

**FLORIDA** | Board of Podiatric Medicine

# Draft Meeting Minutes

**October 26, 2018**

Holiday Inn Crowne Plaza  
304 West Colonial Drive  
Orlando, FL 32801  
Contact Hotel: 407-843-8700



**Joseph Sindone, DPM,  
Chair**

**Joseph Strickland, DPM  
Vice-Chair**

**C. Erica White  
Executive Director**

# **BOARD OF PODIATRIC MEDICINE MEETING**

## **MINUTES**

### **October 26, 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)
- So Sadri, DPM (Estro)
- Robert Morris, Ph.D. (Melrose)

#### **Department of Health Counsel:**

- Matthew Witters, Assistant General Counsel
- Judson Searcy, Assistant General Counsel

#### **Board Counsel:**

- David Flynn, 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. Morris. Motion passed unanimously.

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

##### **A. Determination of Waivers**

*The board, as appropriate, accepted unanimously the following motions: 1). The Department asks that you accept the investigative report into evidence for the purpose of imposing a penalty. 2). The Department asks that you find that the Respondent was properly served and waived the right to a formal hearing (either by failing to respond at all or timely). 3). The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.*

#### **Recused Board Members: Mark Block**

##### **1. Yev Gray, D.P.M; Case # 2016-23557;**

Respondent was not present and was not represented by counsel. The Department recommends revocation of reprimand. A motion was made by Dr. Strickland to accept the recommendations of the Department. Motion was seconded by Dr. Sadri. Motion passed unanimously. The Department withdraws their motion for cost.

**Recused Board Members: Mark Block**

2. **Yev Gray, D.P.M; Case # 2017-02710;**

Respondent was not present and was not represented by counsel. The Department recommends revocation of licensure. A motion was made by Dr. Strickland to accept the recommendations of the Department. Motion was seconded by Dr. Sadri. Motion passed unanimously. The Department withdraws their motion for cost.

**Recused Board Members: Mark Block**

3. **Yev Gray, D.P.M; Case # 2017-08474;**

Respondent was not present and was not represented by counsel. The Department recommends revocation of licensure. A motion was made by Dr. Strickland to accept the recommendations of the Department. Motion was seconded by Dr. Sadri. Motion passed unanimously. The Department withdraws their motion for cost.

**B. Settlement Agreement**

**Recused Board Members: Mark Block**

1. **Albert Brown, D.P.M. Case # 2016-19804**

Respondent was present, sworn in and was represented by Sean Ellsworth. A Motion made by Dr. Strickland to accept the settlement agreement. Motion was seconded by Dr. Morris. Motion passed unanimously.

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

**A. X-ray Licenses**

1. **Aisha Collazo** 2105/2295

Respondent was not present, sworn in, and was not represented by counsel. A Motion made by Dr. Strickland to accept the application for licensure. Motion was seconded by Dr. Block. Motion passed unanimously.

**B. Podiatric Medicine License**

1. **David Schweibish** 2101/3978

Respondent was present, sworn in, and was not represented by counsel. A Motion made by Dr. Block accept the application for licensure. Motion was seconded by Dr. Sandri. Motion passed unanimously.

2. **Kibibi Davison** 2101/4014

Respondent was present, sworn in, and was not represented by counsel. A Motion made by Dr. Block accept the application for licensure. Motion was seconded by Dr. Strickland. Motion passed unanimously.

## **TAB V. Request for Approval of AHCA Exemption**

### **1. Alexander Rios 2105/1878**

A Motion made by Dr. Block to continue the application to the next Board meeting for further review. Motion was seconded by Dr. Sandri. Motion passed unanimously.

## **TAB VI. CME Providers**

### **1. Baptist Health South Florida**

A Motion made by Dr. Sadri to accept the application. Motion was seconded by Dr. Morris. Motion passed unanimously.

### **2. Kent State University College of Podiatric Medicine.**

A Motion made by Dr. Strickland to continue the application for future review until the applicant has met the statutory requirements. Motion was seconded by Dr. Block. Motion passed unanimously.

## **TAB VII. Rules**

*David Flynn, Assistant Attorney General*

### **1. Proposed Rule 64B18-14.002, Disciplinary Guidelines**

#### **Discussion:**

Mr. Flynn gave an overview of the previously discussed proposed changes to the disciplinary guidelines. A motion was made by Dr. Strickland to accept his proposed updates to the disciplinary guidelines as currently drafted. The Motion was seconded by Dr. Block. Motion passed unanimously.

### **2. Rule 64B18-14.009, Minor Violations; Notices of Noncompliance**

#### **Discussion:**

Mr. Flynn gave an overview of the previously discussed proposed changes to the Minor Violations; Notices of Noncompliance. A Motion made by Dr. Strickland to accept all proposed changes to the rule. Motion was seconded by Dr. Block. Motion passed unanimously.

