



FLORIDA BOARD OF PODIATRIC MEDICINE GENERAL BOARD MEETING

July 19, 2019, 9:00 a.m.

Four Points Sheraton Suites

4400 W. Cypress Street, Tampa, FL 33607

TAB 1. CALL TO ORDER

The meeting was called to order on Friday, July 19, 2019 at 9:00 A.M.ET by Board Chair, Joseph Sindone, DPM, Chair

Roll Call – Janet Hartman, Executive Director

Those present for the meeting included the following:

Members Present:

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

Staff Present:

Janet Hartman, Executive Director
Eric Pottschmidt, Program Operations Administrator
Lynette Norr, Board Counsel
Court Reporter: Integra Reporting Group, LLC
Judson Searcy, Assistant Attorney General

TAB 2. REVIEW AND APPROVAL OF MINUTES

Motion: by Dr. Strickland to approve the minutes as presented from the April 26, 2019 General Business Meeting.

Second: by Dr. Morris

Vote: Passed Unanimously

TAB 3. APPLICATIONS REQUIRING BOARD REVIEW (TS – 1:15 Minutes)

Gary Oringer – File #3880 – Dr. Oringer is on medical mission and is not present. Janet Hartman reads summary into record. Dr. Oringer Dr. Goldman is before the Board for consideration for failing part 3 after 3 attempts. Per 461.006(2)(e) F.S, the applicant must be presented to the Board for review and assignment of educational requirements and/or training before applicant may sit for the exam no more than 2 more times.

Lynette Norr, Board Counsel, reads in other elements pertaining to Dr. Oringer's application.

After discussion, the following action was taken:



Motion: by Dr. Strickland to require Dr. Oringer to come before the Board at the next meeting (in-person or via teleconference call) to discuss reasons why he is challenged with passing part 3.

Second: by Dr. Sadri

Vote: Passed Unanimously

Lynette Norr, Board Counsel, states that an order will go out to reflect under Florida statute that he will be required to appear at one of the next 2 meetings. Dr. Sindone also suggests the order state the Dr. Oringer complete educational training or CME's per 461.006(2)(e) F.S, and to be prepared to discuss part 3 and criminal history.

Dr. Steven Goldman – File #4053 (TS – 19:00 Minutes)

Dr. Goldman is not present. Janet Hartman reads summary into record. Dr. Goldman is before the Board for consideration because he submitted application answering “no” to having previous disciplinary history, when there was disciplinary history in his record.

After discussion, the following action was taken:

Motion: by Dr. Block that application is incomplete and must to take part 3 of the exam or submit a petition of variance or waiver.

Second: by Dr. Strickland

Vote: Unanimously Passed

Dr. Wayne Dunetz – File #4063

Dr. Wayne Dunetz is present and sworn in. Janet Hartman reads summary into record. Dr. Dunetz is before the Board for consideration because he did not disclose his criminal and disciplinary history on his application by answering “no”. He did answer the DEA question of ever having been denied or surrendered his DEA registration.

Dr. Dunetz reviews his history and disciplinary/criminal issues with the Board. Also explains that the Board of Medicine has already granted full active license.

After discussion, the following action was taken:

Motion: by Dr. Strickland to approve his license.

Second: by Dr. Block

Vote: Unanimously Passed

Thomas Ray – File #4094

Thomas Ray is not present. Janet Hartman reads summary into record. Thomas Ray is before the Board for consideration due to his admission of contributing to the delinquency of a minor.



Lynette Norr, Board Counsel, reads in other elements pertaining to Thomas Ray's application as also having history of malpractice.

After discussion, the following action was taken:

Motion: by Dr. Sadri to approve his license.

Second: by Dr. Block

Vote: Unanimously Passed

Douglas Kahn – File #4114

Douglas Kahn is present and sworn in. Janet Hartman reads summary into record. Douglas Kahn is before the Board for consideration because he entered into agreement to voluntarily relinquish his license by final order dated June 2, 2017. Mr. Kahn is also listed on the Office of Inspector General's exclusions list. According to

Lynette Norr, Board Counsel, reads in other elements pertaining to Thomas Ray's application, and references 456.0635 F.S., that the applicant is prohibited from being licensed based on his name showing on this list.

Dr. Sindone notes that the Board is unable to approve the issuance of a license based on Florida Statute, and recommends the applicant look at how to, if possible, get removed from the list.

Tina Anderson – File #2207

Tina Anderson is not present and sworn in. Janet Hartman reads summary into record. Tina Anderson is before the Board for consideration because she self-reported three driving infractions.

After further discussion, the Board takes the follow action:

Motion: by Dr. Strickland to approve her license

Second: by Dr. Sadri

Vote: Unanimously Passed

Melissa Ausflug – File #2344

Melissa Ausflug is present and sworn in. Janet Hartman reads summary into record. Melissa Ausflug is before the Board for consideration because of criminal history with domestic aggravated battery with a deadly weapon and self-disclosed.

