

**DRAFT MINUTES**  
**BOARD OF OSTEOPATHIC MEDICINE**  
**November 2-3, 2012**

**Hyatt Regency Jacksonville Riverfront**  
**225 East Coastline Drive**  
**Jacksonville, FL 32202**  
**(904) 588-1234**

**FRIDAY, November 2, 2012**

The meeting was called to order by Dr. Burns, Chair, at 1:00 pm. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Ronald Burns, DO, Chair  
Joel Rose, DO  
Anna Hayden, DO  
Bridget Bellingar, DO  
James S. St. Louis, DO

**MEMBERS ABSENT:**

Rina Malan, Vice Chair, Consumer  
(excused)

**STAFF PRESENT:**

Anthony Jusevitch, Executive Director  
Christy Robinson, Program Operations Administrator  
Betty Bates, Regulatory Specialist II  
Donna McNulty, Esq. – Board Counsel  
Michael Lawrence, Esq. – DOH Prosecutor  
William Miller, Esq. – DOH Prosecutor  
Elisa Floyd – Compliance Unit Supervisor

**OTHERS PRESENT:**

Judy Rivenbark, MD, PRN

**COURT REPORTER:**

Statewide Reporting Service  
Cindy Danese  
904-353-7706

**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**

**PROBATION AND COMPLIANCE REVIEW**

**Tab 1 – Michelle Snyder, DO – Request for Modification of Final Order**

Dr. Snyder was present with Edwin Bayo, Esq. and Mr. Schuster, CEO of Gibson General Hospital.

**Action Taken:** After much discussion, Dr. Rose moved to deny the request for modification. Dr. Burns seconded the motion. During additional discussion, Mr. Bayo indicated he wished to withdraw the request. Dr. Rose withdrew his original motion and moved to accept the request to withdraw. Dr. Burns seconded the motion which passed unanimously.

**Tab 2 – Christopher Wayne, DO – Request for Modification of Final Order**

Dr. Wayne was present without counsel. Dr. Wayne was requesting early termination of probation. Dr. Wayne provided copies of several continuing education certificates that he indicated were previously submitted to the compliance office. Dr. Burns, as Chair, approved the 10 hours of pain management continuing education for the record.

**Action Taken:** After much discussion, Dr. Burns moved to deny the request for early termination of probation. Dr. Bellingar seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Wayne asked about his request for an extension to pay his fines and costs. It was the consensus of the Board that this request was moot because he had two years to repay.

**Tab 3 – John A. King, DO – Clarification of Final Order**

Dr. King was present without counsel. Dr. King was requesting clarification regarding what was needed to get his Florida license reinstated. Dr. King was advised that the Board could not discuss the disciplinary matter from Alabama.

**Action Taken:** No action taken.

**Tab 4 - Jerrold Ecklind, DO – Probation Appearance with Monitor**

Dr. Ecklind was present with his proposed monitor James Miller, MD. Dr. Rivenbark with PRN was also present.

**Action Taken:** Dr. Burns moved to accept the appearance and approve the monitor. Dr. Hayden seconded the motion, which passed unanimously.

**LICENSURE APPEARANCES – PHYSICIAN IN TRAINING APPLICANTS**

**Tab 5 – Surin Srikureja, DO**

Dr. Srikureja was present and represented by Edwin Bayo, Esq. Also present was Jack McShell from Larkin Community Hospital. Dr. Srikureja was required to appear to discuss his affirmative response to questions 12 and 18 on his application.

**Action Taken:** Dr. Rose moved to accept the appearance and to approve the application. Dr. Hayden seconded the motion, which passed unanimously.

**DISCIPLINARY CASES**

**Tab 12 – Andrew Guidry, DO – Informal Hearing – DOH Case #2009-16025**

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

Dr. Guidry was present and represented by Frank R. Recker, Esq. Dr. Hayden was recused due to participation on the probable cause panel. Mr. Miller represented the Department and presented the case.

