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2 **The Florida Board of Podiatric Medicine held a meeting on Tuesday, November 15, 2016,**
3 **commencing at 12:04 p.m. This meeting was held at the Department of Health, 4042 Bald**
4 **Cypress Way, Tallahassee, Florida 32399, at meet me #: (888) 670-3525, participant code:**
5 **7342425515, to which all persons were invited to attend. Participants in this public meeting**
6 **were made aware that these proceedings were being recorded and that an audio file of the**
7 **meeting will be posted to the board's website.**
8

9 **AGENDA**

10
11 **I. CALL TO ORDER (Roll Call):**

12 **Chet Evans brought the meeting to order at 12:04 p.m.**

13 Gail Curry called roll.

14 Those present for all or part of the meeting included the following:

15
16 **MEMBERS PRESENT:**

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

18 Joseph Sindone, D.P.M., Vice-Chair

19 Mark S. Block, D.P.M.

20 Scott Koppel, D.P.M.

21 Joseph Strickland, D.P.M.

22 Robert Morris, Ph.D.

23 James Pearce, BBA, MBA

24
25 **MEMBERS ABSENT:**

26 Scott Koppel, DPM

27 Excused Absence

28
29 **STAFF MEMBERS PRESENT:**

30 Anthony B. Spivey, DBA, Executive Director

31 Gail Curry, Program Operations Administrator

32 Brandi May, Regulatory Supervisor

33 Nicole Wiley, Regulatory Specialist II

34 Karen Miller, Administrative Assistant II

35
36 **BOARD COUNSEL:**

37 Mary Ellen Clark, Senior Assistant Attorney General

38 Office of Attorney General

39
40 **PROSECUTION COUNSEL:**

41 Judson Searcy, Attorney

42 Division of Medical Quality Assurance

43
44 **COURT REPORTER:**

45 American Court Reporting

46
47 The meeting was called to order by Dr. Chet Evans, Chair.
48
49
50

1 **ATTENDANCE IN ATTADANCE:**

2 Dr. Lilliam Lemell

3 Dr. Daniel Kiddy

4
5 **II. APPROVAL OF MINUTES:**

6
7 **a. September 9, 2016 – draft**

8 Dr. Evans thought that the May 18th conference call minutes were deferred to the July
9 meeting. The May 18th minutes are not on the agenda to approve.

10 Mary Ellen and Dr. Evans had some concerns about the May 18 and July 8 minutes being
11 approved. The July minutes are on the agenda, with the corrections made by Mary Ellen
12 Clark, for approval today.

13
14 **b. July 8, 2016 – draft**

15 **Action:** Motion to approve the corrected July minutes was made by Dr. Morris, seconded by
16 Jim Pearce.

17 **Vote:** 6 yeas / 0 opposed, motion passes

18
19 Mary Ellen Clark said the May, September and November minutes should be included in the
20 next agenda for approval.

21
22 **III. PETITIONS FOR WAIVER AND VARIANCE:**

23
24 **a. Dr. Jimmy Trang DMP CWS**

25 Not present, not represented by counsel

26
27 Ms. Clark gave a description of the petition. The declaratory statement was filed on
28 September 16, 2016. Being that Dr. Trang is not present the petition will have to speak for
29 itself. 461.014(1) (b) states that he would need to be dually license to be the head of a
30 Residency program. Is it sufficient that he is licensed, according to the VA requirement, in
31 another state? He is licensed in New Jersey.

32
33 **Discussion:** Dr. Evans said that he is licensed in another state and is in the VA system. If he
34 doesn't practice outside the VA system he fulfills requirement relative to the statute. He
35 would not absolve the Residency program itself since it is located within the state. Relititive
36 to him being in the leadership capacity he doesn't have a problem with that. Joe Sindone
37 totally agrees with Dr. Evans. He believes that Dr. Trang meets the requirements and we need
38 to recognize this.

39
40 **Action:** Motion to accept the petition as 461.014(1) (b) allows a Podiatric physician properly
41 licensed according to VA regulations to act as the Supervising Podiatric physician within a
42 residency program within the VA system was made by Dr. Evans. Seconded by Dr. Sindone.

