

FLORIDA | Board of Podiatric Medicine

Draft Meeting Minutes

April 26, 2019 – 8:00 a.m.

*Telephone Conference Call * Phone#: 888-585-9008 * Participant Code#: 744469610*



Joseph Sindone, D.P.M.
Chair

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

Janet Hartman, Executive Director

Friday, April 26, 2019

TAB I. Call to Order:

The meeting was called to order by the Chair, Joseph Sindone at 8:02 a.m.

Board Members Present:

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

Board Members Not Present

Robert Morris, Ph.D. (Melrose)

Board Counsel:

Lynette Norr, Assistant Attorney General

Department of Health Counsel:

Ann Prescott, Assistant General Counsel

Board Staff:

Janet Hartman, Executive Director
Eric Pottschmidt, MBA – Program Operations Administrator

TAB II. REVIEW AND APPROVAL OF MINUTES

Joseph Sindone, DPM – Chair

- 1) January 11, 2019 Board minutes – Dr. Strickland made motion; Dr. Block seconded; motion passed unanimously.

TAB III. APPLICATIONS REQUIRING BOARD REVIEW

Janet Hartman, Executive Director

• **Dr. Stephen Kushner – Reactivation of License. File #1947 (TS 2:30 minutes)**

- 1) Executive Director with opening statement and details.
 - a) Applicant is requesting reactivation of license after roughly 9 years on Clear/Inactive status.
- 2) Dr. Kushner presents his case.
- 3) Board Staff confirms fees of \$700 are still outstanding (\$350 Change of Status fee, and \$350 Reactivation fee), and CE requirements appear to be complete, but need verification through CE Broker account review.
- 4) Dr. Sindone - asked if Dr. Kushner reported malpractice case to Board staff. Dr. Kushner replied that he did not but was under the impression that the malpractice company/attorney reported the case to the Department. Dr. Sindone informs Dr. Kushner for future responsibilities/incidences that he has 30 days to report these types of issues to the Department.
- 5) Motion to approve reactivation of Dr. Kushner's license from clear/inactive to clear/active, contingent

upon meeting the criteria for the State for CE's and payment of fees due was made by Dr. Block, seconded by Dr. Strickland. Roll-call vote performed – vote passes unanimously.

TAB IV. REPORTS (TS – 13:25 Minutes)

Joseph Sindone, DPM – Chair

1) Chairs Report – Joseph Sindone, DPM

- a. Nothing to discuss.
- b. Inquired about Chair/Vice Chair Meeting in May.
- c. Janet Hartman informed that the meeting will more than likely be postponed until sometime in the Fall. Will confirm to all Chair and Vice Chair when new date has been confirmed.

2) Vice-Chair's Report – Joseph Strickland, DPM – Nothing to report.

3) Executive Director's Report – Janet Hartman

- a. 2020 Meeting Dates
 - i. January 14th proposed date – Dr. Strickland notes trying to get at the hotel of the SAM Conference. Can't have meeting at different hotel during the conference.
 - ii. Janet Hartman explained State requirements play a role in how a hotel is chosen for a meeting. Board member preferences are taken into consideration, but ultimately, State guidelines must be followed.
 - iii. If proposed date of January 14th is only option, would prefer to have afternoon meeting as opposed to morning meeting.
 - iv. Chair suggests working towards having meeting during the conference at the hotel where conference is being held.
 - v. Would like Dr. Strickland and Janet to work on this.
 - vi. Vote on the other three 2020 dates – April 3 teleconference, July 10th in Orlando, and October 9 in Orlando. Dr. Block voted in favor; Dr. Sadri voted in favor; Dr. Strickland voted in favor. Passed unanimously.
- b. Health History Questions - **(TS – 27:20 Minutes)**
 - i. Janet Hartman gives brief overview.
 - ii. Being proposed is the replacement of six questions currently on all three applications, with three new questions.
 - iii. Dr. Sindone – concerns on Third Question.
 - (a) Doesn't say "In the state",
 - (b) Shouldn't the letter come from a physician in the area of specialty/expertise of the issue instead of simply requiring a letter from a healthcare practitioner.
 - (c) Dr. Block – validates Dr. Sindone's point.
 - (d) Janet Hartman – will draft something on recommended language to address more specifics of question three for review at next Board meeting. There are slight time restrictions, but can coincide with efforts to standardize the Board applications that will be available for next Board meeting in July.
 - (e) Ms. Lynette Norr - Ultimately, it's at the Boards discretion to adjust the questions how they see appropriate to fit their profession.

c. Board Delegation (TS – 34:50 Minutes)

- i. Dr. Block reviews current status while Board acknowledges item by item:

