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**DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE  
BOARD OF PODIATRIC MEDICINE**

**MINUTES  
GENERAL BUSINESS MEETING**

**Peabody Hotel  
9801 International Drive  
Orlando, FL 32819**

**July 27, 2012**

Agenda items are subject to being taken up at anytime during the meeting. Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

**CALL TO ORDER:**

Dr. Weisman, acting Chair, called the meeting to order at 9:10 a.m. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Sherwood Weisman, D.P.M., Chair  
Chet Evans, D.P.M.  
Scott Koppel, D.P.M.  
Robert Morris, Ph.D.

**MEMBER NOT PRESENT:**

Beth Pearce, D.P.M. (Excused)

**STAFF PRESENT:**

Bruce Deterding, Board Executive Director  
Sharon Guilford, Program Operations Administrator

**BOARD COUNSEL:**

Mary Ellen Clark, Assistant Attorney General  
Office of Attorney General

**PROSECUTING ATTORNEY**

Michael Lawrence, Assistant General Counsel  
Mary Miller, Assistant General Counsel  
Department of Health

**APPROVAL OF MINUTES:**

**March 23, 2012 – Full Board Meeting**

**Dr. Evans moved to approve the above minutes. The motion carried 4/0.**

1 **FINAL ORDER ACTIONS:**

2  
3 **Motion for Determination of Waiver and For Final Order by Hearing Not Involving**  
4 **Disputed Issues of Material Fact:**

5  
6 **Gerald P. Klapper, D.P.M. – Case Number 11-04921**  
7 **PCP: Pearce/Weisman**

8  
9 Dr. Klapper was neither present nor represented by counsel.

10  
11 Mr. Lawrence stated that an error was made during the noticing process; therefore, he was pulling  
12 the case from the agenda.

13  
14 **Mark W. Sturge, D.P.M. – Case Number 11-06743**  
15 **PCP: Pearce/Strickland**

16  
17 Dr. Sturge was present, sworn but was not represented by counsel.

18  
19 Mr. Lawrence informed the board that the respondent had violated:

- 20
  - Section 461.013(1)(s), F.S.
  - Section 456.072(1)(bb), F.S.

21  
22  
23 **Mr. Morris moved to accept all the investigative report into evidence and to impose penalty.**  
24 **The motion was seconded and carried 4/0.**

25  
26 **Dr. Evans moved that the respondent was properly served. The motion was seconded and**  
27 **carried 4/0.**

28  
29 **Dr. Evans moved to adopt the findings of fact into evidence as alleged in the administrative**  
30 **complaint. The motion was seconded and carried 4/0.**

31  
32 Dr. Sturge addressed the board.

33  
34 **Dr. Evans moved to adopt the conclusions of law and find that the respondent was in**  
35 **violation as alleged in the administrative complaint and the violation constitutes a violation**  
36 **of the Practice Act. The motion was seconded and carried 4/0.**

37  
38 Mr. Lawrence recommended the following penalty:

- 39
  - Reprimand
  - Administrative fine of \$5,000.00, payable within 60 days from the filing of the Final  
41 Order
  - Completion of continuing education as specified by the board

42  
43  
44 Discussion ensued.

45  
46 **Dr. Evans moved to accept the department's recommendation and to require that an**  
47 **additional two (2) hours of continuing education in the area of in Medical Errors (including**  
48 **wrong site surgery) be achieved by the respondent prior to the renewal period ending,**  
49 **March 31, 2014. The motion was seconded and carried 4/0.**

1 **Dr. Evans moved to Assess Costs of \$2,512.91, payable within 60 days from the filing of the**  
2 **Final Order. The motion was seconded and carried 4/0.**

3  
4 **Prosecution Report**

5  
6 Mr. Lawrence provided an overview of the Prosecution Report. (see Attachment A)

7  
8 **CORRESPONDENCE from Richard D. Kimmel, D.O., F.C.C.P., P.A. – Earl Horowitz,**  
9 **D.P.M. – Declaratory Statement – Section 461.003(5), Florida Statutes**

10  
11 For information only.

12  
13 **RATIFICATION OF LICENSURE:**

14  
15 **Podiatric Physicians**

16 Fotopoulos, Efrosini PO 3541 through Fusco, Thomas Arthur PO 3553

17  
18 **Dr. Koppel moved to approve the ratification list as presented. The motion was seconded**  
19 **and carried 4/0.**

20  
21 **Podiatric X-ray Assistants**

22 McGeehen, Robyn Renee' PXA 1309 through Gilpin, Genea Faye PXA 1382

23  
24 **Dr. Koppel moved to approve the ratification list as presented. The motion was seconded**  
25 **and carried 4/0.**

26  
27 **APPLICANT PRESENTED FOR BOARD REVIEW:**

28  
29 **Joel C. Rutherford, D.P.M.**

30  
31 Dr. Rutherford was present, sworn but was not represented by counsel.

