

1
2 The Florida Board of Podiatric Medicine held a meeting on Friday, July 8, 2016, commencing at
3 9:00 a.m., this meeting was held at the Hyatt Regency Orlando, 9801 International Drive,
4 Orlando, FL 32819, (407)284-1234.

5
6 **AGENDA**

7
8 **General Board Business started: 9:00a.m.**

9
10 **I. CALL TO ORDER - (Roll Call):** Gail Curry called roll.

11 The meeting was called to order by Dr. Chet Evans, Chair, at approximately 9:10 a.m. Those
12 present for all or part of the meeting included the following:

13
14 **MEMBERS PRESENT:**

15 Chet Evans, M.S., D.P.M., Chair
16 Mark S. Block, D.P.M.
17 Joseph Sindone, D.P.M.
18 Joseph Strickland, D.P.M.
19 Robert Morris, Ph.D.
20 James Pearce, BBA, MBA

14 **MEMBERS EXCUSED:**

Scott Koppel, DPM, Vice-Chair

21
22 **BOARD COUNSEL:**

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

25
26 **PROSECUTION COUNSEL:**

27 Judson Searcy

28
29 **COURT REPORTER:**

30 American Court Reporting

31
32 **AUDIO VISUAL:**

33 Vanguard Audio Visual

34
35 **STAFF MEMBERS PRESENT:**

36 Anthony B. Spivey, DBA, Executive Director
37 Gail Curry, Program Operations Administrator
38 Siby Koshy, Bureau of Operations

39
40 **Action taken:** Motion to approve the agenda as submitted was made by Dr. Morris Seconded by
41 Dr. Sindone.

42 Vote: 6 yeas / 0 opposed; motion carried

43
44 **APPROVAL OF MINUTES – May 18, 2016 – Telephone Conference Call**

45
46 **Action taken:** Motion to table the approval of the minutes until next meeting was made by Dr.
47 Sindone Seconded by Dr. Morris.

48 Vote: 6 yeas / 0 opposed; motion carried

49
50
51 **General Board Business ended at 9:16 a.m.**

1 **Section II started at 9:16 a.m.**

2
3 **II. FINAL ORDER ACTION**

4
5 **a. Kevin Jaffray, D.P.M.**

6 Not present. Not represented by counsel.

7
8 **Discussion:** Judson Searcy gave the description of the case. Medical records were found in Dr.
9 Jaffray's private home. Attempts to serve him the Administrative Complaint to his address of
10 record were made on three separate occasions and were unsuccessful. No address changes were
11 received by the department. Service was ultimately achieved by publishing in La Gacota.

12
13 **Action taken:** Motion to find the respondent was properly served and waived the right to a
14 formal hearing was made by Dr. Sindone Seconded by Dr. Evans.

15 Dr. Block was recused.

16 Vote: 5 yeas / 0 opposed; motion carried

17
18 **Action taken:** Motion to accept the investigative report into evidence for the purposes of
19 imposing penalty was made by Dr. Sindone Seconded by Dr. Morris.

20 Dr. Block was recused.

21 Vote: 5 yeas / 0 opposed; motion carried

22
23 **Action taken:** Motion to adopt the findings of fact as set forth in the administrative complaint
24 was made by Dr. Sindone Seconded by Dr. Morris.

25 Dr. Block was recused.

26 Vote: 5 yeas / 0 opposed; motion carried

27
28 **Action taken:** Motion to adopt the conclusion of law set forth in the administrative complaint
29 made by Dr. Sindone Seconded by Dr. Strickland.

30 Dr. Block was recused.

31 Vote: 5 yeas / 0 opposed; motion carried

32
33 The prosecutor's recommended penalty was suspension of license until Dr. Jaffray updates his
34 address with the department and a fine is \$1,500.00 plus costs. Mary Ellen Clark gave the
35 background on a null & void license, as long as the license was active at the time the violation
36 was committed, fines and costs can be imposed against a null & void license.

37
38 **Action taken:** Motion to request the board to research the possibility of patient notifications was
39 made by Dr. Sindone Seconded by Dr. Strickland.

40 Dr. Block was recused.

41 Vote: 5 yeas / 0 opposed; motion carried

42
43 **Action taken:** Motion to impose costs of \$1321.71 and a fine of \$1,500.00, to be paid within 30
44 days of the entry of the Final Order, was made by Dr. Sindone Seconded by Dr. Strickland.

45 Dr. Block was recused.

46 Vote: 5 yeas / 0 opposed; motion carried

47
48 **Section II ended at 9:29 a.m.**

49 **Section III started at 9:29 a.m.**

50
51 **III. CONTINUING EDUCATION**

1
2 **Action taken:** Motion to approve the continuing education programs submitted by CE Broker
3 was made by Dr. Sindone Seconded by Dr. Block.
4 Vote: 6 yeas / 0 opposed; motion carried

5
6 **Section III ended at 9:30 a.m.**
7 **Section IV started at 9:30 a.m.**

8 9 **IV. PROSECUTOR'S REPORT**

10 Report was given by Judson Searcy. See page 45 of agenda. No PCP meeting has been held since
11 February 2016. Two PCP meetings are scheduled in August. 11 cases are on the agenda.

