

FLORIDA BOARD OF PODIATRIC MEDICINE

GENERAL BOARD MEETING MINUTES

February 21, 2020 at 9:00 A.M. EST

DoubleTree by Hilton Orlando East
12125 High Tech Avenue, Orlando, FL 32817
(407) 275-9000



Joseph Strickland, DPM, Chair

Janet E. Hartman, Executive Director

BOARD MEMBERS PRESENT

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

BOARD STAFF PRESENT

Janet Hartman, Executive Director
Eric Pottschmidt, Program Operations Administrator

BOARD COUNSEL PRESENT

Christopher Dierlam, Assistant Attorney General

DEPARTMENT OF HEALTH COUNSEL PRESENT

Judson Searcy, Assistant General Counsel

AGENDA

CALL TO ORDER

Roll Call

Welcome

REVIEW AND APPROVAL OF MINUTES

July 19, 2019

Motion: by Mr. Strickland to approve the minutes as presented from the July 19, 2019, General Business Meeting.

Second: Dr. Block

Vote: Passed Unanimously

October 25, 2019

Motion: by Mr. Strickland to approve the minutes as presented from the October 25, 2019, General Business Meeting.

Second: Dr. Block

Vote: Passed Unanimously

December 20, 2019

Motion: by Mr. Strickland to approve the minutes as presented from the December 20, 2019, General Business Meeting.

Second: Dr. Block

Vote: Passed Unanimously

DISCIPLINE

Informal Hearing - David Loiselle, D.P.M., 2019-01319 (TS: 1:10-31:15)

Dr. David Loiselle was present, did have legal representation, and was sworn in.

Judson Searcy, Assistant General Counsel, reads case.

Discussion: **(TS: 3:15-29:35)**

Dr. Loiselle read from a prepared statement **(TS 3:15-14:30)**

Dr. Jacobs from the Professional Resource Network is present and made comments.

Motion: by Dr. Strickland to adopt the conclusions of law.

Second: by Dr. Sadri

Vote: Passed Unanimously

Motion: by Dr. Strickland to accept the findings of fact.

Second: by Dr. Sadri

Vote: Passed Unanimously

The Board Counsel discussed case and prohibition of action by the Board due to Florida Statutes.

After discussion, the following action was taken:

Motion: by Dr. Sadri to dismiss the case.

Second: by Dr. Morris

Vote: Passed Unanimously

The Department withdraws motion for costs.

Determination of Waiver - Brian J. Altman, D.P.M., 2018-19688 (TS: 31:15-36:45)

Dr. Brian J. Altman was not present and did not have legal representation.

Judson Searcy, Assistant General Counsel, reads case.

After discussion, the following action was taken:

Motion: by Dr. Strickland to accept the findings of fact.

Second: by Dr. Sadri

Vote: Passed Unanimously

Motion: by Dr. Strickland to adopt the conclusions of law.

Second: by Dr. Sadri

Vote: Passed Unanimously

Motion: by Dr. Sadri to issue reprimand.

Second: by Dr. Strickland

Vote: Passed Unanimously

Motion: by Dr. Strickland for costs of \$1,269.97

Second: by Dr. Sadri

Vote: Passed Unanimously

Determination of Waiver - Dawn Denise Rhodes, D.P.M., 2019-03969 (TS36:45 - 39:50)

Dr. Dawn Denise Rhodes was not present and did not have legal representation.

Judson Searcy, Assistant General Counsel, reads case.

Motion: by Dr. Strickland to accept the findings of fact.

Second: by Dr. Sadri

Vote: Passed Unanimously

Motion: by Dr. Strickland to adopt the conclusions of law.

Second: by Dr. Sadri

Vote: Passed Unanimously

Motion: by Dr. Strickland to revoke the license.

Second: by Dr. Sadri

Vote: Passed Unanimously

The Department withdraws motion for costs.

PROSECUTOR’S REPORT (TS: 40:10 - 42:25)

Complaint Inventory as of February 21, 2020: 16 cases.

Number of Complaints Older Than One Year: There is one remaining, due to respondent wanting to present in front of the Board at July 2020 meeting.

Motion: by Dr. Strickland to allow PSU to continue to prosecute one year and older cases.

Second: by Sadri

Vote: Passed Unanimously

APPLICATIONS REQUIRING BOARD REVIEW (TS: 42:40)

Podiatric Physician

Tommy Kennedy, D.P.M. – File #4151 (TS 42:40)

Dr. Tommy Kennedy was not present and did not have legal representation.

Janet Hartman, Executive Director, reads case.

After discussion, the following action was taken:

Motion: by Dr. Block to approve his application.

Second: by Dr. Sadri

Vote: Passed Unanimously

Sharmila Das-Wattley, D.P.M., - File #4052 (TS: 44:20)

Dr. Sharmila Das-Wattley was present and did not have legal representation.

