

**FLORIDA BOARD OF PODIATRIC MEDICINE
GENERAL BOARD MEETING
DRAFT MINUTES
JULY 9, 2021, 9:00 A.M. EST**



**Joseph Strickland, D.P.M., Chair
Janet Hartman, Executive Director**

I. CALL TO ORDER

The meeting was called to order on Friday, July 9, 2021 at 9:00 A.M. EST by Dr. Joseph Strickland, Chair.

A. Roll Call**MEMBERS PRESENT**

Joseph Strickland, D.P.M., Chair
 Mark S. Block, D.P.M., Vice Chair
 Soorena Sadri, D.P.M.
 Robert Morris, Ph.D

STAFF PRESENT

Janet Hartman, Executive Director
 Eric Pottschmidt, Program
 Operations Administrator

BOARD COUNSEL

Christopher Dierlam, Assistant
 Attorney General

**DEPARTMENT OF HEALTH
COUNSEL**

Judson Searcy, Assistant General
 Counsel

COURT REPORTER

For The Record – (850) 222-5491

II. REVIEW AND APPROVAL OF MINUTES (TS 00:01:05)

January 5, 2021, February 5, 2021 and March 18, 2021

After discussion, the following action was taken:

Motion: by Dr. Morris to accept the minutes as presented.

Second: by Dr. Block.

Vote: Passed Unanimously.

III. PROSECUTOR'S REPORT (TS 00:01:35)

Complaint Inventory as of June 30, 2021:	
Number of complaints under review by a department prosecutor:	1
Number of complaints drafted for probable cause:	4
Number of complaints where probable cause has been found:	2
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-open cases/supplementals):	0
TOTAL Complaint Inventory:	7

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

<u>Year Case Opened:</u>	
2019	1
2020	1
Total:	2

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. Morris.



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Vote: Passed Unanimously.

IV. APPLICATION REVIEW (TS 00:05:00)

Suzanne Levine, D.P.M.

Dr. Levine has multiple reports listed in the National Practitioners Data Bank (NPDB). Per section 461.013(1)(s), F.S., this application is before the Board for consideration and review.

Dr. Levine was present and not represented by counsel. Dr. Levine spoke to the past cases from New York and was open to questions from the Board.

After discussion, the following action was taken:

Motion: by Dr. Sadri to approve the application.

Second: by Dr. Morris.

Vote: Passed Unanimously.

Richard Loninger, D.P.M.

Dr. Loninger did not disclose previous criminal history and has multiple reports listed in the National Practitioners Data Bank (NPDB). Per section 461.013(1)(s), F.S., this application is before the Board for consideration and review.

Dr. Loninger was present and was not represented by counsel. Dr. Loninger spoke to his previous cases from New York and was open to questions from the Board.

After discussion, the following action was taken:

Motion: by Dr. Morris to approve the application.

Second: by Dr. Sadri.

Vote: Passed Unanimously.

Dana Silver, D.P.M.

Dr. Silver did not disclose previous criminal history when initially completing the application for licensure.

Dr. Silver was present and was not represented by counsel. Dr. Silver spoke to the previous criminal history from 1999.

After discussion, the following action was taken:

Motion: by Dr. Sadri to approve the application.

Second: by Dr. Block.

Vote: Passed Unanimously.

Mark Henson, D.P.M.

Dr. Henson did not disclose previous criminal history when initially completing the application for licensure.

Dr. Henson was not present and was not represented by counsel.

After discussion, the following action was taken:

Motion: by Dr. Block to approve the application



Second: by Dr. Morris.
Vote: Passed Unanimously.

Cheryl Wilcott, Certified Podiatric X-Ray Assistant

During the January 9, 2021 General Business Meeting, the Board reviewed Cheryl Wilcott's application for Certified Podiatric X-Ray Assistant. At the conclusion of the review, the Board voted to require Ms. Wilcott to have a Professionals Resource Network (PRN) evaluation completed before her application could move forward. Ms Wilcott waived the 90-day requirement and was given 120 days to receive a PRN evaluation.

On March 26, 2021, the Board office received correspondence from PRN informing us that Cheryl Wilcott would not be proceeding forward with the evaluation process. The PRN correspondence was attached for Board review.

Ms. Wilcott was not present and was not represented by counsel.

After discussion, the following action was taken:

Motion: by Dr. Block to deny the application with the allowance of Ms. Wilcott to withdraw her application within 30 days of notice.

Second: by Dr. Morris.

Vote: Passed Unanimously.

V. PETITION FOR VARIANCE OR WAIVER (TS 00:25:55)

Kim Gauntt, D.P.M. – Rule 64B18-11.002, F.A.C.

Kim Gauntt, D.P.M. requested a waiver from Rule 64B18-11.002, F.A.C. due to passing part II of the exam in March 1988. Current Rule requires both part I and part II to be completed prior to June 1987.

Dr. Gauntt was present and was not represented by counsel. Dr. Gauntt spoke to his experience of 33 years in Ohio.

After discussion, the following action was taken:

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

Second: by Dr. Morris.

Vote: Passed Unanimously.

VI. REPORTS (TS 00:31:30)

Chair's Report

No report. Dr. Strickland thanked the Board and Board staff for the work they do.

Executive Director's Report

2022 Proposed Meeting Dates

January 14, 2022 – GoToMeeting

April 8, 2022 – Orlando, FL

June 24, 2022 – Orlando, FL

October 14, 2022 – Orlando, FL

Financial Report



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The financial report is attached to the end of the minutes.

