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FLORIDA | Board of Podiatric Medicine

MINUTES
July 18, 2014

Tampa, Florida



Chet Evans, M.S., D.P.M.
Chair

Mark S. Block, D.P.M.
Vice-Chair

Adrienne Rodgers, BSN, JD
Executive Director

Sharon Guilford, CPM
Program Operations Administrator

1
2 **General Board Business started: 9:00 a.m.**
3

4 The meeting was called to order by Dr. Evans, Chair, at approximately 9:00 a.m. Those present for all or part of the
5 meeting included the following:
6

7 **MEMBERS PRESENT:**

8 Chet Evans, M.S., D.P.M., Chair
9 Mark S. Block, D.P.M.
10 Melvin Price, D.P.M.
11 Joseph Strickland, D.P.M.
12 Robert Morris, Ph.D.
13 James Pearce, B.B.A., M.B.A.
14 Scott Koppel, D.P.M., Vice Chair
15

STAFF PRESENT:

Adrienne Rodgers, Executive Director
Sharon Guilford, Program Operations Administrator
Jose Montalvan, Regulatory Supervisor/Consultant

16 **BOARD COUNSEL:**

17 Mary Ellen Clark, Assistant Attorney General
18 Office of Attorney General
19

20 **PROSECUTION COUNSEL:**

21 Yolanda Y. Green, Assistant General Counsel and Section Manager
22 Department of Health, Office of the General Counsel
23

24 **COURT REPORTER:**

25 Dempster Berryhill
26 (813) 229-8225
27

28 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline.*
29 *AUDIO from this meeting can be found online: <http://floridaspodiatricmedicine.gov/>*
30

31 **APPROVAL OF MINUTES:**

32
33 **March 28, 2014 – General Business**
34

35 **Dr. Morris moved to approve the minutes. This motion was seconded and carried 7/0.**
36

37 **General Business Ended: 9:06 a.m.**

38 **Disciplinary Actions started: 9:06 a.m.**
39

40 **FINAL ORDER ACTION:**

41
42 **Motion for Determination of Waiver and Entry of Final Order Following Hearing:**
43

44 **Nathan W. Moy, D.P.M. – Case Number 13-09362**
45 **PCP: Koppel/James Strickland**
46

47 Dr. Koppel was recused due to participation on the probable cause panel.
48

49 Dr. Moy was neither present nor represented by counsel.
50

51 An administrative complaint filed on July 30, 2013, alleged violation of ss. 461.013(1)(r) and (cc), F.S., by being unable
52 to practice podiatric medicine with reasonable skill and safety due to his abuse of alcohol and for being terminated from
53 the Professionals Resource Network (PRN).

1
2 **Dr. Morris moved to accept the investigative report and all case materials including all confidential and addendum**
3 **materials, if any, into evidence in these proceedings. Dr. Price seconded and carried 6/0.**

4 **Dr. Price moved that the respondent was properly served by certification and requested an informal hearing. Dr.**
5 **Morris seconded and carried 6/0.**

6
7 **Dr. Price moved to adopt the findings of fact into evidence as alleged in the administrative complaint as alleged in**
8 **the administrative complaint. Dr. Morris seconded and carried 6/0.**

9
10 **Dr. Price moved to adopt the conclusions of law and find that the respondent was in violation as alleged in the**
11 **administrative complaint. Dr. Morris seconded and carried 6/0.**

12
13 Department recommendation for discipline:

- 14 • administrative fine of \$5,000.00
- 15 • suspension for a period of two years
- 16 • prior to reinstatement the respondent shall demonstrate rehabilitation and/or ability to practice with reasonable
- 17 skill and safety as determined by PRN and/or the Board.

18
19 **Dr. Price moved to impose discipline as recommended by the Department and the payment of an administrative**
20 **cost of \$1,075.16. Dr. Morris seconded and carried 6/0.**

21
22 **Dr. Price moved to require the payment of the administrative fine and costs within 90 days from the filing of the**
23 **Final Order. Dr. Morris seconded and carried 6/0.**

24
25 **PROSECUTION REPORT:**

26
27 Ms. Green provided an overview of the prosecution report.

