



**DRAFT MEETING MINUTES**  
**Board of Osteopathic Medicine**  
**General Business Meeting**  
**November 13, 2015**  
**8:00 a.m.**

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

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**Call to Order:**

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Valerie Jackson, Consumer Member (excused)

**STAFF PRESENT:**

Claudia Kemp, Executive Director  
Donna McNulty, Esq. – Board Counsel  
Alexandra Alday, Program Operations Administrator

**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

*I pledge to: Provide compassionate, quality care to my patients; Partner with them to promote health; Display integrity and professionalism throughout my career; Advance the philosophy, practice and science of osteopathic medicine; Continue life-long learning; Support my profession with loyalty in action, word and deed; and Live each day as an example of what an osteopathic physician should be.*

## PROBATION AND COMPLIANCE REVIEW

### **7. Mark Pamer, DO – Request to Remove Restriction**

Dr. Pamer was present with counsel, Ed Bayo, Esq. and with monitor Dr. Mehan.

**Action Taken:** Dr. Hayden moved to table this item until the next board meeting. Dr. Rose seconded the motion, which passed unanimously.

### **10. Lucy Valencia, DO – Formal Approval of Monitor**

Dr. Valencia was present with counsel, Ed Bayo, Esq. and with monitor Dr. Brandt Delhamer.

**Action Taken:** Dr. Hayden moved to approve Dr. Delhamer as the primary monitor. Dr. Rose seconded the motion, which passed unanimously.

## DISCIPLINARY CASES

### **1. Christine Rose Chico, D.O., Settlement Agreement- Case #'s 2011-13668 & 2011-15168**

*Allegations of Complaint: Count I: Section 459.015(1)(x), F.S., Count II: Section 459.015(1)(t), F.S., Count III: Section 459.015(1)(o), F.S., Count IV: Section 459.015(1)(pp), F.S. Count V: Section 456.072(1)(c), F.S.*

The Respondent was not present. Counsel of record, Steven Ballingar, Esq. Mr. Witters, Esq., 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.

A voluntary relinquishment was filed prior to the meeting.

**Action Taken:** After discussion, Dr. Schwemmer moved to accept the voluntary relinquishment. Dr. Hayden seconded the motion, which passed 5/0.

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

*Allegations of Complaint: Case 2010-16976 Count I: Section 459.015(1)(g), F.S. by violating Section 459.0276(2)(b), F.S., Rule Title 64B16-27.1001(3), F.A.C., and/or Rule Title 64B16-27.420(2)(c), F.A.C., Count II: Section 459.015(1)(aa), F.S. Case 2010-08314 Count I: Section 459.015(1)(x), F.S., Count II: Section 459.015(t), F.S., Count III: Section 459.015(1)(pp), F.S., by violating Rule 64B15-14.005(3), F.A.C. Case 2009-13172 Count I: Section 459.015(1)(x),*

*F.S., Count II: Section 459.015(t), F.S., Count III: Section 459.015(1)(pp), F.S., by violating Rule 64B15-14.005(3), F.A.C.*

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

**Action Taken:** After discussion, Dr. Rose moved to adopt the settlement agreement with oral amendments agreed upon by all parties. Dr. Schwemmer seconded the motion, which passed 5/0.

**Penalties Imposed:**

- Letter of Reprimand
- Appearance
- \$10,000 fine
- Costs \$29,392.56
- Laws and Rules Course CME
- Drug Course CME
- Records Course CME
- Risk Management Assessment
- Risk Management Course CME
- Practice Restriction – May not prescribe controlled substances until completion of Risk Management Course CME
- Practice Restriction – Owning, operating, or practicing in a pain management clinic
- Probation – 2 years
  - Indirect supervision
  - Review of 10% of patient records, quarterly

**3. Dana Richard, D.O. – Determination of Waiver - Case # 2013-19070**

*Allegation of Complaint: Section 459.015(1)(pp), F.S., by violating Section 459.01327(2)(j)(2), F.S.*

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

Dr. Schwemmer 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 right to a formal hearing. Dr. Schwemmer seconded the motion, which passed unanimously. Dr. Rose then moved to adopt the findings of fact as presented in the administrative complaint. Dr. Schwemmer seconded the motion, which passed unanimously. Dr. Rose 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. Schwemmer seconded the motion, which passed unanimously.

