

FLORIDA | Board of Podiatric Medicine

DRAFT MINUTES

October 13, 2017

Orlando Marriott Lake Mary
1501 International Parkway
Lake Mary, FL 32746



Joseph Sindone, DPM, *Chair*

Joseph Strickland, DPM *Vice-Chair*

Anthony Spivey, DBA, *Executive Director*

1 The Florida Board of Podiatric Medicine held a meeting on Friday, October 13, 2017,
2 commencing at 9:00 a.m. This meeting was held at Orlando Marriott Lake Mary, 1501
3 International Parkway, Lake Mary, FL 32746 to which all persons were invited to
4 attend. Participants in this public meeting were made aware that these proceedings
5 were 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 **Section I began: 9:00 a.m.**

11
12 **I. CALL TO ORDER (Roll Call):**

13 **Board Members Present:**

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

18
19 **Board Staff Present:**

20 Dr. Anthony Spivey, DBA, Executive Director
21 Gail Curry, Program Operations Administrator
22 Kelly Woodard, Regulatory Supervisor
23

24 **Board Counsel:**

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

28 **Prosecution Counsel:**

29 Judson Searcy, Assistant General Counsel
30

31 **Court Reporter:**

32 For the Record
33 (850) 222-5491
34

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

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

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38 **II. APPROVAL OF MINUTES:**

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40 **a. July 14, 2017**

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42 **Action:** Motion to approve made by Dr. Block. Second made by Dr. Morris.

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44 **Vote:** 4 yeas/ 0 opposed. Motion Carried.
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Section II ended: 9:04 a.m.
Section III began: 9:04 a.m.

III. APPLICATIONS PRESENTED FOR BOARD REVIEW

a. Angela Minero

Not Present. Not represented by counsel. Ms. Minero provided an affirmative answer to having criminal history in which board staff were unable to approve. Dr. Morris requested clarification of the outcome of the convictions. The board concluded that Ms. Minero shall be required to appear at the next available board meeting to clarify issues with her dispositions. Ms. Clark noted that if by teleconference, Ms. Minero would need someone present in the room with her to provide sworn testimony.

Action: Motion to approve the application made by Dr. Sindone. Second made by Dr. Block. Motion to withdraw original decision made by Dr. Sindone. Second made by Dr. Block. Motion to require appearance made by Dr. Block. Second made by Dr. Strickland.

Vote: 4 yeas/ 0 opposed. Motion Carried.

Section III ended: 9:12 a.m.
Section IV began: 9:13 a.m.

IV. FINAL ORDER ACTION:

a. Voluntary Relinquishments

i. Harvey Pearl, DPM Case No. 2017-03926

Not Present. Not represented by counsel. Dr. Block requested recovery of department costs. Mr. Searcy stated that the Department decided not to seek recovery of costs based upon the voluntary relinquishment.

Action: Motion to accept voluntary relinquishment made by Dr. Sindone. Second made by Dr. Morris.

Vote: 4 yeas/ 0 opposed. Motion Carried.

b. Settlement Agreements

i. Arash Jahromi, DPM Case No. 2014-07295

91 Not Present. Not represented by counsel. Dr. Jahromi's settlement
92 agreement called for required appearance. Mr. Searcy indicated the
93 terms of the agreement were reasonable with the exception of his
94 appearance. Ms. Clark concluded that to avoid tabling the agreement, the
95 board would need to accept or reject the settlement agreement. Dr.
96 Sindone suggested imposing additional fines. Dr. Sindone concluded
97 that Dr. Jahromi's appearance is required and requested to table the
98 agreement until the next board meeting.
99

100 **Action:** Motion to table the agreement made by Dr. Sindone. Second made by Dr.
101 Strickland.

102
103 **Vote:** Dr. Sindone - Yea; Dr. Strickland - Yea; Dr. Morris - Yea;
104 Dr. Block: Recused

105
106 3 yeas/ 0 opposed. Motion Carried.
107

108 **Section IV ended: 9:34 a.m.**

109 **Section V began: 9:34 a.m.**
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111 **V. RATIFICATIONS:**

112
113 **a. Licensure -**

114
115 **i. Podiatric Physicians**
116

117 **Action:** Motion to ratify the applications preliminarily approved by the
118 Department as identified in the agenda made by Dr. Block. Second made by Dr.
119 Morris.

