

FLORIDA BOARD OF PODIATRIC MEDICINE GENERAL BOARD MEETING

DRAFT MINUTES

February 5, 2021 at 9:00 A.M. EST



Joseph Strickland, DPM, Chair

Janet E. Hartman, Executive Director

MEETING CALLED TO ORDER @ 9:05 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 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

REVIEW AND APPROVAL OF MINUTES – October 9, 2020

Motion: by Dr. Block to approve the the minutes.

Second: by Dr. Sadri

Vote: Passes Unanimously

DISCIPLINE

Augustine Anthony Bollo, D.P.M., DOH Case # 2012-08174

Due to lack of quorum, this case was not heard, and was tabled to future date.

After discussion, the following action was taken:

Motion: by Dr. Sadri to table this case to a future meeting.

Second: by Dr. Strickland

Vote: Passed Unanimously

PROSECUTOR’S REPORT

February 5, 2021 Complaint Inventory as of January 29, 2021:

Number of complaints under review by a department prosecutor: 0

Number of complaints drafted for probable cause: 1

Number of complaints where probable cause has been found: 3

Number of complaints with an appeal pending:	0
Number of complaints in a hold status:	0
Number of complaints awaiting a final order:	0
Other (Intake and Re-opened cases/supplementals):	0
TOTAL Complaint Inventory:	4

Number of Complaints Older Than One Year:

Year Case Opened 2016 1 2012-08174 Total: 1

After discussion, the following action was taken:

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

ACHA EXEMPTION APPLICATION (TS – 00:13:15 Minutes)

Kibibi Davison, DPM

Dr. Kibibi Davison was present and did not have legal representation.

Christopher Dierlam introduced summary of application.

Dr. Kibibi Davison reviewed her history and circumstances of her exemption application.

After discussion, the following action was taken:

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

REPORTS

Chair’s Report – Nothing to report.

Executive Director’s Report

Legislative Update

Janet Hartman reviewed current legislative activity referencing SB 170 which allows for a minimum of two hours of continuing education related to the safe and effective practice of prescribing controlled substances to be identified by the board, and also adds medical assistants to the scope of practice for podiatric physicians. Mrs. Hartman also noted were approximately six telehealth bills being considered that all contain the element of the removal of the restriction of audio only telehealth. They also remove the restriction for prescribing controlled substances via telehealth.

COVID-19 Practitioners’ Report

Janet Hartman discussed monthly call with the Surgeon General where an overall state of conditions in the state related to various topics, and also answers questions. Mrs. Hartman also referenced a website located at Floridahealthsource.gov/covid19 containing information related to COVID-19 topics and resources, including vaccination information and updates.

Questions were asked relating to the practice of administering vaccination shots (Flu and COVID-19), including a specific question that was asked if it's the assumption that at some point physician licenses would allow the practice of giving shots in the arm? Mrs. Hartman responded that by Florida Statute, Podiatric Physician is not one of the professions currently identified to administer vaccinations, but those who are reviewing this topic are well aware of the professions request and desire to be able to provide this type of service to the citizens of the state..

Financial Report – No discussion

Board Counsel Report

Rules Report – No discussion

Chapter 64B18-17 Continuing Education (TS – 00:28:00 Minutes)

Dr. Block and Christopher Dierlam have been working on amendment ideas to the continuing education structure and rule, with a more specific focus on the 8-hour cap on the home study course rule. During previous discussions, this rule received scrutiny for what home study means. As a result of this discussion and further research, a couple of options were presented:

- Temporary removal of 8-hour cap of the home study requirement for at least the 2022 renewal cycle. This could be done by waiving the 8-hour restriction while stating the hours may be obtained in a distance learning format. This option would allow time for the board review over time and watch the progress.
- Permanently striking the 8-hour home study cap requirement. This would address the provision that is causing the confusion and would allow for completion of the continuing education requirement to be done via virtual means. If was advised if this is the option the board would like to pursue, to visit 64B18-17.002(4) which addresses the standards for approval of home study course programs.

Dr. Block suggested making two motions; the first motion would be to address the immediate problem during the COVID-19 crisis for the current 2022 renewal cycle, and a second motion to address continuing education in perpetuity.