Janet Hartman, Executive Director, reads case.

Dr. Das-Wattley explained the malpractice cases in other states had been found in her favor. The Board asked about affirmative answers on her application, which was explained.

After discussion, the following action was taken:

Motion: by Dr. Sadri to approve the application.

Second: by Dr. Morris

Vote: Passed Unanimously

**Richard Brietstein, D.P.M. – License # PO629 – Renewal
Pro Bono Service - Volunteer Health Care Provider Program (s. 766.1116, F.S.) (TS:51:20)**

Dr. Richard Brietstein was not present.

It was stated that the requirements appear to be met after providing 320 hours of Pro Bono services.

After discussion, the following action was taken:

Motion: by Dr. Strickland to approve exemption from paying renewal fees.

Second: by Sadri

Vote: Passed Unanimously

**Myron Bernstein, D.P.M. – License # PO545 – Renewal
Pro Bono Service - Volunteer Health Care Provider Program (s. 766.1116, F.S.) (TS 53:15)**

Dr. Myron Bernstein was not present.

It was stated that the requirements appear to be met after providing 163 hours of Pro Bono services.

After discussion, the following action was taken:

Motion: by Dr. Block to approve exemption from paying renewal fees.

Second: by Sadri

Vote: Passed Unanimously

**Bitra Ansari, D.P.M. – License # PO3210 – Renewal
Pro Bono Service - Volunteer Health Care Provider Program (s. 766.1116, F.S.) (TS: 55:00)**

Dr. Bitra Ansari was not present.

It was stated that the requirements appear to be met after providing 305 hours of Pro Bono services.

After discussion, the following action was taken:

Motion: by Strickland to approve exemption from paying renewal fees.

Second: by Sadri

Vote: Passed Unanimously

Robert Nguyen, D.P.M. – License # PO3297 - Exemption Application (TS: 55:30)

Dr. Robert Nguyen was not present.

Janet Hartman, Executive Director, reads case.

After discussion, the following action was taken:
Motion: by Dr. Block to approve AHCA exemption.

Second: by Dr. Sadri

Vote: Passed Unanimously

Podiatric X-Ray Technician

Heidi Lee Kulon – File #2491 (TS: 58:05)

Heidi Lee Kulon was not present and did not have legal representation.

Janet Hartman, Executive Director, reads case.

After discussion, the following action was taken:

Motion: by Dr. Strickland to approve application.

Second: by Dr. Block

Vote: Passed Unanimously

PETITION FOR VARIANCE OR WAIVER (TS: 59:05)

Dr. Stephen Aron, D.P.M. – File # 4182 – Rule 64B18-11.001(2), F.A.C.

Dr. Stephen Aron was not present and did not have legal representation.

After discussion, the following action was taken:

Motion: by Dr. Block to approve Petition of Variance and Waiver.

Second: by Dr. Morris

Vote: Passed Unanimously

Dr. Paul Jordan, D.P.M. – File # 4145 - Rule 64B18-11.002, F.A.C. (TS: 1:00)

Dr. Paul Jordan was not present and did not have legal representation.

After discussion, the following action was taken:

Motion: by Dr. Morris to approve Petition of Variance or Waiver.

Second: by Sadri

Vote: Passed Unanimously

Discussion: There was discussion regarding malpractice history.

After discussion, the Board took the following action:

Motion: by Dr. Sadri to approve application.

Second: by Morris

Vote: Passed Unanimously

REPORTS

Chair Report (TS 1:03:30)

Probable Cause Panel Appointment

Dr. Strickland, Chair, appointed Dr. Price to the PCP panel.

Executive Director's Reports (TS: 1:04:10)

Legislative Update

Mrs. Hartman discussed HB 115 and its impact on new applicants and a minor change to the application.

After discussion, the Board took the following action:

Motion: by Dr. Sadri to approve the minor change to the application.

Second: by Dr. Morris

Vote: Passed Unanimously

Mrs. Hartman discussed SB 1124, SB 500, SB 743 / SB 1080, HB 1103 / SB 1830, HB 351 / SB 744.

Financial Reports (TS: 1:13:35)

Dr. Block asked to revisit discussion on lowering re-licensure fees and the sweeping of excess funds in the account.

Electronic Prescribing Waiver (TS 1:16:30 - TS 1:22:20)

Mrs. Hartman discussed HB 831 requiring prescribers who maintain electronic records to prescribe electronically.

2021 Proposed Meeting Dates (TS 1:22:20)

The Board referenced staying in Orlando for 2021 meeting dates.

After discussion, the Board took the following action:

Motion: by Dr. Strickland to accept the 2021 proposed meeting dates and the January date will be evaluated for location.

