

FLORIDA | Board of Podiatric Medicine

DRAFT MINUTES

02/23/2018

Renaissance World Golf Village Resort
500 South Legacy Trail
St. Augustine, Florida 32092



Joseph Sindone, DPM, *Chair*

Joseph Strickland, DPM *Vice-Chair*

Anthony Spivey, DBA, *Executive Director*

The Florida Board of Podiatric Medicine held a meeting on Friday, February 23, 2018, commencing at 9:00 a.m. This meeting was held at Renaissance World Golf Village Resort, 500 South Legacy Trail, St. Augustine, Florida. (904) 295-6351 to which all persons were invited to attend. Participants in this public meeting were made aware that these proceedings were being recorded and that an audio file of the meeting will be posted to the board's website.

AGENDA

Section I began: 9:02 a.m.

1 **I. CALL TO ORDER (Roll Call):**
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3 **Board Members Present:**

4 Joseph Sindone, D.P.M., Chair

5 Joseph Strickland, D.P.M., Vice-Chair

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

7 Soorena Sadri, D.P.M.

8 Robert Morris, Ph.D.

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10 **Board Staff Present:**

11 Dr. Anthony Spivey, DBA, Executive Director

12 Kelly Woodard, Regulatory Supervisor

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14 **Board Counsel:**

15 Mary Ellen Clark, Senior Assistant Attorney General

16 Office of the Attorney General

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18 **Prosecution Counsel:**

19 Judson Searcy, Assistant General Counsel

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21 **Court Reporter:**

22 For the Record

23 (850) 222-5491

24
25 **Section I ended: 9:05 a.m.**

26 **Section II began: 9:05 a.m.**

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28 **II. APPROVAL OF MINUTES:**

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30 **a.** December 8, 2017

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32 **Action:** Motion to approve minutes made by Dr. Sindone. Second made by Dr.
33 Strickland.

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35 **Vote:** 5 yeas/ 0 opposed. Motion Carried.

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Section II ended: 9:05 a.m.
Section III began: 9:05 a.m.

III. PETITION FOR VARIANCE/WAIVER

a. Dale M. Kaplan

Action: Present. Not represented by counsel. Dr. Kaplan explained the circumstances of his petition and credentials. Motion to grant the petition based on the fact that he has maintained licensure in another state for 38 years, completed residency, and has earned multiple board certifications made by Dr. Strickland. Second made by Dr. Block.

Vote: 5 yeas/ 0 opposed. Motion Carried.

Section III ended: 9:15 a.m.
Section IV began: 9:15 a.m.

IV. APPLICATIONS PRESENTED FOR BOARD REVIEW

a. Dale M. Kaplan

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

Vote: 5 yeas/ 0 opposed. Motion Carried.

Section IV ended: 9:18 a.m.
Section V began: 9:18 a.m.

V. FINAL ORDER ACTION:

a. Determination of Waiver

i. Peter B. Williams, D.P.M.

Action: Neither present, nor represented by counsel. 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 made by Dr. Strickland. Second made by Dr. Morris.

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

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

82 Motion to adopt the conclusions of law set forth in the administrative complaint
83 and find that it constitutes a violation of the podiatric medicine practice act made
84 by Dr. Strickland. Second made by Dr. Sadri.
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86 Motion to revoke the license and impose administrative costs of \$554.24 and a
87 fine of \$10,000 to be paid within 90 days made by Dr. Sindone. Second made by
88 Dr. Strickland.
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90 **Vote:** Dr. Sindone - Yea; Dr. Strickland - Yea; Dr. Sadri – Yea; Dr. Morris - Yea;
91 Dr. Block – Recused. Motion Carried.
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93 ****The board permitted Mr. Searcy to present the department’s prosecution**
94 **report during this section****
95

96 Mr. Searcy provided statistics regarding the prosecutions currently open in the
97 Department.
98

99 Total Cases: 23

100 Cases older than 1 year continued for prosecution: 4
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102 **Action:** Motion to authorize continued prosecution of cases older than one year
103 made by Dr. Sindone. Second made by Dr. Block.
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105 **Vote:** 5 yeas/ 0 opposed. Motion Carried.
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107 **Section V ended: 9:41 a.m.**

108 **Section VI began: 9:41 a.m.**
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110 **VI. REQUEST FOR TERMINATION OF PROBATION**
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112 **a. Brian Hameroff, D.P.M.**
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- 114 i. Memorandum to the Board
- 115 ii. Reports for December 2017
- 116 iii. Final Order 2011-00493
- 117 iv. Approval Letter of Quarterly Reports December 2017
- 118 v. Quarterly Reports for June 2016
- 119 vi. Quarterly Reports for September 2015
- 120 vii. Quarterly Reports for September 2017
- 121 viii. Quarterly Reports for December 2016
- 122 ix. Approval Letter for Quarterly Reports March 2017
- 123 x. Approval Letter for Quarterly Reports June 2017
- 124 xi. Quarterly Reports for September 2016
- 125 xii. Respondent Report for March 2016
- 126 xiii. Quarterly Report for December 2015
- 127 xiv. Appearance Request for Case No. 2010-00493

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xv. Corrected Final Order
xvi. Notice Waiver

Action: Present. Not represented by counsel. Ms. Clark presented the facts surrounding Dr. Hameroff’s request. The board requested that Dr. Hameroff explain his circumstances to the new licensees in attendance. Dr. Hameroff explained his involvement with substance abuse and his rehabilitation since the occurrence. Motion to accept the reports and grant the termination of probation made by Dr. Strickland. Second made by Dr. Block

Vote: Dr. Sindone - Yea; Dr. Strickland - Yea; Dr. Sadri – Yea; Dr. Morris - Yea; Dr. Block – Yea. Motion Carried.

