

DRAFT MINUTES
BOARD OF OSTEOPATHIC MEDICINE
February 17-18, 2012

Nova Southeastern University
Morris Auditorium
3301 College Avenue
Ft Lauderdale, FL 33314

Friday, February 17, 2012

The meeting was called to order by Dr. Hayden, Chair, at 4:00 pm. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Anna Hayden, D.O., Chair
Rina A. Malan, Vice Chair, Consumer
Ronald Burns, D.O.
Allan Escher, D.O.
Joel Rose, D.O. (arrived at 4:10)

STAFF PRESENT:

Anthony Jusevitch, Executive Director
Christy Robinson, Program Operations Administrator
Donna McNulty, Esq. – Board Counsel
Michael Lawrence, Esq. – DOH Prosecutor
John Truitt, Esq. – DOH Prosecutor

MEMBERS ABSENT:

James St Louis, D.O. (excused)

OTHERS PRESENT:

Martha Brown, MD, PRN

COURT REPORTER:

Apex Reporting Group
954-467-8204

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.

PLEDGE OF ALLEGIANCE AND PLEDGE OF OSTEOPATHIC COMMITMENT

REVIEW AND APPROVAL OF MINUTES

Tab 1 - Minutes from November 4-5, 2011 Board Meeting

Action Taken: Dr. Burns moved to approve the minutes as presented. Ms. Malan seconded the motion, which passed unanimously.

Tab 2 - Minutes from December 6, 2011 Conference Call Meeting

Action Taken: Dr. Burns moved to approve the minutes as presented. Dr. Hayden seconded the motion, which passed unanimously.

PRESENTATIONS

Tab 4 - Federation of State Medical Boards

Humayun Chaudhry, DO, President and CEO of the Federation and Daniel Gifford, MD gave a presentation to the Board regarding the Federation's services and initiatives.

No Tab – Dr. Silvagni, Dean, welcomed the Board and thanked them for holding the meeting at NOVA.

Presentation of Awards

Dr. Hayden presented certificates of appreciation to all current members for their hard work and dedication. She also presented awards to Glenn Moran, DO and James Andriole, DO for their dedication and hard work on the probable cause panel.

Tab 3 - The Center for Personalized Education for Physicians

Elizabeth Korinek, MPH provided the Bard with an overview of CPEP's services.

Tab 5 - Nova Southeastern – Update Available Continuing Education

Kenneth Johnson, DO provided an update on the new Ethics, Law and Communications course.

BOARD COUNSEL REPORT AND RULES REVIEW / DISCUSSION – Donna McNulty, Esq.

Tab 31 - Discussion of Recent Case (Georges) Regarding the Collection of Legal Costs in Disciplinary Matters

Ms. McNulty explained the outcome of the case as it pertained to the collection of legal costs in disciplinary cases.

Tab 32 - Rules Report

Informational item.

Tab 33 - 64B15-6.003 – Physician Assistant Licensure

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Hayden seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 34 - 64B15-7.010 – Disciplinary Guidelines (Anesthesiology Assistants)

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Rose seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Ms. Malan seconded the motion, which passed unanimously.

Tab 35 - 64B15-9.007 – Forms and Instructions

Action Taken: Dr. Burns moved to repeal the rule and proceed as appropriate. Ms. Malan seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 36 - 64B15-12.003 – Applications for Licensure

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Hayden seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 37 - 64B15-12.006 – Active Status License

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Hayden seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 38 - 64B15-12.007 – Inactive Status License

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Hayden seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 39 - 64B15-12.008 – Delinquent Status License

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Hayden seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 40 - 64B15-14.011 – Qualifications of Physicians Who Evaluate and Treat Sex Offenders

Action Taken: Dr. Burns moved to repeal the rule and proceed as appropriate. Ms. Malan seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 41 - 64B15-14.0051 – Training Requirements for Physicians Practicing in Pain Management Clinics

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Hayden seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed

unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 42 - 64B15-19.002 – Violations and Penalties

Action Taken: Dr. Burns moved to approve the language as presented and proceed with rulemaking as appropriate. Ms. Malan seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation and no SERC was needed. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved that the rule would not require legislative ratification. Dr. Hayden seconded the motion, which passed unanimously.