120
121 **Vote:** 4 yeas/ 0 opposed. Motion Carried.
122

123 **ii. Certified Podiatric X-Ray Assistants**
124

125 **Action:** Motion to ratify the applications preliminarily approved by the
126 Department as identified in the agenda made by Dr. Strickland. Second made by
127 Dr. Block.

128
129 **Vote:** 4 yeas/ 0 opposed. Motion Carried.
130

131 **iii. Podiatric Residents**
132

133 **Action:** Motion to ratify the applications preliminarily approved by the
134 Department as identified in the agenda made by Dr. Block. Second made by Dr.
135 Morris.
136

137 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

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139 **iv. Podiatric Residency Programs**

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141 **Action:** Motion to ratify the applications preliminarily approved by the
142 Department as identified in the agenda made by Dr. Sindone. Second made by Dr.
143 Strickland.

144

145 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

146

147 **v. Reinstated Residency**

148

149 **Action:** Motion to ratify the applications preliminarily approved by the
150 Department as identified in the agenda made by Dr. Sindone. Second made by Dr.
151 Strickland.

152

153 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

154

155 **b. Continuing Education-**

156

157 **i. Providers & Courses approved by CE Chair**

158

159 **Action:** Motion to ratify the applications preliminarily approved by the
160 Department as identified in the agenda made by Dr. Strickland. Second made by
161 Dr. Morris.

162

163 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

164

165 **ii. Providers & Courses approved by Board Staff**

166

167 **Action:** Motion to ratify the applications preliminarily approved by the
168 Department as identified in the agenda made by Dr. Strickland. Second made by
169 Dr. Block.

170

171 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

172

173 **Section V ended: 9:41 a.m.**

174 **Section VI began: 9:41 a.m.**

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176 **VI. PROSECUTION REPORT:**

177

178 Mr. Searcy provided statistics regarding the prosecutions currently open in the
179 Department.

180

181 Total Cases: 28

182 Under Review: 15

183 Voluntary Relinquishment: 1
184 Cases out to experts: 8
185 Cases older than 1 year continued for prosecution: 4
186 Complaints with probable cause found: 11

187
188 **Action:** Motion to authorize continued prosecution of cases older than one year
189 made by Dr. Sindone. Second made by Dr. Block.

190
191 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

192
193 **Section VI ended: 9:47 a.m.**

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

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196 **VII. RENEWAL OF PODIATRIC X-RAY ASSISTANTS:**

197
198 Ms. Clark explained that the board began rulemaking in May for Rule 64B18-
199 24.001 to require a background screening. The board approved amended language
200 but declined to move forward until clarification of the renewal process was
201 provided. Ms. Clark explained that the department has its own rule (64B-9.001)
202 for the renewal process and an application form it uses. Dr. Spivey stated that the
203 background screening would be a one-time only process for initial licensure. The
204 renewal form listed podiatric x-ray assistants as podiatric assistants which could
205 cause confusion. Ms. Clark and Mr. Winn of the Florida Podiatric Medical
206 Association suggested the Department publish corrections in the Florida
207 Administrative Register. Dr. Spivey stated that any corrections would need to be
208 approved by the department. Mr. Winn agreed to notify members of the
209 confusion. Dr. Sindone suggested sending the renewal form even though the
210 correct title for x-ray assistants is omitted.

211
212 **Action:** Motion to send a notice to all podiatric physicians of the correct renewal
213 method for X-ray assistants made by Dr. Sindone. Second made by Dr. Block.

214
215 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

216
217 **Section VII ended: 10:15 a.m.**

218 **Section VIII began: 10:15 a.m.**

219
220 **VIII. CHAIR/VICE CHAIR REPORT:**

221
222 Dr. Sindone presented the schedule for upcoming meetings.

223
224 **Section VIII ended: 10:16 a.m.**

225 **Section IX began: 10:16 a.m.**

226
227 **IX. EXECUTIVE DIRECTOR'S REPORT:**

228

229 Dr. Spivey explained that the Chair/Vice chair meeting was moved due to
230 legislative session. A tentative date has been set for April 23, 2018.

231

232 **Section IX ended: 10:18 a.m.**

233 **Section X and XI began: 10:18 a.m.**

234

235 **X. BOARD COUNSEL'S REPORT:**

236

237 **a. Rules Report September 2017**

238

239 Ms. Clark requested verification that the board is ready to proceed with the
240 rulemaking approved in May, 2017.

241

242 **Action:** Motion to proceed with rulemaking on Rule 64B18-24.001 made by Dr.
243 Strickland. Second made by Dr. Morris.