Section VI ended: 9:52 a.m.
Section VII began: 9:52 a.m.

VII. 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. Block. Second made by Dr. Morris.

Vote: 5 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. Morris.

Vote: 5 yeas/ 0 opposed. Motion Carried.

Section VII ended: 9:54 a.m.
Section VIII began: 9:54 a.m.

VIII. CHAIR/VICE CHAIR REPORT:

Dr. Sindone notified the board that neither he, nor Dr. Strickland were able to attend the upcoming Chair/Vice Chair meeting. Dr. Block volunteered to attend on their behalf to represent the board.

Section VIII ended: 9:55 a.m.

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Section IX began: 9:55 a.m.

IX. EXECUTIVE DIRECTOR’S REPORT:

a. Healthcare Practitioner Application

Dr. Spivey presented a version of the initial licensure application currently in development by the department for use by all licensees and requested the board to review it. Dr. Spivey suggested that the board open rule Chapter 64B18-11.001 Florida Administrative Code for development. Dr. Block suggested revisions to the form. Dr. Sadri requested an explanation of the rulemaking procedure. Ms. Clark provided a brief description of the rulemaking procedure. Dr. Spivey informed the board of the process related to travel reimbursements.

Action: Motion to add the application to future agendas made by Dr. Strickland. Second made by Dr. Block.

Vote: 5 yeas/ 0 opposed. Motion Carried.

Action: Motion to notice Rule Chapter 64B18-11.001, F. A.C. for development made by Dr. Sindone. Second made by Dr. Block.

Vote: 5 yeas/ 0 opposed. Motion Carried.

Section IX ended: 10:04 a.m.

Section X began: 10:04 a.m.

X. BOARD COUNSEL’S REPORT:

a. Rules Report for January 2018

b. Rules Report for February 2018

Ms. Clark presented the rules reports and provided a more detailed description of the rulemaking procedure and the items on the report.

Section X ended: 10:07 a.m.

Section XI began: 10:07 a.m.

XI. COMMITTEE REPORT

a. Budget – Robert Morris, Ph.D.

Dr. Morris informed the board that the budget for the state of Florida was being reviewed by legislature. Nothing to Report

b. Continuing Education – Sindone

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Nothing to Report

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

Dr. Sindone assigned the committee to Dr. Sadri. Nothing to Report

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

Nothing to Report

e. Examination – Sindone

Nothing to Report

f. Healthy Weight – Joseph Sindone, D.P.M.

Dr. Sindone assigned the committee to Dr. Sadri. Nothing to Report

g. Legislative –

Dr. Strickland informed the board that the bill to combat the opioid crisis is still in process. Karen Lambert of the Florida Podiatric Medical Association provided a brief overview of the current actions being taken on the recommended continuing education related to opioids.

h. Probable Cause – Mark Block, D.P.M

Dr. Block suggested decreasing the inventory.

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

Nothing to Report

j. Rules – Joseph Sindone, D.P.M

Dr. Sindone assigned the committee to Dr. Sadri. Nothing to Report

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

Nothing to Report

Section XI ended: 10:13 a.m.

Section XII began: 10:13 a.m.

XII. OLD BUSINESS:

Nothing to report

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Section XII ended: 10:13 a.m.
Section XIII began: 10:13 a.m.

XIII. NEW BUSINESS:

Dr. Sindone requested that the board evaluate the performance of the board counsel, Mary Ellen Clark. Dr. Sindone agreed to generate a signed performance letter. The board responded with outstanding comments and reviews.

Section XIII ended: 10:16 a.m.
Section XIV began: 10:16 a.m.

XIV. NEXT MEETING DATE:

- a. April 27, 2018

Dr. Spivey explained that if there were no disciplinary cases to address, the next meeting will be a teleconference call.

Dr. Strickland advised that he and Karen Lambert of the Florida Podiatric Association are attempting to coordinate a board meeting during the SAM (Science and Management Symposium) conference in January 2019. Dr. Sindone expressed concern with having meeting space for all attendees and adjusting the budget to accommodate the board and board staff.

Section XIV ended: 10:20 a.m.
Section XV began: 10:21 a.m.

XV. PUBLIC COMMENT:

All new licensees in attendance were sworn in by Dr. Sindone as he explained the process of disciplinary meetings.

Section XV ended: 10:23 a.m.
Section II began: 10:23 a.m.

XVI. ADJOURNMENT:

Meeting adjourned at 10:23 a.m.