After further discussion, the Board takes the follow action:

Motion: by Dr. Block to approve her license

Second: by Dr. Sadri

Vote: Unanimously Passed



Lacey Hallett – File #2366

Lacey Hallett is not present. Janet Hartman reads summary into record. Lacey Hallett is before the Board for consideration because of two driving infractions.

After further discussion, the Board takes the follow action:

Motion: by Dr. Strickland to approve her license

Second: by Dr. Sadri

Vote: Unanimously Passed

Brian Marshall – File #2389

Brian Marshall is not present. Janet Hartman reads summary into record. Brian Marshall is before the Board for consideration because of criminal history of a DUI.

After further discussion, the Board takes the follow action:

Motion: by Dr. Sadri to approve his license.

Second: by Dr. Block

Vote: Unanimously Passed

TAB 4. REPORTS (TS – 40:40 Minutes)

Chair Report – nothing to report

Vice Chair Report – nothing to report.

Executive Director Report – Janet Hartman

Mentions our new Surgeon General Appointment

Reviews Podiatric Resident Programs and verifies status of 21 current programs.

Reviews Podiatric X-Ray Assistant Electronic Fingerprinting Status – most applications are complete. It is also recommended that we increase knowledge of the sponsors to ensure that, while the responsibility is on the employee to report to the Board Office upon leaving the employment of a sponsor, we highly encourage the sponsor to report an employee leaving, as well.

Dr. Block notes that maybe we set up an association to flag or notice the Board office when an address and license do not match.

Dr. Sindone suggests a rule/statute change that requires the sponsor to notify the Board Office when a technician leaves their employment.



Reviews Legislative Update

HB 23 - Dr. Sindone asks questions regarding concerns about scope of practice regarding HB 23 Telehealth Bill. Lynette Norr, Board Counsel, reads Bill on the record and clarifies.

Reviews HB 7067 Registration Fees
Reviews HB 451 Nonopioid Alternatives
Reviews HB 831 Electronic Prescribing
Reviews HB 851 Human Trafficking
Announces 2020 Regular season to begin January 14, 2020

Reviews Budget Report reviewing by revenue and expenditures.

Reviews Certified Podiatric X-Ray Assistant Paper Application by comparing old form and new form.

Reviewed health history questions but not able to approve change to new questions due to not having the new questions listed on the application. Tabled until next meeting.

The Board approves the new Certified Podiatric X-Ray Assistant Application for Licensure.

Motion: by Dr. Strickland to adopt the new Certified Podiatric X-Ray Assistant Application for Licensure .

Second: by Dr. Sadri

Vote: Unanimously Passed

Mentions Chair/Vice Chair Meeting Announcement – October 18, 2019. Janet reviews survey questions that were sent to the members to be completed, and to check that the survey was received.

Reviewed 2020 February meeting date instead of January SAM conference originally requested. Would like to be in Orlando. Suggested dates are February 21 or 28.

Prosecutor's Report (TS – 1:09:00 Minutes)

Janet Hartman reads submitted prosecutors report and requests the Board to vote on a motion for the PSU to continue to prosecute cases 1 year and older.

Motion: by Dr. Sadri to continue to allow PSU to continue to prosecute cases 1 year and older.

Second: by Dr. Block

Vote: Unanimously Passed



Board Counsel Report (TS – 1:10:32 Minutes)

Lynette Norr reviews the rules report and rule tabs.

Dr. Sindone discusses concerns about minor violations and objects that letter “G – dispensing medications without labeling”, “H” – Practitioners failing to dispense drugs in a manufacturer label” and “P” - using a computer system but failing to do backups are minor violations are minor violations.

Lynette Norr states Board may fix this concern by making motion to strike as minor violations and also answer SERC questions:

Motion: by Dr. Block to strike through as minor violations letters G, F, and P.

Second: by Dr. Strickland

Vote: Unanimously Passed

Motion: by Dr Strickland as Lynette Norr states that a statement of regulatory cost is not required because there’s no adverse impact on small business or increases in regulatory costs.

Second: by Dr. Block

Vote: Passes Unanimously

Lynette Norr discusses annual regulatory plan that’s due in October, and discusses process involved. Dr. Sindone requests that Dr. Sadri be involved in this process. Some topics for possible rule making were for telehealth, human trafficking, and having no disciplinary guidelines for an offense for not completing an application accurately.

Motion: by Dr Strickland as Lynette Norr states that a statement of regulatory cost is not required because there’s no adverse impact on small business or increases in regulatory costs.

Second: by Dr. Block

Vote: Passes Unanimously

Reviews Rules 11.001, 16.006, 24.001 Licensure Applications for possible modification of the rule that incorporates that application.

Motion: by Dr. Strickland referencing rule 64B18-24.001 Initial Certification for Podiatric X-Ray Assistant to update the effective date to 07/2019.

Second: by Dr. Sadri

Vote: Passes Unanimously

Dr. Sindone opens discussion on problem of answering criminal history question with 5 years as the base line. Appearance is that the applicant is being deception or misleading on their application by not answering if their history was beyond 5 years. Executive Director, Janet Hartman, to research specifics and legalities on how criminal history should be referenced with either “5 years” or “Ever”.

