

FLORIDA BOARD OF PODIATRIC MEDICINE GENERAL BOARD MEETING

DRAFT MINUTES

January 27, 2022 at 9:00 A.M. EST

Hyatt Regency Orlando

9801 International Drive
Orlando, Florida, 32819
(407) 284-1234



Mark S. Block, DPM, Acting Chair

Janet E. Hartman, Chief

Kimberly Marshall, Executive Director

MEETING CALLED TO ORDER @ 9:04 a.m.

Roll Call Conducted by Kimberly Marshall, Executive Director

BOARD MEMBERS PRESENT

Mark S. Block, DPM – Acting Chair
Soorena Sadri, DPM
Donald Popper, DPM
Robert Morris, PhD

BOARD MEMBERS NOT PRESENT

Joseph Strickland, DPM, Chair - Excused Absence

BOARD STAFF PRESENT

Janet Hartman, Chief of General Operations
Kimberly Marshall, Executive Director
Eric Pottschmidt, Program Operations Administrator

BOARD COUNSEL PRESENT

Christopher Dierlam, Assistant Attorney General

DEPARTMENT OF HEALTH COUNSEL PRESENT

Matthew Witters, Chief Legal Counsel

AGENDA

WELCOME AND APPROVAL OF NEW EXECUTIVE DIRECTOR – Kimberly Marshall

Motion: by Dr. Popper to accept the new Executive Director, Kimberly Marshall.
Second: by Dr. Sadri
Vote: Passed Unanimously

WELCOME NEW BOARD MEMBER – Donald Popper, D.P.M.

REVIEW AND APPROVAL OF MINUTES – October 1, 2021

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

DISCIPLINE - Determination of Waiver – (TS – 04:10:00 Minutes)

Richard Santo Millia, D.P.M. 2019-42286

Richard Santo Millia, D.P.M. 2020-23221

Dr. Mark Block is recused.

Richard Santo Millia, D.P.M. 2020-23221

Richard Santo Millia was not present and did not have legal representation.

After discussion, the following action was taken:

Motion: by Dr. Sadri to approve that respondent was properly served with the complaint and has waived his right to a formal hearing.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to accept the investigative report into evidence.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to adopt the findings of fact as set forth in the administrative complaint.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to adopt the conclusions of law as set forth in the administrative complaint and finds that it constitutes a violation of practice act.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to accept recommendation of penalty of revocation of license whereas the respondent is not eligible for license renewal.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to waive costs of \$653.63.
Second: by Dr. Popper
Vote: Passed Unanimously

Richard Santo Millia, D.P.M. 2019-42286

Richard Santo Millia was not present and did not have legal representation.

After discussion, the following action was taken:

Motion: by Dr. Sadri to approve that respondent was properly served with the complaint and has waived his right to a formal hearing.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to accept the investigative report into evidence.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to adopt the findings of fact as set forth in the administrative complaint.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to adopt the conclusions of law as set forth in the administrative complaint and finds that it constitutes a violation of practice act.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to accept recommendation of penalty of revocation of license whereas the respondent is not eligible for license renewal.
Second: by Dr. Popper
Vote: Passed Unanimously

After discussion, the following action was taken:

Motion: by Dr. Sadri to waive costs.
Second: by Dr. Popper
Vote: Passed Unanimously

PROSECUTOR'S REPORT

Complaint Inventory as of January 5, 2022:

Number of complaints under review by a department prosecutor:	2
Number of complaints drafted for probable cause:	1
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
<u>Other (Intake and Re-opened cases/supplementals):</u>	<u>0</u>
TOTAL Complaint Inventory:	5

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

<u>Year Case Opened; Total:</u>	<u>0</u>
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After discussion, the following action was taken:

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

APPLICATION REVIEW (TS – 00:14:10 Minutes)

Evan Vieira, D.P.M. – Order Continuing Review of Application and Requiring Appearance

Evan Vieira was not present and did not have legal representation.

Discussion: Evan Vieira, D.P.M. waived his right to attend this board meeting, and stated he will attend the next scheduled meeting per the Order Requiring Appearance at one the next two scheduled board meetings.

After discussion, the following action was taken:

Motion: by Dr. Sadri to continue the review of this application to the next meeting.
Second: by Dr. Popper
Vote: Passed Unanimously

Alpha Opese – Podiatric Physician

Alpha Opese was not present and did not have legal representation.

After discussion, the following action was taken:

Motion: by Dr. Block to be required to appear at one of the next two board meetings.
Second: by Dr. Sadri
Vote: Passed Unanimously

Aja Andranique Gordon - Podiatric X-ray Assistant

Aja Andranique Gordon was not present and did not have legal representation.

After discussion, the following action was taken:

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

Janira Johnson – Podiatric X-ray Assistant

Janira Johnson was present and did not have legal representation.

After discussion, the following action was taken:

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

PETITION FOR VARIANCE OR WAIVER (Audio 2) (TS – 00:05:25 Minutes)
Rule 64B18-17.005, F.A.C. Continuing Education Requirements After Initial Licensure

Discussion: For those petitioners who attended, if they were still within their 24-month deadline, deny their petition and count their appearance as satisfying the five (5) hours of risk management requirement. If they were beyond their 24-month deadline, draft an Order granting the variance to extend the deadline and count their appearance as satisfying the 5-hours of risk management requirement. Those who submitted a petition for variance or waiver and who also attended the meeting are listed below.

