

FLORIDA | Board of Podiatric Medicine

Draft Meeting Minutes

April 27, 2018

Telephonic Meeting: (888)670-3525



Joseph Sindone, DPM
Chair

Joseph Strickland, DPM
Vice-Chair

C. Erica White, MBA, JD
Executive Director

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Friday, April 27, 2018, 8:00 a.m.

BOARD MEMBERS: *(all present)*

Joseph Sindone, DPM, Chair
Joseph Strickland, DPM, Vice-Chair
Mark S. Block, DPM
Soorena Sadri, DPM
Robert Morris, PhD (Consumer Member)

BOARD COUNSEL: *(all present)*

Mary Ellen Clark, Senior Assistant Attorney General
Lawrence Harris, Assistant Attorney General

BOARD STAFF: *(all present)*

C. Erica White, MBA, JD - Executive Director
Sophie Amoroso, Regulatory Supervisor

Began 8:02am

Approval of minutes: Motion to approve minutes made by Dr. Strickland. Second made by Dr. Block. All in favor, none opposed. Motion Carried.

Petitions for Variance of Waiver

Louana Ibrahim: Present

Board Counsel asked Dr. Ibrahim if she was licensed in Canada, as she responded “no” to pertinent the question on the application. Board staff did not ask for verification of Canadian licensure based on the answer provided on the application. There is a requirement in Chapter 461, F.S., regarding residency. Board requested corrected application page reflecting licensure in Canada. Waived the 90-day requirement for application and petition. Proof of liability insurance held for the past 20 years does not prove licensure. Dr. Ibrahim cannot provide proof of passing part III of the examination. Dr. Sindone stated he did not understand how the FPMB does not have records of Dr. Ibrahim passing part III of the examination, as he believes they maintain excellent records. Dr. Ibrahim states Mr. Russell Stoner called her and said he could not find anything regarding her part III examination. Dr. Ibrahim then contacted her residency to look for her exam, but could only provide proof of residency. Records gone due to hurricane. Called NY college of podiatric medicine for records. None located. Dr. Sindone asked if Dr. Ibrahim requested proof of residency from the Council of Podiatric Medical Education. She had not. Board Counsel requested Ibrahim request evidence in writing from Russell Stoner that they do not have proof of part III. Dr. Block asked Ibrahim if Canada required part III, for licensure. Canada does not, but her residency in the states did.

Action: Waived 90 days, Ibrahim will provide the following: an email from Russell Stoner explaining her part III examination records, evidence of residency, the corrected application page showing proof of licensure, and verification of said license. To be heard at July meeting.

Gary David Oringer: Present

Graduated NY College of Podiatric Medicine in 1982, at which time, no part III (PMLexus) required to obtain licensure. Requesting to waive the requirement of part III of the examination. Dr. Oringer attended a preceptorship in 1982 for “about 6 months”, but has not completed a residency. Sindone asked if there had been continuous practice after a “Medicaid situation”, that caused a 6-month suspension. 2010-2012 Dr. Oringer was retired. After coming out of retirement he states he has been practicing mostly on a part time basis. Dr. Strickland asked Board Counsel if there were any precedent regarding 6-month preceptorship vs. a residency. Board Counsel offered to research. Dr. Strickland requested to table this application until further information is received. Dr. Block is requesting more information regarding his disciplinary history.

Action: Waived 90-days for the application. Oringer will provide the following: supplemental evidence of his preceptorship. Oringer will withdraw his petition, and take part III, June 6th, 2018.

Ibrahim

Interjected to state she did provide her licensure information on her application. Board staff will review.

Tera Lynn Sierra: Present

Motion to approve application made by Dr. Block. Second made by Dr. Strickland.
All in favor, none opposed. Motion Carried.

Ratifications

Podiatric Physicians

Motion to ratify the applications preliminarily approved by the Department as identified in the agenda (3976-3991) made by Dr. Block. Second made by Dr. Strickland. All in favor, none opposed. Motion Carried.

Certified Podiatric X-Ray Assistants

Motion to ratify the applications preliminarily approved by the Department as identified in the agenda (2078-2142) made by Dr. Strickland. Second made by Dr. Morris. All in favor, none opposed. Motion Carried.

Discussion on Chapter 2018-13, L.O.F. (CS/CS/CS HB 21)

Draft Rule 64B18-17.001, F.A.C.