Tab 43 - Discussion Regarding 64B15-19.008- Mediation, 64B15-19.007-Citations, 64B15-6.014 Mediation and 64B15-6.01051-Citation Authority

Ms. McNulty explained the Board could not address 64B15-6.014 or 6.01051 at this time as the Council on Physician Assistants would need to review the proposal first.

It was decided that additional clarification was needed on the proposed changes to the mediation and citation rules before the language could be approved.

Action Taken: Dr. Rose moved to open rules 64B15-19.008 and 64B15-19.007 for development (with clarified language to be brought back to the next meeting). Dr. Hayden seconded the motion, which passed unanimously.

BOARD CHAIR REPORT – Anna Hayden, DO

Tab 6 - AAOE Annual Summit Meeting Report

Dr. Hayden provided an overview of the meeting.

EXECUTIVE DIRECTOR REPORT –Anthony Jusevitch

Tab 44 - Discussion Regarding Streamlining of Licensure Applications

Mr. Jusevitch explained the proposal to streamline the application process. The Board supported the general idea of streamlining the process but wanted more information before making a decision.

Action Taken: After discussion, Dr. Burns moved to have staff create a matrix of various issues and bring the proposal back to the next meeting. Ms. Malan seconded the motion, which passed unanimously.

Tab 45 - Correspondence from FSMB Regarding License Portability

The Board voiced concerns about writing a letter of support without having seen the actual policy.

Action Taken: Dr. Burns moved to continue to monitor the issue and look for opportunities to collaborate with the FSMB. Dr. Hayden seconded the motion, which passed unanimously.

No Tab – Discussion Regarding HB 529

Mr. Jusevitch advised the Board of Medicine was opposed to this language. After discussion, it was the consensus of the Board to oppose the language due to the expansion of practice and because they needed additional clarification on the language.

Tab 57 - Annual Delegation of Authority

Action Taken: Dr. Escher moved to approve annual delegation as presented. Dr. Burns seconded the motion, which passed unanimously.

COUNCIL ON PHYSICIAN ASSISTANTS REPORT – Ronald Burns, DO

Tab 46 - Minutes from February 2, 2012 Meeting

Dr. Burns provided a report of the meeting.

ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Ronald Burns, DO

Tab 47 - Minutes from February 2, 2012 Meeting

Dr. Burns provided a report of the meeting.

RATIFICATION OF LICENSURE

Tab 48 - Ratification of Full Licenses Issued 10/27/2011 – 1/13/2012

Action Taken: Dr. Burns moved to approve the list as presented. Ms. Malan seconded the motion, which passed unanimously.

Tab 49 - Ratification of Physician in Training Registrations Issued 11/1/2011 – 2/2/2012

Action Taken: Ms. Malan moved to approve the list as presented. Dr. Hayden seconded the motion, which passed unanimously.

Tab 50 - Ratification of Expert Witness Certificates Issued 11/1/2011 – 2/2/2012

Action Taken: Dr. Rose moved to approve the list as presented. Dr. Burns seconded the motion, which passed unanimously.

EXPERT WITNESS APPLICANTS

Tab 51 - Joseph Billings, DO

Action Taken: After discussion, Dr. Hayden moved to table the application and postpone until the next meeting to obtain clarification on the answer to question #4. Dr. Escher seconded the motion, which passed unanimously.

The Board also requested PSU to amend the form to include the AOA specialty boards to question #1.

Tab 52 - Robert Fedor, DO

Action Taken: Dr. Rose moved to approve the application. Dr. Burns seconded the motion, which passed unanimously.

PROSECUTION SERVICES REPORT

Mr. Lawrence an overview of the current caseload statistics.

BUDGET LIAISON REPORT – Rina Malan

There was discussion regarding the prosecution budget and concern about the decision to not collect attorneys' fees having an adverse impact on the Board's budget.

PHARMACISTS FORMULARY COMMITTEE REPORT – Joel Rose, DO

No report.

UNLICENSED ACTIVITY LIAISON REPORT – James St. Louis, DO

No report.

ELECTION OF 2012 OFFICERS

Dr. Hayden nominated Dr. Burns for Chair. Dr. Escher seconded the motion, which passed unanimously.

Dr. Rose nominated Ms. Malan for Vice Chair. Dr. Hayden seconded the motion, which passed unanimously.

OLD BUSINESS

NEW BUSINESS

The meeting recessed at 7:15 pm.

