

FLORIDA BOARD OF PODIATRIC MEDICINE GENERAL BOARD MEETING

Minute Shell

July 10, 2020 at 9:00 A.M. EST

Teleconference Meeting

Call-in # 888-585-9008

Conference Code – 744-469-610#



Joseph Strickland, DPM, Chair

Janet E. Hartman, Executive Director

CALL TO ORDER @ 9:01 a.m.

Roll Call

BOARD MEMBERS PRESENT

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

BOARD MEMBER(S) NOT PRESENT

None

BOARD STAFF PRESENT

Janet Hartman, Executive Director
Ashleigh Irving, Program Operations Administrator
Rebecca Lawrence, Regulatory Supervisor/Consultant
Kisha Johnson, Regulatory Specialist II, Team Lead

BOARD COUNSEL PRESENT

Christopher Dierlam, Assistant Attorney General

DEPARTMENT OF HEALTH COUNSEL PRESENT

Judson Searcy, Assistant General Counsel

REVIEW AND APPROVAL OF MINUTES – April 10, 2020

The minutes were reviewed, and the following action was taken by the Board:

Motion: by Dr. Block to approve the April 10, 2020 minutes.
Second: by Dr. Sadri.
Vote: Passed Unanimously.

PROSECUTOR’S REPORT (TS – 02:25 Minutes)

Mr. Dierlam presented the following report to the Board:

Complaint Inventory as of June 9, 2020:

Number of complaints under review by a department prosecutor:	3
Number of complaints drafted for probable cause:	6

Number of complaints where probable cause has been found:	1
Number of complaints where probable cause has been found:	0
Number of complaints with an appeal pending:	0
Number of complaints in a hold status:	0
Other (Intake and Re-opened cases/supplementals):	0
TOTAL Complaint Inventory:	10

Number of Complaints Older Than One Year, By Year Case Opened: 1

After discussion, the following action was taken:

Motion: by Dr. Block to allow PSU to continue to prosecute 1 year and older cases.
 Second: by Dr. Sadri.
 Vote: Passed Unanimously.

APPLICATIONS REQUIRING BOARD REVIEW (TS – 04:28 Minutes)

Podiatric Physicians

Paul Drucker, DPM – Order Continuing Review of Application & Requiring Appearance

Dr. Drucker was present and did not have legal representation. Ms. Hartman read the application details into the record.

Mr. Drucker explained the circumstances of his malpractice discipline by the state of New York. Mr. Dierlam advised the Board of their options.

After discussion, the following action was taken:

Motion: by Dr. Strickland to approve the application.
Second: by Dr. Morris.
Vote: 2/2. Vote failed.

Motion: Dr. Block motion to deny the application based on prior out of state discipline, failure to disclose discipline and failure to practice podiatric medicine with the care, skill and treatment as which is recognized as being acceptable under similar treatment and conditions.
Second: Dr. Sadri.
Vote: Passed Unanimously

Jonathan Simpson, DPM - Board-Approved Course Review - Section 461.006(d)(1.), F.S.

Dr. Simpson was not present and did not have legal representation. Ms. Hartman read the details into the record.

After discussion, the following action was taken:

Motion: by Dr. Block to approve the course.
Second: by Dr. Sadri.
Vote: Passed Unanimously

David Engorn, DPM

Dr. Engorn, DPM was not present and did not have legal representation. Ms. Hartman read application details into the record.

After discussion, the following action was taken:

Motion: by Dr. Block to approve his application.
Second: by Dr. Sadri.
Vote: Passed Unanimously

Podiatric X-Ray Assistant

Amanda Clark, Order Continuing Review of Application & Requiring Appearance

Ms. Clark was not present and did not have legal representation. Ms. Hartman read application details into the record.

The Board decided to table the application review until the next meeting due to the order requiring the applicant's appearance at one of the next two meetings.

REPORTS (TS – 36:28 Minutes)

Chair's Report

Delegation of Authority

Ms. Hartman asked the Board to consider appointing one Board member who would approve continuing education coursework and providers. Mr. Dierlam suggested opening rule 64B18-17.003, Florida Administrative Codes for development.

After discussion, Ms. Hartman withdrew the Delegation of Authority for discussion.

Executive Director's Report

Financial Report

Ms. Hartman presented the financial report to the Board. Dr. Block asked about the sweeping of funds. Ms. Hartman provided an overview of the Department's trust and future plans from the executive management team.

Renewal Reports

Ms. Hartman presented the renewal report to the Board confirming over 92% of licensees have renewed prior to the deadline. There are 92 licensees in delinquent status; a decrease from last year.

Application Review

Ms. Hartman presented the applications listed below for Board review and discussed the changes implemented due to House Bill 115 and changes in the Health History section. She also reported that the website had been updated to reflect the changes.