- Antony Merendino, DPM
- Theodore Bens, DPM
- Tamara Nemeroff, DPM
- Zeeshan Anwar, DPM
- Allen Lazerson, DPM
- Caitlan Clancy, DPM

After discussion, the following action was taken:

Motion: by Dr. Sadri to approve all petitions for variance or waiver of those petitioners in attendance, and if needed, an extension of time.
Second: by Dr. Popper
Vote: Passed Unanimously

Christopher Dierlam presented proposed language to amend the rule language in the following:

Within 24 months of initial licensure, practitioners are required to obtain five (5) hours of continuing education in the subject area of risk management which may be obtained by attending one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted. The practitioner is then exempt from any other continuing education requirements for his or her first renewal except for hours mandated for prevention of medical errors and HIV/AIDS.

By amending the language in this manner, the licensee may either obtain five (5) hours of risk management continuing education by attending a board meeting in which disciplinary hearings are conducted (as required by s. 456.013(6), F.S. if the licensee is attending a board meeting), or by obtaining five (5) hours of continuing education in risk management by other board-approved continuing education methods.

Motion: by Dr. Block to accept the proposed rule language as discussed.
Second: by Dr. Popper
Vote: Passed Unanimously

Public comment was offered by Leonardo Zayas Bazan, and inquired about past attendance at a previous board meeting.

Public comment was offered by Cary M. Zinkin, D.P.M., President, Florida Podiatric Medical Association noting his appreciation for moving forward with the language change.

SERC Questions

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. 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. 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. Sadri
Vote: Passed Unanimously

Christopher Dierlam outlines the rule-making process.

PETITION FOR VARIANCE OR WAIVER (Audio 2) (TS – 00:25:15 Minutes) Rule 64B18-17.005, F.A.C. Continuing Education Requirements After Initial Licensure

Discussion: Proposed action for those petitioners who were not in attendance and submitted a petition for variance or waiver: If the petitioner was still within 24 months of their initial licensure, waive the requirement that they attend a board meeting on the condition that they are required to obtain five (5) hours of risk management continuing education in an alternative method. For those petitioners whose deadline has already passed, give them a year from the date of the Order to obtain those five (5) hours

of risk management. The following petitioners that fall into the categories outlined in this part of the discussion are:

- Ryan Apt, D.P.M.
- Jessica Andrews, D.P.M.
- Seema Fatima, D.P.M.
- Elias Gomatos, D.P.M.
- Stephanie Kane, D.P.M.
- Karen Moon, D.P.M.
- Vanisaben Patel, D.P.M.
- Steven Shader, D.P.M.
- Carl Speer, D.P.M.
- Pooneh Alaei Taleghani, D.P.M.
- Jessica Taub, D.P.M.
- Taylor Tendrich, D.P.M.

After discussion, the following action was taken:

Motion: by Dr. Block to approve all petitions for variance or waiver for those listed above and as outlined in discussion, and to complete the requirement within 24 months of initial licensure or within one year of the date of the Order granting their petitions, which ever ends later.

Second: by Dr. Popper

Vote: Passed Unanimously

PETITION FOR VARIANCE OR WAIVER

Rule 64B18-17.005, F.A.C. Continuing Education Requirements After Initial Licensure

For petitioner John Hurchik, D.P.M. – His deadline passed in 2013. The Board noted that there were multiple opportunities for the licensee to attend a meeting with discipline since his initial licensure in 2011. After discussion, the recommended action was to issue an Order with an Intent to Deny as the petitioner had failed to provide evidence that the rule violated principles of fairness or created an undue hardship. This will give an opportunity for the licensee to respond.

Motion: by Dr. Block to deny as the petitioner as he failed to demonstrate that the application of the rule violated principles of fairness or created an undue hardship, and to issue a Notice of Intent to Deny Order

Second: by Dr. Sadri

Vote: Passed Unanimously

Rule 64B18-11.002, F.A.C. Examination for Licensure

Jay D. Bienenfeld, D.P.M.

After discussion, the following action was taken:

Motion: by Dr. Block to approve PVW for waiving Part III.

Second: by Dr. Sadri

Vote: Passed Unanimously

UNLICENSED ACTIVITY PRESENTATION – Ronald Dilworth, Department of Health (Audio 2)

(TS – 00:46:00 Minutes)

REPORTS

Chair’s Report – Nothing to Report

Executive Director’s Report

Legislative Update – no updates as of yet, but legislative session is still active and in motion.

Public School Volunteer Health Care Practitioner Program

Provides that members of certain professions including Podiatric Physicians, may volunteer their services at a public school, and in exchange can receive a waiver for their biennial renewal fees and a credit of 25% against their continuing education requirement.

Financial Report – Nothing to report.

Board Counsel Report

Rules Report – Nothing to report.

Committee Reports

Disciplinary Compliance – Dr. Strickland– Nothing to report.

Legislative – Dr. Strickland– Nothing to report.

Janet Hartman provided updates noting there are no legislative filings submitted that directly relate to the practice of Podiatric medicine, but rather, several bills related to overall healthcare practitioners are being heard. Also, Dr. Joseph A. Ladapo is moving through Senate confirmation and was affirmed at the first committee stop.

Malpractice Committee – Dr. Block– 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 Profession 2101 – Podiatric Physician.

Second: by Dr. Sadri

Vote: Passed Unanimously

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

Second: by Dr. Morris

Vote: Passed Unanimously.

FYI - Florida Prescription Drug Monitoring Program (FDMP) Monthly Report - No Discussion.

OLD BUSINESS/NEW BUSINESS – No discussion.

ELECTIONS

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

Second: by Dr. Sadri

Vote: Passed Unanimously

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

Second: by Dr. Morris

Vote: Passed Unanimously

NEXT MEETING DATE – April 8, 2022 – Holiday Inn Orlando, Disney Springs

PUBLIC COMMENTS – No public comments.

ADJOURNMENT @ 10:30 a.m.