

1 The Florida Board of Podiatric Medicine held a meeting on Friday, September 9, 2016,
2 commencing at 9:00 a.m., or shortly thereafter. This meeting will be held at the Rosen Plaza
3 Hotel, 9700 International Drive, Orlando, Florida 32819, (407) 996-9700.

4
5 **AGENDA**
6

7
8 **General Board Business started at 9:04 a.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. Those present for all or part of the
12 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 Excused Absence

21
22 **MEMBERS ABSENT:**

23 Scott Koppel, DPM, Vice-Chair
24 Excused Absence

25
26 **STAFF MEMBERS PRESENT:**

27 Anthony B. Spivey, DBA, Executive Director
28 Gail Curry, Program Operations Administrator

29
30 **BOARD COUNSEL:**

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

33
34 **PROSECUTION COUNSEL:**

35 Judson Searcy, Attorney
36 Division of Medical Quality Assurance

37
38 **COURT REPORTER:**

39 American Court Reporting

40
41 **AUDIO VISUAL:**

42 Vanguard Audio Visual

43
44 **II. MINUTES – May 13, 2016 (Draft Minutes)**

45 Minutes of the July 8, 2016 General Business Meeting was deferred to next Board meeting.

46
47 **III. FINAL ORDER ACTION**

48 Settlement Agreement

a. Voluntary Relinquishment

1. Kinsley Howard, D.P.M.

1 Dr. Block is recused.
2 Judson Searcy gave description of case. The Board wanted to know if Dr. Howard treated
3 patients outside of his scope of practice.
4 Discussion was held on the scope of practice. Also, is action being taken against his
5 nursing license? After discussion of the case the following action resulted.
6 **Action:** Dr. Sindone made a motion to grant the Voluntary Relinquishment. Dr. Morris
7 seconded.
8 Vote 5 yeas; 0 opposed, motion carried.
9

10 **IV. PETITIONS FOR WAIVER AND VARIANCE:**

11 **a. Carol A. Kartagener, Esquire**

12 Petitioner was not present and was not represented by counsel.
13

14 Petitioner requested a variance or waiver from Rule 64B18-12.006, F.A.C., which she is
15 requesting a refund of her deceased husband's renewal fee. Her husband passed away
16 during the last renewal.
17

18 **Action:** Dr. Sindone made a motion to grant the Petition for Variance/Waiver of Rule
19 64B18-12.006 F.A.C. Dr. Morris seconded.
20 Vote 5 yeas; 0 opposed, motion carried.
21

22 **V. RECONSIDERATION:**

23 **a. Marco Vargas, D.P.M.**

24 Petitioner was present and was represented by attorney Chris Lyon.
25

26 There is an amended petition for reconsideration, non-opposition by the Board. Chris
27 Lyon summarized the complaint. He believes the Administrative Complaint was issued
28 in error and was compounded when Dr. Vargas never received the Administrative
29 Complaint due to an address change made with the department.
30

31 **Discussion:** There Board felt there were many miscommunications made in this case.
32

33 **Action:** Dr. Evans made a motion to accept the amended petition for Reconsideration,
34 vacate the Final Order and dismiss the Administrative Complaint. Dr. Block seconded.
35 Vote 5 yeas; 0 opposed, motion carried.
36

37 **VI. PROSECUTION REPORT:**

38 Judson Searcy gave the summary. There are fifteen cases that are being worked on. Two
39 of the oldest cases are gone. There are three 2014 cases, I needs to go to the Probable
40 Case Panel and the other two are post Probable Case Panel.
41

1 **Action:** Motion to allow prosecution of cases older than one year to continue was made
2 by Dr. Morris. Dr. Strickland seconded.
3 Vote 5 yeas; 0 opposed, motion carried.

4
5 **VII. APPLICATION PRESENTED FOR BOARD REVIEW:**

6
7 **a. Amber Mickson**

8 Petitioner was not present and was not represented by council.

9
10 She is applying for Certified Podiatric Medicine X-Ray Assistant and answered yes to a
11 Health History question on her application.