Board could not recall if 64B18-24.001 Initial Certification for Podiatric X-Ray Assistant to update the effective date to 07/2019 was done. Second motion and vote is as follows:



Motion: by Dr. Sadri referencing rule 64B18-24.001 Initial Certification for Podiatric X-Ray Assistant to update the effective date to 07/2019.

Second: by Dr. Block

Vote: Passes Unanimously

Reviews and discussion on Rule 64B18-17.001 Continuing Education (TS – 1:33:20 Minutes) for Reactivation of License

Upon reactivation of a license when physician has not been practicing in past years outlined by Florida Statutes, how does the Board address the potential loss of competencies during inactive status of the license if they don't have statutory authority that states they may enforce a monitor on the licensee?

Motion: by Dr. Block to table this discussion until Lynette Norr can return with more research on discussion and provide recommendations

Second: by Dr. Strickland

Vote: Passes Unanimously

Reviews Rule 64B18-17.005 Continuing Education Requirements After Initial Licensure

Chair recognizes Mr. Jason Winn, FPMA Counsel – discusses similar rules in other professions whereas during initial licensure biennium, licensee may be exempted or partially exempted from full CE requirement as outlined in 456.013.7,8 and 9, F.S.

After further discussion, the Board takes the follow action:

Motion: by Dr. Block to table this until Lynette can do more research on statutory authority that may allow 1st biennium licensees to have full or partial CE requirements waived.

Second: Dr. Strickland

Vote: Passes Unanimously

Lynette Discusses Rule 24.003 (new) X-Ray Assistant Reporting – proposed language for new rule as reviewed by the Board.

Dr. Block states he is sensitive to putting burden and liability on sponsor to report to the Board office when X-Ray Technician leaves their employment.

After further discussion, the Board takes the follow action:

Motion: by Dr. Morris to accept the proposed rule 64B18-24.003.

Second: Dr. Sadri

Vote: Passes Unanimously



Will the proposed rule amendments have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in Florida within one year after the implementation of this rule.

Motion: by Dr. Sindone that states that it does not put a burden on the physician or public.

Second: Dr. Strickland

Vote: Passes Unanimously

Should a violation of this rule or any part of this rule be designated a minor violation?
Yes.

Motion: by Dr. Sindone that it would be a minor violation.

Second: Dr. Sadri

Vote: Passes Unanimously

Motion: by Dr. Sindone to add to the minor violations making it a minor violation of a technician who does not report to the Board Office a change in their supervisor.

Second: Dr. Sadri

Vote: Passes Unanimously

Lynette discusses Board Member Liability. (TS – 2:06:45 Minutes) Janet Hartman references issue when Board Office licensed X-Ray Technicians without capturing finger prints needed to conduct background checks. Question was raised if the Board holds any liability from any adverse reactions to this gap in compliance. Lynette responds that the Board members are protected under 456.008(2) F.S.

Committee Reports

- a. Probable Cause Panel – Mark Block, DPM – Nothing to Report
- 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– Nothing to Report
- i. Rules – Dr. Sadri, DPM– Nothing to Report
- j. Unlicensed Activity – Robert Morris, Ph.D. – Nothing to Report

Lynette Norr comments on legislative action needed – Possible areas to consider action is in human trafficking and telehealth, and whatever modifications are required in other rules. There is a timetable that they need to get started by. The postponed rule making done during this meeting will need to be opened for development and published at next meeting to meet statutory requirement for rule making authority. Assigned to Dr. Sandri and Lynette Norr to have completed by next meeting.



TAB 5. RATIFICATIONS (4/16/2019 to 7/3/2019)

Profession Name	Profession Code	# of Licensed	License Range
Podiatric Physician	2101	25	License # 4084 thru 4108
Podiatric Residency Program	2102	2	License # 31 thru 32
Certified Podiatric X-Ray Assistant	2105	42	License # 2215 thru 2256
Podiatric Resident Registration	2106	48	License # 586 thru 633

Motion: by Dr. Strickland to approve ratification of profession code 2101

Second: by Dr. Sadri

Vote: Unanimously Passed

Motion: by Dr. Sadri to approve ratification of profession code 2102

Second: by Dr. Morris

Vote: Unanimously Passed

Motion: by Dr. Strickland to approve ratification of profession code 2105

Second: by Dr. Sadri

Vote: Unanimously Passed

Motion: by Dr. Sadri to approve ratification of profession code 2106

Second: by Dr. Strickland

Vote: Unanimously Passed

TAB 6. OLD BUSINESS/NEW BUSINESS – no new business.

TAB 7. NEXT MEETING DATE October 25, 2019 @ 9:00 a.m. at Hilton Garden Inn, 6850 Westwood Blvd., Orlando, FL

TAB 8. PUBLIC COMMENTS – Dr. Allen asks if registration is taken care of. Dr. Lambert sends his regards.

TAB 9. ADJOURNMENT – meeting adjourned @ 11:24 a.m.

Motion: by Dr. Sadri to adjourn the meeting

Second: by Dr. Strickland

Vote: Unanimously Passed