SATURDAY, February 18, 2012
9:00 am

PETITION FOR DECLARATORY STATEMENT

Tab 7 - Petition for Declaratory Statement Submitted by Florida Hospices and Palliative Care, Inc.

Bob Griffin, Esq. was present and represented the FHPC.

Action Taken: Dr. Escher moved to grant the petition. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns then moved to approve the language in the proposed order as discussed. Dr. Rose seconded the motion, which passed unanimously.

NEW DISCIPLINARY CASES

Mr. Jusevitch explained the Settlement Agreements would be voted on in groups except for the cases that any member wished to discuss separately.

Tab 11 - Edward L. Wiener, DO – DOH Case #2009-19700 - Settlement Agreement

Allegations of Complaint: 459.015(1)(x)- standard of care violation

Dr. Hayden was recused from this case for personal reasons.

Action Taken: Dr. Escher moved to approve the settlement agreement as presented:

- \$2500.00 fine
- \$ 4112.12 in costs
- Completion of 6 hours of continuing medical education in prevention of surgical errors

Dr. Burns seconded the motion, which passed unanimously.

Mr. Lawrence advised the costs in the case were \$4112.12.

Tab 10 - Ronald Knaus, DO – DOH Case #2011-03007 - Settlement Agreement

Allegations of Complaint: 456.072(1)(w)-profiling violation; 456.072(1)(x)- fail to report criminal conviction

Ms. Malan was recused due to her participation on the probable cause panel.

Terms of Settlement Agreement:

- Letter of Concern
- \$2500.00 fine
- \$571.96 in costs
- Completion of the “Legal and Ethical Implications in Medicine- Physician’s Survival Guide/Laws and Rules” course offered by FMA within 1 year of the order
- Agreement to update the practitioner profile to include the criminal plea

Tab 18 - Mark Pamer, DO – DOH Case # 2009-20412 – Settlement Agreement

Allegations of Complaint: 459.015(1)(pp)- violating a law or rule by violating 459.0141(sexual misconduct); 459.015(1)(l)-using influence to engage in sexual misconduct; 459.015(1)(pp)- violating a law or rule of the board by violating 456.063(1) (sexual misconduct)

Ms. Malan was recused due to her participation on the probable cause panel.

Terms of Settlement Agreement:

- Reprimand
- \$10,000.00 fine
- \$1733.46 in costs
- Completion of the ethics continuing medical education course offered by Nova within 1 year of the order
- Practice Restriction- must have a female chaperone present when examining female patients
- Probation for 1 year to include indirect monitor, 10% chart review and quarterly reports

Action Taken: Dr. Burns moved to approve the Settlement Agreements as presented for **Tabs 10 and 11**. Dr. Hayden seconded the motion, which passed unanimously.

Mr. Lawrence advised the costs in Tab 10 were \$571.96 and Tab 18 were \$1733.46.

Tab 16 - Jason Chamikles, DO – DOH Case #2011-05800 – Settlement Agreement

Allegations of Complaint: 459.015(1)(b)-license disciplined in another state

Terms of the Settlement Agreement and additional action on this case can be found following Tabs 19 and 14 in the minutes.

Tab 17 - Alfred Johnson, DO – DOH Case #2011-05497 – Settlement Agreement

Allegations of Complaint: 459.015(1)(b)- license disciplined in another state

Dr. Rose was recused due to his participation on the probable cause panel.

Terms of Settlement Agreement:

- Reprimand
- \$2500.00 fine
- \$181.85 in costs
- Completion of 18 hours of category I continuing medical education in allergy and Immunology as required by the Texas Board of Medicine no later than June 1, 2012

Tab 19 – Henry K. Biggs, DO – DOH Case #2011-03179 – Settlement Agreement

Allegations of Complaint: 459.015(1)(ee)- pre-signing blank prescription forms

Dr. Rose was recused due to his participation on the probable cause panel.

Terms of Settlement Agreement:

- Letter of Concern
- \$5000.00 fine
- \$401.78 in costs
- Completion of the “Legal and Ethical Implications in Medicine- Physician’s Survival Guide/Laws and Rules” course offered by FMA within 1 year of the order
- Completion of 5 hours of continuing medical education in risk management within 1 year of the order

Mr. Lawrence advised the costs in Tab 17 were \$181.85 and Tab 19 were \$401.78.

Action Taken: Dr. Burns moved to approve the Settlement Agreements as presented for **Tabs 16, 17 and 19**.

