

FLORIDA BOARD OF PODIATRIC MEDICINE GENERAL BOARD MEETING

DRAFT MINUTES

January 20, 2023, at 9:00 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 at 9:01 AM by Dr. Mark Block, Chair.

Roll call was conducted by Ms. Ashleigh Irving, Executive Director.

MEMBERS PRESENT:

Mark S. Block, D.P.M. – Chair
Soorena Sadri, D.P.M. – Vice-Chair
Cary Zinkin, D.P.M.
Robert Morris, PhD
Robert Snyder, D.P.M., MBA, MSc, CWSP,
FFPM, RCPS

(Present as of TS 00:06:40 Minutes)

Mark Klein, D.P.M.

(Present as of TS 00:59:06 Minutes)

STAFF PRESENT:

Ashleigh Irving, Executive Director
Eric Pottschmidt, MBA, Program Operations
Administrator
Kisha Johnson, Regulatory Specialist II, Team Lead
Kieran Compagnone, Regulatory Specialist III

DEPARTMENT OF HEALTH COUNSEL:

Caitlin R. Harden, Esq, Senior Attorney

BOARD COUNSEL:

Kara Aikens, Assistant Attorney General

(TS 00:02:55 Minutes) Opening remarks were read by Ms. Irving.

II. WELCOME NEWLY APPOINTED BOARD MEMBERS

A. Cary Zinkin, D.P.M.

B. Robert Snyder, D.P.M., MBA, MSc, CWSP, FFPM, RCPS

(TS 00:04:43 Minutes) Ms. Irving read the biographies for Dr. Zinkin and Dr. Snyder. Ms. Aikens noted that Dr. Zinkin has resigned as President of the Florida Podiatric Medical Association.

III. REVIEW AND APPROVAL OF MINUTES

A. October 14, 2022

(TS 00:07:30 Minutes) After discussion, the Board took the following action:

Motion: by Dr. Block to approve the October 14, 2022, minutes.
Second: by Dr. Morris.
Vote: passed unanimously.



IV. PROSECUTOR'S REPORT

Inventory of Cases as of January 9, 2022

Cases under legal review by a department prosecutor:	3
Cases drafted for probable cause:	1
Cases waiting for Board Review:	0
Cases where probable cause has been found:	1
Cases with an appeal pending:	0
Cases in a hold status:	0
Cases awaiting a final order:	0
Other (Intake and Re-opened cases/supplementals):	2
Total Case Inventory:	7

Total Number of Year and Older Cases: 1

(TS 00:08:35 Minutes) Ms. Harden presented the report to the Board. The Department then requested that the Board authorize the continued prosecution of the year and older cases.

After discussion, the Board took the following action:

Motion: by Dr. Block to permit PSU to continue to prosecute 1 year and older cases.
Second: by Dr. Morris.
Vote: passed unanimously.

V. APPLICATION REVIEWS

A. Podiatric Physician

i. Simon Becker, D.P.M.

(TS 00:11:17 Minutes) Dr. Becker was present and did not have legal representation present. Dr. Becker's application was before the Board for review of disciplinary history. On September 23, 1999, Dr. Becker was entered into the Accelerated Rehabilitative Disposition (ARD) program by order of the Court of Common Pleas of Dauphin County after being charged with two felony counts of Medicaid fraud. In May 2001, Dr. Becker's Pennsylvania license was placed on probation for a period of two years. On February 20, 2002, Dr. Becker's terms of probation were deemed complete, and his license was restored to unrestricted, non-probationary status.

(TS 00:13:25 Minutes) After discussion, the Board took the following action:

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



Ms. Aikens noted for the record that this did not violate any Florida statutes as Dr. Becker has satisfied the requirements under Chapter 456.0635(2)(a)2, F.S., adding that Dr. Becker has satisfied a pretrial diversion program and all probationary terms for those charges, and that it occurred more than ten years prior to the application date.

Vote: passed unanimously.

