

FLORIDA BOARD OF PODIATRIC MEDICINE PROBABLE CAUSE PANEL

DRAFT MINUTES

January 17, 2023, at 8:00 A.M. EST



Mark S. Block, D.P.M., Chair
Soorena Sadri, D.P.M., Vice-Chair
Ashleigh K. Irving, Executive Director



Please note that the meeting minutes reflect the actual order that agenda items were discussed during the meeting and may differ from the agenda outline.

I. CALL TO ORDER

The meeting was called to order by Dr. Mark Block.

(TS 00:08:50 Minutes) Roll call was conducted by Mr. Eric Pottschmidt, MBA, Program Operations Administrator.

MEMBERS PRESENT:

Mark S. Block, D.P.M. – Chair
Melvin Price, D.P.M.

STAFF PRESENT:

Eric Pottschmidt, MBA, Program Operations
Administrator

BOARD COUNSEL:

Kara Aikens, Assistant Attorney General

DEPARTMENT OF HEALTH COUNSEL:

Caitlin R. Harden, Esq., Senior Attorney

COURT REPORTER:

For the Record – 850-222-5491

(TS 00:09:20 Minutes) Opening remarks were read by Dr. Block.

II. OPENING REMARKS BY BOARD COUNSEL

(TS 00:09:40 Minutes) Ms. Aikens introduced herself as Board Counsel and asked that all questions concerning the Board's procedures, authority, duty, Practice Act, rules, and the Florida Statutes be directed to her. Ms. Aikens asked that all questions concerning the facts of cases, the manner in which cases were investigated, and the reasons for the Department's recommendation be directed to the Department's attorney.

III. OPENING REMARKS BY THE AGENCY'S ATTORNEY

(TS 00:10:25 Minutes) Ms. Harding stated that all the panel members have been provided with a memo from the Department's attorney addressing the requested action if any, a draft closing order or draft of the Administrative Complaint, a copy of the original Administrative Complaint, and any other materials from the file deemed appropriate by the attorneys that supports the requested action. Additionally, Ms. Harding noted that any materials received submitted by the licensee or counsel in reply to the proposed Department action were enclosed. Ms. Harding stated that because there has been a finding of probable cause in these cases, the cases were public, and all proper notice requirements have been complied with.



(TS 00:10:58 Minutes) Ms. Aikens then asked the panel the following questions and received the responses listed below:

Did you receive all materials regarding today's meeting in advance of this meeting?

Dr. Block: Yes

Dr. Price: Yes

Did you thoroughly read and review these materials and familiarize yourself with the information presented within the materials?

Dr. Block: Yes

Dr. Price: Yes

Were there any problems with the materials you received such as missing pages, illegible copies, or any other issues that should be taken up at this time?

Dr. Block: No

Dr. Price: No

Are you aware of any facts, situations, or reasons which you feel may disqualify or otherwise make it improper for you to hear and deliberate on any of the cases that are scheduled for today?

Dr. Block: No

Dr. Price: No

(TS 00:11:56 Minutes) Ms. Aikens then reminded the panel that this portion of the Probable Cause Panel meeting was public, that the cases listed on this portion of the meeting have had a prior finding of probable cause, and all applicable notices regarding this meeting have been complied with. Ms. Aikens noted that the members were not present to determine the guilt or innocence of the individual who is the subject of each case, but to decide whether the facts disclosed on the record before them constitute probable cause for the Department to proceed in bringing formal charges by way of administrative complaint. Ms. Aikens added that the Department requests that the court reporter include all opening remarks with any portions of the meeting that are transcribed.

IV. RECONSIDERATION

A. Nicole Dabul, D.P.M., Case No. 2022-29895

The case was presented to the panel by Ms. Harden, who stated that the facts were that the Department previously filed an administrative complaint alleging that subject violated the terms of a Final Order entered in her 2016 case; however, after the filing of the complaint, the Department was provided with an updated compliance report from the Department's Compliance Unit showing that Respondent has now fulfilled the terms of the Final Order. Therefore, the Department asked that the panel reconsider its finding of probable cause and that the case be dismissed.



Florida Board of Podiatric Medicine
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Motion: by Dr. Block to accept the Department's recommendation.
Second: by Dr. Price.
Vote: passed unanimously.

V. ADJOURNMENT OF PUBLIC PORTION

This concluded the public portion of the meeting.