Tab 16 - Jason Chamikles, DO – DOH Case #2011-05800 – Settlement Agreement (revisit)

Dr. Chamikles advised the Board that he was present and asked the Board to reconsider his case so that he could be heard.

Action Taken: Dr. Burns moved to reconsider the item. Ms. Malan seconded the motion, which passed unanimously.

Additional action on this case can be found following Tab 19 in the minutes.

Tab 13 - Lester Dejesus Estevez, DO – DOH Case #2009-17700 - Settlement Agreement

Allegations of Complaint: 459.015(1)(x)- standard of care

Dr. Estevez was present and represented by Mary Love, Esq. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board. Mr. Lawrence noted the costs in the case were \$1145.41.

Action Taken: Dr. Burns moved to amend the Settlement Agreement to require the continuing education hours be live/AOA Category IA. Dr. Hayden seconded the motion, which passed unanimously.

Both parties agreed to the amendment.

Additional Action taken: After additional discussion, Dr. Hayden moved to reject the Settlement Agreement, which died with no second. Dr. Burns then moved to approve the Settlement Agreement as amended:

- Letter of Concern
- \$2500.00 fine
- \$1145.41 in costs
- Completion of a 1 hour lecture on recognition and treatment of serious back injuries within 6 months of the order
- Completion of 8 hours of live/AOA Category IA continuing medical education in the area of treating neurological complications

Dr. Escher seconded the motion, which passed with Dr. Hayden opposed.

Tab 14 - John L. Abt, DO – DOH Case #2010-20598 - Settlement Agreement

Dr. Abt was present and represented by Elizabeth Perez, Esq. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board. Mr. Lawrence noted the costs in the case were \$1574.55.

Action Taken: Dr. Rose moved to reject the Settlement Agreement. Dr. Burns seconded the motion, which passed with Dr. Escher opposed.

The Respondent agreed to waive attorney fees if the case were to be dismissed.

Additional Action Taken: Dr. Rose moved to dismiss the case. Dr. Burns seconded the motion, which passed with Dr. Escher opposed.

Tab 16 - Jason Chamikles, DO – DOH Case #2011-05800 – Settlement Agreement

Allegations of Complaint: 459.015(1)(b)-license disciplined in another state

Dr. Chamikles was present without counsel. Dr. Rose was recused due to his participation on the probable cause panel.

Ruling on Motion to Accept Qualified Representative: Ms. Malan moved to accept Ralph Erbaio, Esq. as a qualified representative. Dr. Burns seconded the motion, which passed with Dr. Escher opposed.

Mr. Truitt represented the Department and presented the case to the Board. Mr. Truitt noted the costs in the case were \$120.99.

Action Taken: Dr. Escher moved to accept the Settlement Agreement as presented:

- Reprimand
- \$5000.00 fine
- \$120.99 in costs
- Suspension-indefinite until respondent shows completion of New York discipline
- The board retains jurisdiction to impose terms for reinstatement

Dr. Burns seconded the motion, which passed with Ms. Malan opposed.

No Tab – Clarification of Continuing Education Courses for All Settlement Agreements

Action Taken: Dr. Burns moved to approve the FMA medical records and laws and rules courses (in lieu of the FOMA courses) for the Settlement Agreements voted on previously where CME was required. Dr. Hayden seconded the motion, which passed unanimously.

Tab 20 - Randy L Snodgrass, DO -DOH Case #2010-22453 - Informal Hearing

Allegations of Complaint: 459.015(1)(g)- fail to comply with a statutory or legal obligation (CE violation); 459.015(1)(pp)- violating a law or rule (CE violation)

Dr. Snodgrass was not present or represented by counsel. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Truitt represented the Department and presented the case to the Board.

A motion was made to find that the respondent was properly served and requested an informal hearing. The motion was seconded and passed unanimously. A motion was made to accept the agenda materials and investigative report as presented into the record as evidence. The motion was seconded and passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns then moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

Action Taken: Dr. Escher moved to impose the following penalty:

- Suspension until he complies with the previous orders and appears to request reinstatement
- The board reserves jurisdiction to impose terms for reinstatement

Dr. Rose seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved to assess costs in the amount of \$902.17. Dr. Hayden seconded the motion, which passed unanimously.