32  
33 Dr. Weisman provided an overview of the application. Dr. Rutherford had responded "Yes" to  
34 being denied licensure in California (2005) based on a misdemeanor charge dated back to 1990;  
35 being denied hospital privileges in Montana (2010); and having been charged and convicted of  
36 attempted abandonment of a minor in New York (1990).

37  
38 Dr. Rutherford addressed the board.

39  
40 Discussion ensued.

41  
42 **Dr. Evans moved to approve Dr. Rutherford's application for licensure as a Podiatric**  
43 **Physician. The motion was seconded and carried 4/0.**

44  
45 **CHAIR/VICE-CHAIR REPORT:**

46  
47 Dr. Weisman stated that the Chair/Vice-Chair's Annual Meeting will be held during the month of  
48 September 2012.

1 Mr. Deterding provided a brief overview and stated that the department had requested the Budget  
2 Committee Chair be included in the invitation to the annual meeting. Dr. Morris, as Budget  
3 Committee Chair, acknowledged the invitation.

4  
5 **Future Agenda Items**

6  
7 No future agenda items provided.

8  
9 **EXECUTIVE DIRECTOR'S REPORT:**

10  
11 • **Correspondence from Dennis R. Frisch, D.P.M. – Social Media**

12  
13 Mr. Deterding provided a brief overview of the correspondence from Dr. Frisch. Some discussion  
14 ensued but there was no action taken.

15  
16 • **Renewal Reports:**

- 17  
18 ○ **Podiatric Medicine**  
19 ○ **Podiatric X-ray Assistant**

20  
21 Mr. Deterding provided a brief overview of the Renewal Reports. There was no action taken.

22  
23 **BOARD COUNSEL'S REPORT:**

24  
25 **Rules Status Report**

26  
27 Ms. Clark provided an overview of the Rules Status Report.

28  
29 **Dr. Evans moved to accept the report as presented. The motion was seconded and carried**  
30 **4/0.**

31  
32 The board recognized Ms. Deborah Troupe with the Professional Resource Network (PRN) to  
33 speak. Ms. Troupe acknowledged the Florida Podiatric Medicine Association, Executive Director  
34 Michael Schwartz, for their donation of \$1,000 to PRN.

35  
36 **COMMITTEE REPORTS:**

37  
38 **Budget – Dr. Morris**

- 39  
40 • **Disbursements by Category Report**  
41 • **Revenue Report**  
42 • **Expenditures by Function for Period Ending 3/31/2012**  
43 • **Cash Balance Report for 9 Months Ending 3/31/2012**  
44 • **Total Expenditures (Direct and Allocated) by Board for 9 Months Ending 3/31/2012**  
45  
46 • **Allocations to Boards by Source Organization and Category for 9 Months Ending**  
47 **3/31/2012**

48  
49 Dr. Morris provided a brief report.

1 **Continuing Education – Dr. Koppel**

2  
3 **CE Providers & Course Approved by CE Chair**

4  
5 **Mr. Morris moved to approve the ratification list as presented. The motion was seconded**  
6 **and carried 4/0.**

7  
8 **Credentials – Dr. Koppel**

9  
10 No report.

11  
12 **Disciplinary Compliance – Dr. Weisman**

13  
14 **Syed M. Amouzegar, D.P.M. – Case Number 07-31350 – Probationary Appearance**

15  
16  
17 Dr. Amouzegar was present, sworn but was not represented by counsel. Also, Dr. Robert Hoover  
18 (monitor) was present and sworn.

19  
20 Dr. Weisman stated that Dr. Amouzegar is continuing to comply with the terms of the Final Order  
21 and had requested to change his board monitor due to travel difficulties.

22  
23 Drs. Amouzegar and Hoover addressed the board.

24  
25 Discussion ensued.

26  
27 **Dr. Koppel moved to approve Dr. Amouzegar’s personal appearance and the continued**  
28 **compliance with the Final Order. The motion was seconded and carried 4/0.**

29  
30 **Nathan W. Moy, D.P.M. – Case Number 09-10797 – Probationary Appearance**

31  
32 Dr. Moy was present, sworn but was not represented by counsel. Also, Dr. Sean Shanahan  
33 (monitor) was present and sworn. Ms. Troupe, with PRN, was also present.

