



DRAFT MEETING MINUTES
Board of Osteopathic Medicine
General Business Meeting
May 20, 2016
9:00 a.m.

St. Petersburg Marriott Clearwater
12600 Roosevelt Blvd
St. Petersburg, Florida 33716
(727) 572-7800

Call to Order:

The meeting was called to order by Dr. Bridget Bellingar, Chair, at 9:04 am. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Valerie Jackson, Consumer Member (excused)

STAFF PRESENT:

Claudia Kemp, Acting Executive Director
Daisy King, Program Operations Administrator
Donna McNulty, Esq., Board Counsel
Matthew Witters, Esq, DOH Prosecuting Attorney
Christopher Dierlam, Esq, DOH Prosecuting Attorney

COURT REPORTER:

Murry and Associates
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

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.

DISCIPLINARY CASES

1. Robert R. Miles, D.O. - Settlement Agreement- Case # 2014-15024

Allegations of Complaint: Violation of Section 459.015(1)(pb) and 456.057(6), F.S.,

The Respondent was present with counsel, Greg Chaires, 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. Dr. Schwemmer seconded the motion, which passed unanimously.

Penalties Imposed:

- \$2000 administrative fine
- Costs (\$1616.91)

2. Michael Schabert, D.O. – Settlement Agreement – Case # 2011-07070

Allegations of Complaint: Violation of Section 459.015(1)(x), Section 459.015(1)(t), and Section 459.015(1)(0), F.S.

The Respondent was present with counsel, Greg Chaires, Esq. Mr. Witters, Esq., 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. Rose moved to accept the orally amended settlement agreement. Dr. Schwemmer seconded the motion, which passed unanimously.

Penalties Imposed:

- \$10,000 administrative fine
- Costs (\$5960.23)
- Laws and Rules Course CME
- Drug Course CME
- Records Course CME
- 18 month probation with indirect monitoring
- Quarterly Report to the Board

3. David Hicks, D.O. – Settlement Agreement – Case # 2011-17074

Allegations of Complaint: Violation of Section 459.015(1)(x), F.S. Section 459.015(1)(t), F.S., Section 459.015(1)(pb), F.S. and Section 459.015(1)(0).F.S.

The Respondent was present with counsel, Greg Chaires, Esq. 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. Rose moved to accept the orally amended settlement agreement. Dr. Hayden seconded the motion, which passed unanimously.

Penalties Imposed:

- Reprimand
- Appearance
- \$10, 000 administrative fine
- Costs \$10,614.05
- Laws and Rules Course
- Drug Course
- Records Course
- CME Risk Management
- Restriction on Prescribing
- Probation for two years with indirect monitoring

PROBATION AND COMPLIANCE REVIEW

4. Todd Glassman, DO – Required Appearance, Formal Approval of Monitor

Dr. Glassman was present with counsel, Marc Ginsberg, Esq. and his monitor Dr. Harris Mones.

Action Taken: After discussion, Dr. Mendez moved to approve the required appearance, and the formal monitor, Dr. Hayden seconded motion, which passed unanimously.

5. Vincent Scolaro, DO – Required Appearance , Lift Restriction, Formal Approval of Indirect Monitor

Dr. Scolaro was present with counsel, Allen Grossman, Esq., monitor, Mark Webster, MD., indirect monitor Scott Ravede, DO and Dr. P. Ziegler, MD, Professional Recovery Network.

Action Taken: After discussion, Dr. Mendez moved to approve the required appearance, and the termination of direct monitor and approve Dr. Ravede as the indirect monitor, Dr. Hayden seconded the motion, which passed unanimously.

CONDITIONAL LICENSURE PROBATION REVIEW:

6. Ty Anderson, DO – Required Appearance , Lift Restriction

Dr. Anderson was present along with his monitor Dr. Fanta and Dr. Penny Ziegler, MD, Professionals Recovery Network.

Action Taken: After discussion, Dr. Hayden moved to approve the required appearance, and lift the restrictions. Dr. Rose seconded the motion, which passed with all board members agreeing with the exception of Dr. Schwemmer.