Tab 22 - Susan Hall, DO – DOH Case #2010-19928 – Informal Hearing

Allegations of Complaint:

Dr. Hall was present without counsel. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board.

A motion was made to find that the respondent was properly served and requested an informal hearing. The motion was seconded and passed unanimously.

Ms. McNulty asked the Respondent to clarify if she was contesting any issues of material fact. Dr. Hall indicated she disagreed with some of the facts presented in the Administrative Complaint. Ms. McNulty advised the Board that they should not proceed with the informal hearing based on this information.

Action Taken: Dr. Escher moved to stop the proceeding due to the respondent's dispute of material fact and refer the case to DOAH as appropriate. Dr. Burns seconded the motion, which passed unanimously.

Tab 23 - Ty Anderson, DO – Informal Hearing

Each Administrative Complaint was handled individually due to quorum issues.

Dr. Anderson was present and represented by Edwin Bayo, esq. Dr. Brown from PRN was also present.

DOH Case # 2010-07709

Allegations of Complaint:

Dr. Rose was recused due to his participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to find that the respondent was properly served and requested an informal hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Respondent provided testimony to the Board.

Dr. Burns then moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Escher seconded the motion, which passed unanimously.

DOH Case # 2009-20078

Allegations of Complaint:

Ms. Malan was recused due to her participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to find that the respondent was properly served and requested an informal hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Respondent provided testimony to the Board. Dr. Brown also provided comments to the Board.

Dr. Burns then moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

DOH Case # 2010-18278

Allegations of Complaint:

Ms. Malan was recused due to her participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to find that the respondent was properly served and requested an informal hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the

motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Respondent provided testimony to the Board.

Dr. Burns then moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

DOH Case # 2008-17307

Allegations of Complaint:

Ms. Malan was recused due to her participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Burns moved to find that the respondent was properly served and requested an informal hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Respondent provided testimony to the Board.

Dr. Burns then moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

Discussion Regarding Penalty:

DOH Case # 2010-07709:

Action Taken: Dr. Burns moved to impose the following penalty:

- \$10,000.00 fine
- Suspension for 2 years
- The Board retains jurisdiction to set terms of reinstatement and probation
- Completion of the Florida Laws and Rules course

Dr. Escher seconded the motion, which passed unanimously. Dr. Burns moved to require the fine be due prior to reinstatement. Dr. Escher seconded the motion, which passed unanimously.

Additional Action Taken: Ms. Malan moved to assess costs in the amount of \$7302.19 to be due prior to reinstatement. Dr. Escher seconded the motion, which passed unanimously.

DOH Case # 2009-20078

Action Taken: Dr. Rose moved to impose the following penalty:

- \$2000.00 fine due prior to reinstatement (from case #2010-07709)
- Probation- terms to be set at the time of reinstatement (from case #2010-07709)

Dr. Escher seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved to assess costs in the amount of \$747.43 to be due prior to reinstatement. Dr. Rose seconded the motion, which passed unanimously.

DOH Case # 2010-18278

Action Taken: Dr. Rose moved to impose the following penalty:

- Reprimand
- \$5000.00 fine due prior to reinstatement (from case #2010-07709)

Dr. Escher seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved to assess costs in the amount of \$161.34 to be due prior to reinstatement. Dr. Rose seconded the motion, which passed unanimously.

DOH Case # 2008-17307

Action Taken: Dr. Escher moved to impose the following penalty:

- \$15,000.00 fine to be paid prior to reinstatement (from case #2010-07709)
- Suspension for 2 years
- The Board retains jurisdiction to set terms of reinstatement and probation

Dr. Rose seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved to assess costs in the amount of \$2563.48 to be due prior to reinstatement. Dr. Hayden seconded the motion, which passed unanimously.

Tab 24 - Lionel Bissoon, DO – DOH Case #2010-08628 – Motion for Determination of Waiver Following Hearing

Allegations of Complaint: 456.072(1)(q)- violating an order of the board

The Respondent was not present or represented by counsel. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case to the Board.

Dr. Escher moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Rose seconded the motion, which passed unanimously. Dr. Rose moved to find that the respondent was properly served and waived their rights to a hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns then moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

Action Taken: Dr. Burns moved to impose the following penalty:

- Reprimand
- Suspension until complaint with previous order
- \$5000.00 fine due within 30 days

Dr. Escher seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved to assess costs in the amount of \$82.38 due within 30 days of the order. Dr. Hayden seconded the motion, which passed unanimously.

