

FLORIDA | Board of Podiatric Medicine

Draft Meeting Minutes

July 13, 2018

Embassy Suites by Hilton
Buena Vista Lakes South
4955 Kyngs Heath Road
Kissimmee, FL 34746
Contact Hotel: 407-597-4000



**Joseph Sindone, DPM,
Chair**

**Joseph Strickland, DPM
Vice-Chair**

**C. Erica White
Executive Director**

BOARD OF PODIATRIC MEDICINE MEETING MINUTES

July 13, 2018

TAB I. Call to Order (Roll Call): *Joseph Sindone, DPM- Chair*

The meeting was called to order by the Chair, Dr. Joseph Sindone, at 9:00 a.m. Those present during the meeting included the following:

Board Members:

- Joseph Sindone, DPM, Chair (Jacksonville)
- Joseph Strickland DPM, Vice-Chair (Pinellas Park)
- Mark S. Block, (Boca Raton)
- Soorena Sadri, DPM (Estro)
- Robert Morris, Ph.D. (Melrose)

Department of Health Counsel:

- Judson Searcy, Assistant General Counsel

Board Counsel:

- Mary Ellen Clark, Senior Assistant Attorney General

Board Staff:

- C. Erica White, MBA, JD, Executive Director
- Shay Marcelus, JD, Program Operations Administrator

TAB II. Review and Approval of Minutes - *Joseph Sindone, DPM-Chair*

Motion made by Dr. Strickland to approve the minutes from the April 2018 meeting. Motion was seconded by Dr. Block. Motion passed unanimously.

TAB III. Discipline - *Joseph Sindone, DPM -Chair*

A. Motion for Hearing in Which There Is No Material Disputed Fact

Recused Member: Mark Block D.P.M

1. **William Craig Danzeisen**; 2101/1228 –(\$1,000) Respondent was not present and was not represented by counsel. A motion was made by Dr. Strickland to accept the recommendations of the Department, which is: six (6) month suspension, followed by one year of probation, \$11,000 fine, to be paid in 2 years, plus \$146.47 in costs.

The Board, in addition to the Department's recommendation, voted that the Respondent must complete Continuing Medical Education (CME) of 8 hours in billing, be monitored during probation by a Board-approved monitor, prior to the commencement of probation provide the Board with the CV of the proposed monitor, appear before the Board with the monitor prior to the completion of probation. Motion to accept the additional recommendations was made by Dr. Strickland and was seconded by Dr. Sadri. Motion passed unanimously.

B. Request for Reinstatement (Complaint#: 2016-19197)

1. **David Loiselle, DPM** 2101/1537 – Respondent was present, sworn in and was not represented by counsel. Jane Dupri, a representative from the Professional’s Resource Network (PRN) was present and sworn in. She testified that the Respondent is fully in compliance with the PRN contract and PRN supports the reinstatement. A motion made by Dr. Strickland to reinstate the license. Motion was seconded by Dr. Block. Motion passed unanimously.

TAB IV. Petition for Variance or Waiver - Mary Ellen Clark, Senior Assistant Attorney General

1. **Louana Ibrahim** 2101/3882- Respondent was present, sworn in and was not represented by counsel. Reference: Rule 64B18-11.001, F.A.C. regarding the proof of completion of Part III of the examination. Respondent did not have evidence of completing Part III of the examination and withdrew her Motion for Variance or Waiver.

TAB V. Applications Requiring Board Review – Joseph Sindone, DPM – Chair

A. Podiatric Physicians

1. **Louana Ibrahim** 2101/3882 – Respondent was present, sworn in and was not represented by counsel. Respondent waived the 90- day requirement for review of her application, and was given an extension to December 2018 to complete Part III of the National Podiatric examination.
2. **Gary David Oringer** 2101/3880 – Respondent was not present and was not represented by counsel. A motion as made by Dr. Block to grant license pending passage of part II of the examination. If the license is not granted by the October 2018 meeting the case shall be continued to the October 2018 meeting. Motion was seconded by Dr. Sandri. Motion passed unanimously.
3. **Keith Sklar** 2101/3964 – Respondent was present, sworn in and was not represented by counsel. A motion as made by Dr. Morris to grant the Respondent’s license. Motion was seconded by Dr. Block. Motion passed unanimously.
4. **Theodore Bens** 2101/2459 – Respondent was not present and was not represented by counsel. A motion as made by Dr. Morris to accept application pending passage of part III of the examination. Motion was seconded by Dr. Block. Motion passed unanimously.

B. Continuing Education Course

1. Informed, Inc. Provider Course (HB21/F.S. 456.0301)– A motion as made by Dr. Block to approve the request of the applicant as a CME provider for the CE requirement contained within HB 21 . Motion was seconded by Dr. Morris. Motion passed unanimously.

TAB VI. Rules - Mary Ellen Clark, Senior Assistant Attorney General

1. **Proposed Rule 64B18-23.002, FAC, Standards for the Use of Controlled Substances for the Treatment of Acute Pain**

Discussion: Ms. Clark gave an overview of the rule which pertains to the Joint Committee on Controlled Substances. Dr. Block stated that all Boards have come together to discuss

the requirements of the various Boards as it relates to the implementation of the requirements of HB 21 (new controlled substances law). Both Drs. Block and Sadri attended the previous Joint Committee meeting, and Dr. Strickland asked if they would both continue to attend the Joint Committee meetings going forward. The Board also discussed adding “chronic pain” language to the language to the proposed rule.

2. Rule 64B18-14.002, F.A.C. – Disciplinary Guidelines

Discussion: Ms. Clark gave an overview on the proposed changes to the rule. Ms. Clark discussed the adding of requirements for failure to comply with the “acute pain standard” to this rule. Motion by Dr. Block to increase the fine from \$250 to \$500 in subsection (60) and increasing the fine from 1,000 to 2,000 in the last section. Motion was seconded by Dr. Strickland. Motion passed unanimously.