43 **Vote:** 6 yeas /0 opposed, motion passes

44
45 Dr. Sindone asked that board staff draft a letter to explain that this does not exempt the
46 Residency program from being registered in the state so the residents have to be registered
47 with the state board.

1 Dr. Spivey will draft a letter for Dr. Evans review. Ms. Clark will also be doing an order to
2 this effect.

3
4 **b. Dr. Lilliam C. Lemell**

5 Present; without counsel. Her son, Michael Lemell, Healthcare attorney, is present on the
6 call. He is not representing Dr. Lemell.

7
8 Dr. Lemell is seeking a variance of rule 64B18-11.001(1) F.A.C. requiring the examination
9 for licensure.

10
11 **Discussion:** Dr. Lemell gave description of her petition. She graduated 31 years ago the
12 returned to Puerto Rico where she practiced for 31 years. She now wants to come back to the
13 U.S. Ms. Clark asked for clarification of her petition as the rule that is cited in her petition
14 relates to the filing of an application. Ms. Clark suggested that Ms. Lemell is referring to rule
15 64B18-11.002 that relates to taking the examination. Ms. Lemell wants to not take parts I, II
16 and III of the exam and only take the licensure exam. It was explained that the National
17 Board exam is the Florida exam. Ms. Clark said the petition of waiver and variance is for
18 64B18-11.001 (1) which is for submitting a Florida application for licensure. This cannot be
19 waived. The second part of the petition is asking for a waiver and variance of rule 64B18-
20 11.002 which is the requirement of the exam. Dr. Evans asked for clarification of Ms.
21 Lemell's request. Ms. Lemell asked to take only part III of the exam and then take the Florida
22 licensure exam. It was explained that there is no Florida licensure exam. She wants to skip
23 part I, II and take part III of the exam to gain a license.

24
25 Dr. Sindone asked if Dr. Lemell would like to table her petition and application until she gets
26 notification from the National Boards to see if she can take part III without taking parts I and
27 II. This needs to be official documentation from the National Board.

28
29 **i. Application**

30
31 Dr. Sindone asked if Dr. Lemell would like to table her petition and application until she gets
32 notification from the National Boards to see if she can take part III without taking parts I and
33 II. This needs to be official documentation from the National Board.

34
35 **IV. PROSECUTION REPORT:**

36 Judson Searcy gave the prosecution report as follows:

37 There are a total of 22 cases. 15 are under review. 4 are waiting probable case and 3 cases
38 that have had probable cause found.

39 Mr. Searcy asked the board to allow Prosecution Services to continue prosecuting cases over
40 1 year old.

41
42 **Action:** Dr. Evans motioned to allow prosecuting cases over 1 year old. Seconded by Dr.
43 Block.

44 Vote: 6 yeas /0 opposed, motion passes

45
46 **Action:** Motion to accept the Prosecution Report was made by Dr. Block. Seconded by Dr.
47 Sindone.

48 Vote: 6 yeas /0 opposed, motion passes

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3
4 **V. APPLICANTS PRESENTED FOR BOARD REVIEW:**

5
6 **a. Dr. Daniel Kiddy**

7 Present; without counsel

8
9 Dr. Kiddy is currently pending 1 year proof of Residency. Also, has 1 open malpractice claim.

10
11 **Discussion:** Dr. Kiddy is under the impression that he needs to take Part III of the exam. He
12 cannot find the certificate for his Residency program. Dr. Sindone suggested that Dr. Kiddy
13 contact the CPME to get proof of the Residency Program. There are some errors in his
14 application that needs to be cleared up. Send in a corrected application and proof of a
15 Residency Program. Malpractice claim is outside of the 10 year timeframe therefore it is not
16 anything to hold up the application.

17
18 **Action:** No action on the application

19
20 **VI. RATIFICATIONS:**

21
22 **a. Licensure –**
23 **3852 – 3865**

24
25 **Action:** Dr. Sindone motioned to ratify the Podiatric Physicians licenses 3852 – 3865.

26 Seconded by Dr. Block.

27 Vote: 6 yeas /0 opposed, motion passes

28
29 **VII. RULE 64B18-14.002(62), FAC:**

30
31 **a. Rule 64B-14.002(62)**

32 **Action:** Motion by Dr. Sindone for the board to impose a penalty for 1st offence of reprimand
33 and/or fine of \$250. Second offence the board shall impose a penalty of reprimand up to
34 suspension requiring continuing education and a fine of \$2,000. Seconded by Dr. Morris.

