

**FLORIDA** | Board of Podiatric Medicine

**DRAFT MINUTES**

December 8, 2017

Rosen Plaza  
9700 International Drive  
Orlando, FL 32819



Joseph Sindone, DPM, *Chair*

Joseph Strickland, DPM *Vice-Chair*

Anthony Spivey, DBA, *Executive Director*

1 The Florida Board of Podiatric Medicine held a meeting on Friday, December 8, 2017,  
2 commencing at 9:00 a.m. This meeting was held at the Rosen Plaza, 9700 International Drive,  
3 Orlando, FL 32819, (407) 996-1931 to which all persons were invited to attend. Participants in  
4 this public meeting were made aware that these proceedings were being recorded and that an  
5 audio file of the meeting will be posted to the board's website.

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7 **AGENDA**

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9 **Section I began: 9:02 a.m.**

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

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13 **Board Members Present:**

14 Joseph Sindone, D.P.M., Chair  
15 Joseph Strickland, D.P.M., Vice-Chair  
16 Mark S. Block, D.P.M.  
17 Robert Morris, Ph.D.

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19 **Board Staff Present:**

20 Dr. Anthony Spivey, DBA, Executive Director  
21 Gail Curry, Program Operations Administrator  
22 Kelly Woodard, Regulatory Supervisor

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24 **Board Counsel:**

25 Mary Ellen Clark, Senior Assistant Attorney General  
26 Office of the Attorney General

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28 **Prosecution Counsel:**

29 Judson Searcy, Assistant General Counsel

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31 **Court Reporter:**

32 For the Record  
33 (850) 222-5491

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35 **Section I ended: 9:03 a.m.**

36 **Section II began: 9:03 a.m.**

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38 **II. APPROVAL OF MINUTES:**

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40 **a. October 13, 2017**

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42 **Action:** Motion to approve minutes made by Dr. Sindone. Second made by Dr.  
43 Morris.

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45 **Vote:** 4 yeas/ 0 opposed. Motion Carried.

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**Section II ended: 9:03 a.m.**  
**Section III began: 9:03 a.m.**

**III. PETITION FOR VARIANCE OR WAIVER:**

**a. Joaquin F. Balaguer, D.P.M.**

**Action:** Not present, nor represented by counsel. Motion to deny the petition for failure to demonstrate that he has met the intention of the underlying statute made by Dr. Block. Second by Dr. Strickland.

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

**Section III ended: 9:07 a.m.**  
**Section IV began: 9:07 a.m.**

**IV. APPLICATIONS PRESENTED FOR BOARD REVIEW:**

**a. Angela Minero**

**Action:** Present. Not represented by counsel. Motion to approve application made by Dr. Sindone. Second made by Dr. Morris.

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

**Section IV ended: 9:10 a.m.**  
**Section V began: 9:10 a.m.**

**V. FINAL ORDER ACTION:**

**a. Hearing**

**i. Gary D. Small, D.P.M.**

**Action:** Not present. Represented by Counsel, Michael Smith. Mr. Searcy requested that the board grant a few motions on behalf of the Department of Health. Motion to make a finding that respondent was properly served and has requested an informal hearing not involving disputed issues of material facts made by Dr. Sindone. Second made by Dr. Strickland.

Motion to accept the investigative report into evidence for the purposes of imposing penalties made by Dr. Strickland. Second made by Dr. Morris.

Motion to adopt the findings of fact as set forth in the administrative complaint made by Dr. Strickland. Second made by Dr. Morris.