12
13 Discussion was held in regard to the meeting dates for PCP. Dr. Spivey explained Savada Knight
14 was in charge of PCP meetings and she will coordinate with the members to set up the meetings.

15
16 Requested dates will be:

17 Aug. 1, 2016 @ 8:00am

18 Aug. 29, 30 or 31 @ 8:00 a.m. Dr. Spivey will coordinate with Savada Knight on which day will
19 work.

20 Nov. 9, 2016 @ 8:00am

21 Feb. 2, 2017 @ 8:00am

22 May 4, 2017 @ 8:00am

23
24 **Action taken:** Motion to allow Prosecution Services to continue prosecuting cases older than one
25 year was made by Dr. Sindone, Seconded by Dr. Block.

26 Vote: 6 yeas / 0 opposed; motion carried

27
28 **Action taken:** Motion to accept Prosecutor's Report was made by Dr. Morris, Seconded by Dr.
29 Sindone.

30 Vote: 6 yeas / 0 opposed; motion carried

31
32 **Section IV ended at 9:45 a.m.**
33 **Section V started at 9:45 a.m.**

34 35 **V. CHAIR/VICE CHAIR REPORT**

36
37 -Future Agenda Items

38
39 Dr. Evans raised the issue of the Anti-Trust claims and lack of response from the letter he sent to
40 other Dept. of Health board members.

41
42 **Section V ended at 9:51 a.m.**
43 **Section VI started at 9:51 a.m.**

44 45 **VI. EXECUTIVE DIRECTOR'S REPORT**

46
47 Dr. Spivey explained the letter that was written by the Clinical Lab Board to send to the Governor
48 regarding anti-trust concerns is being reviewed. Dr. Spivey will keep the Board aware of the
49 status.

50

1 Spoke on staff shortages at this time. Staff is down 5 employees out of a staff of 12. We have
2 recently hired a new Supervisor Brandi May. She has been a great help. Also, we interviewed
3 yesterday for the Administrative Assistant II position. All employees in the office have been
4 taking on many jobs and keeping things flowing.

5
6 Explained how the agenda will now be used in an electronic form. The program is called IViewer.
7 This will be your last paper agenda. There will no longer be paper agendas.

8
9 **Action taken:** Motion to accept Dr. Spivey's report was made by Dr. Strickland, Seconded by
10 Dr. Block.

11 Vote: 6 yeas / 0 opposed; motion carried

12
13 **Section VI ended at 9:56 a.m.**

14 **Section VII started at 9:56 a.m.**

15
16 **VII. BOARD COUNSEL REPORT**

17
18 **ADDENDUM**

19
20 Mary Ellen Clark gave the rules report with the updates on the five rules that were in process.

21
22 **A. Board of Podiatric Medicine Rules Report June 2016**

23 Rule 64B18-11.001 Application for Licensure.

24
25
26 **C. May 19, 2016 JAPC Letter**

27 Rule 64B18-16.006 Registration Requirements of Podiatric Residents

28
29
30 Rule 64B-24.001 Initial Certification for Podiatric X-Ray Assistants

31
32
33 **D. Board of Podiatric Medicine Rules Report June 2016 (cont.)**

34 Rule 64B18-14.002 Disciplinary Guidelines

35
36 **Action taken:** Motion was made to toll Rule making process for Rule 64B18-14.002 until a
37 Rules Committee meeting can be held was made by Dr. Sindone, Seconded by Dr. Block.

38 Vote: 6 yeas / 0 opposed; motion carried

39
40 Dr. Sindone suggested a rule committee meeting be set for
41 Aug. 2, 2016 at 12:00 and
42 Aug. 25, 2016 at 12:00.

43
44 Dr. Strickland will replace Dr. Koppel on the Rules committee.

45
46 **E. May 16, 2016 JPAC Letter**

47 Rule 64B18-14.010 Citations

48 Compliance Management Unit Fines/Costs Invoice

49
50 **Discussion:** JACP letter received on May 19. Letter was reviewed. Ms. Clark recommended
51 the Board strike any reference to the one time assessment fee and strike the last sentence of the

1 first paragraph.
2

3 **Action taken:** Motion to approve the July 1, 2016 draft for 64B18-14.010 was made by Dr.
4 Sindone, Seconded by Dr. Strickland.

5 Vote: 6 yeas / 0 opposed; motion carried
6

7 Ms. Clark asked the Board the Statement of Estimated Regulatory Cost questions.
8

9 **Action taken:** Motion that the approved changes would not require a preparation of a SERC
10 was made by Mr. Pearce, Seconded by Dr. Strickland.

