



**DRAFT MEETING MINUTES**  
**Board of Osteopathic Medicine**  
**General Business Meeting**  
**February 13, 2015**  
**9:00 a.m.**

**Radisson Resort Orlando Celebration**  
**2900 Parkway Blvd**  
**Kissimmee, FL 34747**  
**(407) 396-7000**

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**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  
Michelle Mendez, DO  
Alicja Janson, Consumer Member

**MEMBERS ABSENT:**

Valerie Jackson, Consumer Member

**STAFF PRESENT:**

Christy Robinson, Executive Director  
Donna McNulty, Esq., Board Counsel  
Alexandra Alday, Program Operations Administrator  
Marci Poston, Regulatory Specialist II  
Yolonda Green, Esq., DOH Prosecutor  
Sondra Nelson, Compliance Officer

**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 the Board Chairman's award to Hal Pineless, DO.

### CONDITIONAL LICENSURE REVIEW

#### **11. Michael Thomas, DO**

Dr. Thomas was present and represented by Edwin Bayo, Esq.

**Action Taken:** After discussion, Dr. Mendez moved to remove the conditions previously imposed on the license upon submitting documentation to the Board that he has successfully completed the spine fellowship program at the University of Miami. Motion seconded by Dr. Burns, which passed unanimously.

### DISCIPLINARY CASES

#### **1. Jacalyn Ann Danton, DO - Determination of Waiver - Case #2013-18591**

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

The Respondent was present without counsel. Ms. Green represented the Department and presented the case to the Board. Dr. Bellingar 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. Hayden 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 and 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.

The Board heard testimony from the Respondent.

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

- Suspension until such time as Respondent appears before the Board with her proposed monitor and practice plan and pays the outstanding fine and costs of previous Final Order in case 2010-12858, within one (1) year of reinstatement of her license.

Dr. Hayden seconded the motion, which passed unanimously.

**Additional Action Taken:** Dr. Mendez moved not to assess costs. Dr. Burns seconded the motion, which passed unanimously.

#### **2. Christopher G. Wayne, DO - Determination of Waiver - Case #2013-15480**

This item was pulled from the agenda.

### **3. David H. Kiner, DO- Voluntary Relinquishment- Case #2014-06492**

Allegations of Complaint: 459.015(1)(w)- unable to practice with reasonable skill and safety  
The Respondent was present without counsel. Ms. Green represented the Department and presented the case to the Board. Dr. Bellingar was recused from the case due to her participation on the probable cause panel.

**Action Taken:** After discussion, Dr. Mendez moved to table the voluntary relinquishment to allow Respondent and the Department an opportunity for further discussion. Dr. Hayden seconded the motion, which passed unanimously.

### **4. Daniel Lee Bays, DO - Voluntary Relinquishment - Case #2014-13356**

Allegations of Complaint: 456.072(1)(c)- convicted of crime related to practice

The Respondent, Dr. Bays, was not present nor represented by counsel. Ms. Green represented the Department and presented the case to the Board.

**Action Taken:** After discussion, Dr. Hayden moved to table the voluntary relinquishment to allow the Department an opportunity to make requested changes. Motion seconded by Dr. Burns, which passed unanimously.

### **5. Raymond Failer, DO- Voluntary Relinquishment- Case #2013-02191**

Allegations of Complaint: 459.015(1)(x)(t) and (o) – prescribing outside of physicians practice, malpractice, failure to keep legible medical records

The Respondent, Dr. Failer, was present without counsel. Ms. Green represented the Department and presented the case to the Board. Dr. Rose was recused from the case due to his participation on the probable cause panel.

**Action Taken:** After discussion, Dr. Hayden moved to table the voluntary relinquishment. Motion seconded by Dr. Burns, which passed unanimously.

## **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 the 94 cases over a year old. Motion seconded by Dr. Rose, which passed unanimously.

*(break)*

## **APPLICANTS FOR FULL LICENSURE**

### **6. Irwin Estrine, DO**

Applicant was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Hayden moved to grant the license unencumbered. Motion seconded by Dr. Mendez, which passed 4/2 with Dr. Bellingar and Ms. Janson opposing the motion.