Tab 25 - Joseph Deluca, DO – DOH Case #2010-10514 – Motion for Determination of Waiver Following Hearing

Allegations of Complaint: 459.015(1)(bb)- violating an order of the board

The Respondent was not present or represented by counsel. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Truitt represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Escher seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and waived their rights to a hearing. Dr. Escher seconded the motion, which passed unanimously. Dr. Burns then moved to adopt the findings of fact as presented in the administrative complaint. Dr. Escher seconded the motion, which passed unanimously. Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Escher seconded the motion, which passed unanimously.

Action Taken: Dr. Rose moved to impose the following penalty:

- Suspension until compliant with the previous final order
- The Board reserves jurisdiction to set terms of reinstatement
- \$7500.00 fine due prior to reinstatement

Dr. Escher seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Rose moved to assess costs in the amount of 1042.86 due prior to reinstatement. Dr. Escher seconded the motion, which passed unanimously.

Tab 54 - Dominic Riganotti, DO – DOH Case #2011-05033 – Settlement Agreement

Allegations of Complaint: 459.0141- sexual misconduct; 459.015(1)(pp)- violate a law or rule of the board; 456.072(1)(v)- sexual misconduct; 456.063(1)- sexual misconduct; 459.015(1)(l)- exercising influence on a patient

Dr. Riganotti was present and represented by Monica Rodriguez, Esq. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Truitt represented the Department and presented the case to the Board.

Action Taken: Dr. Burns moved to accept the Settlement Agreement with an amendment regarding the continuing education requirement:

- Reprimand
- \$10,000.00 fine
- \$1767.46 in costs
- Completion of a continuing medical education course in ethics (amendment to require the course be live and at least 2 hours)
- Compliance with contract and recommendations of the Professionals Resource Network
- Probation for 1 year to include: indirect monitor, quarterly reports, appearance at first and last meeting of probation

Dr. Rose seconded the motion, which passed unanimously.

Both parties agreed to the amended terms of the agreement.

Tab 26 - Edward Williams, Jr, DO – DOH Case #2010-13765 – Motion for Determination of Waiver Following Hearing

Allegations of Complaint: 459.015(1)(x)- standard of care; 459.015(1)(o)- medical records violation

Dr. Williams was present without counsel. Ms. Malan was recused due to her participation on the probable cause panel. Mr. Truitt represented the Department and presented the case to the Board.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Escher seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and waived their rights to a hearing. Dr. Escher seconded the motion, which passed unanimously. Dr. Burns then moved to adopt the findings of fact as presented in the administrative complaint. Dr. Escher seconded the motion, which passed unanimously.

The respondent provided testimony to the Board.

Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Escher seconded the motion, which passed with Dr. Hayden opposed.

Action Taken: Dr. Escher moved to impose the following penalty:

- Letter of Concern
- \$5000.00 fine due within one year of the final order

- Completion of 12 hours of live continuing medical education in the area of cardiac medicine within one year of the final order. The Chair is delegated authority to review and approve the course, which may include a course already completed by the respondent, if appropriate.

Dr. Burns seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Rose moved to assess costs in the amount of \$1806.29 due within one year of the final order. Dr. Escher seconded the motion, which passed unanimously.

Tab 27 - Harris Newman, DO – DOH Case #2011-05500 – Voluntary Relinquishment

Allegations of Complaint: 459.015(1)(b)-discipline in another state; 456.072(1)(x)- fail to report conviction within 30 days; 456.072(1)(c)- convicted of a crime

The Respondent was not present or represented by counsel. Dr. Rose was recused due to his participation on the probable cause panel. Mr. Truitt represented the Department and presented the case to the Board.

Action Taken: There was a motion and second to approve the voluntary relinquishment. After discussion, the motion and second were withdrawn. Dr. Burns then moved to table the case and postpone for 6 months to allow the Department to obtain a new agreement containing the statement regarding never reapplying for licensure. Dr. Escher seconded the motion, which passed unanimously.

Tab 21 - Robert J. Meek, DO - DOH Case #2011-02478 - Informal Hearing

Allegations of Complaint: 459.015(1)(t)- inappropriate prescribing violation; 459.015(1)(x)-malpractice; 459.015(1)(o)- medical records violation; 456.072(1)(gg)- inappropriate prescribing pattern of practice

Dr. Meek was present and represented by Kevin Kulik, Esq. Dr. Escher was recused due to his participation on the probable cause panel. Mr. Truitt represented the Department and presented the case to the Board.