92 Motion to adopt the conclusions of law set forth in the administrative complaint  
93 and find that it constitutes a violation of the podiatric medicine practice act made  
94 by Dr. Strickland. Second made by Dr. Sindone.  
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96 Motion to revoke Dr. Small's license and impose administrative costs of  
97 \$2,478.61 made by Dr. Strickland. Second made by Dr. Sindone.  
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99 **Vote:** Dr. Sindone - Yea; Dr. Strickland - Yea; Dr. Morris - Yea;  
100 Dr. Block - Recused

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102 3 yeas/ 0 opposed. Motion Carried.  
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104 **b. Voluntary Relinquishment**

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106 **i. Jay A. Lieberman, D.P.M.**

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108 **Action:** Not present, nor represented by counsel. Motion to accept voluntary  
109 relinquishment made by Dr. Strickland. Second made by Dr. Sindone.  
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111 **Vote:** Dr. Sindone - Yea; Dr. Strickland - Yea; Dr. Morris - Yea;  
112 Dr. Block - Recused  
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114 **c. Settlement Agreements**

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116 **i. Arash Jahromi, D.P.M**

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118 **Action:** Not present, nor represented by counsel. Motion to waive Dr. Jahromi's  
119 required appearance and accept the terms of the proposed settlement agreement  
120 made by Dr. Strickland. Second made by Dr. Morris.  
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122 **Vote:** Dr. Sindone - No; Dr. Strickland - Yea; Dr. Morris - Yea;  
123 Dr. Block - Recused  
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125 2 yeas/ 1 opposed. Motion Carried.  
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127 **ii. Gregoire Garcon, D.P.M**

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129 **Action:** Present. Represented by counsel, Matt Brian. Motion to accept the terms  
130 of the proposed settlement agreement and impose administrative costs of \$698.31  
131 made by Dr. Strickland. Second made by Dr. Morris  
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133 **Vote:** Dr. Sindone - Yea; Dr. Strickland - Yea; Dr. Morris - Yea;  
134 Dr. Block - Recused  
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136 3 yeas/ 0 opposed. Motion Carried.  
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**Section V ended: 10:16 a.m.**  
**Section VI began: 10:16 a.m.**

**VI. RATIFICATIONS:**

**a. Licensure**

**i. Podiatric Physicians**

**Action:** Motion to ratify the applications preliminarily approved by the Department as identified in the agenda made by Dr. Sindone. Second made by Dr. Block.

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

**ii. Certified Podiatric X-Ray Assistants**

**Action:** Motion to ratify the applications preliminarily approved by the Department as identified in the agenda made by Dr. Block. Second made by Dr. Strickland.

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

**Section VI ended: 10:17 a.m.**  
**Section VII began: 10:17 a.m.**

**VII. PROSECUTION REPORT:**

Mr. Searcy provided statistics regarding the prosecutions currently open in the Department.

**Action:** Motion to authorize continued prosecution of cases older than one year made by Dr. Strickland. Second made by Dr. Block

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

**Section VII ended: 10:19 a.m.**  
**Section VIII began: 10:19 a.m.**

**VIII. CHAIR/VICE CHAIR REPORT:**

Dr. Sindone discussed his attendance at the multidisciplinary work group meeting in November. Dr. Sindone requested that the Vice Chair attend the next Chair/Vice Chair meeting on his behalf.

**Section VIII ended: 10:20 a.m.**

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**Section IX began: 10:20 a.m.**

**IX. EXECUTIVE DIRECTOR’S REPORT:**

Dr. Spivey presented the Annual Delegation of Authority and Conviction Record Guidelines for review by the board.

**a. Annual Delegation of Authority**

**Action:** Motion to approve annual delegation of authority made by Dr. Strickland. Second made by Dr. Block.

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

**b. Conviction Record Guidelines**

The board discussed proposed changes to the conviction records guidelines. Dr. Sindone requested that Category 1 occurrences be changed to the following: One or two times may be cleared by board staff; three or more times must be reviewed by the board. The board concluded that all applicants with criminal history in Categories 2-6 require board review regardless of misdemeanor or felony.

**Action:** Motion to approve changes to the conviction record guidelines made by Dr. Strickland. Second made by Dr. Block.