11 Vote: 6 yeas / 0 opposed; motion carried
12

13 Ms. Clark explained that the 2016-2017 Annual Regulatory Plan would be due on October 1,
14 2016 and asked whether any one was aware of rules that should be included on that report.
15 Dr. Spivey said none were expected. Ms. Clark also said she didn't see any needed changes.
16 Ms. Clark asked the Board members to make her aware of any rules that should be included as
17 soon as possible so she could start working on them.
18

19 Dr. Evan wanted to know about the requirement for the Podiatric Residents and asked how long
20 can Residents stay unlicensed in the state without being penalized. Section 461.014(1)(e), FS
21 provides that an unlicensed resident cannot continue in residency for an aggregated in excess of
22 three years. This provision cannot be waived by the Board. Therefore cannot be extended.
23

24 **Action taken:** Motion to accept the Board Counsel Report was made by Dr. Morris, Seconded
25 by Dr. Block.

26 Vote: 6 yeas / 0 opposed; motion carried
27

28
29 **Section VII ended at 10:18 a.m.**

30 **Section VIII started at 10:18 a.m.**
31

32 **VIII. RATIFICATION LISTS** 33

34 Podiatric Physicians

35 3799 - 3839

36 **Action taken:** Motion to approve the Ratification list for 3799 – 3839 was made by Dr.
37 Strickland, Seconded by Dr. Block.

38 Vote: 6 yeas / 0 opposed; motion carried
39

40 Podiatric X-Ray Assistant

41 1803 – 1897
42

43 **Action taken:** Motion to approve the Ratification list for 1803 – 1897 was made by Dr.
44 Morris, Seconded by Dr. Block.

45 Vote: 6 yeas / 0 opposed; motion carried
46

47 Podiatric Residents

48 454 – 482
49

50 **Action taken:** Motion to approve the Ratification list for 454 – 482 was made by Dr.
51 Block, Seconded by Dr. Sindone.

1 Vote: 6 yeas / 0 opposed; motion carried

2
3 **Section VIII ended at 10:21 a.m.**

4 **Section IX started at 10:21 a.m.**

5
6 **IX. COMMITTEE REPORTS**

7
8 Budget – Robert Morris, Ph.D.

9 No Report

10
11 Continuing Education – Scott Koppel, DPM

12 No Report

13
14 Credentials – Scott Koppel, DPM

15 No Report

16
17 Disciplinary Compliance – Mark

18 No Report

19
20 Examination – Chet Evans, DPM

21 No Report

22
23 Healthy Weight – Chet Evans, DPM

24 No Report

25
26 Legislative – Scott Koppel, DPM

27 No Report

28
29 Probable Cause – Mark Block, DPM

30 No Report

31
32 **Action taken:** Motion to accept the Committee Reports 482 was made by Dr. Strickland,
33 Seconded by Dr. Sindone.

34 Vote: 6 yeas / 0 opposed; motion carried

35
36 **Section IX ended at 10:23 a.m.**

37 **Section X started at 10:23 a.m.**

38
39 **X. 2017 PROPOSED MEETING DATES**

40
41 **PCP** Feb. 2 @ 8:00 am for TCC (if Board meeting is in person on Feb. 3 this will be at 4:00)

42 Feb. 3 – TCC/in person if discipline

43 March 31 – in person Orlando

44 **PCP** May 4 @ 8:00 am for TCC (if Board meeting is in person on May 5 this will be at 4:00)

45 May 5 – in person Orlando

46 July 14 – in person Orlando

47 Sept. 15 – in person Orlando

48 **PCP** Nov 2 - @ 8:00 am for TCC (if Board meeting is in person on Nov. 3 this will be at 4:00)

49 Nov. 3, 2017 - in person Orlando

50

1 **Section X ended at 10:56 a.m.**
2 **Section XI started at 10:56 a.m.**

3
4 **XI. NEXT MEETING DATE – September 9, 2016 - Orlando**

5
6 Rosen Plaza or Rosen Center in Orlando

7
8 There was some discussion on the location of the meetings. The Board would like to see at least 1
9 meeting in another location. Large part of the profession is in the South. Possibly in Miami or Ft.
10 Lauderdale.

11
12 **Section XI ended at 10:56 a.m.**
13 **Section XII started at 10:56 a.m.**

14
15 Dr. Chet Evans introduced the new Executive Director of the Florida Podiatric Medical
16 Association, Ms. Karen Lambert. Ms. Lambert came forward to introduce herself.

17
18 Dr. Spivey thanked Siby Koshy for coming to help the Board Members with the new IViewer
19 agendas. Siby Koshy gave a brief discussion on the use of IViewer.

20
21 **XII. ADJOURNMENT**

22
23 **Action taken:** Motion to adjourn the Board Meeting was made by Dr. Sindone, Seconded by Dr.
24 Morris.

25 Vote: 6 yeas / 0 opposed; motion carried

26
27 **Meeting Adjourned at 11:10.**
28