requested variance from the 8-hour home study continuing education limit established by Rule 64B18-
17 17.001(4), F.A.C. Dr. Friedman requested the variance because family health issues have made it difficult for
18 him to attend live continuing education courses. The petition requested the variance for only the 2014-2016
19 biennium.
20

21 **Discussion:**

22 Dr. Evans expressed concern that not all of the required courses would be available via home study, and that Dr.
23 Friedman would not be able to complete all of the necessary requirements for renewal.
24

25 After it was determined that all of the hours would be available to Dr. Friedman via home study, a motion was
26 made.
27

28 **Action:** Motion to grant the Petition for Variance/Waiver to allow all 40 hours to be obtained via home study
29 was made by Dr. Sindone. Seconded by Dr. Morris.

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

32 **Section III concluded: 9:29 a.m.**

33 **Section IV began: 9:29 a.m.**
34

35 **IV. APPLICATIONS PRESENTED FOR BOARD REVIEW:**
36

37 **a. Lawrence Gary Lazar, D.P.M. –**

38 Dr. Lazar was present and was not represented by counsel.
39

40 Dr. Lazar submitted an application for licensure as a Podiatric Physician, which was received by the board office on
41 March 6, 2015. The application was referred to the full board because board staff was unable to approve the
42 application due to a malpractice settlement in the amount of \$200,000 in 2010. The application and supporting
43 documentation were presented to the board for review and final action.
44

45 **Discussion:**

46 After a brief discussion, a motion was made.
47

48 **Action:** Motion to approve the application for licensure was made by Dr. Sindone. Seconded by Dr. Koppel.

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

51 **b. Neil A. Kravitz, D.P.M.**

52 Dr. Kravitz was present and was not represented by counsel.
53

54 Dr. Kravitz appeared before the board at the March 27, 2015 meeting to request that the board vacate a 2013 Final
55 Order that revoked his license to practice podiatric medicine in the State of Florida. The board denied the request;
56 however, Dr. Kravitz had also submitted an application for a new license as a podiatric physician, which the board
57 office received on December 10, 2014. The board was unable to take action on the application at the March 27, 2015

1 meeting because Dr. Kravitz had not taken Part III of the national examination. Dr. Kravitz has since taken and
2 passed Part III of the examination, and came before the board to seek a final decision on his application.
3

4 **Discussion:**

5 Dr. Spivey noted that the application for licensure was still incomplete, as there was no malpractice documentation
6 included in the application file.
7

8 Ms. Clark explained to the board that a rule would need to be created to allow for reapplication after a license has
9 been revoked.
10

11 Dr. Sindone motioned to table the discussion until a rule could be created. Before action could be taken on the
12 motion, Ms. Clark explained that a motion to table would not be necessary because the application was incomplete.
13 Dr. Sindone then revised his motion.
14

15 **Action:** Motion to develop a rule to allow for re-application after revocation was made by Dr. Sindone. Seconded by
16 Dr. Morris.

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

19 Ms. Knight explained to the board that an incomplete application for licensure can only remain open for one year
20 after the date of receipt, and that Dr. Kravitz's application was more than one year old. Dr. Koppel then made a
21 motion to extend Dr. Kravitz's application for an additional 6 months following the effective date of the rule the
22 board intended to create, which was seconded by Dr. Strickland. Before action was taken, Mr. Lesho explained that
23 the one year is only applicable to incomplete applications, and if Dr. Kravitz were to submit the final documentation
24 to make his file complete, then the 90-day deemer clause when they become effective.
25

26 After additional discussion, Dr. Koppel revised his motion.
27

28 **Action:** Motion to allow Dr. Kravitz an additional 30 days to complete his application file was made by Dr. Koppel.
29 Seconded by Dr. Sindone.