28
29 **Dr. Price moved to continue putting special emphasis on prosecuting the older cases (one year and over) and to**
30 **accept the prosecution report. Mr. Morris seconded and carried 7/0.**

31
32 **Disciplinary Actions Ended: 9:19 a.m.**

33 **Application Actions Started: 9:19 a.m.**

34
35 **APPLICANT PRESENTED FOR BOARD REVIEW:**

36
37 **Nelson Hulbert, D.P.M.**

38
39 Dr. Evans stated that Dr. Hulbert's application had been pulled from the agenda.

40
41 **RATIFICATION OF LICENSURE:**

42
43 **Podiatric Physicians**
44 **(PO 3640 – PO 3674)**

45
46 **Dr. Morris moved to accept the ratification list as presented. Dr. Koppel seconded and carried 7/0.**

47
48 **Podiatric X-ray Assistants**
49 **(PXA 1569 – PXA 1656)**

50
51 **Dr. Koppel moved to accept the ratification list as presented. Dr. Price seconded and carried 7/0.**

52
53 **Application Actions Ended: 9:20 a.m.**

1 **General Business Started: 9:20 a.m.**

2
3
4 **DISCUSSION OF E-Force and PDMP – Bob MacDonald, Florida PDMP Foundation**

5 Mr. MacDonald was present and addressed the board regarding E-Force and PDMP program. He provided some history
6 stating that Florida was the capital of deaths with people overdosing on oxycodone. The task force has shut down a large
7 number of this distribution from illegal and overprescribing of oxycodone. At this time there are 41% of physicians that
8 are participating in verifying records with 18% of the physicians being podiatrists. There are no costs to participate in the
9 program.

10
11 **CHAIR/VICE-CHAIR REPORT:**

12
13 No report.

14
15 **EXECUTIVE DIRECTOR'S REPORT**

16
17 **FYI – Optional Phase Compliance 11/12 and 13/14 Renewal**

18 **FYI – Prescription Drug Monitoring Program Statistics**

19 **FYI – Renewal Report:**

20
21 **Podiatric Physician**

22 **Certified Podiatric X-ray Assistant**

23
24 Ms. Rodgers presented data for the Optional Phase Compliance 11/12 and 13/14 Renewal, the Prescription Drug
25 Monitoring Program Statistics and the Renewal Reports for Podiatric Physician and Certified Podiatric X-ray Assistant.

26
27 **BOARD COUNSEL'S REPORT**

28
29 **Annual Regulatory Plan**

30
31 Ms. Clark stated that under Executive Order Number 11-72, each year the various agencies/boards must review existing
32 rules and regulations to determine if there are duplicative or unnecessarily burdensome rules or regulations that should
33 be modified or eliminated. The board chair had approved the list of rules of this Board that are or may be in need of
34 modification or elimination. The matter was now before the full Board for ratification.

35
36 **Dr. Evans moved to accept the Annual Regulatory Plan. Dr. Prices seconded and carried 7/0.**

37
38 **Rules Status Report:**

- 39
40 ○ **Substantive proposed changes to rule 64B18-16.002, F.A.C.**

41 **64B18-16.002 Board Approval of Residency Programs.**

42 (1) Podiatric residency programs in this State must receive and maintain Board approval by applying for such
43 approval from the Board, by submitting documentation to show compliance with Section 461.014, F.S., and by on-going
44 compliance with Section 461.014(2), F.S. The Board is under no obligation to grant approval to any program which does
45 not demonstrate compliance with Section 461.014(2), F.S.

46 (2) The Board will withdraw approval upon finding that a podiatric residency program has failed to comply with
47 Section 461.014(2), F.S.

48 (3) If approval is to be withdrawn, the Board will issue a Notice of Intention to Withdraw Approval. Thereafter the
49 proceedings will be governed by Section 120.57, F.S.

