

# FLORIDA BOARD OF PODIATRIC MEDICINE GENERAL BOARD MEETING

June 24, 2022 at 9:00 A.M. EST

## MEETING MINUTES

### GoToMeeting

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### By Phone

(Toll Free) (866) 899-4679 or (571) 317-3116

Access Code: 737-949-005



Mark S. Block, D.P.M., Chair  
Janet Hartman, Chief of General Operations  
Ashleigh K. Irving, Interim Executive Director

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**MEETING CALLED TO ORDER @ 09:00 a.m. ET**

Roll Call Conducted by Ashleigh Irving, Interim Executive Director

**BOARD MEMBERS PRESENT**

Mark S. Block, DPM – Chair  
Soorena Sadri, DPM – Vice-Chair  
Marc Klein, DPM  
Robert Morris, PhD

**BOARD MEMBERS NOT PRESENT**

Joseph Strickland, DPM – Excused Absence

**BOARD STAFF PRESENT**

Janet Hartman, Chief of General Operations  
Ashleigh Irving, Interim Executive Director  
Eric Pottschmidt, Program Operations Administrator  
Kisha Johnson, Regulatory Specialist II, Team Lead

**BOARD COUNSEL PRESENT**

Christopher Dierlam, Assistant Attorney General

**DEPARTMENT OF HEALTH COUNSEL PRESENT**

Caitlin R. Harden, Esq, Senior Attorney, Prosecution Services Unit

**AGENDA**

**WELCOME AND APPROVAL OF NEW INTERIM EXECUTIVE DIRECTOR – Ashleigh K. Irving**

After discussion the Board took the following action:

**Motion:** by Dr. Block to accept Ashleigh K. Irving as the new Executive Director.  
**Second:** by Dr. Morris  
**Vote:** Passed Unanimously.

**WELCOME NEW BOARD MEMBER – Marc Klein, D.P.M.**

**REVIEW AND APPROVAL OF MINUTES - April 8, 2022**

**Motion:** by Dr. Block to approve the meeting minutes.  
**Second:** by Dr. Morris  
**Vote:** Passed Unanimously.

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# PROSECUTOR'S REPORT

**BOARD OF PODIATRIC MEDICINE**  
**PROSECUTION REPORT**  
**June 2022**

**Complaint Inventory as of June 13<sup>th</sup>, 2022:**

Number of complaints under review by a department prosecutor:	3
Number of complaints drafted for probable cause:	2
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
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:**

Year Case Opened

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**Total:** 1

After discussion, the Department requested that the Board authorize the continued prosecution of the year and older cases.

Motion: by Dr. Block to allow PSU to continue to prosecute 1 year and older cases.

Second: by Dr. Morris

Vote: Passed Unanimously

## DISCIPLINE (TS – 08:15 Minutes)

Augustine A. Bollo, D.P.M.

Dr. Bollo was present and had legal representation (Allen Grossman).

The Respondent, Dr. Bollo, is before the Board to petition for a modification of Final Order to request an extension of time for the required twenty (20) hours of Sexual Assault Victim training.

**The Final Order has the following conditions imposed:**

- Reprimand
- Indefinite Restriction: Shall not examine or treat any minor patients without a Chaperone, who is a health care practitioner licensed by the Florida Department of Health, present in the room.
- Fine = \$1,000.00; Costs = \$973.30; Due 10/06/2021
- Remedial Education: Sexual Assault Victim Training (20 hours); Due 04/06/2022

**Outstanding Requirement:**

- Remedial Course: Sexual Assault Victim Training (20 hours); Due 04/06/2022

Christopher Dierlam noted that the only rule or statute he located which governs this issue is 28-106.204 section 4 which stated that motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request. He stated that it is clear Dr. Bollo did submit this request prior to the expiration of the deadline.

**Dr. Block is recused from vote due to participation on PCP.**

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After discussion, the following action was taken:

**Motion:** by Dr. Morris to approve petition to modify the Final Order.  
**Second:** by Dr. Sadri  
**Vote:** Passed Unanimously

### **APPLICATION REVIEWS (TS – 14:45 Minutes)**

#### Muriel Pfister, Certified X-Ray Assistant

Muriel Pfister was present and did not have legal representation. Muriel Pfister's application was before the Board due to the Applicant failing to disclose their criminal history of a guilty disposition of reckless driving in 1993.

After discussion, the following action was taken:

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

#### Starr Durrance, Certified X-Ray Assistant

Starr Durrance was present and did not have legal representation. Starr Durrance's application was before the Board for review of criminal history which was disclosed in the application. Per Conviction Record Guidelines, the application requires Board review due to criminal history convictions involving more than one Category 2 Misdemeanors.