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

32 The board then decided to hold a rules sub-committee meeting at 12:00 p.m. on March 2, 2016.
33

34 **Section IV concluded: 9:56 a.m.**

35 **Compliance began: 9:56 a.m.**
36

37 **COMPLIANCE (Addendum):**
38

39 **First Appearance for Approval of Monitor**
40

41 **James F. Pruchniewski, D.P.M. PO1910, Case # 2014-03981**

42 Dr. Pruchniewski was present and was not represented by counsel.
43

44 Dr. Pruchniewski appeared before the board at the October 23, 2015, where the board approved a Settlement
45 Agreement that required Dr. Pruchniewski to work under the indirect supervision of a board-approved monitor
46 for a period of one year. Dr. Pruchniewski appeared before the board to seek board approval of his chosen
47 monitor, Barry Blass, D.P.M. Dr. Blass has provided his CV to the board for review.
48

49 **Discussion:**

50 Dr. Evans asked Dr. Blass if he understood his responsibilities as monitor.
51

52 Dr. Blass stated yes, and reminded the board that he is retired but still holds active license, and was already
53 monitoring another licensee for the board.
54

55 Dr. Pruchniewski told the board that he had sold his practice and intends on doing house calls.
56

57 Dr. Evans stated that Dr. Pruchniewski was in compliance with all other provisions of his Final Order.
58

1 **Action:** Motion to approve Dr. Blass as monitor for Dr. Pruchniewski was made by Dr. Morris. Seconded by
2 Dr. Sindone.
3 Vote: 7 yeas / 0 opposed; motion carried
4

5 **Compliance ended: 10:01 a.m.**
6 **Section V began: 10:01 a.m.**
7

8 **V. RATIFICATION:**
9

10 **a. Licensure –**

11 **i. Podiatric Physicians**

12 **Action:** Motion to ratify the issuance of Podiatric Physician licenses 3754 through 3768 was made by Dr.
13 Strickland. Seconded by Dr. Morris.
14 Vote: 7 yeas / 0 opposed; motion carried
15

16 **ii. Podiatric Residents**

17 No Podiatric Resident licenses were issued during this period.
18

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

20 **Action:** Motion to ratify the issuance of Certified Podiatric X-Ray Assistant licenses 1787 through 1790 was
21 made by Dr. Morris. Seconded by Dr. Sindone.
22 Vote: 7 yeas / 0 opposed; motion carried
23

24 **b. Continuing Education –**

25 **i. Providers and Courses Approved by CE Committee Chair**

26 **ii. Providers and Courses Approved by Board Staff**

27 **Action:** Motion to ratify the providers and courses approved by CE Committee chair and by Board Staff was
28 made by Dr. Evans. Seconded by Dr. Block.
29 Vote: 7 yeas / 0 opposed; motion carried
30

31 **Section VI concluded: 10:05 a.m.**
32 **Section VII began: 10:05 a.m.**
33

34 **VI. PROSECUTION REPORT:**

35 Mr. Witters explained to the board that the overall complaint inventory was down to 8, and the year-old cases were down to
36 10.
37

38 Dr. Sindone requested that prosecution provide a list of the year-old cases according to case number. Mr. Witters agreed to
39 provide the list at a future meeting.
40

41 **Action:** Motion to accept the prosecution report was made by Dr. Sindone. Seconded by Dr. Strickland.
42 Vote: 7 yeas / 0 opposed; motion carried
43

44 **Section VI concluded: 10:09 a.m.**
45 **Section VII began: 10:09 a.m.**
46

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

48 **a. Future Agenda Items:** Nothing to report
49

50 **Section VII concluded: 10:10 a.m.**
51

1 **Section VIII began: 10:10 a.m.**

2
3 **VIII. EXECUTIVE DIRECTOR'S REPORT:**

4
5 Dr. Spivey told the board that he had nothing specific to report, but that he has been going downtown for the legislative
6 session. He stated that to date, there has been nothing proposed that would be relevant to the board.

7
8 **Action:** Motion to accept the Executive Director's report was made by Dr. Morris. Seconded by Dr. Koppel.
9 Vote: 7 yeas / 0 opposed; motion carried

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

12 **Section IX began: 10:10 a.m.**

13
14 **IX. BOARD COUNSEL'S REPORT:**

15
16 **a. Rules Status – December 2015:**

17 Ms. Clark presented the rules report found in the agenda, and explained that the board had only one rule in process,
18 which was scheduled to take effect on February 8, 2016. She also told the board that their disciplinary guidelines
19 were in the process of being revised.