**Action Taken:** After discussion, Dr. Schwemmer moved to impose the following penalties. Dr. Mendez seconded the motion, which passed 5/0.

**Penalties Imposed:**

- Letter of Concern
- \$1,000 fine

**Additional Action Taken:** After discussion, Dr. Schwemmer moved to assess costs in the amount of \$636.36. Dr. Rose seconded the motion, which passed 5/0.

#### **4. Lynne Carr Columbus, D.O. – Voluntary Relinquishment – Case # 2014-19942**

*Allegations of Complaint: Count I: Section 456.072(1)(a), F.S., Count II: Section 456.072(1)(m), F.S., Count III: Section 459.015(1)(t), F.S.*

The Respondent was not present. Counsel of record, Cathleen O'Dowd, Esq. Mr. Witters, Esq., represented the Department and presented the case to the Board.

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

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

*Allegations of Complaint: Count I: Section 456.072(1)(x), F.S., Count II: Section 456.072(1)(c), F.S.*

The Respondent was not present without counsel. Mr. Witters, Esq., 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.

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

### **PROSECUTION SERVICES REPORT**

Mr. Witters, Esq. 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. Dr. Mendez seconded the motion, which passed unanimously.

### **APPLICANTS FOR FULL LICENSURE**

#### **6. Robert Cerrato, DO**

Applicant was not present without counsel. Applicant was sworn in by the court reporter.

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

## PROBATION AND COMPLIANCE REVIEW

### **8. Raymond Failer, DO – Formal Approval of Monitor**

Dr. Failer was present with counsel, Mark Goldstein, Esq. and with new monitor Dr. Michael Burman.

**Action Taken:** Dr. Hayden moved to accept Dr. Failer's and Dr. Burman's appearance at this time. Dr. Bellingar seconded the motion, which passed unanimously.

### **9. Vincent Scolaro, DO – Formal Approval of Monitor**

Dr. Scolaro was present with monitor Dr. Mark Webster. Counsel of record, Kenneth Skinner, Esq.

**Action Taken:** Dr. Hayden moved to approve Dr. Webster as the primary monitor temporarily and require Dr. Scolaro and his monitor's appearance at the next board meeting. Dr. Mendez seconded the motion, which passed 4/2 with Dr. Schwemmer and Ms. Janson in opposition.

**Action Taken:** After discussion, Dr. Hayden moved to grant an extension of the payment plan for Dr. Scolaro for another year with a monthly payment amount of \$100. Motion seconded by Dr. Bellingar, which passed unanimously.

### **11. Amy Seinfeld, DO – Request for Extension of Payment Plan & Lift Restriction**

Dr. Seinfeld was present without counsel.

**Action Taken:** After discussion, Dr. Hayden moved to grant the request to lift the practice restriction and to grant an extension of the payment plan for Dr. Seinfeld to pay \$3,000 per month starting November 15, 2015 through August 15, 2016. Motion seconded by Dr. Bellingar, which passed unanimously.

### **12. Glenn Charles, DO – Required Appearance for Second Year of Probation**

Dr. Charles was present with counsel, Richard Bruterson, Esq.

**Action Taken:** After discussion, Dr. Hayden moved to approve the required appearance and the monitor's reports. Motion seconded by Dr. Mendez which passed unanimously.

## PETITIONS

### **13. M. Rahat Faderani, DO – Petition for Modification of Final Order**

Dr. Faderani was present with counsel, Bruce Lamb, Esq.

**Action Taken:** After discussion, Dr. Hayden moved to deny the petition. Dr. Rose seconded the motion, which passed unanimously.

**14. Christian Baddour, DO – Petition for Variance or Waiver**

Dr. Baddour was not present nor represented by counsel.

**Action Taken:** After discussion, Dr. Rose moved to deny the petition. Dr. Mendez seconded the motion, which passed unanimously.

