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

**MINUTES
GENERAL BUSINESS MEETING**

**Marriott Tampa Westshore
1001 Westshore Plaza
Tampa, FL**

March 22, 2013

14 Mr. Miller stated on the record that participants in this public meeting should be aware that these
15 proceedings are being recorded and that an audio file of the meeting will be posted to the board's
16 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 William F. Miller, Board Executive Director
31 Joe Baker, Board Executive Director
32 Sharon Guilford, Program Operations Administrator

33
34 **BOARD COUNSEL:**

35 Mary Ellen Clark, Assistant Attorney General
36 Office of Attorney General

37
38 **PROSECUTING ATTORNEY:**

39 Michael Lawrence, Assistant General Counsel
40 Department of Health

41
42 **COURT REPORTER:**

43 Berryhill
44 (813) 229-8225

45
46 **INTRODUCTION OF NEW EXECUTIVE DIRECTOR:**

47
48 **Mr. Bill Miller**
49

1 **Dr. Koppel moved to accept Mr. Bill Miller as the Board Executive Director. The**
2 **motion was seconded 5/0.**

3
4 **APPROVAL OF MINUTES:**

5
6 **January 11, 2013 – Telephone Conference Call**

7
8 **Dr. Evans moved to approve the minutes as presented. This motion was carried out 5/0.**

9
10 **November 16, 2012 – Telephone Conference Call**

11
12 **Dr. Koppel moved to approve the minutes as presented. This motion was carried out 5/0.**

13
14 **FINAL ORDER ACTION:**

15
16 **Motions for Determination of Waiver and For Final Order by Hearing not**
17 **Involving Disputed Issues of Material Fact:**

18
19 **Gerald P. Klapper, D.P.M. – Case Number 11-04921**

20 **PCP: Pearce/Weisman**

21
22 Dr. Klapper was sworn, present and was represented by Mr. Michael L. Wolowitz, Esq.

23
24 Mr. Lawrence informed the board that the respondent had violated:

- 25
 - Section 461.013(1)(w), F.S.

26
27 **Dr. Evans moved that the respondent was properly served by certification and failed to**
28 **respond thereby waiving his rights to request a hearing. The motion was seconded and**
29 **carried 4/0.**

30
31 Mr. Wolowitz addressed the board on behalf of his client. Dr. Klapper also addressed the
32 board.

33
34 **Dr. Evans moved to accept the investigative report and all case materials including**
35 **all confidential and addendum materials, adopt the findings of fact into evidence**
36 **and conclusions of law as alleged in the administrative complaint. The motion was**
37 **seconded and carried 4/0.**

38
39 The board discussed the following penalty.

- 40
41
 - Reprimand
 - Continued suspension until such time the respondent has complied with all terms of Final Order DOH-09-2754-F01-MQA and is subject to early termination
 - Administrative fines and costs imposed in Final Order DOH-09-2754-F01-MQA – respondent shall have an option to pay the fines and costs in forty-eight (48) monthly installments of \$213.70, with the first installment to be paid within thirty (30) days of the filing of the Final Order. If the respondent chooses this installment option and timely makes the first twenty-four (24) payments and has complied with paragraphs 5A and 5C,

1 and 11, then the suspension shall be terminated and the license shall be placed on
2 probation for the remainder of the payments

- 3 • Additional administrative fine of \$500.00, payable within 90 days

4

5 Discussion ensued.

6

7 **Dr. Evans moved to accept the above penalty. The motion was seconded and carried**
8 **4/0.**

9

10 Discussion ensued.

11

12 **Dr. Evans moved to deny imposing administrative cost in this case. The motion was**
13 **seconded and carried 4/0.**

14

15 **Neil A. Kravitz, D.P.M. – Case Number 11-18323**

16 **PCP: Pearce/Strickland**

17 **Neil A. Kravitz, D.P.M. – Case Number 12-00767**

18 **PCP: Pearce/Strickland**

19

20 Dr. Pearce stated that the above two cases were tabled until the next scheduled meeting.

21

22 **PROSECUTION REPORT:**

23

24 Mr. Lawrence provided an overview of the Prosecution Report.

25

26 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

27

28 **Kibibi N. Davison, D.P.M.**

29

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

31

32 Ms. Clark provided an overview of the application. She indicated that the applicant had answered
33 “yes” to criminal history question on the application. The board office has provided the
34 supporting documentation for the board to review.