PROBATION AND COMPLIANCE REVIEW

7. Mark Kantzler, DO – Payment Extension

Dr. Kantzler was present.

Action Taken: After discussion, Dr. Hayden moved to approve the payment extension for one year. Dr. Rose seconded the motion, which passed unanimously.

DISCIPLINARY CASES

8. Kendrick Dennis McArthur, DO – – Settlement Agreement – Case # 2014-08386

Allegations of Complaint: Violation of Section 456.072(1cc), F.S.

The Respondent was present with counsel, Steven D. Brownlee, Esq. Mr. Dierlam, Esq., 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. Rose moved to accept the orally amended settlement agreement. Dr. Hayden seconded the motion, which passed unanimously.

Penalties Imposed:

- Letter of Concern
- \$3,000 administrative fine
- Costs \$1784.84
- 2 hr medical errors course
- 1 hour lecture to medical students

9. Louis A. Kovacs, DO – – Settlement Agreement – Case # 2013-19612

Allegations of Complaint: Violation of Section 459.015(1)(b), F.S. and Section 456.072(1c), F.S.

The Respondent was present with counsel, Chris Lyon, Esq. Mr. Dierlam, 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 accept the settlement agreement as orally amended. Dr. Mendez seconded the motion, which passed unanimously.

Penalties Imposed:

- \$3,500 administrative fine
- Costs (\$1679.05)
- Permanent restriction on prescribing schedule II drugs
- 5 years probation with indirect supervision
- Quarterly monitor reports

10. Henry Kurtis Biggs, DO – – Settlement Agreement – Case # 2015-10356

Allegations of Complaint: Violation of Section 456.072(1)(b), F.S. and Section 459.015(1s), F.S.

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

Action Taken: After discussion, Dr. Schwemmer moved to accept the settlement agreement as orally amended. Dr. Mendez seconded the motion, which passed unanimously.

Penalties Imposed:

- Reprimand
- \$7,500 administrative fine
- Costs (\$2041.48)
- Quality Assurance Consultation Risk Management Assessment
- 5 hour risk assessment CME course

11. Mark Leeds, DO – – Settlement Agreement – Case # 2011-13589

Allegations of Complaint: Violation of Section 459.015(1)(x), F.S. Section 459.015(1)(t), F.S., Section 459.015(1)(pb), F.S. and Section 459.015(1)(0), F.S.

The Respondent was present with counsel, Chris Lyons, Esq. Mr. Witters, Esq., 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. Hayden moved to accept the settlement agreement as orally amended. Dr. Rose seconded the motion, which passed unanimously.

Penalties Imposed:

- Reprimand
- \$10,000 administrative fine
- Costs (\$6657.75)
- Legal and Ethical Course
- Laws and Rules
- Drug Course
- Records Course
- Risk Management Course
- Practice Restriction
- One year probation with indirect monitoring
- Permanent restriction from working in Pain Management Clinic
- Quarterly Monitoring Report

12. Thomas Adams, DO – – Settlement Agreement – Case # 2013-18813 & 2013-10582

Allegations of Complaint: Violation of Section 459.015(1)(x), F.S., Section 459.015(1)(t), F.S.

The Respondent was present with counsel, Chris Lyons, Esq. Mr. Witters, Esq., 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.

Action Taken: After discussion, Dr. Rose moved to accept the settlement agreement as orally amended. Dr. Hayden seconded the motion, which passed unanimously.

Penalties Imposed:

- \$10,000 administrative fine
- Costs (\$6793.48)
- Legal and Ethical Course
- Medical Records Course
- Laws and Rules Course
- Risk Management Report from Florida Risk Manager

INFORMAL HEARING:

13. Chuma Gibson-Osui, DO – – Informal – Case # 2015-26319

Allegations of Complaint: Violation of Section 459.015(1)(x), F.S., Section 459.015(1)(t), F.S.

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

Dr. Hayden moved to accept the agenda materials and investigative report as presented into the record as evidence Dr. Mendez 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. Mendez seconded the motion, which passed unanimously. Dr. Hayden then moved to adopt the findings of fact as presented in the administrative complaint. Dr. Mendez seconded the motion, which passed unanimously. Dr. Hayden 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. Mendez seconded the motion, which passed with a vote of 3 to 2.