20
21 **Action:** Motion to accept the Board Counsel's report was made by Dr. Sindone. Seconded by Dr. Block.
22 Vote: 7 yeas / 0 opposed; motion carried

23
24 **Section IX concluded: 10:12 a.m.**

25 **Section X began: 10:12 a.m.**

26
27 **X. COMMITTEE REPORTS:**

28
29 **a. Budget – Robert Morris, Ph.D.:**

30
31 **i. Budget Report**

- 32
33 **1. Cash Balance Report for 3 Months Ending September 30, 2015**
34 **2. Total Expenditures (Direct and Allocated) for 3 Months Ending September 30, 2015**

35
36 Dr. Morris had nothing to report.

37
38 Dr. Evans directed the board's attention to the informational documents included in the agenda.

39
40 **b. Continuing Education – Scott Koppel, D.P.M.:** Nothing to report.

41
42 **c. Credentials – Scott Koppel, D.P.M.:** Nothing to report.

43
44 **d. Disciplinary Compliance – Joseph Strickland, D.P.M.:** Nothing to report.

45
46 **e. Examination – Chet Evans, D.P.M.:** Nothing to report.

47
48 **f. Healthy Weight – Chet Evans, D.P.M.:** Nothing to report.

49
50 **g. Legislative – Scott Koppel, D.P.M.:**

51
52 Dr. Koppel had nothing to report.

53
54 Dr. Sindone asked Dr. Spivey if he expects anything legislation that may affect the board or profession.

55
56 Dr. Spivey stated that he had not yet received anything pertaining to the board.

57
58 **h. Probable Cause – Mark Block, D.P.M.**

1
2 **i. Stats:**

3 Dr. Block referred the board to the Probable Cause statistics found in the agenda.

4
5 **i. Residency Programs – Joseph Sindone, D.P.M.:** Nothing to report.

6
7 **j. Rules – Chet Evans, D.P.M.:** Nothing to report.

8
9 **k. Unlicensed Activity – Robert Morris, Ph.D.:** Nothing to report.

10
11 **Action:** Motion to accept the committee reports was made by Dr. Block. Seconded by Dr. Sindone.
12 Vote: 7 yeas / 0 opposed; motion carried

13
14 **Section X concluded: 10:16 a.m.**

15 **Section XI began: 10:16 a.m.**

16
17 **XI. OLD BUSINESS:**

18
19
20 **Section XI concluded: 10:16 a.m.**

21 **Section XII began: 10:16 a.m.**

22
23 **XII. NEW BUSINESS:**

24 Jason Winn, Esq., on behalf of the Florida Podiatric Medical Association (FPMA), asked the board if the Declaratory
25 Statements on the board’s website were up to date. He explained that he would like to have the Declaratory Statements from
26 the last 5 years.

27
28 Mr. Lesho explained that the board office had a backlog of Declaratory Statements that were submitted to the public records
29 team for upload. Ms. Clark also mentioned that all Declaratory Statements could be found on the Florida Administrative
30 Register website.

31
32 Dr. Evans asked for an update on FPMA’s search for a new Executive Director or a management company to handle to
33 association’s operations. Mr. Winn explained that FPMA is progressing well, and that an update should be available within
34 2 to 3 weeks.

35
36 Dr. Block asked how new licensees could complete their meeting attendance requirements if the board meets by conference
37 call. Ms. Clark explained that conference calls will likely not contain discipline, so they would not count towards the
38 requirement anyway.

39
40 **Section XII concluded: 10:25 a.m.**

41 **Section XIII began: 10:25 a.m.**

42
43 **XIII. NEXT MEETING – March 25, 2016, Orlando**

44 Dr. Sindone noted that the next board meeting is scheduled for Good Friday, and asked the board if that would present any
45 issues.

46
47 The board agreed that there would be no issues.

48
49 **Section XIII concluded: 10:31 a.m.**

50 **Section XIV began: 10:31 a.m.**

51
52 **XIV. ADJOURNMENT**

53
54 **Action:** Motion to adjourn the meeting was made by Dr. Block. Seconded by Dr. Morris.
55 Vote: 7 yeas / 0 opposed; motion carried

56
57 **The meeting was adjourned at 10:31 a.m.**