B. Podiatric X-Ray Assistant

i. Callie Megan Hadsell, Podiatric X-Ray Assistant

(TS 00:16:55 Minutes) Ms. Hadsell was present and did not have legal representation present. Ms. Hadsell's application was before the Board for review of criminal history which was disclosed on the application.

After discussion, the Board took the following action:

Motion: by Dr. Block to approve the application.

Second: by Dr. Zinkin.

Vote: passed unanimously.

ii. Alicia Russell, Podiatric X-Ray Assistant

(TS 00:18:53 Minutes) Ms. Russell was not present and did not have legal representation present. Ms. Russell's application was before the Board for review of criminal history regarding a felony offense from 2002, which she did not disclose on the application for licensure. Ms. Aikens noted for the record that this did not violate any Florida statutes as Ms. Russell has satisfied the requirements under Chapter 456.0635(2)(a)2, F.S., adding that all requirements from the charge have been complied with.

After discussion, the Board took the following action:

Motion: by Dr. Block to approve the application.

Second: by Dr. Snyder.

Vote: passed unanimously.

iii. Windy Morton, Podiatric X-Ray Assistant

(TS 00:21:05 Minutes) Ms. Morton was present and did not have legal representation present. Ms. Morton's application was initially presented at the October 14, 2022, general board meeting, at which time the Board voted to approve an Order requiring her appearance at one of the next two regularly scheduled board meetings, with this being the first of the next two regularly scheduled board meetings. Ms. Morton's application was before the Board for review of criminal history regarding misdemeanor charges from 2003 which she did not disclose in the application for licensure.

Ms. Morton provided a statement before the Board.



(TS 00:23:20 Minutes) After discussion, the Board took the following action:

Motion: by Dr. Block to approve the application.

Second: by Dr. Zinkin.

Dr. Snyder requested Ms. Morton to discuss her history since these charges occurred, to which Ms. Morton provided a response.

Vote: passed unanimously.

iv. Bridgett Martin, Podiatric X-Ray Assistant

(TS 00:25:45 Minutes) Ms. Martin was present and did not have legal representation present. Ms. Martin's application was initially presented at the October 14, 2022, general board meeting, at which time the Board voted to approve an Order requiring the appearance of the applicant at one of the next two regularly scheduled board meetings, with this being the first of the next two regularly scheduled board meetings. Ms. Martin's application was before the Board for review of criminal history regarding a felony charge from 2000 which she did not disclose in the application for licensure.

Ms. Aikens referenced Chapter 456.0635(2)(a)2, F.S., noting that Ms. Martin has satisfied all requirements for this charge, and that this occurred more than ten years prior to the application date.

After discussion, the Board took the following action:

Motion: by Dr. Block to approve the application.

Second: by Dr. Snyder.

Vote: passed unanimously.

VI. RULES DISCUSSION

A. Chapter 64B18-17, F.A.C

(TS 00:28:13 Minutes) Ms. Irving acknowledged that Ms. Marcia Mann, the Florida Department of Health's liaison with CE Broker, was present to offer guidance and to answer questions from the Board. Ms. Aikens presented the proposed new rule language for Chapter 64B18-17, F.A.C., noting that a new section, Chapter 64B18-17.001(i), F.A.C., was created, which states that all 40 hours may be obtained virtually, and that only eight (8) of those hours may be obtained through home study.

(TS 00:30:28 Minutes) Ms. Aikens noted that one of the main topics of the rule discussion during the October 2022 general board meeting was the definitions of the terms home study, online, and interactive, and cited the proposed rule language for Chapter 64B18-17.002(8), which defines the following terms: home study or anytime courses, and live in-person or live interactive virtual events.

(TS 00:32:40 Minutes) Mr. Pottschmidt brought the proposed rule language for Chapter 64B18-17.002(5)(c), F.A.C., to the Board's attention, noting that the Board would need to discuss and determine the minimum number of questions that the test for the home study or anytime courses must contain. Dr. Snyder indicated that he believed five questions would be appropriate.