Action Taken: After discussion, Dr. Rose moved to accept the settlement agreement as orally amended. Dr. Hayden seconded the motion, which passed unanimously.

Penalties Imposed:

- Revocation

PROSECUTION SERVICES REPORT:

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

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

PROBATION AND COMPLIANCE REVIEW:

14. David Todd, DO – Reinstatement of License Appearance

Dr. Todd was present with Dr. Penny Ziegler, MD of Professional of Recovery Network.

Action Taken: Dr. Mendez moved to approve the reinstatement request. Dr. Schwemmer seconded the motion, which passed unanimously.

15. Joe Morgan, DO – Appearance, Lift Restrictions Request

Dr. Morgan was present.

Action Taken: Dr. Rose moved to approve the request to lift restrictions while Dr. Morgan is on probation. Dr. Mendez seconded the motion, which passed with 3 yes and 2 nay.

16. Debra Roggow, DO – Lift Restrictions Request

Dr. Roggow was present.

Action Taken: After discussion, Dr. Rose suggested Dr. Roggow review the transcript from the February board meeting and prepare a petition for the Board to review.

APPLICANTS FOR FULL LICENSURE

17.. Jessica Abruzzino, 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. Dr. Schwemmer seconded the motion, which passed unanimously.

18. Armando Alonso, 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. Dr. Rose seconded the motion, which passed unanimously.

19. Akber Safder, 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. Dr. Mendez seconded the motion, which passed unanimously.

20. Jesse Shaw, 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. Dr. Mendez seconded the motion, which passed unanimously.

21. Marc Sanders, DO

Applicant was not present.

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

APPLICANTS FOR RESIDENT IN TRAINING LICENSE

22. Sara Evans

Applicant was not present.

Action Taken: After discussion, Dr. Rose moved to require the applicant to present an updated evaluation to the Board Chair that applicant can practice with reasonable skill and safety, if satisfactory Chair may approve if not applicant must appear at one of the next two board meetings, Dr. Mendez seconded the motion, which passed unanimously.

23. Charles Smith, DO

The Applicant was present with counsel, Allen Grossman, Esq. and Penny Ziegler, MD, Professional Recovery Network.

Action Taken: After discussion, Dr. Hayden moved to grant the license unencumbered. Dr. Schwemmer seconded the motion, which passed unanimously.

24. Karthik Sugumaran

The Applicant was present.

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

25. Raul San Juan

The Applicant was present.

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

26. Julio Scardini

The Applicant was present.

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

27. Bradley White

The Applicant was not present.

Action Taken: After discussion, Dr. Mendez moved to require the applicant to present a contract with PRN upon receipt of the established contract by the Board Chair, the Chair may approve the license, if not applicant must appear at one of the next two board meetings, Dr. Rose seconded the motion, which passed unanimously.

28. Kyle Tyler Sherrod

The Applicant was present.

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

29. Minjo Kim

The Applicant was present.

Action Taken: After discussion, Dr. Bellingar moved to grant the license unencumbered. Dr. Rose seconded the motion, which passed unanimously

30. Mohammad Rizvi

The Applicant was not present.

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

31. Todd Wang

The Applicant was present.

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

REVIEW AND APPROVAL OF MINUTES:

32. Review and Approval of February 26, 2016 Meeting Minutes

Action Taken: Dr. Hayden moved to approve the minutes with a correction to the motion made by Dr. Hayden on lifting the restriction on Debra Roggow's license, Dr. Hayden voted to deny lifting the restriction. There was also a typographical error on Dr. Hayden's report. Dr. Mendez seconded the motion, which passed unanimously.

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

33. 64B15-6.010(2)(a)(b), F.A.C. – Physician Assistant Performance Petition

Allen Grossman explained the petition to repeal 64B15-6.010(2)(a)(b), F.A.C.

Action Taken: After discussion, Dr. Hayden moved to approve the language as presented (and all changes as proposed) and proceed with rulemaking. Dr. Rose seconded the motion, which passed unanimously.

