

1 The Florida Board of Podiatric Medicine held a meeting on Friday, July 14, 2017, commencing
2 at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way,
3 Tallahassee, Florida, at meet me number (888) 670-3525, participant code 7342425515, to which
4 all persons are invited to attend. Participants in this public meeting should be aware that these
5 proceedings are being recorded and that an audio file of the meeting will be posted to the board's
6 website.

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8 **AGENDA**

9
10 **I. CALL TO ORDER (Roll Call):**

11
12 **BOARD MEMBERS PRESENT:**

13 Joseph Sindone, D.P.M., Chair
14 Joseph Strickland, D.P.M., Vice-Chair
15 Mark S. Block, D.P.M.
16 Robert Morris, Ph.D.

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18 **BOARD STAFF PRESENT:**

19 Anthony B. Spivey, DBA, Executive Director
20 Gail Curry, Program Operations Administrator
21 Brandi May, Regulatory Supervisor
22 Nicole Wiley, Regulatory Specialist II
23 Kelly Woodard, Regulatory Specialist II
24 Alisha Mughal, Regulatory Specialist II

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26 **BOARD COUNSEL:**

27 Mary Ellen Clark, Senior Assistant Attorney General
28 Office of the Attorney General

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30 **PROSECUTION COUNSEL:**

31 Judson Searcy, Assistant General Counsel
32 Louise St. Laurent, Deputy General Counsel

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34 **COURT REPORTER:**

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36 For the Record
37 (850) 222-5491

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39 The meeting was called to order by Dr. Joseph Sindone, Chair at 9:01 a.m.

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41 **Section I ended: 9:03 a.m.**

42 **Section II began: 9:03 a.m.**

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44 **II. APPROVAL OF MINUTES:**

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46 a. **February 3, 2017**

48 **Action:** Motion to approve minutes was made by Dr. Morris, second by Dr.
49 Block.
50 **Vote:** 4 yeas; 0 opposed, motion carried.

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52 b. **May 5, 2017**

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54 **Action:** Motion to approve minutes was made by Dr. Block. Second by Dr.
55 Morris.
56 **Vote:** 4 yeas; 0 opposed, motion carried.

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58 **Section II ended: 9:03 a.m.**
59 **Section III began: 9:04 a.m.**

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61 **III. PETITIONS:**

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63 a. **Declaratory Statement**

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65 **Louis M. Newman, D.P.M**

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67 Dr. Newman was not present nor represented by counsel. Dr. Newman asked
68 whether the performance of physical examinations in accordance with 49 CFR
69 390.105(a)(1), as a certified examiner for the Federal Motor Carrier Safety
70 Administration of the U.S. Department of Transportation is within the scope of
71 practice of a podiatric physician licensed, certified, or registered in accordance
72 with Chapter 461, Florida Statutes. The Board answered, "No." The practice of
73 podiatry is defined by section 461.003(5)FS and is restricted to diagnosis or
74 treatment of the human foot and leg.

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76 **Action:** Motion made to answer the question in the negative was made by Dr.
77 Strickland. Second by Dr. Morris.
78 **Vote:** 4 yeas; 0 opposed, motion carried.

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80 **Section III ended: 9:19 a.m.**
81 **Section IV began: 9:19 a.m.**

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83 **IV. CORRESPONDENCE REVIEW**

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85 a. **Dia D. McCaughan, D.P.M.**

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87 Dr. McCaughan was neither present nor represented by counsel. Dr. McCaughan
88 had received an order in response to her Petition for Variance that required her to
89 attend a continuing education course in the subject area of laws and rules in the
90 jurisdiction in which she is currently practicing and provide satisfactory proof to
91 the Board office of said attendance, within 90 days of the entry of the order. Dr.
92 McCaughan had submitted a continuing education certificate and asked whether
the requirement had been met.

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Action: Motion to approve the course attended by Dr. McCaughan was made by Dr. Strickland. Second by Dr. Morris.

Vote: 4 yeas; 0 opposed, motion carried.

Section IV ended: 9:22 a.m.
Section V began: 9:22 a.m.

V. RATIFICATIONS:

a. Licensure -

i. Podiatric Physicians

License Numbers 3920-3929

Action: Motion to approve the license numbers 3920-3929 was made by Dr. Morris. Second by Dr. Block.

Vote: 4 yeas; 0 opposed, motion carried.

ii. Certified Podiatric X-Ray Assistants

License Numbers 2014-2031

Action: Motion to approve the license numbers was made by Dr. Strickland. Second by Dr. Block.

Vote: 4 yeas; 0 opposed, motion carried.

Continuing Education

Providers & Courses approved by CE Chair

Dr. Sindone reviewed the June meeting for the Florida Podiatric Association which was approved. Dr. Sindone reviewed a second course from the Peter’s Educational Group for wound care education that was approved on May 1, 2017.

Action: Motion to ratify the actions of the continuing education chair was made by Dr. Block. Second by Dr. Strickland.

Vote: 4 yeas; 0 opposed, motion carried.

Section V ended: 9:26 a.m.
Section VI began: 9:26 a.m.

VI. PROSECUTION REPORT:

Judson Searcy gave a breakdown of the current workload in PSU.