35 Vote: 6 yeas /0 opposed, motion passes

36
37 **Action:** Motion to notice this rule for rule development and approve the text that was just
38 discussed and no Statement of Estimated Regulatory Costs will need to be prepared was
39 made by Dr. Morris. Seconded by Dr. Block

40 Vote: 6 yeas /0 opposed, motion passes

41
42 **b. 456.072, FS**

43
44 **c. 627.64194, FS**

45
46 **d. 641.513, FS**

1 **VIII. 2016-2017 ANNUAL REGULATORY PLAN**

2
3 **FYI** Ms. Clark said this is here so the board can see what was filed on their behalf.

4
5 **IX. CHAIR/VICE CHAIR REPORT:**

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7 Chair Dr. Evans has no report at this time.
8 Vice-Chair Dr. Sindone has no report at this time.

9
10 **X. EXECUTIVE DIRECTOR'S REPORT:**

11
12 **Dr. Spivey explained that he had made contact with Barry University School of**
13 **Podiatric Medicine to start negotiations to have a board meeting there in February. A**
14 **letter has been sent to Dr. Albert Armstrong, the Chair at the school, and he is waiting**
15 **on a response.**

16
17 **XI. BOARD COUNSEL'S REPORT:**

18
19 **a. Rules Report November 2016**

20
21 **Mary Ellen Clark**

22 There is an updated rules report in your agenda and also an FYI that you can see all the rules
23 that we have been working on these many months now have proposed effective dates and we
24 have begun the required rule making on the discipline guidelines. So the rule language you
25 just approved will be on the next meeting agenda for the Board's approval.

26
27 **XII. COMMITTEE REPORTS:**

28
29 **Budget - Dr. Morris – No report at this time.**
30 **Continuing Education – Dr. Koppel – Dr Evans - No report at this time.**
31 **Credentials – Dr. Koppel – Not present**
32 **Compliance – Dr. Strickland - No report at this time.**
33 **Healthy Weight – Dr. Evans - No report at this time.**
34 **Legislation – Dr. Koppel – Not present**
35 **Probable Cause – Dr. Block - No report at this time.**
36 **Residency Programs – Dr. Sindone – West Chester General Hospital's paperwork has**
37 **been approved.**
38 **Rules – Dr. Evans – Other than what Ms. Clark presented I have nothing further.**
39 **Unlicensed Activity – Dr. Morris - No report at this time.**

40
41 **Action:** Motion to accept the committee reports was made by Dr. Strickland. Seconded by
42 Dr. Block

43 Vote: 6 yeas /0 opposed, motion passes

44
45 **XIII. OLD BUSINESS:**

46
47 Dr. Evan's explained that he has not received an answer from his letter addressing the Anti-
48 Trust situation. He and Dr. Morris attended the Chair/Vice Chair meeting and the issue of the

1 Anti-Trust came up without much discussion. He feels the State isn't helping with the issue
2 and he is considering resigning from the Board. He is extremely concerned. Dr. Evans is
3 asking the Board for permission to draft another letter and pass it to the Board members for
4 review and approval. Dr. Sindone is in agreement with Dr. Evans.

5
6 **XIV. NEW BUSINESS:**

7
8 Nothing at this time.
9

10 **XV. 2017 CHAIR/VICE CHAIR ELECTIONS:**

11
12 **Action:** Motion to maintain the current positions was made by Dr. Strickland. Seconded by
13 Dr. Sindone.

14 Vote: 6 yeas /0 opposed, motion passes
15

16 **XVI. NEXT MEETING DATE:**

17
18 **February 3, 2017**
19

20 **XVII. 2017 PROPOSED MEETING DATES:**

21
22 ~~March 24, 2017 (tentative)~~

23 May 5, 2017 - Orlando

24 July 14, 2017 - TCC

25 **November 10, 2017 – Differ the decision to the February meeting.
26

27 **XVIII. ADJOURNMENT**

28
29 **Action:** Motion to adjourn the meeting was made by Dr. Sindone. Seconded by Dr. Morris.

30 Vote: 6 yeas /0 opposed, motion passes
31