



DRAFT MEETING MINUTES
Board of Osteopathic Medicine
Conference Call Meeting
August 22, 2014
9:00 a.m.

Hyatt Regency Grand Cypress
1 Grand Cypress Blvd
Orlando, FL 32836
407-239-1234

Call to Order:

The meeting was called to order by Dr. Rose, Chair, at 9:00 am. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Joel Rose, DO, Chair
Anna Hayden, DO, Vice Chair
Ronald Burns, DO
Bridget Bellingar, DO
Alicja Janson- Consumer Member

MEMBERS ABSENT:

Michelle Mendez, DO
Valerie Jackson, Consumer Member

STAFF PRESENT:

Christy Robinson, Executive Director
Donna McNulty, Esq. – Board Counsel
Alexandra Alday, Program Operations Administrator
Jessica Hollingsworth, Regulatory Specialist II

OTHERS PRESENT:

Penny Zeigler, MD, PRN

COURT REPORTER:

American Court Reporting
407-896-1813

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

PRESENTATION OF BOARD CHAIRMAN'S AWARDS

Dr. Rose presented awards to William Silverman, DO and John Pelosie, DO.

APPLICANTS FOR FULL LICENSURE

Tab 1 - Charles Wadle, DO

Dr. Wadle was present without counsel. Dr. Wadle was required to appear before the Board to discuss his application and failure to pass all parts of the NBOME.

Action Taken: After discussion, Dr. Hayden moved to approve the application with the following conditions:

- Prior to licensure and within 1 year of the order he must take and pass the COMVEX examination.

Dr. Burns seconded the motion, which passed unanimously.

Tab 2 - Michael Thomas, DO

Dr. Thomas was present with Allen Grossman, Esq. Dr. Zeigler from PRN was also present. Dr. Thomas was required to appear before the Board to discuss his application, health history, criminal history and disciplinary action in another state.

Action Taken: After discussion, Dr. Hayden moved to approve the license with the following conditions:

- Dr. Thomas shall only practice in the spine fellowship program at the University of Miami.
- During the fellowship, he is required to appear before the Board every 6 months and at the conclusion of the program.
- The program director must submit reports to the Board every 6 months.
- The Board reserves jurisdiction to impose additional terms or conditions at the conclusion of the fellowship program.

Dr. Bellinger seconded the motion, which passed unanimously.

Dr. Thomas withdrew his training application for the record as a result of the Boards approval of the full license application.

Tab 4 - Gary Jacobs, DO

Dr. Jacobs was present without counsel. Dr. Jacobs was required to appear before the Board to discuss his application and failure to disclose a previous malpractice case.

Action Taken: After discussion, there was a motion to approve the application. The motion was seconded and passed unanimously.

Tab 5 - Melissa Keehn, DO

Dr. Keehn was present without counsel. Dr. Keehn was required to appear before the Board to discuss her application and negative reports received in her training program.

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

Tab 6 - Katherine Adams, DO

Dr. Adams was not present or represented by counsel. Dr. Zeigler with PRN was present and advised the Board of her current status. Dr. Zeigler agreed to advise the Board if Dr. Adams would be available to attend the November meeting. Staff was also instructed to contact Dr. Adams and ask her to waive her 90 days or suggest that she withdraw her application at this time.

Action Taken: There was a motion to table the application and require an appearance at the November meeting. The motion was seconded and passed unanimously.

TRAINING LICENSE APPLICANTS

Tab 7 - Michael Thomas, DO

This application was withdrawn by the applicant during discussion on Tab 2.

Tab 18 - Lisa Lownsbury, DO

Dr. Lownsbury was present without counsel. Dr. Zeigler with PRN was present. Dr. Lownsbury was required to appear before the Board to discuss her application health history and criminal history. During discussion, Dr. Lownsbury waived her 90 day rights for the record.

Action Taken: Dr. Hayden moved to approve the application with the following conditions:

- Prior to licensure and within 6 months of the order, she must undergo a PRN evaluation and comply with any recommendation as a result of the evaluation; the chair is delegated authority to either approve the license based on the evaluation or require the applicant to appear before the Board for additional review.

Dr. Bellingar seconded the motion, which passed unanimously.

DISCIPLINARY CASES

Tab 8 - Scott K. Clulow, DO - Settlement Agreement - Case #2011-17255

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

Dr. Clulow was present and represented by Kenneth Metzger, Esq. and Troy Crotts, Esq. Ms. Green represented the Department and presented the case to the Board. Dr. Bellingar was recused due to her participation on the probable cause panel. The complainant in the case was present and provided testimony to the Board.