Regarding the proposed language for subsection (61), for failure to consult the Prescription Drug Monitoring Program (PDMP) – associated with Rule 64B18-23.002, FAC. Clarification was made regarding subsection (61) that it pertains to the dispensing and prescribing the controlled substance. The Board discussed the disciplinary guidelines based on the new requirements of check the PDMP. The Board discussed the first offense under subsection (61), and Dr. Strickland proposed the following language, “The Board shall impose a penalty of reprimand up to suspension requiring continuing education and a fine of up to \$250.00.” Dr. Strickland proposed the following language for the second offense, “The Board shall impose a penalty of reprimand up to suspension requiring continuing education and a fine of up to \$1,000.00 to \$2,000.00.”

A motion was made by Dr. Strickland to accept his proposed updates to the disciplinary guidelines, the Motion was seconded by Dr. Block. Motion passed unanimously.

3. Rule 64B18-14.010, F.A.C. – Citations

Ms. Clark gave an overview of the rule. She has added the violation for a failure to consult the PDMP. She requested the Board to come up with fines for the said violations. The Board suggested the fine of \$100 for the first citation. The rule will come back to the October meeting for review and voting.

TAB VII. Ratifications - Joseph Sindone, DPM – Chair

| | License/Certificate | Client | Number |
|----|---------------------------------------|---------------|---------------|
| 1. | Podiatric Physicians | 2101 | 15 |
| 2. | Certified Podiatric X-Ray Assistants | 2105 | 1 |
| 3. | Podiatric Resident Registration | 2106 | 2 |
| 4. | Continuing Education Approved Courses | 2106 | 2 |

- A motion as made by Dr. Strickland to accept the ratification number for Podiatric Physicians. Motion was seconded by Dr. Block. Motion passed unanimously.
- A motion as made by Dr. Strickland to accept the ratification number for Certified Podiatric X-Ray Assistants. Motion was seconded by Dr. Block. Motion passed unanimously.
- A motion as made by Dr. Strickland to accept the ratification number for Podiatric Resident

Registration. Motion was seconded by Dr. Sadri. Motion passed unanimously.

- A motion as made by Dr. Strickland to accept the ratification number for Continuing Education Approved Courses. Motion was seconded by Dr. Sadri. Motion passed unanimously.

TAB VIII. Reports - Joseph Sindone, DPM – Chair

A. **Chair’s Report** - Joseph Sindone, DPM, Chair

No report.

B. **Vice-Chair’s Report** – Joseph Strickland, Vice Chair

No report.

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

Discussion: There are new procedures from the meeting planning group for documentation at Board meetings. Sophie Amoroso, Regulatory Supervisor, will be leaving the Board office as of 7/20. The Board will be advertising her position. In the interim, Board members may contact Shay Marcelus or Erica White. Ms. White discussed the accommodations for the upcoming Board meeting in January, which will be held in conjunction with the Florida Podiatric Medicine Association. She requested the Board to confirm that all meetings should be in person and the recommended locations. The Board requested Ms. White to research keeping all the meetings in Orlando, Florida.

D. **Prosecuting Attorney’s Report**- Judson Searcy, Assistant General Counsel

The total inventory is 18. There are 5 cases still under legal review, 6 have been submitted to probable cause, and there are 7 cases post- probable cause. There is currently one (1) case in litigation at the Division of Administrative Hearings. Motion to accept the Attorney’s report by Dr. Strickland. Motion was seconded by Dr. Block. Motion passes unanimously.

Motion made by Dr. Strickland to allow the Prosecution Services Unit to continue to prosecute cases older than 1 year and to give the Board an update on the status of pending cases by the October 2018 meeting. Motion seconded by Dr. Block. Motion passed unanimously.

E. **Attorney General’s Report**- Mary Ellen Clark, Senior Assistant Attorney General

1. **Rules Report for July 2018**

Ms. Clark gave an overview on the current rules discussed at the prior meetings. The discussion included Rule 64 B 11.001 and the new continuing education rules that were approved at the April meeting that will become effective August 5, 2018.

2. **Proposed Rule Amendment 64B18-17.001- JAPC Correspondence**

F. **Probable Cause Panel** – Mark Block, DPM

Ms. White will send out proposed dates for the upcoming PCP meetings.

TAB IX. Old Business/ New Business

Discussion Items:

- Annual Regulatory Plan. A Motion was made by Dr. Strickland, and seconded by Dr. Block to delegate Dr. Sindone to work on Plan. Motion passed unanimously.

- Ms. Clark requested the Board to file a Notice of Rulemaking for the following rules.
 - 64B 14.010, F.A.C.
 - 64B-14.009, F.A.C.
 - Proposed 64b18-23.002, F.A.C.

A Motion was made by Dr. Morris, and seconded by Dr. Sadri to file the Notice of Rulemaking for the above-referenced rules. Motion passed unanimously.

TAB X. Next Meeting Date

- October 26, 2018- Holiday Inn Crowne Plaza Downtown – Orlando, FL

TAB XI. Public Comment

Ryan from Florida Osteopathic Medical Association (FOMA) (on behalf of Jason Winn). The Florida Podiatric Medical Association (FPMA) and FOMA are jointly offering the Controlled Substances course, and there are over 100 podiatrists who have taken the course. FOMA and FPMA are working to offer a live course at the FPMA meeting in January 2019. FPMA members get a \$25.00 discount on this course. The on-line course is being offered for \$75.00, with a \$25.00 discount for FPMA members.

XII. Adjournment

The meeting was adjourned by the Chair, Dr. Joseph Sindone, at approximately 12:30 p.m.