PUBLIC COMMENT: (TS – 00:33:15 Minutes)

Cary Zinkin, DPM, FPMA President -Elect, discussed viewpoint on continuing education. Presented that there's a tremendous educational value to having in-person meetings, specifically noted the hands-on clinics and the surgical trucks where surgeries and various procedures were conducted on cadavers. Dr. Zinkin noted that a large majority believe that an all virtual platform is not the best way to educate and re-educate the member and doctors. Dr. Zinkin also noted that the standards for virtual meetings that are more difficult to be able to prove doctors are getting the education.

Mr. Dierlam presented the summary that the rule doesn't explicitly require the 32-hours to be done through in-person continuing education. Mr. Dierlam reviewed that the 8-hour home study has no clear definition of what home study is.

Dr. Bret Ribotsky discussed his viewpoint concerning continuing education such that other states have moved to an all on-line structure, yet participants still attend in-person meetings. Dr. Ribotsky noted that good doctors far exceed the minimum number of credits. Suggested that the concept of taking this

two-years and use what is necessary to obtain credits is fine, but going forward, possible consider structuring it so people can learn to become better doctors. Possibly form a sub-committee of practitioners at different levels of their careers to get input during this biennium, to be able to write a rule for future biennium's.

After discussion, the following action was taken:

Chapter 64B18-17 Continuing Education

Motion: by Dr. Strickland to add language to the rule that waives the 8-hour cap on home study courses for the 2022 biennial renewal period.

Second: by Dr. Sadri

Vote: Passed Unanimously

SERC Questions

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

Motion: by Dr. Strickland votes "NO"

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 votes "NO"

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 votes "NO"

Second: by Dr. Sadri

Vote: Passed Unanimously

Would a Sunset provision be applicable to this Rule?

Motion: by Dr. Strickland votes "NO"

Second: by Dr. Block

Vote: Passed Unanimously

Chapter 64B18-11 Application and Examination for Licensure – Part III Exemption - Rule 64B18-11.001 and 64B18-11.002

After Discussion, the following action was taken:

Motion: by Dr. Morris to approve the text as written in the Rule 64B18-11.001 and 64B18-11.002.

Second: by Dr. Sadri

Vote: Passes Unanimously

SERC Questions

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

Motion: by Dr. Strickland votes "NO"

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 votes "NO"

Second: by Dr. Sadri

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 votes "NO"

Second: by Dr. Sadri

Vote: Passed Unanimously

Would a Sunset provision be applicable to this Rule?

Motion: by Dr. Strickland votes "NO"

Second: by Dr. Block

Vote: Passed Unanimously

Committee Reports

Disciplinary Compliance – Dr. Strickland – Nothing to report.

Legislative – Dr. Strickland – Nothing to report.

Malpractice Committee – Nothing to report.

Probable Cause Panel – Dr. Block - Nothing to report.

Residency Program – Dr. Sadri – Nothing to report.

CE Committee – Dr. Sadri – Nothing to report.

Rules – Dr. Sadri – Nothing to report.

Budget – Robert Morris, Ph.D. – Nothing to report.

Unlicensed Activity – Robert Morris, Ph.D. – Nothing to report.

RATIFICATIONS

Licenses Issued.

Motion: by Dr. Block to ratify all profession licenses.

Second: by Dr. Morris

Vote: Passed Unanimously

CE Broker Courses Approved.

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

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

NEXT MEETING DATE – April 9, 2021 – Via GoToMeeting

PUBLIC COMMENTS

Dr. Bret Ribotsky offered to volunteer his services to assist with continuing education if sub-committee is formed. Dr. Block noted that comments, feedback, or information are welcome for consideration.

Under Florida Administrative Code 64B18-17.001 and 64B18-17.005, credit may be awarded for attending a meeting at which disciplinary hearing are conducted. As disciplinary hearings were not heard during this meeting, credit will not be awarded for attending this meeting, unless a Petition for Variance or Waiver is submitted and placed on the agenda to be heard at the next scheduled board meeting.

Motion: by Dr. Morris to adjourn the meeting.
Second: by Dr. Sadri
Vote: Passed Unanimously

ADJOURNMENT @ 10:11 a.m.