Dr. Burns 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. Burns moved to find that the respondent was properly served and requested an informal hearing before the Board. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to adopt the findings of fact as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

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

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

- \$10,000.00 fine to be paid within 1 year of the order
- PRN evaluation and compliance with any recommendations

- Suspension until he demonstrates compliance with PRN and appears before the Board to request reinstatement and demonstrate the ability to practice safely
- The Board reserves jurisdiction to impose probation terms at the time of reinstatement

Dr. Burns seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Burns moved assess costs in the amount of \$1511.94 to be paid within 1 year of the final order. Dr. Rose seconded the motion, which passed unanimously.

**Tab 6 – Gary Blumberg, DO – Settlement Agreement – DOH Case #2009-23127**

Allegations of Complaint: 456.072(1)(c)- fail to report conviction in 30 days; 456.072(1)(w) – fail to comply with profiling/credentialing requirements

Dr. Blumberg was present and represented by Bruce Lamb, Esq. Dr. Hayden recused herself for personal reasons. Mr. Miller represented the Department and presented the case.

**Action Taken:** Dr. Burns moved to approve the Settlement Agreement as presented:

- Letter of Concern
- \$5000.00 fine
- \$1888.64 in costs
- Completion of Legal and Ethical Implications in Medicine- Physician’s Survival Guide – Laws and Rules course administered by the FMA

Dr. Rose seconded the motion, which passed unanimously.

**Tab 7 – Jeffrey Mark Lipman, DO – Settlement Agreement – DOH Case #2006-16692**

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

Dr. Lipman was present and represented by Mark Dresnick, Esq. Dr. Rose was recused because he was the Department’s expert in this case. Mr. Lawrence represented the Department and presented the case.

Dr. Burns requested the Settlement Agreement be amended to require the CME hours be live/participatory and AOA Category IA, if approved by the Board. The amendment was agreed upon by all parties present.

**Action Taken:** Dr. Burns moved to approve the Settlement Agreement as presented with the amendment that the CME hours be live/participatory and AOA Category IA courses.

- Letter of Concern
- \$5000.00 fine
- \$10,212.39 in costs
- Completion of continuing education course “Quality Record Keeping for Health Care Professionals” sponsored by FMA, within 12 months
- Completion of 10 additional continuing education hours

Dr. Bellinger seconded the motion, which passed unanimously.

**Tab 8 – Thomas Edward Hawkey, DO – Settlement Agreement – DOH Case #2012-04186**

Allegations of Complaint: 459.015(1)(b – having disciplinary action taken by another state; 456.072(1)(w)- fail to comply with profiling/credentialing;

Dr. Hawkey was not present or represented by counsel. Dr. Rivenbark of PRN was present. Dr. Hayden was recused due to participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case.

**Action Taken:** Dr. Rose moved to reject the Settlement Agreement as presented. Dr. Burns seconded the motion, which passed unanimously. Dr. Burns moved to offer the following counter agreement:

- Reprimand
- \$2,500.00 fine to be paid within 30 days
- \$676.56 in cost to be paid within 30 days
- Suspension until he demonstrates compliance with PRN and appears before the board to request reinstatement and demonstrate the ability to practice safely
- The Board reserves jurisdiction to impose probation terms at the time of reinstatement

Dr. Rose seconded the motion, which passed unanimously.

The Respondent has 14 days to accept or reject the counter offer.

**Tab 9 – Raul A. Rodas, DO – Settlement Agreement – DOH Case #2011-01690**

Allegations of Complaint: 456.072(1)(a)- false/fraudulent misrepresentations in the practice

Dr. Rodas was present and represented by Victor Chapman, Esq. Dr. Hayden was recused due to participation on the probable cause panel. Mr. Miller represented the Department and presented the case.