34  
35 Dr. Weisman stated that Dr. Moy is continuing to comply with the terms of the Final Order but he  
36 has requested an extension of completing the required course on “Prescribing Controlled Drugs:  
37 Critical Issues and Common Pitfalls of Misprescribing”.

38  
39 Discussion ensued.

40  
41 **Dr. Evans moved to approve the extension for completing the required course “Prescribing**  
42 **Controlled Drugs: Critical Issues and Common Pitfalls of Misprescribing” by February 11,**  
43 **2013. The motion was seconded and carried 4/0.**

44  
45 **Dr. Koppel moved to approve Dr. Moy’s personal appearance and the continued**  
46 **compliance with the Final Order. The motion was seconded and carried 4/0.**

47  
48 **Examination – Dr. Evans**

49  
50 No report.

1 **Legislation – Dr. Koppel**

2  
3 No report.

4  
5 **Probable Cause – Dr. Pearce**

6  
7 **Stats**

8  
9 For information only.

10  
11 **Residency Programs – Dr. Pearce**

12  
13 No report.

14  
15 **Rules – Dr. Evans**

16  
17 **Approval of Applications and Rules:**

18  
19 **64B18-11.001, F.A.C. – Application for Licensure**

20  
21 Ms. Clark provided an overview of the application and Rule 64B18-11.001, F.A.C.

22  
23 **Dr. Evans moved to approve the application as presented. The motion was seconded and**  
24 **carried 4/0.**

25  
26 **Dr. Evans moved to approve the proposed changes and Notice for Rule Development to**  
27 **Rule 64B18-11.001, F.A.C. The motion was seconded and carried 4/0.**

28  
29 **Dr. Evans moved that the proposed rule would not have any adverse impacts on small**  
30 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**  
31 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**  
32 **after the implementation of the rule. The motion was seconded and carried 4/0.**

33  
34 **64B18-17.001, F.A.C. – Continuing Education Required for License Renewal**

35  
36 Ms. Clark provided drafted language for review and action. (see Attachment B)

37  
38 **Dr. Koppel moved to approve the proposed changes and Notice for Rule Development to**  
39 **Rule 64B18-17.001, F.A.C. The motion was seconded and carried 4/0.**

40  
41 **Dr. Morris moved that the proposed rule would not have any adverse impacts on small**  
42 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**  
43 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**  
44 **after the implementation of the rule. The motion was seconded and carried 4/0.**

45  
46 **64B18-17.001 Continuing Education Required for License Renewal.**

47 (1) All actively licensed podiatric physicians shall obtain continuing education which  
48 contributes to the reduction of risk in the practice of podiatric medicine and the advancement,  
49 extension or enhancement of professional skill and knowledge in the field of podiatric medicine  
50 and the licensee's understanding of the regulatory law and rules which govern the practice of  
51 podiatric medicine. The continuing education that contributes to the advancement, extension or

1 enhancement of professional skill and knowledge in the field of podiatric medicine, shall focus on  
2 subjects which are primarily scientific in nature and of significant benefit to the podiatric  
3 physician on a post-graduate level. No commercial laboratories will be approved for continuing  
4 education credit because those laboratories are designed primarily to demonstrate equipment and  
5 procedures for the purpose of making a sale.

6 (2) All licensees who seek to renew the active status of their licensure must demonstrate that  
7 they have completed, during the previous two years, at least forty (40) hours of continuing  
8 education.

9 (a) At least one (1) of the forty (40) hours must concern the topic of risk management.

10 (b) At least one (1) of the forty (40) hours must be on the subject of laws and rules to bring  
11 the licensee up to date on laws and rules of the Board and the regulatory agency under which the  
12 Board operates.

13 (c) At least two (2) of the forty (40) hours must be on the subject of prevention of medical  
14 errors.

15 (d) For active licensees, up to ten (10) hours of pro bono service may be counted toward the  
16 required continuing education for the biennium in which the service was provided. Pro bono  
17 service, however, must be performed under the auspices of a nonprofit agency, and proof of such  
18 service on the agency's letterhead and signed by the director of the agency, must be provided  
19 upon audit of the licensee's continuing education credit hours.

20 (e) ~~(d)~~ Licensees may complete up to three hours of continuing education per biennium in the  
21 area of practice management. Providership of any such hours must be approved in advance by the  
22 Continuing Education Committee. Such approval shall be granted pursuant to the requirements of  
23 Rule 64B18-17.002, F.A.C. Practice management is defined as the development or mechanics of  
24 establishing and managing an office, including enhancement of patient care, insurance issues, and  
25 working with managed care programs. It does not include methods of increasing business profits,  
26 marketing of podiatric services, investments, or financial management.