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

Dr. Spivey explained that a letter was drafted to Governor Rick Scott on behalf of the board regarding senate bill 8 (opioid crisis). The proposed measurements would help combat opioid use, maintain control of prescriptive authority, and require further training or continuing education for physicians. Jason Winn of the Florida Podiatric Medical Association (FPMA) explained that the association is preparing to provide the courses in the event that the bill is passed. Dr. Block also drafted a letter in support of the bill and requested that the letter be included with the proposal. Dr. Block’s letter recommends dividing the required medical errors course into two sections to include opioid awareness.

**Action:** Motion to submit Dr. Block’s recommended amendments to the proposed legislation made by Dr. Strickland. Second made by Dr. Morris.

**Vote:** 4 yeas/ 0 opposed. Motion Carried.

**Section IX ended: 10:41 a.m.**

**Break 10:41 a.m. – 10:53 a.m.**

**Section X began: 10:53 a.m.**

**X. BOARD COUNSEL’S REPORT:**

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**a. Rules Report for December 2017**

Ms. Clark explained that the notices of rulemaking for the rule amendments that were previously approved by the board have been reviewed by the Joint Administrative Procedures Committee (JAPC). JAPC expressed concern and requested technical corrections to the proposed rules. Ms. Clark will have those corrections made.

**Section X ended: 10:56 a.m.**  
**Section XI began: 10:56 a.m.**

**XI. COMMITTEE REPORT**

**a. Budget – Robert Morris, Ph.D.**

Nothing to Report

**b. Continuing Education – Joseph Sindone, D.P.M.**

Nothing to Report

**c. Credentials – Joseph Sindone, D.P.M.**

Nothing to Report

**d. Disciplinary Compliance – Joseph Strickland, D.P.M**

Nothing to Report

**e. Examination – Joseph Sindone, D.P.M.**

Nothing to Report

**f. Healthy Weight –Anthony Spivey, Ph.D**

The department held a seminar to relay more information on ways to maintain healthy weight.

**g. Legislative – Joseph Strickland, D.P.M**

Nothing to Report

**h. Probable Cause – Mark Block, D.P.M**

Dr. Block suggested that the department decrease their inventory of cases.

277 **i. Residency Programs – Joseph Sindone, D.P.M**

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279 Nothing to Report

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281 **j. Rules – Joseph Sindone, D.P.M.**

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283 Nothing to Report

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285 **k. Unlicensed Activity – Robert Morris, Ph.D.**

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287 Nothing to Report

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289 **Section XI ended: 11:00 a.m.**

290 **Section XII began: 11:00 a.m.**

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292 **XII. OLD BUSINESS:**

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294 Dr. Strickland suggested holding a board meeting during the SAM conference in  
295 January 2019.

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297 **Section XII ended: 11:02 a.m.**

298 **Section XIII began: 11:02 a.m.**

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300 **XIII. NEW BUSINESS:**

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302 Dr. Strickland and Dr. Block sought clarification of the fingerprinting  
303 requirements for podiatric x-ray assistants. Dr. Spivey advised that the initial  
304 certification form would be adjusted and that the x-ray assistants would be  
305 fingerprinted one time only beginning in January 2018. Dr. Spivey also indicated  
306 that it is most likely that existing x-ray assistants must also be fingerprinted  
307 during renewal.

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309 **Section XIII ended: 11:07 a.m.**

310 **Section XIV began: 11:07 a.m.**

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312 **XIV. NEXT MEETING DATE:**

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314 a. February 23, 2018

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316 New licensees in attendance were sworn in by Dr. Sindone. Dr. Block requested  
317 that the meeting dates be reviewed. The board agreed upon the following meeting  
318 dates: February 23, 2018; April 27, 2018; July 13, 2018; changed from November  
319 2, 2018 to October 26, 2018.

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321 **Section XIV ended: 11:19 a.m.**

322 **Section XV began: 11:19 a.m.**

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324 **XV. PUBLIC COMMENT**

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**Section XV ended: 11:20 a.m.**  
**Section XVI began: 11:20 a.m.**

**XVI. ADJOURNMENT:**

**Action:** Motion to adjourn meeting made by Dr. Strickland. Second made by Dr. Morris

**Vote:** 4 yeas/ 0 opposed. Motion Carried.