(TS 00:34:25 Minutes) Dr. Block opened the floor for public comment on this topic. Dr. Samuel Galitzer expressed his appreciation for the Board’s proposed changes to the current rule language for A. Chapter 64B18-17, F.A.C. He then noted his confusion as to why the Board is limiting the home study hours that may be used for renewal, and inquired if there were any other boards in Florida share these limitations. Ms. Irving noted that there were at least 12 of the 22 professional boards within the Florida Department of Health which still quite a few boards that require either live or home study courses.

(TS 00:36:47 Minutes) Dr. Block added that to his knowledge, the home study course type was not one that was frequently utilized. Additional discussion took place regarding the home study course option, as well as the minimum number of test questions that was appropriate to require for home study courses.

(TS 00:48:50 Minutes) After discussion, the Board took the following action:

Motion: by Dr. Block to approve the proposed changes to Chapter 64B18-17, F.A.C., with the addition of the language stating that five test questions were required for home study courses.
Second: by Dr. Zinkin.
Vote: passed unanimously.

**SERC Questions
(TS 00:53:05 Minutes)**

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

Motion: by Dr. Block that the proposed rule amendment has no impact on small business.
Second: by Dr. Snyder.

Ms. Aikens clarified the statutory definition of “small business” for the Board members, and further explained that the SERC Questions are intended to assess the cost that a newly proposed rule or proposed amended rule language will have on certain individuals, such as small businesses, as well as if the newly proposed rule or proposed amended rule language will require a more in-depth review once it reaches a certain threshold.

Vote: passed unanimously.

Ms. Irving noted that Dr. Klein joined the call.

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 of the rule?

Motion: by Dr. Block that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.
Second: by Dr. Zinkin.
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 that no part of this rule or a violation of this rule should be designated as a minor violation.
Second: by Dr. Snyder.
Vote: passed unanimously.

Does the Board feel this rule should include a Sunset provision?

Motion: by Dr. Block that the rule does not need a sunset provision.
Second: by Dr. Zinkin.
Vote: passed unanimously.

VII. DECLARATORY STATEMENT

i. Samuel Galitzer, D.P.M. – Rule 64B18-17.001, F.A.C.

(TS 01:04:45 Minutes) Dr. Galitzer, who spoke previously during the rules discussion portion of the meeting, was present and did not have legal representation present. Dr. Galitzer ultimately decided to withdraw his petition for declaratory statement as the matter has been addressed during the rules discussion portion.

VIII. REPORTS (TS 01:05:52 Minutes)

A. Chair's Report – Dr. Block

Dr. Block stated that himself and Dr. Sadri visited Tallahassee the previous week to attend the Florida Department of Health's Annual Long-Range Planning Meeting, and briefly covered the topics of discussion from the meeting including licensure compacts, the increase in the number of complaints received by the Department's Consumer Services Unit, the Department's AI live-chat feature "ELI", and reporting licensees/providers with substance abuse disorder to the Department.

(TS 01:13:15 Minutes) A member of the public stated that he had a question regarding the topic of online and anytime continuing education courses, adding that the Florida Laws, Rules, and Ethics course offered by the Florida Medical Association did not seem to require any testing protocols and inquiring if this would be approved for the Florida Board of Podiatric Medicine. This individual declined to identify himself when requested to do so by the court reporter, followed by Ms. Irving indicating that the member of the public would need to provide a pseudonym if he was to provide public comment. Mr. Block acknowledged that the meeting would have a public comment portion towards the end of the meeting, and that this individual may speak at that time.

B. Vice Chair's Report – Dr. Sadri

No report was given.



C. Executive Director's Report – Ashleigh K. Irving

i. Electronic Licensing

(TS 01:19:04 Minutes) Ms. Irving shared that the Department would be moving forward with electronic licensing and provided additional description of how the electronic licenses will appear, with the inclusion of a QR code on each electronic license which will be linked to the Department website where the current license status and any discipline on the license would be accessible. Ms. Irving noted that this initiative is projected to take effect approximately July 1, 2023.

ii. Financial Report

(TS 01:23:57 Minutes) Ms. Irving presented the financial report, which was provided in the agenda materials for review, and noted that the Board was currently in good standing.

