



**DRAFT MEETING MINUTES**  
**Board of Osteopathic Medicine**  
**General Business Meeting**  
**August 21, 2015**  
**8:00 a.m., EST**

**Sheraton Suites Fort Lauderdale at Cypress Creek**  
**555 NW 62<sup>nd</sup> Street**  
**Fort Lauderdale, FL 33309**  
**(954) 772-5400**

---

**Call to Order:**

The meeting was called to order by Dr. Hayden, Chair, at 8:00 am. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Anna Hayden, DO, Chair  
Joel Rose, DO,  
Michelle Mendez, DO  
Sandra Schwemmer, DO  
Alicja Janson, Consumer Member

**MEMBERS ABSENT:**

Bridget Bellingar, DO, Vice Chair (excused)  
Valerie Jackson, Consumer Member (excused)

**STAFF PRESENT:**

Christy Robinson, Executive Director  
Donna McNulty, Esq., Board Counsel  
Alexandra Alday, Program Operations Administrator  
Marci Poston, Regulatory Specialist II  
Matthew Witters, Esq., DOH Prosecutor

**COURT REPORTER:**

Murray & Associates Court Reporting  
(813) 229-8225

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

### DISCIPLINARY CASES

#### **1. Todd Daniel Glassman, D.O. – Settlement Agreement – Case #'s 2010-16976, 2010-08314 & 2009-13172**

This item was pulled from the agenda.

#### **2. Michael Henry, D.O. - Settlement Agreement - Case # 2013-13114**

Allegations of Complaint: Section 459.015(1)(x), FS., - committing medical malpractice.

The Respondent was present with counsel, William Bonezzi, Esq. Mr. Witters represented the Department and presented the case to the Board. Dr. Hayden was recused due to her participation in the probable cause panel.

**Action Taken:** After discussion, Dr. Rose moved to accept the settlement agreement as orally amended.

- \$1,000 fine within 30 days of the filed final order
- \$3,752.07 costs within 30 days of the filed final order
- 15 hours of Category 1 AOA or AMA live, participatory continuing medical education (CME) in the area of management of diabetic emergency conditions including ketoacidosis, sepsis, and vascular complications.

Dr. Mendez seconded the motion, which passed 4/0.

#### **3. David Harden Todd, DO – Settlement Agreement - Case #2014-05600**

Allegations of Complaint: Section 456.072(1)(aa), FS., - positive drug screening

The Respondent was present without counsel. Mr. Witters represented the Department and presented the case to the Board. Dr. Mendez was recused from the case due to her participation on the probable cause panel. Ms. Dupree, Chief Operating Officer of Professionals Resource Network (PRN), was also present.

**Action Taken:** After discussion, Dr. Hayden moved to accept the settlement agreement as orally amended.

- \$1,000 fine within 6 months of the filed final order
- \$868.68 costs within 6 months of the filed final order
- Florida Medical Association sponsored Laws and Rules course
- Suspension of license until licensee can demonstrate his ability to practice with reasonable skill and safety, to include a PRN evaluation.

Dr. Rose seconded the motion, which passed 4/0.

#### **4. David Simon, D.O. – Settlement Agreement - Case # 2012-00680, DOAH Case # 13-4756PL**

The Respondent was present with counsel, David Spicer, Esq. Mr. Witters represented the Department and presented the case to the Board.

**Action Taken:** Dr. Hayden moved to assess costs in the amount of \$20,000.00 to be paid within 1 year of the filed final order. Motion seconded by Dr. Rose, which passed unanimously.

## **PROBATION AND COMPLIANCE REVIEW**

### **38. David Simon, DO – Formal Approval of Monitor**

The Respondent was present with counsel, David Spicer, Esq., and monitor, Jose Ojea, D.O.

**Action Taken:** Dr. Hayden moved to approve the monitor. Motion seconded by Dr. Mendez, which passed unanimously.

## **DISCIPLINARY CASES**

### **5. Robert John Meek, D.O. – Settlement Agreement - Case # 2014-05789**

This item was pulled from the agenda.

### **6. Edward Williams, Jr., D.O. – Determination of Waiver - Case # 2013-19855**

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

The Respondent was present without counsel. Mr. Witters 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. Rose 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. Hayden moved to find that the respondent was properly served and waived their right to a formal hearing. Dr. Rose seconded the motion, which passed unanimously. Dr. Hayden 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. Rose seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

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

- Revocation.

Dr. Schwemmer seconded the motion, which passed 3/2 with Dr. Hayden and Dr. Mendez in opposition.