50 (4) When approval has been withdrawn, residents enrolled in the program on or before the date on which the final
51 order is rendered or the Notice of Intention to Withdraw Approval becomes final, will not be approved for examination or
52 licensure by the Board unless they have complied ~~comply~~ with Section 461.014(1)(c) ~~461.014(2)(e)~~, F.S. Residents
53 enrolled after the date on which the final order is rendered or the Notice of Intention to Withdraw Approval becomes final,

1 will not be allowed to take the examination or be licensed, until or unless they have completed one year of residency in a
2 program with Board approval in effect during the residency.
3 *Rulemaking Authority 461.005, 461.006, 461.014 FS. Law Implemented 461.014 FS., Chapter 2005-97, Laws of Florida.*
4 *History—New 11-24-80, Formerly 21T-16.02, 21T-16.002, 61F12-16.002, Amended 1-4-96, 6-17-97, Formerly 59Z-*
5 *16.002, Amended 11-27-05, _____.*

6
7 **Dr. Morris moved to accept the drafted language as presented. Dr. Strickland seconded and carried 7/0.**

8
9 **Dr. Price moved that the proposed rule would not have any adverse impacts on small businesses and the proposed**
10 **rule would not be likely to directly or indirectly increase regulatory costs to any entity (including government) in**
11 **excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule. Dr. Strickland**
12 **seconded and carried 7/0.**

- 13
14 ○ **New rule proposal – Rule 64B18-24.002, F.A.C.**

15
16 **64B18-24.002 Board Approval of Podiatric X-ray Assistant Training Course and Examination Providers.**

17
18 **All Podiatric X-ray assistant training course and examination providers shall apply to the Board for approval**
19 **using**

20 _____
21 *Rulemaking Authority 461.005, 461.0135 FS. Law Implemented 461.0135 FS., New _____.*

22
23 The board discussed the above language; however, continued the discussion until the next scheduled meeting.

24 25 **COMMITTEE REPORTS:**

26
27 **Budget – Robert Morris, Ph.D.**

28
29 **Continuing Education – Scott Koppel, DPM**

30 31 **CE Providers & Courses Provided by Board Staff**

32
33 Dr. Koppel provided an overview of the courses approved by the Board Staff.

34
35 **Dr. Morris moved to approve the ratification list of courses approved by the CE Committee. Dr. Evans seconded**
36 **and carried 7/0.**

37 38 **CE Providers & Courses Provided by Committee**

39
40 Dr. Koppel provided an overview of the courses approved by the CE Committee.

41
42 **Dr. Morris moved to approve the ratification list of courses approved by the CE Committee. Dr. Evans seconded**
43 **and carried 7/0.**

44
45 **Credentials – Scott Koppel, DPM**

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47 No report.

48
49 **Disciplinary Compliance – Melvin Price, DPM**

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51 No report.

52
53 **Examination – Chet Evans, DPM**

1
2 No report.

3
4 **Healthy Weight – Chet Evans, DPM**

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6 **Update from Meeting – July 14th**

7
8 Dr. Evans provided an overview of the Healthy Weight meeting that was held in Tallahassee.

9
10 **Legislative – Scott Koppel, DPM**

11
12 No report.

13
14 **Probable Cause – Mark Block, DPM**

15
16 **Stats**

17
18 Dr. Block provided an overview of the PCP stats.

19
20 **Residency Programs – Melvin Price, DPM**

21
22 **Discussion of Larkin Community Hospital Residency; Program/Residents**

23
24 Dr. Sam Lipford and Dr. Christopher Blonko addressed the board

25
26 Dr. Lipford stated that Dr. Gary Small had been dismissed from Larkin Community Hospital Residency Program and
27 hired Dr. Blonko to be the new director of the program. Dr. Lipford explained to the board what had happened and
28 apologized for the actions of their podiatric residency program and assured them that this will never happen again.
29 Several of the residents also appeared and addressed the board requesting the board to accept their one year of residency
30 program.

31
32 Dr. Evans appreciated Dr. Lipford and Dr. Blonko reassuring the board that this issue will not happen again. He also
33 stated that due to Chapter 461, Florida Statutes, the board cannot accept the training due to the training program was never
34 approved.

35
36 **Rules – Chet Evans, DPM**

37
38 No report.

39
40 **Unlicensed Activity – Robert Morris, Ph.D.**

41
42 No report.

43
44 **APPROVAL OF 2015 MEETING DATES:**

45
46 The Board approved the following meeting dates:

- 47
48
49
- March 27, 2015
 - July 10, 2015
 - December 18, 2015

50 Dr. Strickland moved to approve the 2015 meeting dates. Dr. Price seconded and carried 7/0.

51
52 **NEXT MEETING – November 7, 2014 – Orlando**

1 **General Board Business concluded at: 10:33 a.m.**

2

3 **ADJOURNMENT:**

4

5 The meeting was adjourned at 10:33 a.m.