Second: by Dr. Morris

Vote: Passed Unanimously

Updated Travel Guide and Reimbursement Form (TS 1:27:00)

Mrs. Hartman informed the Board about a travel summary.

Disclosure Requirements Website and Application Enhancements (TS: 1:27:50)

Mrs. Hartman discussed updated to the website to better explain the disclosure requirements.

Fellowship Program Information - Website Resources (TS 1:30:00)

Mrs. Hartman discussed resources on fellowships that have been updated on the website.

Podiatric X-Ray Technicians – Human Trafficking (TS: 1:30:55)

Mrs. Hartman discussed how the office is able to update the requirement via rosters sent by the CE Providers.

Board Counsel Reports

OFARR Directive (TS: 1:37:00)

Counsel discussed the request from the Governor to review the rules and the inclusion of Sunset provisions.

After discussion, the Board took the following action:

Motion: by Dr. Strickland to comply with the request from the Governor referencing the OFARR Directive.

Second: by Dr. Block

Vote: Passed Unanimously

Rules Report (TS: 1:40:45 – 1:50:16)

Counsel discussed proposed Rule 64B18-17.001 and amendment to the language in sub-paragraph 7 to align with s. 461.007, F.S.

Motion: by Dr. Block to modify sub-paragraph 7 to where the Board requires a licensee to complete a Board approved course prior to active renewal of the license.

Second: by Dr. Morris

Vote: Passed Unanimously

Herssein Case Study

Board Counsel discussed the case and how it could impact future cases.

Committee Reports (TS: 1:54:10)

CE Committee – Dr. Sadri - Nothing to report.
Malpractice Committee – Dr. Block – Nothing to Report
Residency Program – Dr. Sadri - Nothing to Report
Probable Cause Panel – Dr. Block – Nothing to Report
Budget – Robert Morris, Ph.D. – Nothing to Report
Rules – Dr. Sadri – Nothing to Report
Legislative – Dr. Strickland – Nothing to Report
Unlicensed Activity – Dr. Morris – Nothing to Report

Board Counsel asked for a motion to approve SERC questions for Rule 64B18-17.001 **(TS: 1:56:10)**

Will the proposed rule amendments have adverse impact on small business?

Motion: by Strickland votes “NO”

Second: by Morris votes “NO”

Vote: Passed Unanimously

Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule?

Motion: by Strickland votes “NO”

Second: by Morris votes “NO”

Vote: Passed Unanimously

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

Motion: by Strickland votes “NO”

Second: by Sadri votes “NO”

Vote: Passed Unanimously

New question being added to SERC questions: Asks the Board to consider whether or not a Sunset Provision would be applicable to the rule.

Is a Sunset Provision required for this Rule?

Motion: by Strickland votes “NO”

Second: by Morris votes “NO”

Vote: Passed Unanimously

Jason Winn, on behalf of the Florida Podiatric Medical Association, made comments. **(TS 1:58:10)**

RATIFICATIONS (TS: 1:59:55)

Licenses Issued:

Motion: by Dr. Morris to ratify Profession 2101 – Podiatric Physician.

Second: by Dr. Sadri

Vote: Passed Unanimously

Motion: by Dr. Morris to ratify Profession 2105 – Podiatric X-Ray Assistant.

Second: by Dr. Sadri

Vote: Passed Unanimously

Motion: by Dr. Sadri to ratify Profession 2106 – Podiatric Resident Registration.

Second: by Block

Vote: Passed Unanimously

CE Broker Courses Approved. (TS: 2:01:00)

Motion: by Sadri to ratify Providers in 2019.

Second: by Block

Vote: Passed Unanimously

Motion: by Sadri to ratify Courses in 2019.

Second: by Block

Vote: Passed Unanimously

Motion: by Sadri to ratify Providers in 2020.

Second: by Block

Vote: Passed Unanimously

Motion: by Sadri to ratify Courses in 2020.

Second: by Block

Vote: Passed Unanimously

Committee-of-One Actions: (TS: 2:03:50)

Malpractice:

Brad Fine – NPDB Report for renewal.

Alan Katz – NPDB Report for licensure.

OLD BUSINESS/NEW BUSINESS (TS: 2:04:05) – Nothing to review.

NEXT MEETING DATE – July 10, 2020 – Rosen Plaza Hotel, Orlando, Florida

PRESENTATION / PUBLIC COMMENTS

Special Olympics Florida Presentation **(TS: 2:04:20)**

A representative from Special Olympics of Florida explained the program and the importance of volunteers in their mission along with the need for podiatric volunteers for their athletes.

ADJOURNMENT at 11:21 A.M. EST

Motion: by Dr. Block to adjourn.

Second: by Dr. Sadri

Vote: Passed Unanimously