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

### **7. Christopher G. Wayne, D.O. – Voluntary Relinquishment - Case # 2013-15480**

This item was pulled from the agenda.

**8. Daniel Lee Bays, U.O. – Voluntary Relinquishment - Case # 2014-13356**

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

The Respondent was not present nor represented by counsel. Mr. Witters represented the Department and presented the case to the Board. Ms. Jackson was recused from the case due to her participation on the probable cause panel.

**Action Taken:** After discussion, Dr. Hayden moved to accept the voluntary relinquishment. Dr. Mendez seconded the motion, which passed unanimously.

**9. Raymond Failer, D.O. – Informal Hearing – Case # 2013-02191**

Allegations of Complaint: Counts 1-6: Section 459.015(1)(x) – committing medical malpractice

Counts 7-11: Section 459.015(1)(t) – prescribing outside of physicians practice

Counts 12-16: Section 459.015(1)(o) – failure to keep legible medical records

The Respondent was present with counsel, Mark Goldstein, Esq. Mr. Witters 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.

Dr. Hayden moved to table this item to the next board meeting. Dr. Schwemmer seconded the motion, which passed 4/0.

**10. Raymond Failer, D.O. – Informal Hearing – Case #2007-10901**

This item was pulled from the agenda.

**PROSECUTION SERVICES REPORT**

Mr. Witters provided the Board with an overview of the current caseload statistics.

**Action Taken:** Dr. Hayden moved to direct the Department to continue to prosecute cases over a year old. Motion seconded by Dr. Rose, which passed unanimously.

**PETITIONS**

**40. Stephen Montaldi, DO- Motion to Vacate Final Order**

Dr. Montaldi was not present but represented by counsel, Jed Berman, Esq.

**Action Taken:** Dr. Hayden moved to deny the petition to vacate the final order. Motion seconded by Dr. Rose, which passed unanimously.

**(break)**

## **APPLICANTS FOR FULL LICENSURE**

### **11. Thomas Randles, DO**

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

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

### **12. Sheryl Lavendar, DO**

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

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

## **APPLICANTS FOR TRAINING LICENSURE**

### **37. Kathleen Haight**

Applicant was present with counsel, Monica Rodriguez, Esq. Applicant was sworn in by the court reporter.

**Action Taken:** After discussion, Dr. Schwemmer moved to approve the application. Motion seconded by Dr. Mendez, which passed unanimously.

## **PROBATION AND COMPLIANCE REVIEW**

### **13. Joe Morgan, DO – Request for Termination of Probation and Fine Waiver**

Dr. Morgan was present without counsel.

**Action Taken:** After discussion, Dr. Hayden moved to deny the termination of probation and extend the payment plan for Dr. Morgan for another 2 years with a monthly payment amount of \$100. Motion seconded by Dr. Rose, which passed unanimously.

*(break)*

### **14. David Glickman, DO – Request for Termination of Probation**

Dr. Glickman was present without counsel.

**Action Taken:** After discussion, Dr. Hayden moved to accept the termination of probation. Motion seconded by Dr. Rose, which passed unanimously.

### **15. Shawn Ramsey, DO – Formal Approval of Monitor**

Dr. Ramsey was present with counsel, Brian Newman, Esq.

**Action Taken:** After discussion, Dr. Hayden moved to approve the monitor. Motion seconded by Dr. Schwemmer, which passed unanimously.

## **CONDITIONAL LICENSURE REVIEW**

### **11. Ty Anderson, DO**

Dr. Anderson was present with monitor, Dr. Fana.

**Action Taken:** After discussion, Dr. Hayden moved to approve the appearance and monitor. Motion seconded by Dr. Rose, which passed unanimously.

**Action Taken:** After discussion, Dr. Hayden moved to grant the extension of time to complete required CME until December 31, 2016. Motion seconded by Dr. Rose, which passed unanimously.

## **PETITIONS**

### **16. Robert P. Poetz, DO – Petition for Live CME**

Dr. Poetz was not present.

**Action Taken:** Dr. Hayden moved to accept the petition as petitioner demonstrated a substantial hardship. Motion seconded by Dr. Rose, which passed unanimously.

### **17. Barry Kaplan, DO – Petition for Variance or Waiver**

Dr. Kaplan was not present.

**Action Taken:** Dr. Hayden moved to deny the petition to modify the 2008 final order. Motion seconded by Dr. Mendez, which passed unanimously.