Ed Tellechea, Legal Counsel to the Board of Medicine, discussed HB 21 (taking effect July 1, 2018), and the joint rulemaking committee that is being created; currently including the Boards of Medicine and Osteopathic Medicine. The purpose is to create a standard of practice rule for the treatment of acute pain. All prescribing boards will receive a letter from the Board of Medicine, requesting a delegate, to participate in the joint rulemaking committee.

A motion was made by Dr. Block that the Florida Board of Podiatric Medicine participate in the joint rulemaking committee that is being formed. Second made by Dr. Strickland. All in favor, none opposed. Motion Carried.

Dr. Block is the delegated attendee, Dr. Sadre volunteered to serve as a backup delegate.

New CE requirement for completion of courses regarding the prescribing of controlled substances. Recommends vote to begin rule development to rule 64B18-17.001. A motion was made by Strickland to notice this rule for development and approve the text on page 373 of the agenda. Second made by Dr. Block. All in favor. None opposed.

A motion was made by Dr. Strickland that this will not exceed the cost of \$100,000. Second by Dr. Block. All in favor. None opposed.

A motion was made by Dr. Block that violation of this proposed rule amendment would not constitute a minor violation. Second by Dr. Strickland. All in favor. None opposed.

Draft Rule 64B18-17.006, F.A.C.

Informational language, for discussion purposes.

Rule 64B18-14.002, F.A.C.

Pending more information regarding disciplinary guidelines.

Request for Opioid Course Approval

A motion was made by Dr. Block to approve all Board courses on the agenda: FMA, FOMA, FAFP, and FCEP_FEMF, pertaining to HB21. Motion passed unanimously.

Reports

Chair's Report - Joseph Sindone, DPM., Chair

Dr. Block attended the Joint Rulemaking Committee. Discussed HB21.

Vice-Chair's Report - Joseph Strickland, Vice-Chair

No Report

Executive Director's Report - C. Erica White, MBA, JD, Executive Director

1. Vote on New Executive Director
A motion was made by Dr. Sindone to ratify C. Erica White as the Executive Director of the Board of Podiatric Medicine. All in favor. None opposed.
2. 2018 Budget
Dr. Sindone requested clarification on the fines, forfeits, and settlements for licensed Podiatrists, to be brought to the next Podiatric Board meeting.
3. 2019 Proposed Meeting Dates
Dr. Sindone requested meetings in Orlando area. Board Counsel requested that the probable cause meeting dates for 2019 not be directly in conjunction with a Board of Podiatric Medicine Meetings. Requested Erica White to bring new proposed PCP dates to July meeting.
4. Board Office Reorganization
All new staff in the office. Preparing contact information to provide to Board members.
5. Multidisciplinary Workgroup on CS/CS/CS HB 21
Goal of mid-May by 2018 to send out communication to those licensees affected by the legislature. Not changing the website. Creating microsite have all prescribing and dispensing boards listed. Will direct all licensees to that site to answer any questions about HB21.

Prosecuting Attorney's Report - Judson Searcy, Assistant General Counsel

Current complaint inventory of 25. Were unable to have PCP prior to this call Dr. Block noticed that case number 2016-23557 was listed in 2016 and 2017. Dr. Block inquired why a case from 2012 was still open and listed under the year 2016 on the prosecution report. Complaint number 2012-08174, is currently still open due to not being legally sufficient until 2016. Discussed reconsiderations of licensees with multiple cases that are dropped before appearing before the board. Judson asked to allow for pcp to continue processing year and older cases. All in favor, none opposed.

Attorney General's Report - Mary Ellen Clark, Senior Assistant Attorney General

1. Rules Report for April 2018

At February meeting requested Board Counsel to notice for rule 64B18-11.001, development pursuant to a request made by DOH. Rule development was published by Board Counsel, March 6, 2018.

Probable Cause Panel - Mark Block, DPM

Dr. Sindone asked if technicians are required to take the 2-hour prescribing course. Board counsel stated no, due to them not prescribing.

Discussion

Presented by Dr. Block regarding being mindful granting variances and waivers, as it sets a precedence in the future.

Next Meeting Date

July 13, 2018

Came back to Dr. Ibrahim- Her application did indicate licensure in Canada, but did not provide back-up documentation supporting the licensure.

Dr. Sindone asked if the Nation Practitioner Database includes Canadian reports? Erica will research.

Waived 90 days.

Adjournment

10:15AM