Dr. Burns moved to find that the respondent was properly served and requested an informal hearing. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Hayden seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

The Respondent provided testimony to the Board.

Dr. Burns then moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

Action Taken: Dr. Rose moved to impose the following penalty:

- Suspension for one year
- Probation following the suspension- the board reserves jurisdiction to impose terms of reinstatement and probation
- Permanent restriction- shall never own, operation or practice in a pain management clinic
- \$10,000.00 fine due prior to reinstatement

Dr. Burns seconded the motion which passed unanimously.

Additional Action Taken: Dr. Rose moved to assess costs in the amount of \$3053.27 due prior to reinstatement. Ms. Malan seconded the motion, which passed unanimously.

No Tab – Dr. Escher left the meeting at approximately 12:45

PROBATION AND COMPLIANCE REVIEW

Tab 8 - David Glickman, DO - Petition for Relief from Practice Restriction

Dr. Glickman was present and represented by Ariel Sofro, Esq. Dr. Glickman was requesting the Board lift the restriction for prescribing Schedule III and IV controlled substances as required by the final order.

Action Taken: Dr. Burns moved to lift the restriction for prescribing Schedule III and IV controlled substances. Dr. Hayden seconded the motion, which passed unanimously.

Tab 9 - Joe Morgan, DO - Request for Modification of Final Order

Dr. Morgan was present without counsel. Dr. Morgan was requesting the Board to make several modifications to his final order. The Department noted an objection to several of the modifications.

Action Taken: Dr. Rose moved to allow practice in the area of integrated and holistic medicine pending review and approval of a practice plan which should include the owner/responsible party of the practice, responsibility and scope of practice and the practice plan should be updated annually. Dr. Burns seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Burns moved to deny items 1-4 listed in the petition. Ms. Malan seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Rose moved that the alternative CME course should be submitted to the Chair for review and approval. Dr. Burns seconded the motion, which passed unanimously.

Tab 53 - Christopher G. Wayne, DO – Appearance with Monitor and Request for Modification of Final Order

Dr. Wayne was present without counsel. His monitor Dr. Escobar was present. Dr. Wayne was required to appear with his monitor and was requesting the board modify his final order.

Action Taken: Dr. Rose moved to approve the monitor. Ms. Malan seconded the motion which passed unanimously.

Additional Action Taken: Ms. Malan moved to deny the request for modification of final order. Dr. Burns seconded the motion, which passed unanimously.

LICENSURE APPEARANCES

Tab 28 - Amrita Mukherjee, DO

Dr. Mukherjee was present and represented by Edwin Bayo, Esq. Dr. Mukherjee was required to appear before the Board to discuss her application, gap in training and training evaluation.

Action Taken: Ms. Malan moved to approve the application for licensure. Dr. Burns seconded the motion, which passed unanimously.

Tab 29 - Arthur George Nahas, DO

Dr. Nahas was present without counsel. Dr. Nahas was required to appear before the Board to discuss his application, failure to disclose information on the application and discipline in another state.

Action Taken: Ms. Malan moved to approve the application for licensure. Dr. Burns seconded the motion, which passed unanimously.

Tab 30 - Michael Richard Patnaude, DO

Dr. Patnaude was present without counsel. Dr. Patnaude was required to appear before the Board to discuss his application, repeated training, leave of absence during training and appearance before another state licensing board.

Action Taken: Dr. Burns moved to approve the application for licensure. Ms. Malan seconded the motion, which passed unanimously.

Tab 56 - Oludare Ogunsola

Dr. Ogunsola was present without counsel. Dr. Ogunsola was required to appear before the Board to discuss his application, probation during training and criminal charge.

Action Taken: Dr. Burns moved to approve the application for licensure. Ms. Malan seconded the motion, which passed unanimously.

Tab 55 - Lailah Marie Abawi, DO

Dr. Abawi was not present or represented by counsel. Dr. Abawi was required to appear before the Board to discuss her application, leave of absence during training and break in training.

Action Taken: Dr. Burns moved to approve the application for licensure. Ms. Malan seconded the motion, which passed unanimously.

There being no further business the meeting adjourned at 2:30.