## **EXPERT WITNESS APPLICATIONS**

**Action Taken:** Dr. Schwemmer moved to approve expert witness applications items 18 through 26 en masse. Motion seconded by Dr. Hayden, which passed unanimously.

- 18. Arthur Albers**
- 19. Bernard Despres**
- 20. Michael Fountain**
- 21. Charles Friedman**
- 22. Malcolm McDonald**
- 23. Keith Moore**
- 24. Lidia Oliveira**
- 25. Jack Waterman**
- 26. David Kos**

Dr. Mendez mentioned some concerns with the Expert Witness vetting process. Mr. Witters will

invite the head of the Expert Witness section to their next board meeting to provide some clarification on these concerns.

***(lunch break)***

## **PRESENTATION OF BOARD CHAIRMAN'S AWARDS**

Dr. Hayden presented the Board Chairman's award to James Andriole, DO and Glenn Moran, DO for their service on the Probable Cause Panel.

## **REVIEW AND APPROVAL OF MINUTES**

### **16. Review and Approval of May 15, 2015 Meeting Minutes**

**Action Taken:** Dr. Schwemmer moved to approve the minutes as written. Motion seconded by Dr. Rose, which passed unanimously.

## **GENERAL BUSINESS AND CORRESPONDENCE**

### **28. Correspondence from NBOME**

Informational Item

## **RATIFICATION OF LICENSURE**

### **29. Ratification of Full Licenses Issued 4/16/2015 – 7/29/2015**

**Action Taken:** Dr. Hayden moved to approve the list as presented. Motion seconded by Ms. Janson, which passed unanimously.

### **30. Ratification of Training Licenses Issued 4/16/2015 – 7/29/2015**

**Action Taken:** Dr. Hayden moved to approve the list as presented. Motion seconded by Ms. Janson, which passed unanimously.

## **BOARD CHAIRMAN REPORT – Anna Hayden, DO**

### **31. Discussion regarding combining the Boards of Osteopathic Medicine and Board of Medicine**

Informational

**32. Update regarding Board of Pharmacy Controlled Substance Committee Meeting**  
Informational

**41. Update regarding AAOE Liaison Committee Meeting**  
Informational

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

**33. July 2015 Rules Report**  
Informational

**34. 64B15-14.007, FAC- Standard of Care for Office Surgery (Vascular Surgery Discussion)**

**Action Taken:** Dr. Hayden moved to approve the proposed language and proceed with rulemaking. Motion seconded by Dr. Mendez, which passed unanimously.

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

**42. 64B15-14.003 – HIV/AIDS: Knowledge of Antibody Status; Action to be Taken (for repeal)**

**43. 64B15-6.002 – Application for Licensure (for repeal)**

The above items were voted on together.

**Action Taken:** Dr. Schwemmer moved to approve the proposed language and proceed with rulemaking. Motion seconded by Dr. Hayden, which passed unanimously.

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

**EXECUTIVE DIRECTOR REPORT – Christy Robinson**

**35. Strategic Planning**

**Action Taken:** Dr. Schwemmer moved to delegate authority to the board chair to work on Annual Regulatory plan with Board Counsel. Motion seconded by Dr. Rose, which passed unanimously.

**44. Revised Annual Delegation of Authority**

**Action Taken:** Dr. Rose moved to approve the revised delegation of authority. Motion seconded by Dr. Mendez, which passed unanimously.

**JOINT COMMITTEE MEETING UPDATES**

**45. August 6, 2015 Office Surgery Joint Committee Meeting Minutes**

**46. August 6, 2015 Office Surgery Joint Committee Meeting Materials**

Informational

**COUNCIL ON PHYSICIAN ASSISTANT'S REPORT – Joel Rose, DO**

**47. August 6, 2015 Council of Physician Assistants Meeting Minutes**

Informational

**ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Vacant**

No report at this time

**BUDGET LIAISON REPORT – Sandra Schwemmer, DO**

**29. Expenditures by Function for Period Ending March 31, 2015**

Informational

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

No report at this time

**UNLICENSED ACTIVITY LIAISON REPORT – Vacant**

No report at this time

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

No report at this time

**OLD BUSINESS**

No report at this time

**NEW BUSINESS**

No report at this time

**ADJOURN**

There being no further business the meeting adjourned at 2:06pm.

**Next Meeting:**

**November 13, 2015**

*Rosen Plaza Hotel  
9700 International Drive  
Orlando, FL 32819  
(407) 996-9700*

DRAFT