Starr Durrance addressed the Board with the circumstances of her offense.

After discussion, the following action was taken:

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

#### Donna Faulkner, Certified X-Ray Assistant – APPLICATION WITHDRAWN

It was determined that Ms. Faulkner's federal conviction is a violation of Title and Section 21:846 under 21 U.S.C, ss. 801-970. Subsequently, as noted below in Florida Statutes, **456.0635(2)(b)**, and is not permitted licensure until 15 years has passed from the date of completion of your sentence or subsequent probation. **Ms. Faulkner completed her probation May 10, 2016.**

#### **456.0635(2)(b) Health care fraud; disqualification for license, certificate, or registration.—**

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue a license, certificate, or registration to any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the candidate or applicant:

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(b) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or plea ended more than 15 years before the date of the application;

**Motion:** by Dr. Block to allow withdrawal.  
**Second:** by Dr. Sadri  
**Vote:** Passed Unanimously

**DECLARATORY STATEMENT - Kevin Lam, D.P.M. – WITHDRAWN (TS – 30:35 Minutes)**

**Motion to Intervene - Florida Medical Association, Inc. and Florida Osteopathic Medical Association, Inc. SUBSEQUENTLY WITHDRAWN**

**REPORTS (TS – 31:30 Minutes)**

Chair’s Report – Nothing to report apart from welcoming the new Executive Director and new Board member.

Executive Director’s Report

Financial Report – Provided expenditure report for informational purposes.

Board Counsel Report

**DH-MQA 1138, Rule 64B18-11.001, F.A.C.**

**DH-MQA 1026, Rule 64B18-24.001, F.A.C.**

Christopher Dierlam presented a summary of proposed changes to verbiage in criminal history questions for the Podiatric Physician and X-Ray Assistant applications. This proposed update is intended to clarify that DUIs must be disclosed in the application as they are not considered minor traffic offenses.

After discussion, the following action was taken:

**Motion:** by Dr. Block to approve language as discussed.  
**Second:** by Dr. Sadri  
**Vote:** Passed Unanimously

**SERC Questions (TS – 41:45 Minutes)**

- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

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**Motion:** by Dr. Block to vote in the negative for all SERC questions.  
**Second:** by Dr. Morris  
**Vote:** Passed Unanimously

Committee Reports (TS – 44:15 Minutes)

Disciplinary Compliance – Dr. Strickland – Nothing to report.

Legislative – Dr. Strickland – Nothing to report.

Malpractice Committee – Dr. Block – Nothing to report.

Probable Cause Panel – Dr. Block – Dr. Block mentioned there are several cases coming up but nothing to report at this time.

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. – Dr. Morris commented that he has been in contact with staff of the Office of the Budget Director to provide an opportunity for a submission to be made.

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

**RATIFICATIONS (TS – 46:15 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 2105 – Podiatric X-Ray Assistant.  
**Second:** by Dr. Sadri  
**Vote:** Passed Unanimously

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

**FYI - Florida Prescription Drug Monitoring Program (FDMP) Monthly Report – March through April.** No Discussion.

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

**NEXT MEETING DATE –** October 14, 2022 – Teams Virtual Platform.

**PUBLIC COMMENTS**

Kim Harbo requested clarification on FS. 458.320 regarding Financial Responsibility, however Board Attorney Christopher Dierlam noted that this is a Florida Board of Medicine statute, not a Florida Board of Podiatric Medicine statute. Christopher Dierlam referred Kim Carbo to sections 456 and 461 of the Florida Statutes which apply to the Florida Board of Podiatric Medicine.

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Kathryn Cecere stated she attended the meeting to satisfy the requirement for new licensees to attend at least one of the Board meetings within two years of licensure. Christopher Dierlam indicated that this rule was changed in April so that this is no longer a requirement for new licensees. Christopher Dierlam further indicated that Katherine can still earn Risk Management CE credit as a result of attending the meeting since the agenda included Discipline.

Marc Cline inquired if there is any penalty for applicants who omit background information such as a DUI from their application. Christopher Dierlam explains that the standard is attempting to obtain a license by fraud or misrepresentation. Christopher Dierlam further explains that simply answering a question incorrectly would not be grounds for denial, however if the Board finds that it was an instance of intentionally omitting information or providing false information, this would be grounds for denial or action on the license.

Dr. Block offered closing statement expressing thanks and appreciation for the hard work of the Board members and staff.

**Motion:** by Dr. Block to adjourn the meeting.

**Second:** by Dr. Sadri

**Vote:** Passed Unanimously.

**ADJOURNMENT @ 10:11 A.M.**