**REVIEW AND APPROVAL OF MINUTES**

**15. Review and Approval of August 21, 2015 Meeting Minutes**

**Action Taken:** Dr. Hayden moved to approve the minutes. The motion was seconded by Dr. Schwemmer, which passed unanimously.

**RATIFICATION OF LICENSURE**

**16. Ratification of Licenses Issued 07/29/2015 – 10/28/2015**

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

**17. Ratification of Training Licenses Issued 07/29/2015 – 10/28/2015**

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

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

**18. DOH-MQA Board Chairs/Vice Chairs Annual Long Range Planning Meeting Synopsis**

Informational

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

**19. October 2015 Rules Report**

Informational item

**20. 64B15-14.012, F.A.C. - Optional Informed Consent for Cataract Surgery**

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

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

**21. US Supreme Court Ruling in North Carolina State Board of Dental Examiners v. FTC: Overview, Implications, and the New Regulatory Landscape**

**22. US Supreme Court Syllabus: North Carolina State Board of Dental Examiners**

**23. FTC Staff Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants**

Informational.

**EXECUTIVE DIRECTOR REPORT – Claudia Kemp**

**24. 2016 Board Meeting Dates and Locations**

Informational

**JOINT COMMITTEE MEETING UPDATES**

**25. October 8, 2015 Telemedicine Subcommittee Minutes**

**26. October 8, 2015 Telemedicine Subcommittee Materials**

**27. October 8, 2015 Office Surgery Rule Subcommittee Minutes**

**28. October 8, 2015 Office Surgery Rule Subcommittee Materials**

The following individuals appeared before the Board to provide remarks on the above mentioned items:

- Jason D. Winn, Esq., representing Florida Osteopathic Medical Association
- Lori Abrams, DO
- Sam Wolf, DO, Emerald Coast Medical Association
- Tricia Percy, DO
- Aaron Elkin, MD, Broward County Medical Association
- Aldo Leiva, Esq., Florida Women Care

No action was taken at this time and a meeting will be scheduled in December to vote on rule changes.

**29. Correspondence from Mobile Anesthesiologists regarding office surgery, dated August 19, 2015**

No action taken.

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

**30. August 6, 2015 Council on Physician Assistants Minutes**

Informational.

**PHARMACY CONTROLLED SUBSTANCE COMMITTEE REPORT – Joel Rose, DO**

**31. October 5, 2015 Pharmacy Controlled Substance Committee Report**

**32. October 5, 2015 Pharmacy Controlled Substance Committee Minutes**

Informational.

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

No report.

**ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Vacant**

No report.

**BUDGET LIAISON REPORT – Vacant**

**33. Expenditures by Function for Period Ending June 30, 2015**

Informational.

**UNLICENSED ACTIVITY LIAISON REPORT – Vacant**

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

**34. Boards and Councils Healthiest Weight Florida Liaisons Meeting Report**

**35. September 23, 2015 Healthiest Weight Liaison Strategy Development**

Informational.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

After discussion with counsel, it was the consensus of the board to schedule a public telephone conference call meeting on December 18, 2015 at 1:00pm to vote on the Office Surgery Rule draft language and hear other administrative items.

**Action Taken:** Dr. Hayden moved that the Board send Dr. Mendez to attend the upcoming AAOE meeting. Dr. Rose seconded the motion, which passed unanimously.

The Board also noted they would like for an additional board member as well as the Executive Director to attend the FSMB meeting in April in addition to the voting delegate.

**Action Taken:** Dr. Rose moved to approve the recommendation of Dr. Hayden to the FSMB Board of Directors; the Executive Director is delegated to prepare the recommendation letter. Dr. Bellinger seconded the motion, which passed unanimously.

**Action Taken:** Dr. Hayden moved to approve the recommendation of Dr. Mendez to the FSMB Ethics Committee; the Executive Director is delegated to prepare the recommendation letter. Dr. Bellinger seconded the motion, which passed unanimously.

## **ADJOURN**

There being no further business the meeting adjourned at 12:45pm

**Next Meeting: February 26, 2016**