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

**MINUTES
GENERAL BUSINESS MEETING
By Telephone Conference**

**4042 Bald Cypress Way
Tallahassee, FL**

November 16, 2012

14 Mr. Deterding stated on the record that participants in this public meeting should be aware that
15 these proceedings are being recorded and that an audio file of the meeting will be posted to the
16 board's website.

17
18 **CALL TO ORDER:**

19 Dr. Pearce, Chair, called the meeting to order at 9:00 a.m. Those present for all or part of the
20 meeting included the following:

21
22 **MEMBERS PRESENT:**

23 Beth Pearce, D.P.M., Chair
24 Sherwood Weisman, D.P.M., Vice-Chair
25 Chet Evans, D.P.M.
26 Scott Koppel, D.P.M.
27 Robert Morris, Ph.D.

28
29 **STAFF PRESENT:**

30 Bruce Deterding, Board Executive Director
31 Sharon Guilford, Program Operations Administrator
32 Michele L. Jackson, Regulatory Supervisor/Consultant
33 Keri Meany, Regulatory Specialist II
34 Kellee Crowson, Regulatory Specialist I

35
36 **BOARD COUNSEL:**

37 Rachel Clark, Assistant Attorney General
38 Office of Attorney General

39
40 **PROSECUTING ATTORNEY**

41 Michael Lawrence, Assistant General Counsel
42 Department of Health

43
44 **COURT REPORTER:**

45 For The Record (850) 222-5473

46
47 **APPROVAL OF MINUTES:**

48
49 **July 27, 2012 – Full Board Meeting**
50

1 **Dr. Morris moved to approve the minutes with the modification to page 4, line 33 replacing the word**
2 **“President” with “Executive Director”. This motion was carried out 5/0.**

3
4 **FINAL ORDER ACTION:**

5
6 Ms. Clark provided an overview of the proceedings.

7
8 **Motion for Final Order by Settlement Agreement:**

9
10 **Ana M. Wiggington, P.X.A. – Case Number 11-02425**
11 **PCP: Pearce/Weisman**

12
13 Ms. Wiggington was present but was not represented by counsel.

14
15 Mr. Lawrence informed the board that the respondent had violated:

- 16 • Section 461.013(1)(cc), F.S., Chapter 456, F.S., or by violating Rule 64B18-17.001(8),
17 F.A.C.

18
19 Mr. Lawrence advised the board that the settlement agreement contained the following
20 provisions:

- 21 • Administrative fine of \$500.00, payable within one (1) year from the filing of the Final
22 Order
23 • Administrative costs of \$875.53, payable within one (1) year from the filing of the Final
24 Order
25 • Payment credit of \$272.00 of the total fine and costs due to payment of the citation issued
26 in that amount
27 • Completion of continuing education requirements (by certified documentation) for the
28 biennium period of April 1, 2008 through March 31, 2010, within six (6) months of the
29 filing of the Final Order

30
31 Discussion ensued.

32
33 **Dr. Evans moved to accept the Settlement Agreement as presented. The motion was**
34 **seconded and carried 3/0.**

35
36 **Prosecution Report**

37
38 Mr. Lawrence provided an overview of the Prosecution Report.

39
40 **PETITION FOR VARIANCE/WAIVER – Sean Hodson, D.P.M. – Rule 64B18-17.001(2),**
41 **Florida Administrative Code – Continuing Education Required for License Renewal**

42
43 Dr. Hodson was neither present nor represented by counsel.

44
45 Ms. Guilford informed the board that Dr. Hodson filed the petition to request the 20 hours of
46 continuing education taken in October 2011, be granted approval for the 2012-2014 biennial
47 requirements.

1 **Dr. Koppel moved to deny the Petition for Variance/Waiver, for failure to demonstrate a**
2 **substantial hardship in taking additional courses to satisfy the continuing education**
3 **requirements. The motion was seconded and carried 5/0.**

4
5 **APPLICANTS PRESENTED FOR BOARD REVIEW – Donna Faulkner, P.X.A.**

6
7 Ms. Faulkner was neither present nor represented by counsel.

8
9 Ms. Clark provided an overview of Ms. Faulkner’s application. She stated that Ms. Faulkner had
10 answered “Yes” to history questions 4a and the applicant history question 1. According to 21
11 U.S.C., Section 846, the applicant is ineligible for licensure. Therefore, the board is required to
12 deny her licensure based on Chapter 456.0635, F.S.

13
14 Discussion ensued.

15
16 **Dr. Evans moved to deny Ms. Faulkner’s application based on Chapter 456.0635, F.S. The**
17 **motion was seconded and carried 5/0.**

18
19 **RATIFICATION LIST:**

20
21 **Podiatric Physicians**

22 (Garrett Manfred Wobst, PO 3554 through David Jason Hancock, PO 3579)

23
24 **Dr. Weisman moved to approve the ratification list as presented. The motion was seconded**
25 **and carried 5/0.**

26
27 **Podiatric X-ray Assistants**

28 (Megan Lee Brave, PXA 1383 through Veronica Peters, PXA 1420)

29
30 **Dr. Weisman moved to approve the ratification list as presented. The motion was seconded**
31 **and carried 5/0.**

32
33 **CHAIR/VICE-CHAIR REPORT:**

34
35 **Update on Board/Council Chairs & Vice Chairs Annual Meeting –**
36 **Sherwood Weisman, D.P.M.**

37
38 Dr. Weisman provided an overview of the Board/Council Chairs & Vice Chairs Annual Meeting.
39 Several items discussed were allowing all members to participate on the probable cause panel to
40 receive a better understanding of the panel’s actions and process; updating of board websites;
41 changes in the continuing education submissions and licensure renewal.

42
43 Mr. Deterding provided an overview of the changes happening with the continuing education and
44 renewal.

