

FLORIDA BOARD OF PODIATRIC MEDICINE GENERAL BOARD MEETING

DRAFT MINUTES

October 9, 2020 at 9:00 A.M. EST

Teleconference Meeting

Call-in #: 1 (888) 585-9008

Participation Code: 123-475-828



Joseph Strickland, DPM, Chair

Janet E. Hartman, Executive Director

AGENDA

MEETING CALLED TO ORDER @ 9:00 a.m.

Roll Call Conducted by Janet Hartman

BOARD MEMBERS PRESENT

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

BOARD MEMBERS NOT PRESENT

None

BOARD STAFF PRESENT

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

BOARD COUNSEL PRESENT

Christopher Dierlam, Assistant Attorney General

DEPARTMENT OF HEALTH COUNSEL NOT PRESENT

Judson Searcy, Assistant General Counsel

REVIEW AND APPROVAL OF MINUTES – July 10, 2020

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

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

PROSECUTOR’S REPORT

Complaint Inventory as of September 28, 2020:

Number of complaints under review by a department prosecutor:	5
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: 12

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. Morris
Vote: Passed Unanimously.

APPLICATIONS REQUIRING BOARD REVIEW (TS - 03:00 Minutes)

Amanda Clark, File #2521 - Order Continuing Review of Application & Requiring Appearance

Amanda Clark was not present and did not have legal representation.

Christopher Dierlam reviewed the case. Amanda Clark plead Nolo Contendere to the charge of Organized Scheme to Defraud – s.817.034(4)(a)(3), Florida Statutes. This is a conviction that falls under Chapter 456.0635, Florida Statutes and had not met the required timeframe of greater than 10 years from completion of sanctions, which therefore prohibited the Board of Podiatric Medicine the ability to grant a license. This is a 3rd degree felony and her eligibility date to apply for licensure is April, 2023. Additionally, applicant failed to appear at one of the last two general business meetings as outlined in an Order Continuing Review of Application and Requiring Appearance.

After discussion, the following action was taken:

Motion: by Dr. Strickland to deny the application.
Second: by Dr. Block
Vote: Passed Unanimously

REPORTS

Chair's Report - Discussion – Nothing to report.

Executive Director's Report (TS - 06:00 Minutes)

Janet Hartman reminded that the required Human Trafficking training is due by January 1, 2021.

Janet Hartman discussed the circumstances for introducing 64B18-17.001 Continuing Education Required for License Renewal for discussion. Janet Hartman acknowledged receipt of email inquiry from Dr. Aronberg and a letter from Florida Podiatric Medical Association related to expanding the home study course option. Additional discussion continued surrounding what the Boards thoughts were regarding the definitions of various types of courses being seen in the environment, such as home study, virtual, and computer interactive live.

Dr. Block commented that the sensitively that surrounds this topic is well understood, and work between the Board, board counsel and board staff is expected to result in clarification of current language to make the language more seamless and user-friendly to everybody.

Public comment – Dr. Brett Ribotsky – Inquired if the rest of the country have been comparatively looked at. Dr. Block responded in the affirmative.

Public comment – Dr. Brett Ribotsky - Inquired if a date has been determined when such changes may occur. Christopher Dierlam responded that the rule making process makes it difficult to place a specific date on the final outcome as a result of noticing requirements, rule challenges, or any other requirements that allow interested parties the opportunity to comment on the proposed changes.

Public comment – Dr. Brett Ribotsky - Inquired if there were any other structures able to be of some assistance such as an executive order? Christopher Dierlam responded noted that an executive order could potentially be a mechanism to address the issue.

Public comment – Dr. Brett Ribotsky - Inquired during previous events, how long it took to promulgate rules? Christopher Dierlam responded that on average 90-120 days, but some rules have taken years to promulgate.

Public comment – Dr. Brett Ribotsky – Inquired if rule changes were promulgated, would rules be retroactive, or effective for future cycles? Christopher Dierlam responded that no rules are retroactive, and that it would be applicable for those renewing under that rule. Whatever standards that are in place at the time of renewal is what will be governing.

Florida Podiatric Medical Association (FPMA) Letter - **(TS - 21:00 Minutes)**

Mr. Jason D. Winn, Esq. commented on letter from the President of the Florida Podiatric Medical Association, Dr. Samir Vakil.

Public comment – Dr. Larry Aronberg commented.

Public comment – Dr. Brett Ribotsky commented.

Public comment – Dr. Larry Aronberg commented.

Public comment – Dr. Jenneffer Pulapaka commented.

After discussion, the following action was taken:

Motion: by Dr. Block to approve opening rule for development for 64B18-17.001 and 64B18-17.002

Second: by Dr. Morris

Vote: Passed Unanimously

Board Counsel Report (TS - 36:00 Minutes)

Rules Report - Christopher Dierlam updated that all of the boards applications have been noticed and pending the rule making process, and then reviewed three letters from the Joint Administrative Procedures Committee (JAPC).

Proposed Rule 64B18-12.008

After discussion, the following action was taken:

Motion: by Dr. Block to change the title in Rule 64B18-12.008 to “Registration Fee and Form for Dispensing Practitioners”.
Second: by Dr. Morris
Vote: Passed Unanimously

SERC Questions

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

Motion: by Dr. Block that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.
Second: by Dr. Morris
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. Block that no part of this rule or a violation of this rule should be designated as a minor violation
Second: by Dr. Morris
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.

Proposed Rule 64B18-16.006 - nothing to vote on

Proposed Rule 64B18-24.001 - nothing to vote on.

Committee Reports

Disciplinary Compliance – Dr. Strickland

Discussion: Nothing to Report

Legislative – Dr. Strickland

Discussion: FPMA is currently proposing a bill at the state level. Nothing else to report.

Malpractice Committee – Dr. Block

Discussion: Nothing to Report

Probable Cause Panel – Dr. Block

Discussion: Nothing to Report

Residency Program – Dr. Sadri

Discussion: Nothing to Report

CE Committee – Dr. Sadri

Discussion: Nothing to Report

Rules – Dr. Sadri

Discussion: Nothing to Report

Budget – Robert Morris, Ph.D.

Discussion: Appears normal.

Unlicensed Activity – Robert Morris, Ph.D.

Discussion: Remains less than 1% of total budget.

TAB 6. RATIFICATIONS

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

Second: by Sadri

Vote: Passed Unanimously

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

Second: by Block

Vote: Passed Unanimously.

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

Second: by Sadri

Vote: Passed Unanimously

CE Broker Courses Approved.

Motion: by Block to ratify Courses.

Second: by Sadri

Vote: Passed Unanimously

ELECTIONS

Motion: by Dr. Block to accept nomination of Dr. Strickland as Chairperson of the Board.

Second: by Dr. Morris

Vote: Passes Unanimously

Motion: by Dr. Strickland to accept nomination of Dr. Block as Vice-Chairperson of the Board.

Second: by Dr. Sadri

Vote: Passes Unanimously

OLD BUSINESS/NEW BUSINESS – No old/new business.

NEXT MEETING DATE – February 5, 2021 – Orlando

PUBLIC COMMENTS – Jason Winn of the Florida Podiatric Medical Association asked to confirm the next meeting date in February, 2021. Confirmed as February 5, 2021.

ADJOURNMENT @ 9:50 a.m.