244

245 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

246

247 **b. 2016-2017 Annual Regulatory Plan**

248

249 **Action:** Motion to ratify approval of 2017-2018 annual regulatory plan previously
250 approved by Dr. Sindone made by Dr. Strickland. Second made by Dr. Morris.

251

252 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

253

254 **c. 64B18-15.001**

255

256 Ms. Clark presented draft language consistent with corrections discussed the prior
257 spring.

258

259 **Action:** Motion to approve drafted language made by Dr. Strickland. Second
260 made by Dr. Morris.

261

262 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

263

264 Ms. Clark requested a motion to notice rule 64B18-15.001, F.A.C. for
265 development.

266

267 **Action:** Motion to approve made by Dr. Sindone. Second made by Dr. Morris.

268

269 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

270

271 Ms. Clark asked whether there were adverse impacts on small business and
272 whether regulatory costs would exceed two hundred thousand dollars within 1
273 year of implementation. The board stated no adverse impact or increase of costs,
274 thus, no need to prepare a statement of estimated regulatory costs.

275

276 **Action:** Motion to approve made by Dr. Sindone. Second made by Dr. Morris.

277

278 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

279

280 Ms. Clark asked whether a violation of the proposed rule would be a minor
281 violation. Minor violation means that it will not directly affect the public health,
282 safety, or welfare and is able to be resolved with citation or notice of non-
283 compliance. The board stated that such violation would not be considered a minor
284 violation.

285

286 **Action:** Motion to approve made by Dr. Sindone. Second made by Dr. Strickland.

287

288 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

289

290 **XI. ANNUAL REGULATORY PLAN 2017- 2018**

291

292 Ms. Clark previously addressed the plan in Section X. No additional discussion
293 occurred.

294

295 **Section X and XI ended: 10:28 a.m.**

296 **Section XII began: 10:28 a.m.**

297

298 **XII. COMMITTEE REPORT**

299

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

301

302 Nothing to Report

303

304 **b. Continuing Education – Joseph Sindone, D.P.M.**

305

306 Nothing to Report

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308 **c. Credentials – Joseph Sindone, D.P.M.**

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310 Nothing to Report

311

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

313

314 Nothing to Report

315

316 **e. Examination – Joseph Sindone, D.P.M.**

317

318 Nothing to Report

319

320 **f. Healthy Weight – Anthony Spivey, Ph.D**

321 Dr. Spivey relayed the statistics of the healthiest weight initiative.

322

323 **g. Legislative – Joseph Strickland, D.P.M.**

324

325 Dr. Strickland indicated he was pursuing liability issues.

326

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

328

329 Dr. Block recommended meeting every 1-2 months

330

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

332

333 Nothing to Report

334

335 **j. Rules – Joseph Sindone, D.P.M.**

336

337 Rules were addressed by Board counsel

338

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

340

341 Unlicensed activity was addressed by prosecution. Dr. Morris requested
342 contact information for who handles unlicensed activity within the
343 department

344

345 **Section XII ended: 10:36 a.m.**

346 **Section XIII began: 10:36 a.m.**

347

348 **XIII. OLD BUSINESS:**

349

350 Nothing to Report

351

352 **Section XIII ended: 10:36 a.m.**

353 **Section XIV began: 10:36 a.m.**

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355 **XIV. NEW BUSINESS:**

356

357 Dr. Block addressed opioid issues and explained how legislature is seeking a 2
358 hour continuing medical education requirement in addition to 2 hours of medical
359 errors. Dr. Block suggested that lectures be one time only OR integrate 1 hour of
360 opioid and 1 hour of medical errors.

361

362 **Action:** Motion to request consideration of the rule prior to implementation made
363 by Dr. Block. Second made by Dr. Morris.

364

365 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

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Section XIV ended: 10:42 a.m.
Section XV began: 10:42 a.m.

XV. NEXT MEETING DATE:

- a. Discussion ensued relating to dates, location, and travel. Dr. Sindone concurred that the meeting should remain on December 8th, 2017. The board agreed to change the May 2018 meeting to April 27th, 2018. New licensees in attendance were sworn in. Dr. Strickland suggested meeting during the SAM conference.

Break 10:49-10:57 a.m.

Section XV ended: 11:06 a.m.
Section XVI began: 11:06 a.m.

XVI. ADJOURNMENT:

Action: Motion to adjourn made by Dr. Morris. Second made by Dr. Block.

Vote: 4 yeas/ 0 opposed. Motion Carried.

Section XVI ended: 11:06 a.m.