### **3. Rule 64B18-14.010, – Citations**

#### **Discussion:**

Mr. Flynn gave an overview of the proposed changes to the to the citation rules. The Board discussed lowering the fine to \$100.00 for a first violation. The Board discussed making the penalties more educational based as opposed to punitive in nature for a first offense. A Motion made by Dr. Strickland to set the fine to \$50.00 for a first offense. Motion was seconded by Dr. Sandri. Motion passed by Dr. Sandri, Dr. Morris, Dr. Strickland, and Dr. Sindone. Dr. Block opposed the Motion.

### **4. Rule 64B18-23.002, – Standards for the Prescribing of Controlled Substances for the Treatment of Acute**

#### **Discussion:**

Mr. Flynn gave an overview of the proposed changes to the language to Standards for the Prescribing of Controlled Substances for the Treatment of Acute rules. Dr. Block and Dr. Sandri gave an overview of the issue discussed at the Joint Committee. Dr. Block agrees with the

proposed changes of the Standards for the Prescribing of Controlled Substances for the Treatment of Acute rules. Mr. Flynn discussed some changes other Board offices have made as a point of reference for the Board to consider.

A Motion made by Dr. Strickland to accept the changes to the Standards for the Prescribing of Controlled Substances for the Treatment of Acute rules. Motion was seconded by Dr. Morris. Motion passed unanimously.

**TAB VIII. Ratifications -**

*Joseph Sindone, DPM- Chair*

	<b>License/Certificate</b>	<b>Client</b>	<b>Number</b>
1.	Podiatric Physicians	2101	17
2.	Certified Podiatric X-Ray Assistants	2105	17
3.	Podiatric Resident Registration	2106	6

- A motion as made by Dr. Strickland to accept the ratification number for Podiatric Physicians. Motion was seconded by Dr. Morris. Motion passed unanimously.
- A motion as made by Dr. Morris to accept the ratification number for Certified Podiatric X-Ray Assistants. Motion was seconded by Dr. Sindone. Motion passed unanimously.
- A motion as made by Dr. Strickland to accept the ratification number for Podiatric Resident Registration. Motion was seconded by Dr. Block. Motion passed unanimously. Dr. Sindone has requested that a complete list of all resident programs licensed to be presented to the Board at all future meeting.

**TAB VIII Reports - Joseph Sindone, DPM – Chair**

A. Chair's Report - Joseph Sindone, DPM., Chair  
No discussion.

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

**Discussion:**

Dr. Strickland voiced his concerns with the Board meeting not being held at the same location as the state annual meeting. He is concern that the Board will be losing the opportunity to meet with over 700 members of the profession. Dr. Strickland wanted to thank Mary Ellen for her many years of services to the Board.

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

**Discussion:**

Ms. White gave an overview of the Department of Health plan to use a universal application for all profession. The Board discussed what impact this may have on the profession. The Board discussed reviewing or amending the health history questions.

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

**Discussion:**

Mr. Searcy gave a brief update on the current caseload for the Prosecution Services Unit (PSU). There are currently a total nine (9) cases in PSU for this profession. There are two (2) cases that are over one (1) year. A motion was made by Dr. Strickland to allow PSU to continue to prosecute cases older than 1 year. Motion seconded by Dr. Block. Motion passed unanimously.

E. Attorney General's Report – David Flynn, Assistant Attorney General

1. Rules Report for October 2018

**Discussion:**

Mr. Flynn gave an overview of all the rules discussed earlier in the meeting. He is prepared to work on all rules discussed at this meeting. He is also working on HB21. Mr. Flynn will work with Ms. White and update the Board.

F. Continuing Education

No discussion.

G. Probable Cause Panel - Mark Block, DPM

**Discussion:**

Dr. Block commented to the significant reduction of the current cases. He acknowledged the efforts made to reduce the caseload.

H. Multi Board Workgroup - Soorena Sadri, DPM

No discussion.

I. Budget -Robert Morris

The Chair requested that a copy of the Annual Budget is added to the agenda for the future meetings.

J. Credentials

No discussion.

K. Disciplinary Compliance - Joseph Strickland, D.P.M.

No discussion.

L. Examination

No discussion.

M. Healthy Weight

No discussion.

N. Legislative

No discussion.

O. Residency Programs - Joseph Strickland, D.P.M.

No discussion.

P. Rules

**Discussion:**

Mr. Flynn gave an overview of the Annual Regulatory Plan discussed at the last meeting. The Annual Regulatory Plan has been filed. He recommended the Board member inform him of any plan they would like him to work on.

Q. Unlicensed Activity - Robert Morris, Ph.D.

No discussion.

**TAB X. Old Business/ New Business**

No discussion.

**TAB XI. Next Meeting Date**

The next Board meeting will be held on January 11,2019 at Hilton Garden Inn Orlando at SeaWorld.

**TAB XII. Public Comment**

No discussion.

**Adjournment**

Motion to adjourn the meeting made by Dr. Strickland. Motion seconded by Dr. Block. Motion passed unanimously. The meeting was adjourned by the Chair, Dr. Sindone at 10:54 a.m.

DRAFT