- (a) All line-items approved for 2019 Delegation by the Board to mirror same delegated authority as 2018 delegation. Motion to approve 2019 version by Dr. Block. Second motion by Dr. Strickland. Motion passes unanimously.
 - d. Podiatric Discipline Matrix Review – Motion to approve. Dr. Sadri, seconded Dr. Block. Motion passes unanimously.
 - e. STMS Travel Program (Statewide Travel Management System) – Briefly informs Board of new electronic travel system that currently does not affect the Board members but will eventually.
 - f. Budget Review – As of Period Ending December 31, 2018.
 - i. \$417,149 ending cash balance
 - (a) Dr. Sindone would like future presentation structure to report income and expenditure by line-item. Board would like to know specific sources of revenue and expenditure.
 - (b) Dr. Sindone requested information regarding budget line-item called, “Transfer of Funds”. Ms. Hartman advised she will provide more detailed information with next report.
- 4) **Attorney General’s Report** – Lynette Norr, Assistant Attorney General **(TS – 49:00 Minutes)**
- a. Introduction and Bio.
 - b. April Rules Report
 - i. One rule open for development – 64B18-11.001 – general application for licensure rule.
 - ii. If health history questions are approved at next meeting, the Board will need to open other rules for development to adopt the revision of the application for the change in health history questions, as well as, changing the revision dates at the bottom of the applications. Same actions will be taken for other Podiatric applications including Podiatric Resident Registration and Podiatric X-Ray Technician Assistant.
 - c. Rule Making Discussion **(TS – 53:10 Minutes)**
 - i. Rules for Reactivating License - at the request of Dr. Sindone, Ms. Norr reviewed the authority for rulemaking related to courses required for renewal of license, inactive license reactivation, and notification of sponsor in the event of discipline assessed for a Podiatric X-Ray Technician Assistant.
 - (a) Section 461.007, F.S. – Renewal of License – if licensee has not practiced in last 2 of the immediately preceding 4 years, the Board shall require that the licensee complete a Board approved course. However, there was no specification of the approved course, or whether a Board appearance was required.
 - (b) Rule 64B18-13.008, F.A.C. – Reactivation of License – subsection could be added to address problem with inadequate or insufficient language addressing reactivation of licenses which are inactive for long periods of time.
 - (c) A rule is requested to be opened for development that requires Podiatric X-ray Technician Assistants who have been imposed discipline to inform their sponsor. Ms. Norr confirms that the Board does have rulemaking authority.
 - (d) Dr. Sadri and Ms. Norr to work on language for review at next Board meeting July 19, 2019
 - ii. Rules for Notifying Sponsor
 - (e) Another rule needs to be open for development that requires X-ray technicians who have discipline to inform their sponsor. Lynette confirms that the Board does have rule making authority.

(f) Dr. Sadri and Ms. Lynette Norr to work on language for review at next Board meeting July 19, 2019.

iii. Ms. Lynette Norr and Dr. Sadri to review and discuss CE categories for volunteer work that's done in the community. If doesn't exist, put on agenda, or if found, send it to Dr. Sindone for review.

5) Committee Report

- a. Probable Cause Panel – Mark Block, DPM – PCP scheduled for May 17, 2019 - 6 cases coming up.
- b. Budget – Robert Morris, Ph.D. – nothing to report.
- c. Credentials - Soorena Sadri, DPM – nothing to report.
- d. Disciplinary Compliance – Dr. Strickland, DPM – nothing to report.
- e. Examination – Dr. Sindone, DPM– nothing to report.
- f. Healthy Weight – Dr. Sadri, DPM– nothing to report.
- g. Legislative – Dr. Strickland, DPM– nothing to report.
- h. Residency Program – Dr. Sindone, DPM-
 - i. Mr. Pottschmidt is requested to gather data from CPME and APMA to compare residency programs against Department records. Will be presented for review at next Board meeting.
- i. Rules – Dr. Sadri, DPM– nothing to report.
- j. Unlicensed Activity – Robert Morris, Ph.D. – nothing to report.

6) Prosecutor's Report – Ann Prescott, Assistant General Counsel

- a. 8 cases in inventory – 6 to be heard at PCP meeting.
- b. Board votes to continue to allow PSU to continue prosecuting 2016/2017 outstanding cases; Motion made by Dr. Block; seconded by Dr. Strickland; motion passes unanimously.

TAB V: RATIFICATIONS (TS – 1:08:15 Minutes)

Joseph Sindone, DPM – Chair

- 1) Podiatric Physicians – 37 total. 4047 through 4083 – Motion made by Dr. Block, Dr. Strickland seconded; motion passes.
- 2) Certified Podiatric X-Ray Assistants – 31 total – 2184 through 2214. Motion made by Dr. Block; Dr. Strickland seconded; motion passes unanimously.

TAB VI. OLD / NEW BUSINESS - Dr. Block – opened discussion about Podiatric X-Ray Technician Assistant being required to satisfy the fingerprint and privacy statement requirement after they have already been licensed. More review and discussion is scheduled for next Board meeting, but suggestion was made to draft a letter that would indemnify the Board members for any liability issues that may arise.

TAB VII. NEXT MEETING DATE – July 19, 2019 in Tampa, Florida at the Four Points Sheraton Suites. Board would like a list of attendees ahead of time.

TAB VIII. Adjournment

Motion to adjourn meeting made by Dr. Strickland; seconded by Dr. Block. Meeting adjourned at 9:25 a.m.