**7. Robin Minks, DO**

Applicant was present without counsel. Dr. Ziegler, with PRN, was also present. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Mendez moved to accept the applicant's verbal withdrawal of the application for licensure. Motion seconded by Dr. Burns, which passed unanimously.

**8. Michael-Gerard Moncman, DO**

Applicant was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Hayden moved to grant the license unencumbered. Motion seconded by Dr. Mendez, which passed unanimously.

*(break)*

**9. Hans Schlecht, DO**

Applicant was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Hayden moved to grant the license unencumbered. Motion seconded by Dr. Rose, which passed unanimously.

**10. Katherine Adams, DO**

Applicant was present without counsel. Dr. Ziegler, with PRN, was also present. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Hayden moved to grant the license unencumbered. Motion seconded by Dr. Mendez, which passed unanimously.

**PROBATION AND COMPLIANCE OVERVIEW**

**12. Michelle Snyder, DO – Request for Early Termination of Probation**

Dr. Snyder was present without counsel of record, Robert Saint, Esq. Dr. Kenneth Webster, Executive Director of Pinellas County Osteopathic Medical Society, was also present.

**Action Taken:** Dr. Burns moved to approve the monitor and respondent's reports. Motion seconded by Dr. Mendez, which passed unanimously.

**Additional Action Taken:** Dr. Mendez moved to accept the probation imposed on respondent by the Medical Licensing Board of Indiana towards fulfilling the probation imposed by the Florida Board of Osteopathic Medicine. Motion seconded by Dr. Hayden, which passed unanimously.

**Additional Action Taken:** Dr. Hayden moved to approve the request for early termination of probation. Motion seconded by Dr. Burns, which passed unanimously.

**Additional Action Taken:** Dr. Hayden then moved to find that respondent is in compliance with the recommendations of the Center for Personalized Education for Physicians (CPEP) and to lift the practice restriction against prescribing controlled substances. Motion seconded by Dr. Mendez, which passed unanimously.

**Additional Action Taken:** Dr. Burns then moved to deny the request to lift the restriction on working in a pain clinic or pain management practice. Motion seconded by Dr. Hayden, which passed unanimously.

## **APPLICANTS FOR FULL LICENSURE**

### **24. Maddiha Payami, DO**

Applicant was present and represented by Rusty Huseman, Esq. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Rose moved to grant the license unencumbered. Motion seconded by Dr. Hayden, which passed unanimously.

### **25. Rafail S. Shnayder, DO**

Applicant was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Hayden moved to grant the license unencumbered. Motion seconded by Dr. Mendez, which passed unanimously.

### **26. Andre Graves, DO**

Applicant was present without counsel. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Hayden moved to grant the license unencumbered. Motion seconded by Dr. Mendez, which passed unanimously.

## **PROBATION AND COMPLIANCE REVIEW**

### **13. Raul Rodas, DO – Termination of Probation**

Dr. Rodas was present and represented by Victor Chapman, Esq. Dr. Rodas was sworn in by the court reporter.

**Action Taken:** Dr. Hayden moved to lift the probation previously imposed on licensee. Motion seconded by Dr. Burns, which passed unanimously.

## PETITIONS

### **14. Stephen Montaldi, DO- Petition to Vacate Final Order**

This item was pulled from the agenda.

### **27. Joseph Miller, DO- Motion for Relief of Final Order**

Dr. Miller was present without counsel. Dr. Hayden was recused from the case due to her participation on the probable cause panel.

Dr. Miller addressed the Board and requested a limited license to practice Osteopathic Medicine in Florida.

**Action Taken:** After lengthy discussion, Dr. Burns moved to accept the respondent's verbal withdrawal of his motion. Motion seconded by Dr. Mendez, which passed unanimously.

## REVIEW AND APPROVAL OF MINUTES

### **18. Review and Approval of November 14, 2014 Meeting Minutes**

**Action Taken:** Dr. Rose moved to approve the minutes with correction. Motion seconded by Dr. Bellinger, which passed unanimously.