45
46 The board asked Mr. Deterding to draft language for the Florida Podiatric Medical Association to
47 publish in their newsletter

48
49 Ms. Wendy Hansen, Esq. for the Florida Podiatric Medical Association (FPMA), stated that the
50 association would assist in disseminating the information.

1 **EXECUTIVE DIRECTOR’S REPORT**

2
3 No report.

4
5 **BOARD COUNSEL’S REPORT:**

- 6
7
 - **JAPC Letter – 64B18-17.001, F.A.C. – Continuing Education Required for**
 - 8 **Licensure Renewal**
 - 9 **• Rules Status**

10
11 Ms. Clark provided an overview of the Rules Report and that the rules will be in effect next week.

12
13 **COMMITTEE REPORTS:**

14
15 **Budget – Dr. Morris**

- 16
17
 - **Revenue report – Ending 8/31/2012**
 - 18 **• MQA Annual Report FY 11-12 (Revenues, Expenditures, Cash Balance, 6 Year**
 - 19 **Cash Balance, Adequacy of Fees and 6 Year Projections of Revenues and**
 - 20 **Expenditures)**

21
22 Dr. Morris provided a brief report.

23
24 **Continuing Education – Dr. Koppel**

25
26 No report.

27
28 **Credentials – Dr. Koppel**

29
30 No report.

31
32 **Disciplinary Compliance – Dr. Weisman**

33
34 **Jack J. Cohen, D.P.M. – Case Number 06-40617 – Request for Extension**

35
36 Dr. Weisman provided an overview of Dr. Cohen’s request for an extension. He requested Mr.
37 Deterding to inform Dr. Cohen that for any future correspondence to have it typewritten.

38
39 Mr. Deterding read into the record a hand-written letter from Dr. Cohen. The letter cited the
40 reason why his documents were handwritten was due to the damages from Hurricane Sandy.

41
42 The board noted that Dr. Cohen’s communications to the board had always been handwritten and
43 the vast majority had been written prior to Hurricane Sandy. Mr. Deterding stated that he had
44 personally reviewed the previous minutes and other records, and that it appeared Dr. Cohen’s
45 letter reflected some badly mistaken impressions of the board’s actions and Dr. Cohen’s own.

46
47 Mr. Deterding noted that the reason the board was hearing this case today was that Dr. Cohen had
48 requested an extension for payment of the fine and costs due, but that his letter dated November
49 12, 2012 indicated that he had not requested an extension and did not want one. If Dr. Cohen no

1 longer wanted the board to consider an extension, as he indicated in his letter, then there was no
2 reason for the board to discuss this case today.

3
4 There was no action taken.

5
6 **Examination – Dr. Evans**

7
8 No report.

9
10 **Legislation – Dr. Koppel**

11
12 Dr. Koppel had no report.

13
14 Mr. Deterding provided an overview of a memorandum from a task force of the Florida Medical
15 Association to the association's board of governors. The memorandum dealt with certain
16 legislative matters, some of which might affect the Board of Podiatric Medicine or the profession
17 of podiatric medicine should the FMA go forward with the proposals in the upcoming legislature.
18 Mr. Deterding promised to a copy of the memorandum to all board members.

19
20 Mr. Michael Schwartz, Executive Director with the FPMA, stated that the association was going
21 to be monitoring the proposals in the memorandum related to the scope of practice issues. Also,
22 Mr. Schwartz mentioned that the Agency for Health Care Administration had submitted their
23 legislative package to remove podiatric physicians from participating in Medicare, as they had the
24 previous year.

25
26 Ms. Wendy Hanson, Esq., stated that a rule challenge has been filed regarding the Board of
27 Nursing's proposed rule, regarding conscious sedation. She understood that the administrative
28 law judge at the Division of Administrative Hearings had ruled that the proposed rule on
29 conscious sedation was invalid. A final ruling would soon be available to the department.

30
31 Mr. Deterding will forward to Ms. Hanson when the final ruling has been issued to the Board of
32 Nursing, after the appeal process has resolved.

33
34 **Probable Cause – Dr. Pearce**

35
36 **Stats**

37
38 For information only

39
40 **Residency Programs – Dr. Pearce**

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42 No report.

43
44 **Rules – Dr. Evans**

45
46 **Rule 64B18-16.005, F.A.C. – Content of Residency Program –**
47 **Reports – Approval of Application**

48
49 Ms. Clark provided an overview of the changes made to the Podiatric Residency Application.
50

1 **Dr. Evans moved to approve the changes to Rule 64B18-16.005, F.A.C. – Residency of**
2 **Application. The motion was seconded and carried 5/0.**

3
4 **Dr. Evans moved that the above proposed rules would not have any adverse impacts on**
5 **small businesses and would not be likely to directly or indirectly increase regulatory costs to**
6 **any entity (including government) in excess of \$200,000 in the aggregate in Florida within**
7 **one (1) year after the implementation of the rule. The motion was seconded and carried 5/0.**

8
9 **Unlicensed Activity – Dr. Morris**

10
11 No report.

12
13 **ELECTION OF OFFICERS:**

14
15 **Dr. Evans moved to nominate Dr. Beth Pearce, Chair and Dr. Sherwood Weisman, Vice-**
16 **Chair. The motion was seconded and carried 5/0.**

17
18 Mr. Deterding requested the board to hold a telephone conference call for an applicant January
19 11, 2013, at 8:00 a.m.

20
21 **NEXT MEETING DATE – March 22nd – Tampa**

22
23 Dr. Morris stated that he appreciated being able to attend the board member training and the CAC
24 meeting in St. Petersburg. He gave a brief overview of the conference.

25
26 **ADJOURNMENT:**

27
28 The meeting was adjourned at 10:30 a.m.