

# FLORIDA | Board of Osteopathic Medicine

August 25, 2017 Meeting



**DRAFT MEETING MINUTES**  
**Board of Osteopathic Medicine**  
**General Business Meeting**  
**August 25, 2017**  
**9:00 a.m.**

**Doubletree Hilton Orlando Airport**  
5555 Hazeltine National Airport  
Orlando, Florida  
(407) 235-1911

The meeting was called to order by Dr. Michelle Mendez, Chair, at approximately 9:04 a.m.

Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

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

**BOARD STAFF PRESENT:**

Kama Monroe, Executive Director  
Donna McNulty, Board Counsel  
Carol Taylor, Program Administrator

**COURT REPORTER:**

American Court Reporting  
850-421-0058  
Cindy Green

**OTHERS PRESENT:**

Matthew Witters, Prosecuting Attorney  
Ann Prescott, Prosecuting Attorney

*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 & 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:**

## **Settlement Agreements**

**Tab 1 – SA 1** – Dana P. Richard, D.O. – Settlement Agreement Case No. 2014-18179

*PCP: Andriole/Bellingar*

**Tab 2 – SA 2** – Dana P. Richard, D.O. – Settlement Agreement Case No. 2014-01449

*PCP: Andriole/Bellingar*

Respondent was present and sworn in. Respondent was represented by counsel, Greg Morse, Esquire.

Dr. Bellingar was recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented a single combined settlement agreement for case number 2014-18179 and case number 2014-01449 to the Board. The facts and allegations of each case were presented to the board individually prior to the presentation of the combined settlement agreement.

Allegations of the Administrative Complaint in case number 2014-18179: violation of Section 459.015(1)(x), FS (2013-2014), by committing medical malpractice; violation of Section 459.015(1)(t), FS (2013-2014), by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substances, other than in the course of the osteopathic physician's professional practice; and violation of Section 459.015(1)(o), FS (2013-2014), by failing to maintain legible treatment records for patients, as defined by board rule.

Allegations of the Administrative Complaint in case number 2014-01449: violation of Section 459.015(1)(x), FS (2013-2014), by committing medical malpractice; violation of Section 459.015(1)(t), FS (2013-2014), by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substances, other than in the course of the osteopathic physician's professional practice; violation of Section 459.015(1)(pp), FS (2013-2014), by violating Rule 64B15-14.005(3), Florida Administrative Code, by failing to follow the guidelines for the use of controlled substances in the use for pain; and violation of Section 459.015(1)(o), FS (2013-2014), by failing to maintain legible treatment records for patients, as defined by board rule.

The terms of the Settlement Agreement are: appearance; reprimand; fine in the amount of fifteen thousand (\$15,000.00) dollars payable within twenty-four (24) months from the filing of final order; reimbursement of costs for the investigation and prosecution of this case, payable within thirty-six (36) months of filing of final order (current costs are eight thousand four hundred thirty-four dollars and ninety-four cents [\$8,434.94]); Respondent shall complete the following CMEs: "Quality Medical Record Keeping for Health Care Professionals" and "Legal and Ethical Implications in the Practice of Medicine - A Physician's Survival Guide", administered by the Florida Medical Association, or a board approved equivalent and "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing" sponsored by the University of Florida, or a board approved equivalent, within twelve (12) months of the filing of the final order and shall submit documentation of completion of course within thirteen (13) months of the filing of the final order; Permanent practice restriction from prescribing, ordering, and/or delegating the prescribing or ordering of any substances listed in schedules I and II, as defined by Section 893.03, Florida Statutes (2016), and may from time to time be redefined in the Florida Statutes and/or Florida Administrative Code; Permanent practice restriction from prescribing, ordering, and/or delegating the prescribing or ordering of any substances from treating of patients for chronic non-malignant pain and/or pain management patients; Permanent practice restriction from working, owning, or practicing in a pain management clinic, as defined by Section 459.0137, Florida Statutes (2016); and Respondent's license shall be on probation with restrictions and monitoring for a period of two years effective the day of the filing of the final order in this matter.

After Discussion:

Motion: by Dr. Rose; seconded by Dr. Schwemmer, to reject the settlement agreement. Dr. Hayden opposed. Motion carried.

Motion: by Dr. Rose, seconded by Dr. Schwemmer, to offer a Counteroffer. Motion carried.