- Podiatric Physician Application for Licensure and Examination - DH-MQA 1138
- Podiatric Resident Application for Resident Registration - DH-MQA 1139
- Certified Podiatric X-Ray Assistant Application for Initial Licensure – DH-MQA 1026

After discussion, the following action was taken:

- Motion:** by Dr. Block to approve all three applications as written.
- Second:** by Dr. Sadri.
- Vote:** Passed Unanimously

Ms. Hartman reported continued inquiries regarding increasing the 8-hour CE requirement. Mr. Dierlam advised opening the rule for development and allowed public comment. There was no public comment. Mr. Dierlam also advised placing the rule on the agenda for the next meeting.

- Motion:** by Dr. Morris to allow Dr. Block to work with Board Counsel to develop language for the next meeting.
- Second:** Dr. Sadri.
- Vote:** Passed Unanimously.

Board Counsel Report

Application Rules

Rule 64B18-11.001, F.A.C.

SERC Questions

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

- Motion:** by Dr. Morris that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.
- Second:** by Dr. Block
- 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?

Motion: by Dr. Strickland that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.
Second: by Dr. Block
Vote: Passed Unanimously

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

Motion: by Dr. Strickland that no part of this rule or a violation of this rule should be designated as a minor violation
Second: by Dr. Sadri.
Vote: Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

Motion: by Dr. Strickland that rule does not need a sunset provision.
Second: by Dr. Block.
Vote: Passed Unanimously

Rule 64B18-16.006, F.A.C.

SERC Questions

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

Motion: by Dr. Strickland that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.
Second: by Dr. Block
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?

Motion: by Dr. Strickland that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.
Second: by Dr. Block
Vote: Passed Unanimously

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

Motion: by Dr. Strickland that no part of this rule or a violation of this rule should be designated as a minor violation
Second: by Dr. Block.
Vote: Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

Motion: by Dr. Strickland that rule does not need a sunset provision.
Second: by Dr. Moore.
Vote: Passed Unanimously.

Rule 64B18-24.001, F.A.C.

SERC Questions

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

Motion: by Dr. Strickland that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.
Second: by Dr. Block
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?

Motion: by Dr. Strickland that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.
Second: by Dr. Block
Vote: Passed Unanimously

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

Motion: by Dr. Strickland that no part of this rule or a violation of this rule should be designated as a minor violation
Second: by Dr. Block.
Vote: Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

Motion: by Dr. Strickland that rule does not need a sunset provision.
Second: by Dr. Moore.
Vote: Passed Unanimously.

Rules Report

Board Counsel presented the current rules report to the Board.

Annual Regulatory Plan

Board Counsel presented the Annual Regulatory Plan to the Board.

Mr. Deirlam asked if a Board Member could work with him to review the Board Rules.

After discussion, Dr. Sadri volunteered, and the board took the following action:

Motion: by Dr. Morris to allow Dr. Sadri to work with Board Counsel.

Second: by Dr. Block.

Vote: Passed Unanimously.

Committee Reports

Disciplinary Compliance – Dr. Strickland

Discussion: Nothing to report.

Legislative – Dr. Strickland

Discussion: Nothing to report.

Malpractice Committee – Dr. Block

Discussion: Nothing to report.

Probable Cause Panel – Dr. Block

Discussion: The inventory is decreasing.

Residency Program – Dr. Sadri

Discussion: Nothing to report.

CE Committee – Dr. Sadri

Discussion: Working to approve courses. Nothing to report.

Rules – Dr. Sadri

Discussion: Nothing to report.

Budget – Robert Morris, Ph.D.

Discussion: Nothing to report.

Unlicensed Activity – Robert Morris, Ph.D.

Discussion: Nothing to report. Less than 1% of the budget is used for ULA.

RATIFICATIONS (TS – 1:21:30 Minutes)

Licenses Issued

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

Second: by Dr. Morris.

Vote: Passed Unanimously

Motion: by Dr. Block to ratify Profession 2102 – Podiatric Residency Program.
Second: by Dr. Morris.
Vote: Passed Unanimously.

Motion: by Dr. Block to ratify Profession 2105 – Podiatric X-Ray Assistant.
Second: by Dr. Morris.
Vote: Passed Unanimously.

Motion: by Dr. Block to ratify Profession 2106 – Podiatric Resident Registration.
Second: by Dr. Morris.
Vote: Passed Unanimously

CE Broker Courses Approved.

Motion: by Dr. Sadri to ratify Courses.
Second: by Dr. Strickland.
Vote: Passed Unanimously

OLD BUSINESS/NEW BUSINESS

No Discussion.

NEXT MEETING DATE – October 9, 2020 – Crowne Plaza Orlando Downtown

Ms. Hartman informed the Board that they may not be allowed to have an in person meeting due to the continuance of the COVID-19 pandemic.

PUBLIC COMMENTS

No public comments.

ADJOURNMENT @ 10:28 am

Motion: by Dr. Strickland to adjourn the meeting.
Second: by Dr. Block
Vote: Passed Unanimously