Action Taken: After discussion, Dr. Rose moved to adopt the settlement agreement with the oral revisions/corrections discussed:

- Reprimand
- \$10,000.00 fine
- \$6618.43 in costs
- Completion of the Legal and Ethical Implications in Medicine Physician's Survival Guide- Laws and Rules continuing medical education course offered by the FMA within 1 year of the final order
- Completion of the Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing continuing medical education course offered by the University of Florida within 1 year of the final order
- Completion of the Quality Medical Record Keeping for Health Care Professionals continuing medical education course offered by the FMA within 1 year of the final order
- Probation for 2 years including indirect monitor, appearances and reports
- Practice restrictions- must use triplicate prescription pads for all controlled substances and provide a copy to the monitor
- Oral revisions/corrections – monitor must also submit a letter of acknowledgement; all references to narcotics should be changed to controlled substances; a copy of controlled

substance prescriptions shall be provided to the Department upon request; alternate CME shall be approved by the via request in writing prior to attendance;
Dr. Hayden seconded the motion, which passed unanimously.

Tab 9 - Gregory A. Hayes, DO - Informal Hearing - Case #2012-04750

Allegations of Complaint: n/a

Dr. Hayes was not present or represented by counsel. The Department noted that Dr. Hayes was currently incarcerated and suggested that the case be postponed.

Action Taken: Dr. Rose moved to postpone the case until the November meeting. Dr. Burns seconded the motion, which passed unanimously.

Tab 10 - Raj Chandrakant Yande, DO - Informal Hearing - Case #2011-19686

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

The Respondent was not present or represented by counsel. Ms. Green represented the Department and presented the case to the Board. Dr. Bellinger was recused from the case due to her participation on the probable cause panel.

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 right to a formal 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 and find that this constitutes a violation of the practice act. Dr. Hayden seconded the motion, which passed unanimously.

Action Taken: After discussion, Dr. Burns moved to revoke the license. Ms. Jansen seconded the motion, which passed unanimously. Dr. Burns moved to waive costs in this case. Dr. Rose seconded the motion, which passed unanimously.

The Department withdrew its motion to assess costs for the record.

Tab 11 - Donald Kaplan, DO - Voluntary Relinquishment - Case #2014-01215

Allegations of Compliant: 456.072(1)(c)- convicted of a crime related to the practice; 456.072(1)(k)- failure to perform a statutory/legal obligation; 456.072(1)(l)- making/filing a false report; 456.072(1)(x)- fail to report a conviction within 30 days; 456.072(1)(dd)- violate a law or rule; 459.015(1)(b)- disciplinary action in another state

The Respondent was not present or represented by counsel. Ms. Green represented the Department and presented the case to the Board. Probable cause was waived in this case.

Action Taken: Dr. Hayden moved to accept the voluntary relinquishment. DR. Bellinger seconded the motion, which passed unanimously.

Tab 12 - David H. Kiner, DO - Voluntary Relinquishment - Case #2014-06492

This item was pulled from the agenda.

PROSECUTION SERVICES REPORT

Ms. Green provided the Board with an overview of the current caseload statistics.

Action Taken: Dr. Burns moved to direct the Department to continue to prosecute cases over a year old. Dr. Bellinger seconded the motion, which passed unanimously.

No Tab – Review of Expert Witnesses

The Board directed staff to obtain a list and credentials of all previously approved Department Expert Witnesses for the next meeting.

PROBATION AND COMPLIANCE REVIEW

Tab 13 - Nancy Pyram-Bernard, DO- Appearance for Termination of Probation

Dr. Pyram-Bernard was present without counsel.

Action Taken: Dr. Burns moved to approve the monitor and respondent reports. Dr. Hayden seconded the motion, which passed unanimously. Dr. Hayden then moved to accept the appearance for termination of probation. Dr. Burns seconded the motion, which passed unanimously.

Tab 14 - Andrew Guidry, DO- Approval of Monitors

Dr. Guidry was present with his proposed monitor Dr. Miller. D. Zeigler from PRN was present.

Action Taken: Dr. Hayden moved to approve Dr. Miller as the primary monitor. Dr. Burns seconded the motion, which passed unanimously.

Tab 15 - Edwin Kollinger, DO- Approval of Monitor

Dr. Kollinger was present with his proposed monitor Dr. Greenberg.

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

Tab 16 - Vincent Scolaro, DO- Approval of Monitor

Dr. Scolaro was present with his proposed monitor Dr. Webster. Dr. Zeigler with PRN was also present.

Action Taken: Dr. Burns moved to approve Dr. Webster as the monitor. Dr. Hayden seconded the motion, which passed with Ms. Jansen opposed.

No Tab – Dr. Rose recused himself from Tab 17 so Dr. Hayden served as Chair.

Tab 17 - Regan Burke, DO- Appearance for Approval of Continued Extension

Dr. Burke was present with Allen Grossman, Esq. Dr. Zeigler with PRN was also present.