35

36 Dr. Davison addressed the board.

37

38 Discussion ensued.

39

40 **Dr. Evans moved to accept Dr. Davison’s application for licensure as a podiatric physician.**
41 **The motion was seconded and carried 5/0.**

42

43 **Riquel Gonzalez, D.P.M.**

44

45 Dr. Gonzalez was present, sworn and represented by Barry Wax, Esq.

46

47 Dr. Evans recused himself from participating in the action of the application of Dr. Gonzalez.

48

1 Dr. Pearce provided an overview of the application. She indicated that the applicant had
2 answered “yes” to criminal history question #14 on the application. The board office has
3 provided the supporting documentation for the board to review.

4
5 Mr. Wax addressed the board on behalf of his client. Dr. Gonzalez also addressed the board.

6
7 Discussion ensued.

8
9 **Dr. Koppel moved to accept Dr. Gonzalez’s application for licensure as a podiatric**
10 **physician. The motion was seconded and carried 4/0.**

11
12 **RATIFICATION OF LICENSURE:**

13
14 **Podiatric Physicians**

15 (Joseph Anthony Megara, III, PO 3580 through Takahito Kamimura, PO 3597)

16
17 **Dr. Weisman moved to approve the ratification list as presented. The motion was seconded**
18 **and carried 5/0.**

19
20 **Podiatric X-ray Assistants**

21 (Jean Marie Sullivan, PXA 1421 through Sandra Rivera, PXA 1428)

22
23 **Dr. Weisman moved to approve the ratification list as presented. The motion was seconded**
24 **and carried 5/0.**

25
26 **CORRESPONDENCE:**

27
28 **Concerned Licensee – Continuing Education not being offered at Barry**
29 **University Prescribing Physical Therapy and Home Health; is it within**
30 **the scope?**

31
32 The board stated that a podiatric physician may prescribe physical therapy and home
33 health can prescribe therapy.

34
35 **CHAIR/VICE-CHAIR REPORT:**

36
37 **Future Agenda Items**

38
39 No report.

40
41 **EXECUTIVE DIRECTOR’S REPORT:**

42
43 **FMA Legislative Recommendations**

44
45 Information only.

46
47 **BOARD COUNSEL’S REPORT:**

1 **Rules Status Report**

2

3 (See Attachment A)

4

5 Ms. Clark provided an overview of the Rules Report and that the rules will be in effect tentatively
6 on March 26, 2013.

7

8 **COMMITTEE REPORTS:**

9

10 **Budget – Dr. Morris**

11

12 **Revenue Report**

13 **Expenditures by Function Ending December 31, 2012**

14 **Cash Balance Report Ending December 31, 2012**

15 **Total expenditures (Direct and Allocated) by Board Ending**

16 **December 31, 2012**

17 **Allocations to Boards by Source Organization and Category**

18 **Ending December 31, 2012**

19

20 Dr. Morris provided a brief overview of the above reports.

21

22 **Continuing Education – Dr. Koppel**

23

24 **Providers and Courses Approved by CE Committee**

25

26 **Dr. Evans moved to approve the ratification list as presented. The motion was seconded**
27 **and carried 5/0.**

28

29 **Credentials – Dr. Koppel**

30

31 No report.

32

33 **Disciplinary Compliance – Dr. Weisman**

34

35 No report.

36

37 **Legislation – Dr. Koppel**

38

39 **FYI - Legislative Alert**

40

41 Information only.

42

43 Mr. Michael Schwartz, Executive Director with the Florida Podiatric Medical
44 Association, addressed the state and federal legislation. He indicated that the hospitals
45 and practitioners will be ultimately paying for the ObamaCare. He also addressed
46 concerns about the FMA proposed legislation.

47

1 **Probable Cause – Dr. Pearce**

2

3 **Stats**

4

5 Information only.

6

7 **Residency Programs – Dr. Pearce**

8

9 No report.

10

11 **Rules – Dr. Evans**

12

13 No report.

14

15 **Unlicensed Activity – Dr. Morris**

16

17 Dr. Morris provided a brief report.

18

19 **NEXT MEETING DATE:**

20

21 **June 28th - Tampa**

22

23 Dr. Pearce requested to have the probable cause meeting at the next face to face meeting.

24

25 Dr. Pearce requested that the board office check on the possibility of holding meetings in
26 Orlando, Florida.

27

28 **ADJOURNMENT:**

29

30 The meeting was adjourned at 11:07 a.m.