**Action Taken:** Dr. Rose moved to approve the Settlement Agreement as presented:

- Reprimand
- \$5,000.00 fine to be paid in 6 months
- \$2614.54 costs to be paid in 6 months
- Probation for 2 years to include indirect supervision, quarterly reports, etc,
- Practice restriction during probation- cannot treat or prescribe drugs to family members
- Completion of Legal and Ethical Implications in Medicine- Physician's Survival Guide – Laws and Rules course administered by the FMA
- Completion of the Quality Record Keeping for Health Care Professionals course sponsored by FMA

Dr. Bellinger seconded the motion, which passed unanimously.

**Tab 10 – Vincent Joseph Scolaro, DO – Settlement Agreement – DOH Case #2011-18625 & #2011-14096**

Allegations of Complaint: 456.072(1)(hh)- being terminated from an impaired practitioner program; 459.015(1)(w)- unable to practice due to impairment

Dr. Scolaro was present and represented by Ken Skinner, Esq. Dr. Hayden was recused due to participation on the probable cause panel. Mr. Miller represented the Department and presented the case.

**Action Taken:** Dr. Burns moved to reject the Settlement Agreement as presented. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to offer the following counter agreement:

- Reprimand
- \$5,000.00 fine to be paid in 24 months
- \$15,212.00 costs to be paid in 24 months
- Suspension until he undergoes an evaluation by PRN and complies with any recommendation; appears before the board to request reinstatement and demonstrate the ability to practice safely
- The Board reserves jurisdiction to impose probation terms at the time of reinstatement
- Practice restriction- can only practice while in compliance with PRN

Dr. Rose seconded the motion, which passed unanimously.

**Tab 14 – John B. Hirt, DO – Determination of Waiver Hearing – DOH Case #2011-12348**

Allegations of Complaint: 459.015(1)(pp) – violate a law or rule of the Board

Dr. Hirt was not present or represented by counsel. Dr. Hayden was recused due to participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence. Dr. Bellingar 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. Bellingar seconded the motion, which passed unanimously. Dr. Burns then moved to adopt the findings of fact as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

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

- Reprimand
- \$5,000.00 fine to be paid within 3-months
- 5 hours of CME in the area of medical record keeping and/or patient rights
- Must provide medical records to patients within 30 days of the final order

Dr. Bellingar seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Burns moved assess costs in the amount of \$754.82 to be paid within 3-months of the final order. Dr. Bellingar seconded the motion, which passed unanimously.

**Tab 15 – Joseph P. Buffalino, DO – Voluntary Relinquishment – DOH Case #2012-06494**

Allegations of Complaint: 456.072(1)(k) & 459.015(1)(g)- fail to perform a legal obligation; 456.072(1)(dd) & 459.015(1)(pp)- violate a law or rule of the Board; 456.072(1)(gg)- inappropriate prescribing practice pattern, 459.015(1)(t)- inappropriate prescribing; 459.0137(2)(c)- pain clinic violation

Dr. Buffalino was not present or represented by counsel. Mr. Miller represented the Department and presented the case.

**Action Taken:** Dr. Rose moved to accept the voluntary relinquishment of license. Dr. Bellingar seconded the motion which passed unanimously.

**Tab 17 – Stephen Howard Montaldi, DO - Voluntary Relinquishment – DOH Case #2011-17768**

Allegations of Complaint: 459.0141- sexual misconduct, 459.015(1)(g)- failing to perform any statutory or legal obligation; 459.015(1)(l)- exercising influence on a patient for sexual misconduct; 459.015(1)(pp)- violate a law or rule of the Board

Dr. Montaldi was not present or represented. Mr. Miller represented the Department and presented the case.

**Action Taken:** Dr. Burns moved to accept the voluntary relinquishment of license. Dr. Rose seconded the motion, which passed unanimously.

**Tab 11 – Julia Katherine Shipman, DO – Settlement Agreement – DOH Case #2010-22581**

Allegations of Complaint: 459.015(1)(x)- malpractice

Dr. Shipman was present and represented by Amy Russell, Esq. Dr. St. Louis was recused due to participation on the probable cause panel. Mr. Lawrence represented the Department and presented the case.