D. Board Counsel's Report – Kara Aikens

i. Rules Report

(TS 01:24:25 Minutes) Ms. Aikens presented the rules report for January 2023 and noted that the only outstanding rules listed was the one that was voted on during the present meeting.

B. Committee Reports

(TS 01:25:00 Minutes) Dr. Block noted that some of the committees would need to be allocated and requested if Dr. Sadri wanted to relinquish the obligation for any of the committees for which he acted as the liaison. Dr. Sadri stated that he would like to relinquish the obligation for the Residency Program Committee as well as the CE Committee. Dr. Morris stated that he was happy to continue as the liaison for the Budget Committee and the Unlicensed Activity Committee. Dr. Klein expressed interest in the Residency Program Committee and was assigned as liaison. Dr. Zinkin assumed the obligation of liaison of the CE Committee. Dr. Snyder assumed the obligation of the Disciplinary Committee. Dr. Sadri assumed the obligation of the Legislative Committee.

i. Disciplinary Compliance

Nothing to report.

ii. Legislative

Nothing to report.

iii. Malpractice Committee – Dr. Block

Nothing to report.



iv. Probable Cause Panel – Dr. Block

Dr. Block stated that there was a recent probable cause panel meeting and that the members of the probable cause panel were working alongside Prosecution Services Unit to expedite the current cases in order to get them resolved as soon as possible.

v. Residency Program – Dr. Sadri

Nothing to report.

vi. CE Committee – Dr. Sadri

Nothing to report.

vii. Rules – Dr. Sadri

Nothing to report.

viii. Budget – Robert Morris, Ph.D.

Nothing to report.

ix. Unlicensed Activity – Robert Morris, Ph.D.

Nothing to report.

IX. OTHER BUSINESS

A. Ratifications

i. License Numbers Issued

(TS 01:31:25 Minutes) After discussion, the Board took the following action:

Motion: by Dr. Block to accept the ratification list for Profession 2101, Podiatric Physician, including license number 4445 through 4474.

Second: by Dr. Zinkin.

Vote: passed unanimously.

After discussion, the Board took the following action:

Motion: by Dr. Block to accept the ratification list for Profession 2105, Certified Podiatric X-Ray Assistant, including license number 2633 through 2652.

Second: by Dr. Zinkin.

Vote: passed unanimously.



ii. Approved Continuing Education Courses

Dr. Zinkin and Mr. Pottschmidt discussed the process by which the CE Courses are reviewed by the CE Committee liaison.

No completed motion was made to ratify the approved continuing education courses.

X. FYI

i. Florida Prescription Drug Program (FPDP)

XI. PUBLIC COMMENTS

(TS 01:40:35 Minutes) The member of the public who spoke out previously during the Chair's Report portion of the meeting resumed his discussion regarding the continuing education, specifically whether home study courses would fit into the grouping of AMA Category 1-approved.

Dr. Block recommended that this individual contact the Board office so that this issue can be addressed and added to the agenda for the next regularly scheduled meeting if appropriate. Ms. Aikens noted her agreement with Dr. Block's recommendation and added that the advisement for this individual to listen to the meeting audio once posted to the website.

(TS 01:47:20 Minutes) Dr. Klein requested clarification on the matter of orthotists being required to have a prescription from a doctor in order to make prescription orthotics, and how this matter would be addressed by the Board if necessary. Dr. Block recommended that this matter be submitted to the Board office so it could be addressed once additional research has been done by Board staff and Board counsel.

XII. NEXT MEETING DATE – April 21, 2023 – Orlando

Mr. Pottschmidt noted that it was likely that this meeting would be switched to a virtual platform due to lack of disciplinary cases ready to be seen by the Board.

XIII. ADJOURNMENT @ 10:49 EST