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

64B15-6003 General Application for Licensure

Action Taken: After discussion, Dr. Hayden moved to approve the language as presented (and all changes as proposed) 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. Dr. Mendez seconded the motion, which passed unanimously. 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. Mendez seconded the motion, which passed unanimously.

GENERAL BUSINESS AND CORRESPONDENCE:

34. Update on USMLE Step 2 Clinical Skills

Information only

35. Dr. William Cross Correspondence

Information only

36. FSU Medical Update

Requested the information be sent to FOMA

37. Medical Examiners 2015 Interim Report

Information only

LEGISLATIVE PROPOSAL

38. ACGME Internships (Legislative Proposal) Dr. Hayden

Action Taken: After discussion, the Board tabled the discussion until a later date when more information is available. Dr. Hayden gave a report on AAOE meeting which was held during the FSMB meeting.

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

OS Rule Drafts from the April Surgical Care Meeting

Information only

39. 64B15-13.001 Continuing Education for Biennial Renewal

Action Taken: After discussion, Dr. Mendez moved to approve the language as presented (and all changes as proposed) and proceed with rulemaking. Dr. Rose seconded the motion, which passed unanimously

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

40. 64B15-12.003 (Application for licensure)

41. 64B15-12.005 (Limited License)

42. 64B15-12.009 (Osteopathic Faculty Certificate)

43. 64B15-12.010 (ACN)

44. 64B15-12.011 (Military CAN)

45. 64B15-22.004 – (Registration of Unlicensed Physicians)

Action Taken: After discussion, Dr. Hayden moved to approve the language as presented (and all changes as proposed) and proceed with rulemaking. Dr. Rose seconded the motion, which passed unanimously

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

EXECUTIVE DIRECTOR REPORT – Acting Claudia Kemp

No Action Needed on the Following Items:

46. 2016 Legislative Summary (Information Only)

47. FSMB Appointment (Information Only)

48. Reappointments (Information Only)

49. HB 221 (Information Only)

JOINT COMMITTEE MEETING UPDATES ANESTHESIOLOGY ASSISTANTS - Joel Rose, DO

Dr. Rose discussed information that was presented at the recent meeting and also he had a chance to visit two of the schools in Florida where he talked with students as well as observed some of their training.

50. 64B15-7.005, F.A.C. – AA Protocal Form

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

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

51. 64B15-7.006, F.A.C. –Financial Responsibility Form

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

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

52. 64B15-7.003, F.A.C. –Revised Application Form

Action Taken: Dr. Mendez moved to approve the language as presented (and all changes as proposed) and proceed with rulemaking. Dr. Schwemmer seconded the motion, which passed unanimously.

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

PHARMACISTS FORMULARY COMMITTEE REPORT – Joel Rose, DO

No Report

PHARMACY CONTROLLED SUBSTANCES STANDARDS COMM. REPORT - Michelle Mendez, DO

Dr. Mendez reported that at a recent meeting held the committee is encouraging collaboration between prescribers and pharmacist. She reported she invited the Chair of the Standards Committee to attend the Board of Osteopathic meeting but he was not available.

BUDGET LIAISON REPORT – Anna Hayden, DO

Dr. Hayden reported to the Board that she requested additional funding to have two additional board members to attend the FSMB meeting next year.

UNLICENSED ACTIVITY LIAISON REPORT – Sandra Schwemmer, DO

No Report

HEALTHY WEIGHT LIAISON REPORT – Bridget Bellingar, DO

No Report

OLD BUSINESS

Dr. Rose initiated a discussion concerning the anti-trust situation concerning legal defense. After discussion, the Board requested the Executive Director to bring information back to the Board on the Department's stand on defending the Board in the event of a lawsuit.

NEW BUSINESS

Chair and Vice Chair Election Schedule

Action Taken: Dr. Hayden moved to hold elections at the November meeting with the newly appointed chair to begin serving on January 1, of the following year. Dr. Schwemmer seconded the motion, which passed unanimously

**Next Meeting: August 26, 2016
 Jacksonville**

Meeting Adjourned