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

- \$5,000.00 fine to be paid in 24 months
- \$4,086.61 costs due in 12 months
- Completion of the Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing course sponsored by the University of Florida in 12 months

Dr. Rose seconded the motion, which passed unanimously.

**Tab 13 – Robert John Meek, DO – Informal Hearing – DOH Case #2011-15165**

Continuance was previously granted by the Chair.

**Tab 16 – Howard Chad Larky, DO – Voluntary Relinquishment – DOH Case #2011-19578**

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

Dr. Larky was not present or represented by counsel. Dr. St. Louis was recused due to participation on the probable cause panel. Mr. Miller represented the Department and presented the case.

**Action Taken:** Dr. Bellingar moved to accept the voluntary relinquishment of license. Dr. Rose seconded the motion, which passed unanimously.

**REVIEW AND APPROVAL OF MINUTES**

**Tab 18 – August 24-25, 2012 Meeting Minutes**

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

**GENERAL BUSINESS / CORRESPONDENCE**

**Tab 19 – FSMB Call for Resolutions**

No action taken- informational item.

**BOARD CHAIR REPORT – Ronald Burns, DO**

Dr. Burns indicated he was appointed to the Re-entry Committee with the FSMB.

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

**Tab 20 – Rules Report**

Ms. McNulty informed the Board that Florida Administrative Weekly is now called the Florida Administrative Register. She explained the cost associated with submission rules and meetings would now be based on word count rather than by line.

**Tab 21 – 64B15-14-007 – Standard of Care for Office Surgery**

**Tab 22 – 64B15-14-0076 – Requirement for Osteopathic Physician Office Registration: Inspection or Accreditation**

Tabs 21 and 22 were discussed and acted on as a whole.

Ms. McNulty explained the impact of HB 1263 on these two rules.

**Action Taken:** Dr. Rose moved to approve the language as presented and proceed with rulemaking as appropriate. Dr. Burns 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, no SERC was needed and legislative ratification was not required. Dr. Rose seconded the motion, which passed unanimously.

**Tab 35 – 64B15-12.003 - Applications for Licensure**

**Tab 36 – 64B15-12.003 – Limited Licensure**

**Tab 37 – 64B15-12.009 – Osteopathic Faculty Certificate**

**Tab 38 – 64B15-12.010 – Temporary Certificate to Practice in an Area of Critical Need**

**Tab 39 – 64B15-22.004 – Mandatory Registration of Unlicensed Physicians**

Tabs 35-39 were discussed and acted on as a whole.

Ms. McNulty and Mr. Jusevitch summarized the changes to the applications.

**Action Taken:** Dr. Burns moved to approve the forms and language as presented. 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, no SERC was needed and legislative ratification was not required. Dr. Hayden seconded the motion, which passed unanimously.

**EXECUTIVE DIRECTOR REPORT – Anthony Jusevitch**

**Tab 23 – Section 456.0635, F.S. Status Report**

Informational item.

**Tab 24 – HB 7095 Report**

Informational item

**Tab 25 – Continuing Education at Renewal Report**

Mr. Jusevitch informed the Board the process for renewing a license will now require completion and verification of continuing education prior to renewal, rather than relying on an audit to determine compliance with CE requirements. The first time the profession goes through a renewal, the system will allow a licensee to renew even if all hours are not reported into CEBroker. However, during the next renewal licensees will not be allowed to renew if they do not have all continuing education hours reported into CEBroker at the time of renewal.

**COUNCIL ON PHYSICIAN ASSISTANTS REPORT – Ronald Burns, DO**

No report

**ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Ronald Burns, DO**

No report.

**BUDGET LIAISON REPORT – Rina Malan**

**Tab 26 - Expenditures by Function for Period Ending June 30, 2012**

Informational item.

**PHARMACISTS FORMULARY REPORT - Joel Rose, DO**

No report.

**UNLICENSED ACTIVITY REPORT**

No report.

**RATIFICATION OF LICENSURE**

**Tab 27 - Ratification of Licenses Issued 7/18/2012 – 9/26/2012 (Full Licensure)**

**Action Taken:** Dr. Hayden moved to approve the list as presented. Dr. St. Louis seconded the motion, which passed unanimously.