Action Taken: Dr. Burns moved to toll the payments until he is able to renew his license and return to the practice of medicine in Florida. Dr. Hayden seconded the motion, which passed unanimously.

APPLICANTS FOR FULL LICENSURE - continued

Tab 3 - Blossom P. Joy, DO

Dr. Joy was not present or represented by counsel.

Action Taken: Dr. Bellingar moved to table the application and require an appearance at the November meeting. Dr. Hayden seconded the motion, which passed unanimously.

REVIEW AND APPROVAL OF MINUTES

Tab 19 - Review and Approval of May 16, 2014 Meeting Minutes

Action Taken: There was a motion to approve the minutes with a correction to a typographical error. The motion was seconded and passed unanimously.

Tab 20 - Review and Approval of June 11, 2014 Meeting Minutes

Action Taken: There was a motion to approve the minutes as presented. The motion was seconded and passed unanimously.

GENERAL BUSINESS AND CORRESPONDENCE

Tab 21 - Approval of Executive Director

Action Taken: Dr. Hayden moved to approve Ms. Robinson as the new Executive Director. Dr. Burns seconded the motion, which passed unanimously.

Tab 22 - FSMB News Release Re: Safe Prescribing Grant to State Medical Boards

Informational item.

Tab 23 - University of Florida/ UF Health PEER Program

Informational item.

RATIFICATION OF LICENSURE

Tab 24 - Ratification of Licenses Issued 5/9/2014 – 8/13/2014

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

Tab 25 - Ratification of Training Licenses Issued 5/9/2014 – 8/13/2014

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

BOARD CHAIRMAN REPORT – Joel Rose, DO

Dr. Rose reported that he reviewed approximately 40 applications and 14 compliance/probation cases during the last quarter.

Tab 26 - Correspondence from the Department of Health Re: Compassionate Medical Cannabis Act of 2014

Informational item.

BOARD COUNSEL REPORT AND RULE DISCUSSION - Donna McNulty, Esq.

Tab 27 - Rules Report

Informational item.

Tab 28 - 64B15-14.008 – Standards for Telemedicine Prescribing Practice

Tab 29 - 64B15-14.0081 – Standards for Telemedicine Practice

Tabs 28 and 29 were discussed and voted on together.

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

Action on SERC Questions: Dr. Burns moved to approve the SERC form as presented. Dr. Hayden seconded the motion, which passed unanimously. 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.

Tab 30 - 64B15-14.007 – Standard of Care for Office Surgery

Action Taken: Dr. Burns moved to approve the language and all changes as proposed. DR. Hayden seconded the motion, which passed unanimously.

Action on SERC Questions: Dr. Burns moved to approve the SERC form as presented. Dr. Hayden seconded the motion, which passed unanimously. 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.

Tab 31 - 64B15-19.002 – Violations and Penalties

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

Action on SERC Questions: Dr. Burns moved to approve the SERC form as presented. Dr. Hayden seconded the motion, which passed unanimously. 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.

Tab 32 - 64B15-19.005 – Probationary Conditions and Definitions

Tab 33 - 64B15-19.0041 – Standard Terms Applicable to Orders

Tabs 32 and 33 were discussed and voted on together.

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

Action on SERC Questions: Dr. Burns moved to approve the SERC form as presented. Dr. Hayden seconded the motion, which passed unanimously. 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 – Christy Robinson

Ms. Robinson indicated that she had no formal report at this time but asked the Board to advise her of any topics on which they would like updated in the future.

JOINT COMMITTEE MEETING UPDATES

Tab 34 - Office Surgery Joint Committee Meeting Update- June 5, 2014 Meeting

Informational item.

COUNCIL ON PHYSICIAN ASSISTANT’S REPORT - Ronald Burns, DO

Tab 35 - June 5, 2014 PA Council Meeting Minutes

Informational item.

Tab 36 - July 31, 2014 PA Council Meeting Minutes

Informational item.

ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT - Ronald Burns, DO

No report.

BUDGET LIAISON REPORT – Vacant

Tab 37 - Expenditures by Function for Period Ending 3/31/2014

The Board directed staff to obtain projections for a one time renewal fee reduction.

PHARMACISTS FORMULARY COMMITTEE REPORT - Joel Rose, DO

No report.

UNLICENSED ACTIVITY LIAISON REPORT - Vacant

No report.

HEALTHY WEIGHT LIAISON REPORT – Bridget Bellingar, DO

Dr. Bellingar gave an overview of the Healthy Weight Liaison meeting she recently attended.

OLD BUSINESS

None.

NEW BUSINESS

Dr. Hayden advised that she was running for the FSMB’s Board of Directors.

There being no further business the meeting adjourned at noon.