139 Current Inventory: **25** Cases

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141 New Complaints: **7** cases in intake

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143 Cases Under Review: **10** cases

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145 Cases Drafted for Probable Cause Panel: **6**

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147 Cases which Probable Cause has been found: **9**

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149 **Action:** Motion made to grant Mr. Searcy his request to continue the prosecution
150 of cases older than one year was made by Dr. Block. Second by Dr. Strickland.

151 **Vote:** 4 yeas; 0 opposed, motion carried.

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153 **Section VI ended: 9:29 a.m.**

154 **Section VII began: 9:29 a.m.**

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156 **VII. RULE 64B18-24.001**

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158 Ms. Clark discussed the approved applications for Podiatric X-Ray Assistants
159 which required an amendment to Rule 64B18-24.001. The board was awaiting a
160 SERC checklist for the rule amendment, which Dr. Spivey completed on July 11,
161 2017. The requirement for fingerprinting is found in Section 456.0135(3). The
162 application states the applicant will have to provide fingerprints. Discussion
163 ensued. The renewal process for this profession needs to have a rule tied to its
164 process. This will be put on hold until the board has a chance to clarify this.
165 Rulemaking will move to the September agenda.

166

167 The Board considered the question: Will the change in the rule have an adverse
168 impact on small business or directly or indirectly increase the regulatory costs in
169 excess of \$200,000 in the aggregate in Florida within 1-year after the
170 implementation of the rule.

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172 **Action:** Motion made that this will not require a preparation of a statement of
173 estimated regulatory costs was made by Dr. Strickland. Second by Dr. Morris.

174 **Vote:** 4 yeas; 0 opposed, motion carried.

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176 **Section VII ended: 9:29 a.m.**

177 **Section VIII began: 9:32 a.m.**

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180 Starting July 1, 2017, every time a new rule is passed or amended by the Board,
181 pursuant to Section 120.695(2), FS, a new question must be answered by the
182 Board “should this rule or any part of this rule be designated a minor violation?”

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184 **Action:** Motion made that this does not constitute a minor violation was made
185 by Dr. Strickland. Second by Dr. Block.

186 **Vote:** 4 yeas; 0 opposed, motion carried.

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188 **Section VIII ended: 9:32 a.m.**

189 **Section IX began: 9:49 a.m.**

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191 **IX. CHAIR/VICE CHAIR REPORT:**

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193 The Board Chair/Vice-Chair’s Meeting will be held in Tallahassee on
194 September 18, 2017.

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196 **Section IX ended: 9:49 a.m.**

197 **Section X began: 9:50 a.m.**

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199 **X. EXECUTIVE DIRECTOR’S REPORT:**

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201 Nothing at this time.

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203 **Section IX ended: 9:50 a.m.**

204 **Section XI began: 9:50 a.m.**

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206 **XI. BOARD COUNSEL’S REPORT:**

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208 a. Section 120.695(2), FS Certification & Rule 64B18-14.009

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210 Ms. Clark explained amending Rule 64B18-14.009. The Section 120.695 took
211 effect in 2016. This Board does have a minor violation rule.

212 **Action:** Motion made to allow Dr. Spivey to make the signature for
213 the minor violation rule made by Dr. Block. Second by Dr. Strickland.

214 **Vote:** 4 yeas; 0 opposed, motion carried.

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216 Discussion on the 2017 – 2018 Annual Regulatory Plan was tabled until the
217 September meeting.

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219 **Section XI ended: 9:56 a.m.**

220 **Section XII began: 9:56 a.m.**

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222 **XII. COMMITTEE REPORTS:**

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224 a. **Budget** – Robert Morris, Ph.D.

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226 As of December 31, 2016, there is a cash balance of 335,642.00.

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228 b. **Continuing Education** –

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230 Dr. Sindone gave a report at the beginning of the meeting.

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c. Credentials –

Dr. Sindone had nothing to report at this time.

d. Disciplinary Compliance – Joseph Strickland, D.P.M.

Nothing at this time.

e. Examination –

Nothing to report at this time.

f. Healthy Weight –

There are materials available to the public for review at the board meetings and on The Department’s website.

g. Legislative –

No report at this time.

h. Probable Cause – Mark Block, D.P.M

No report at this time.

i. Residency Programs – Joseph Sindone, D.P.M

Ms. Woodard with the board office will follow-up with Dr. Sindone about the residency programs.

j. Rules –

No report form the Rules Committee Chair at this time.

k. Unlicensed Activity – Robert Morris, Ph.D.

The Unlicensed Activity Office within the Department of Health gave a presentation on unlicensed activities.

Section XII ended: 10:18 a.m.

Section XIII began: 10:18 a.m.

XIII. OLD BUSINESS:

None at this time.

Section XIII ended: 10:21 a.m.

280 **Section XJV began: 10:21 a.m.**

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282 **XJV. NEW BUSINESS:**

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284 None at this time.

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286 **Section XJV ended: 10:21 a.m.**

287 **Section XV began: 10:21 a.m.**

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289 **XV. NEXT MEETING DATE:**

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291 **a. September 15, 2017**

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293 The next meeting is scheduled to be in Orlando at the Doubletree on Hazeltine
294 Drive. The 2018 board meeting in May was rescheduled to May 11, 2018.

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296 **Section XV ended: 10:21 a.m.**

297 **Section XVI began: 10:21 a.m.**

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299 **XVI. ADJOURNMENT:**

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301 Motion to adjourn made by Dr. Morris. Second by Dr. Block.

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303 Adjourned: **10:27 a.m.**