**Tab 28 – Ratification of Licenses Issued 7/18/2012 – 9/26/2012 (Training Licensure)**

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

**No Tab – Discussion Regarding Receiving Materials during the Meeting**

Dr. Rose voiced concern with receiving materials at the meeting and asked that the members discuss developing a protocol for any documents received after the agenda deadline.

**Action Taken:** Dr. Rose moved that the Board Chair approve the dissemination of materials received 7 days prior to the meeting. Dr. Bellingar seconded the motion, which passed unanimously.

**No Tab – Compliance Discussion**

The Board asked that Mr. Jusevitch request the head of the Compliance Unit attend the next meeting to discuss issues and answer questions.

**No Tab – Dissemination of Addendum Materials**

Mr. Jusevitch advised the members that staff would no longer mail discs for addendum materials. He explained the materials would now be available on a secure website that members would use to download the materials on to their laptops.

**The meeting recessed at 5:30 p.m.**

**SATURDAY, November 3, 2012**

**9:00 am**

**PROSECUTION SERVICES REPORT**

Mr. Lawrence provided an overview of the current caseload statistics.

The Board asked Mr. Lawrence to include statistics for the number of cases sent to DOAH on future reports.

**PROBATION AND COMPLIANCE REVIEW**

**Tab 29 – Dominic Riganotti, DO – Probation Appearance with Monitor**

Dr. Riganotti was present with his proposed monitor James Dwyer, MD. Dr. Rivenbark with PRN was also present.

**Action Taken:** Dr. Rose moved to accept the appearance and approve his monitor. Dr. Hayden seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Rose moved to accept the monitor reports as submitted. Dr. Hayden seconded the motion, which passed unanimously.

**NEW DISCIPLINARY CASES**

**Tab 30 – Larry Perich, DO – Settlement Agreement – DOH Case #2008-14618**

Allegations of Complaint: 459.015(1)(o)- medical records violation

Dr. Perich was present and represented by Brian Snyder, Esq. Mr. Lawrence represented the Department and presented the case to the Board.

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

- Letter of Concern
- \$5,000.00 fine to be paid within 2 years
- \$6,000.00.00 in costs to be paid within 2 years
- 6 hours of CME in diagnostic coding and documentation
- Dismissal of counts 2-4 in the Administrative Complaint

Dr. Burns seconded the motion, which passed unanimously.

**Tab 31 – William Wilson, DO - Settlement Agreement – DOH Case #2009-18835**

Allegations of Complaint: 459.015(1)(x)– malpractice; 459.015(1)(t)- inappropriate prescribing; 459.015(1)(pp)- violating a law or rule of the Board; 459.015(1)(o)- medical records violation

Dr. Wilson was not present but was represented by Gregory Chaires, Esq. Dr. Wilson requested the Board waive his appearance. Mr. Lawrence represented the Department and presented the case to the Board.

**Action Taken:** Dr. Burns moved to waive the appearance for this meeting only. Dr. Rose seconded the motion, which passed unanimously.

**Additional Action Taken:** After much discussion, Dr. Rose moved to reject the Settlement Agreement as presented. Dr. Burns seconded the motion which passed unanimously. After additional discussion, Dr. Rose moved to offer the following counter agreement:

- Letter of Concern
- \$10,000.00 fine due in 30 days
- \$5,320.55 costs due in 30 days
- Completion of the Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing course sponsored by the University of Florida in 12 months
- Completion of the continuing education course “Quality Record Keeping for Health Care Professionals” sponsored by FMA, within 12 months
- Quality assurance/risk management review. The risk management review shall include a review of all patient records, up to 50, wherein Schedules 2-4 Controlled Substances were prescribed. The review shall be conducted by a Florida licensed DO or MD who is Board Certified in family medicine, pain management, internal medicine or addiction medicine. The review must be completed within 6 months of the Final Order.