Podiatric Physician Application for Licensure and Examination

The application for Licensure and Examination was updated by the Department and was presented before the Board for review of the changes.

After discussion, the following action was taken:

Motion: by Dr. Block to approve the incorporated application.

Second: by Dr. Morris.

Vote: Passed Unanimously.

SERC

Will the proposed rule amendments have adverse impact on small business, or 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. Sadri votes "NO".

Second: by Dr. Block.

Vote: Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

Motion: by Dr. Block votes "NO".

Second: by Dr. Strickland.

Vote: Passed Unanimously.

Legislative Update

Mrs. Hartman provided an update to legislative updates for the profession that can be found on the [Florida Board of Podiatric Medicine's](#) website with summaries and full texts.

Board Counsel Report (TS 00:45:00)

64B18 Rule Updates

64B18-17.001, F.A.C. Continuing Education Required for Licensure Renewal

Revisions to the above titled rule to fall inline with the new Florida Statute requiring all Podiatric Physicians to take a 2-hour course on prescribing controlled substances, even for those who do not dispense and are not registered with the DEA.

After discussion, the following action was taken:

Motion: by Dr. Block to approve the changes to the rule as presented.



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Second: by Dr. Strickland.
Vote: Passed Unanimously.

SERC

Will the proposed rule amendments have adverse impact on small business, or 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. Block votes "NO".
Second: by Dr. Strickland.
Vote: Passed Unanimously.

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

Motion: by Dr. Sadri votes "NO".
Second: by Dr. Block.
Vote: Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

Motion: by Dr. Block votes "NO".
Second: by Dr. Sadri.
Vote: Passed Unanimously.

64B18-17.002, F.A.C. Board Approval of Continuing Education Programs

Board counsel reviewed the rule with the Board referencing to the 2-hour controlled substance course that can now be offered by any board-approved provider. The Board did not revise the current rule.

64B18-14.002, F.A.C. Disciplinary Guidelines

Revisions to the guidelines included making minimum and maximum penalties, added guidelines and penalties for out-of-state telehealth providers.

1. Disciplinary guideline for any Podiatric Physician who falsifies documents regarding an emotional support animal.
First offense: Reprimand and \$250 fine-Reprimand up to a \$500 fine.
Second offense: Reprimand, CEs, and a \$1,000 fine up to a \$2,000 fine and 6-month suspension followed by 6 months of probation.
Out-of-State Offense: reprimand up to suspension and corrective action plan.
2. Failure to comply with the parental consent requirement of sections 1014.06, F.S.
First offense: Reprimand and \$250 fine up to a \$1,000 fine.
Second offense: Reprimand and \$1,000 fine up to a \$5,000 fine.
Out-of-State offense: Reprimand
3. Being convicted or found guilty of, entering a plea of guilty or nolo contendere to, regardless of adjudication, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the



offenses listed in section 456.074(5) or a similar offense in another jurisdiction.

First offense: Revocation.

Second offense: Revocation.

Out-of-State offense: Revocation.

After discussion, the following action was taken:

Motion: by Dr. Block to approve the proposed changes to the rules presented.

Second: by Dr. Strickland.

Vote: Passed Unanimously.

SERC

Will the proposed rule amendments have adverse impact on small business, or 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. Sadri 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. Block votes "NO".

Second: by Dr. Strickland.

Vote: Passed Unanimously.

Rules Report

Mr. Dierlam addressed the Board with his Rules Report. Previous rule updates have gone into effect from past meetings. Dr. Block has volunteered work with Mr. Dierlam on the CE rule to address the "home study" element.

Annual regulatory plans are due soon. Mr. Dierlam ask for a motion to delegate Dr. Strickland to assist with the annual regulatory plan.

Motion: by Dr. Block to delegate Dr. Strickland to the annual regulatory plan committee.

Second: by Dr. Sadri.

Vote: Passed Unanimously.

Committee Reports

Disciplinary Compliance – Dr. Strickland - No report.



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Legislative – Dr. Strickland - No report.
Malpractice Committee – Dr. Block - No report.
Probable Cause Panel – Dr. Block - A probable cause meeting on July 20, 2021.
Residency Program – Dr. Sadri - No report.
CE Committee – Dr. Sadri - No report.
Rules – Dr. Sadri - No report.
Budget – Robert Morris, Ph.D. - No report.
Unlicensed Activity – Robert Morris, Ph.D. - No report.

VII. RATIFICATIONS (TS 01:16:40)

Licensees

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

Second: by Dr. Morris.

Vote: Passed Unanimously.

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

Second: by Dr. Block.

Vote: Passed Unanimously.

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

Second: by Dr. Sadri.

Vote: Passed Unanimously.

CE Broker Courses Approved

Motion: by Dr. Sadri to ratify CE Broker courses.

Second: by Dr. Block.

Vote: Passed Unanimously.

VIII. OLD/NEW BUSINESS

No report.

IX. NEXT MEETING DATE (TS 01:19:00)

October 1, 2021 – Hilton Garden Inn Lake Buena Vista – Orlando, FL

X. PUBLIC COMMENTS

Unidentified licensee, new to Florida sought clarification on the requirement to attend a Board meeting with discipline cases in the first 2 years of receiving their license.

XI. ADJOURNMENT @ 10:23 A.M.

Motion: by Dr. Sadri to adjourn the meeting.

Second: by Dr. Morris.

Vote: Passed Unanimously.