## GENERAL BUSINESS AND CORRESPONDENCE

### **16. Correspondence from Anthony N. Ottaviani, DO, M.P.H., MACOI, FCCP, received 12/8/2014**

Informational

### **17. Summary of American Association of Osteopathic Examiners Meeting held January 9-10, 2015**

Informational

### **18. Morton Morris Award Criteria**

Dr. Rose described the award criteria as follows:

- The person or entity has made a significant contribution to improving the quality of healthcare in Florida.
- They must be able to share unique improvements in healthcare and have been involved in improving healthcare for at least 10 years.

- They must have made a difference in the quality of healthcare provided in Florida.
- They must have demonstrated the professionalism and ethics relating to the profession of Osteopathic Medicine.

Dr. Rose submitted Dr. Ottaviani to the board as a potential nominee.

Dr. Mendez submitted Dr. Pineless to the board as a potential nominee.

Dr. Bellinger presented the motion for board members to be provided with names of previous recipients. Dr. Rose moved on the motion and requested the Executive Director provide the board with previous award recipients.

Dr. Burns made a motion in support of Dr. Ottaviani to be a nominee for the Morton Morris Award. Motion seconded by Dr. Hayden, which passed unanimously.

### **28. Correspondence from Allen Grossman, Esq.**

This item was pulled from the agenda.

### **29. Discussion Regarding Expiration of Pain Clinic Statute**

Informational

## **RATIFICATION OF LICENSURE**

### **19. Ratification of Licenses Issued 10/21/2014 – 01/17/2015**

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

### **20. Ratification of Training Licenses Issued 10/21/2014 – 01/17/2015**

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

## **BOARD CHAIRMAN REPORT – Joel Rose, DO**

Dr. Burns addressed the board and expressed his appreciation for his time as board chairman. Dr. Rose thanked the members of the board, board staff, and compliance officers for their continued efforts and service to the Board of Osteopathic Medicine.

Dr. Burns addressed Dr. Rose and thanked him for his leadership and mentoring during his term as board chairman.

### **30. AAOE Letter- BOE ACGME Proposal**

Dr. Burns lead discussion, and provided clarifications from correspondence that as of January 01, 2015, the ACOM and AOA are recognized as full organizational members of ACGME.

After lengthy discussion, Dr. Burns advised the board at this time to take this as an informational item.

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

#### **21. January Rules Report**

Informational

#### **31. 64B15-6.003 – Physician Assistant Licensure**

Informational

#### **32. 64B15-14.007 – Standard of Care for Office Surgery**

**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 find that the proposed changes would not have an adverse impact on small business; that the proposed changes would not have a direct or indirect impact on regulatory costs; and that 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 there may be an upcoming conference call scheduled to discuss any legislation affecting the Board of Osteopathic Medicine during legislative session.

### **JOINT COMMITTEE MEETING UPDATES**

No report.

### **COUNCIL ON PHYSICIAN ASSISTANT'S REPORT - Ronald Burns, DO**

No report.



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

No report.

**BUDGET LIAISON REPORT – Vacant**

**22. Expenditures by Function for Period Ending September 30, 2014**

Informational Item

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

No report.

**UNLICENSED ACTIVITY LIAISON REPORT - Vacant**

No report.

**HEALTHY WEIGHT LIAISON REPORT – Bridget Bellingar, DO**

No report.

**ELECTION OF OFFICERS**

Dr. Burns nominated Dr. Hayden to serve as Board Chair. Dr. Mendez seconded the motion, which carried unanimously.

Dr. Burns nominated Dr. Bellingar to serve as Board Vice-Chair. Dr. Mendez seconded the motion, which carried unanimously.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**Next Meeting:**           **May 15, 2015**  
Tampa Airport Marriott  
4200 George J Bean Parkway  
Tampa, FL 33607  
(813) 879-5151

**There being no further business the meeting adjourned at 1:43pm.**