12
13 **Action:** Motion was made by Dr. Sindone to approve the application with condition that
14 the Board receive a letter from the Salvation Army for verification that she is enrolled in
15 the program. Dr. Block seconded.

16 Vote 5 yeas; 0 opposed, motion carried.

17
18 **VI. RATIFICATION LIST:**

19
20 a. Licensure

21 Podiatric Physicians

22 License 3840 – 3851

23
24 **Action:** Motion was made by Dr. Morris to approve the Ratification list for Podiatric
25 Physicians. Dr. Strickland seconded.

26 Vote 5 yeas; 0 opposed, motion carried.

27 Podiatric Residence Registration

28 License 483 – 495

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30
31 **Action:** Motion was made by Dr. Sindone to approve the Ratification list for Podiatric
32 Residence Registration. Dr. Strickland seconded.

33 Vote 5 yeas; 0 opposed, motion carried.

34
35 **VIII. CHAIR/VICE CHAIR REPORT:**

36
37 a. Future Agenda Items

38 No report

39 **IX. EXECUTIVE DIRECTOR'S REPORT:**

40
41 Dr. Spivey reminded the Board about the Healthy Weight meeting on September 27th
42 with the Budget meeting to follow. Chair/Vice Chair meeting is on September 28th.

43
44
45 **X. BOARD COUNSEL REPORT:**

1
2 Mary Ellen Clark gave the Board Council Report.

3
4 **a.** The August 2016 reports showed 5 rules. Rule **64b18-14.010**, Citation Rule, has been
5 successfully completed. In the July meeting there were some changes made to address the
6 concerns of the Joint Committee Administrative Committee. Rule was adopted on Aug.
7 19 and became effective on Sept. 4.

8
9 **b. 64B18-11.001**

10 Proposed changes to the Podiatric Physician Licensure application. A letter received
11 from Joint Committee Administrative Committee on July 7 addresses the application
12 for Podiatric Physician. Changes include email addresses are optional not required. The
13 “7” on the effective date of the application was struck through, needs to be added
14 back. These changes have been made to the application.

15
16 **c. 64B18-16.006**

17 Podiatric Residence Application. Changes include additional language to notify
18 applicants email addresses are optional not required. Email address will become public
19 record. Director’s email addresses will be the same.

20
21 **d. 64B18-24.001**

22 Proposed changes to the X-Ray Technician application. Page 11 of 16, felon offences
23 needs to be changed to felony.

24
25 **Action:** Motion was made by Dr. Sindone to accept the changes recommended for the
26 applications that are incorporated by reference in rules 64B18-11.001, 64B18-16.006 and
27 64B18-24.001. Dr. Block seconded.

28 Vote 5 yeas; 0 opposed, motion carried.

29
30 **Action:** Motion to move that the approved revisions to the applications would not
31 require preparation of a SERC by Dr. Morris. Seconded by Dr. Block.

32 Vote: 5 yeas / 0 opposed; motion carried

33
34 **Question:** Ms. Clark asked the Board if these changes will not require the preparation of
35 a Statement of Estimated Regulatory Costs?

36
37 **Action:** Motion was made to answer No the above question was made by Dr. Morris.
38 Seconded by Dr. Block

39 Vote: 5 yeas / 0 opposed; motion carried

40
41 **XI. COMMITTEE REPORTS:**

42
43 **Budget** – Dr. Robert Morris
44 Nothing to report

45
46 **Continuing Education** – Dr. Chet Evans

1 Nothing

2

3 **Credentials** – Scott Koppel, DPM

4 No Report

5

6 **Disciplinary Compliance** – Dr. Joseph Strickland

7 Nothing

8

9 **Examination** – Dr. Chet Evans

10 Nothing

11

12 **Healthiest Weight** – Dr. Chet Evans

13 Dr. Evans will be attending the Healthy Weight meeting in Tallahassee on Sept. 27.

14 Dr. Evans will also be attending the Chair/Vice Chair meeting in Tallahassee on Sept. 28.

15

16 **Legislative** – Dr. Koppell

17 None submitted.

18

19 **Probable Cause** - Dr. Mark Block

20 Working with prosecution services they have been able to reduce the number of cases
21 sufficiently. He is looking forward to getting the others down in a short period of time.