27 (f) Active board members, for each full or partial biennium served on the Board, or former  
28 Board members participating in annual service on a Probable Cause Panel, shall receive thirteen  
29 hours of continuing education credit per biennium that may be used to satisfy the required hours  
30 for laws and rules, risk management, prevention of medical errors or other general continuing  
31 education requirements.

32 (3)(a) For the purpose of this rule, risk management is defined as the identification,  
33 investigation, analysis, and evaluation of risks, and the selection of the most advantageous  
34 method of correcting, reducing or eliminating identifiable risks.

35 (b) The continuing education requirement in risk management may be obtained by complying  
36 with paragraphs 1.-3., below, upon attendance of one (1) day of a regularly scheduled Board  
37 meeting which includes disciplinary proceedings:

38 1. The licensee must sign in with the Executive Director ~~Administrator~~ of the Board before  
39 the meeting begins.

40 2. The licensee must remain in continuous attendance.

41 3. The licensee must sign out with the Executive Director ~~Administrator~~ of the Board at the  
42 end of the meeting day.

43 (4) Except for the home study authorized by subsection 64B18-17.002(1), F.A.C., a licensed  
44 podiatric physician may receive only up to 8 hours credit for home study continuing education  
45 programs taken during the biennium.

46 (5) Any volunteer expert witness who is providing expert witness opinions for cases being  
47 reviewed pursuant to Chapter 461, F.S., shall receive five (5) hours of credit in the area of risk  
48 management for each case reviewed up to a maximum of ten (10) hours per biennium. In this  
49 regard, volunteer expert witnesses are encouraged to perform a review of podiatric, medical,  
50 legal, and/or ethical literature, as appropriate to the case being reviewed. An application for

~~waiver under subsection (5) will be denied if it fails to comply with subsection (5). If the Board votes to deny the application for waiver, the Board will issue a Notice of Intention to Deny Waiver, and the provisions of Section 120.57, Florida Statutes, shall govern the procedure to be followed thereafter.~~

(6) Continuing education earned for the purpose of renewing a delinquent license may not be applied to the continuing education requirement for the next biennial renewal date.

(7) Licensees must retain proof of attendance at continuing education programs for two years subsequent to the expiration of the biennial period for which the programs are claimed. Proof of attendance must be documented by a record of registration or certification of attendance issued by the program which states the number of credit hours received. Acceptable record of registration at a program is a receipt for the program, a copy of an embossed badge identifying the name, date and location of the program, or a copy of the front and back of the canceled check used by the licensee to pay for the program.

(8) Certified podiatric x-ray assistants must complete the eight hour course set forth in Section 461.0135, Florida Statutes, prior to renewal of certification.

(9) Licensees must submit verification of attendance at any required continuing education course(s) to the Board or the Department within thirty (30) days of a request for such documentation.

(10) No later than upon first renewal, all licensees must demonstrate completion of a continuing education course approved by the Board on the topic of HIV/AIDS.

**Dr. Koppel moved to approve the proposed changes and Notice for Rule Development to Rule 64B18-17.003, F.A.C. The motion was seconded and carried 4/0.**

**Dr. Evans moved that the proposed rule would not have any adverse impacts on small businesses and would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded and carried 4/0.**

**64B18-17.003, F.A.C. – Continuing Education Program Not Requiring Pre-Approval from the Board.**

Ms. Clark provided the drafted language.

**64B18-24.001, F.A.C. – Initial Certification for Podiatric X-Ray Assistants**

**Dr. Koppel moved to approve the proposed changes and Notice for Rule Development to Rules 64B18-17.001 and 64B18-24.001, F.A.C. The motion was seconded and carried 4/0.**

**Dr. Evans moved to modified approve the application changes to Rule 64B18-24.001, F.A.C. The motion was seconded and carried 5/0.**

**Dr. Evans moved that the proposed rule would not have any adverse impacts on small businesses and would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. The motion was seconded and carried 4/0.**

**Unlicensed Activity – Dr. Morris**

No report.



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**PROPOSED 2013 MEETING DATES**

The board recommended the following 2013 meeting dates with the meetings to be held in , Florida.

- March 22<sup>nd</sup>**
- June 28<sup>th</sup>**
- November 8<sup>th</sup>**

**NEXT MEETING DATE – November 16<sup>th</sup> - Tampa**

**ADJOURNMENT:**

The meeting was adjourned at 11:45 a.m.