Dr. Burns seconded the motion, which passed unanimously.

The Respondent was given seven days from the Final Order to accept or reject the counter offer.

**Tab 32 – Gary Waterman, DO – DOH Case #2010-01764 – Informal Hearing**

Allegations of Complaint: 459.015(1)(bb) – Violating an order of the Board.

Dr. Waterman was not present or represented by counsel. Mr. Lawrence 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. Rose seconded the motion, which passed unanimously. Dr. Burns moved to find that the respondent was properly served and requested an informal hearing before the Board. Dr. Rose 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. 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
- \$10,000.00 fine due in 6 months
- Suspension until he is in full compliance with Final Order filed in case number 2009-02039; an appearance for reinstatement is not required

Dr. Rose seconded the motion which passed unanimously.

**Additional Action Taken:** Dr. Burns moved to access costs in the amount of \$379.08. Dr. Hayden seconded the motion which passed unanimously.

**Tab 33 – Ralph M. Wurster, DO – Informal Hearing (Settlement Agreement) – DOH Case #2009-15726**

Allegations of Complaint: 459.015(1)(g)- fail to perform a statutory and/or legal obligation

Dr. Wurster was not present or represented by counsel. Mr. Lawrence represented the Department and presented the case to the Board. Mr. Lawrence explained that the respondent had previously agreed to a settlement agreement and asked the Board to consider the agreement rather than proceeding as an informal hearing.

**Action Taken:** Dr. Rose moved to approve the Settlement Agreement as presented:

- Reprimand
- \$1,000.00 fine
- \$563.85 in costs
- Must satisfy the NICA judgment
- Completion of the Legal and Ethical Implications in Medicine Physician’s Survival Guide – Laws and Rules course administered by the FMA

Dr. Hayden seconded the motion which passed unanimously.

**Tab 34 - Edward Williams, Jr. DO - Determination of Waiver Hearing - Case #2011-00700**

Allegations of Complaint: 459.015(1)(hh)- fail to adequately supervise physician assistants

Dr. Williams was present without counsel. Mr. Miller 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. Rose 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. Rose 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.

The Board heard testimony from the Respondent.

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

**Action Taken:** After discussion, Dr. Rose moved to impose the following penalty:

- Reprimand
- \$5000.00 fine
- Completion of the Legal and Ethical Implications in Medicine Physician’s Survival Guide – Laws and Rules course administered by the FMA
- Risk management assessment with a focus on the Respondent’s ability to properly supervise physician assistants as well as whether he is in compliance with the Board’s weight loss rules; to be completed within 3 months of the order; must demonstrate compliance to the Board Chair within 6 months of the order

Dr. Hayden seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Burns moved to access costs in the amount of \$1002.26. Dr. Hayden seconded the motion which passed unanimously.

## **LICENSURE APPEARANCES – PHYSICIAN IN TRAINING APPLICANTS**

### **Tab 35 – Barry M. Crawford, DO**

Dr. Crawford was present without counsel. Dr. Crawford was required to appear concerning his affirmative answers to questions 14-16 and 21 on the application.

Dr. Crawford waived his 90-day requirement for the record.

**Action Taken:** Dr. Hayden moved to require an evaluation by PRN and compliance with any PRN recommendation and grant authority to the Chair to either approve the license or require an appearance. Dr. Bellinger seconded the motion, which passed unanimously.

### **Tab 40 – Samuel Mark Spanbauer, DO**

Dr. Spanbauer was present without counsel. Dr. Rivenbark with PRN was also present. Dr. Rivenbark indicated that Dr. Spanbauer was previously evaluated and advocated for his approval.

**Action Taken:** Dr. Hayden moved to approve the application for physician in training license. Dr. Burns seconded the motion, which passed unanimously.

## **OLD BUSINESS**

## **NEW BUSINESS**

Dr. Rivenbark announced that PRN was recently contracted to provide assessments to medical students at LECOM.

**There being no further business the meeting adjourned at 11:10 p.m.**