22

23 **Residency Program** – Dr. Joseph Sindone

24 42 residents have been licensed so far this year. There is a director in Miami working at
25 the VA that May Ellen Clark, Dr. Sindone and Savada Knight are helping to get licensed.

26

27 **Rules** – Dr. Chet Evans

28 Mary Ellen Clark gave the changes to the rules and the applications that the rules will
29 effect.

30

31 **Unlicensed Activity** – Dr. Morris

32 Nothing to report

33

34 **Action:** Motion was made to accept the Committee Reports was made by Dr. Block.

35 Seconded by Dr. Strickland.

36 Vote: 5 yeas / 0 opposed; motion carried

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40 **XII. OLD BUSINESS:**

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42 Revision of May 18th minutes.

43

44 **Action:** Motion to approve the May 18th minutes with the corrected changes was made

1 by Dr Morris. Seconded by Dr. Sindone.
2 Vote: 5 yeas / 0 opposed; motion carried

3
4 **XII. NEW BUSINESS:**

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6 Dr. Block asked if there was a formal mechanism to revisit the requirement of the 2 hours
7 Medial Errors being dropped to 1 hour. The discussion was that this is a Statute
8 requirement and couldn't be changed. Ms. Clark gave the statute number, 456.013(7).
9 This affects all Boards that are regulated by the Department of Health. New legislation
10 would have to be done. Suggestion was made to have the Professional Associations to
11 approach this.

12
13 **Action:** Motion to approve the changes to the Disciplinary Guidelines for rule 64B18-
14 14.002 as reflected in the August 8th draft was made by Dr. Strickland.

15 Seconded by Dr. Block.

16 Vote: 5 yeas / 0 opposed; motion carried

17
18 **Question:** The Board was asked if these changes would require the preparation of a
19 Statement of Estimated Regulatory Costs?

20
21 **Action:** Motion was made to answer No the above question was made by Dr. Sindone.

22 Seconded by Dr. Block

23 Vote: 5 yeas / 0 opposed; motion carried

24
25 Annual Regulatory Plan must be submitted by October 1, 2016. To include a list of any
26 Rules that you would like work on from October 1, 2016 thru September 30, 2017.
27 During the July meeting there were no Rules being put forward. There are no other rules
28 that need to be changed in this time frame.

29
30 **Action:** Motion was made by Dr. Sindone to delegate authority to Dr. Evans to work
31 with Mary Ellen Clark on the final document which is going to list the three rules that the
32 Board already worked on the applications and there would be no other rules the Board is
33 identifying that are on the wish list. Seconded by Dr. Morris.

34 Vote: 5 yeas / 0 opposed; motion carried

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37 **XIV. NEXT MEETING DATE:**

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39 November 15, 2016 – Telephone Conference

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41 **XV. 2017 PROPOSED MEETING DATES:**

42
43 November 15, 2016 @ 12:00 noon for a Telephone conference

44 Feb. 3 – Ft. Lauderdale, possibly at Barry University

45 March 31 – Orlando

46 May 5 – Orlando

1 July 14 – Orlando
2 Sept. 15 – Orlando
3 Nov. 3, 2017 - Orlando

4

5 **XV. ADJOURNMENT**

6

7 **Action taken:** Motion to adjourn the Board Meeting was made by Dr. Sindone,
8 Seconded by Dr. Strickland.

9 Vote: 5 yeas / 0 opposed; motion carried

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11 **Meeting Adjourned at 10:30.**

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DRAFT