Counteroffer: The terms of the Counteroffer are: appearance; reprimand; fine in the amount of fifteen thousand (\$15,000.00) dollars payable within twenty-four (24) months from the filing of final order; reimbursement of costs for the investigation and prosecution of this case, payable within thirty-six (36) months of the filing of final order (current costs are eight thousand four hundred thirty-four dollars and ninety-four cents [\$8,434.94]); Respondent shall complete the following CMEs: "Quality Medical Record Keeping for Health Care Professionals" and "Legal and Ethical Implications in the Practice of Medicine - A Physician's Survival Guide", administered by the Florida Medical Association, or a board approved equivalent and "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing" sponsored by the University of Florida, or a board approved equivalent, within twelve (12) months of the filing of the final order and shall submit documentation of completion of course within thirteen (13) months of the filing of the final order; Permanent practice restriction from prescribing, ordering, and/or delegating the prescribing or ordering to physician assistants or having collaborative agreements with advanced registered nurse practitioners of any substances listed in Schedules I and II, as defined by Section 893.03, Florida Statutes (2016), and may from time-to-time be redefined in the Florida Statutes and/or Florida Administrative Code; Permanent practice restriction from prescribing, ordering, and/or delegating the prescribing or ordering of any controlled substances from treating of patients for chronic nonmalignant pain and/or pain management patients; Permanent practice restriction from working, owning, or practicing in a pain management clinic, as defined by Section 459.0137, Florida Statutes (2016); Respondent's license shall be suspended for a period of six months following which, the Respondent may petition the board to lift the suspension; prior to lifting the suspension, the Respondent is required to complete the following Continuing Medical Education (CME): Five (5) hours of CME in Chapters 456, 459, Florida Statutes, and Rule Chapter 64B15, Florida Administrative Code, or Board-approved equivalent, which must be pre-approved by the Chair, who has delegated authority to approve, prior to taking it and "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing," sponsored by the University of Florida, or a board-approved equivalent; Immediately following the lifting of the suspension, the Respondent's license to practice osteopathic medicine shall be placed on probation for a period of two (2) years; terms of probation include conditions and monitoring. The terms of probation contained in the original settlement agreement are incorporated within the counteroffer with the following amendment: Section a. iv – Responsibilities of the Monitor/Supervisor. Section 1. is amended as follows: "Review 25% of Respondent's active patient records and 100% of Respondent's active patients who are prescribed controlled substances at least once every quarter for the purpose of ascertaining whether Respondent is prescribing controlled substances in accordance with this settlement agreement, practicing osteopathic medicine within the standard of care, and maintaining appropriate patient records. Respondent shall maintain logs for each patient to facilitate this review. Respondent shall include review of patient charts from all of Respondent's practice locations."

Respondent will have seven days from filing of the Order to accept or reject the Counteroffer in writing.

**Tab 3 – SA 3 - David L. Hicks, D.O. – Settlement Agreement Case No. 2011-17074**  
*PCP: Moran/Bellingar*

Respondent was not present. Respondent's appearance was waived. Respondent was represented by counsel, Gregory Chaires, Esquire, who was present.

Dr. Bellingar was recused due to participation on the probable cause panel.

Matthew Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 459.015(1)(x), FS (2007-2010), by committing medical malpractice; violation of Section 459.015(1)(t), FS (2007-2010), by prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing a legend drug, including any controlled substances, other than in the course of the osteopathic physician's professional practice; violation of Section 459.015(1)(pp), FS (2007-2010), by violating Rule 64B15-14.005(3), Florida Administrative Code, by failing to follow the guidelines for the use of controlled substances in the use for pain; and violation of Section 459.015(1)(o), FS (2007-2010), by failing to maintain legible treatment records for patients, as defined by board rule.

The terms of the Settlement Agreement are: appearance; reprimand; fine in the amount of ten thousand (\$10,000.00) dollars payable within ninety (90) days from the filing of the final order, reimbursement of costs for the investigation and prosecution of this case, payable within ninety (90) days of filing of final order (current costs are eleven thousand four hundred sixty-four dollars and thirty-five cents [\$11,464.35]); Respondent shall complete the "Legal and Ethical Implications in Medicine Physician's Survival Guide-Laws and Rules" course administered by the Florida Medical Association, within twelve (12) months of the filing of the final order and shall submit documentation of completion of course within thirteen (13) months of the filing of the final order; Respondent shall complete the course "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Prescribing," sponsored by the University of Florida, or a board approved equivalent, within twelve (12) months of the filing of the Final Order; Respondent shall complete the eight (8) hour course "Quality Medical Record Keeping for Health Care Professionals," sponsored by the Florida Medical Association, or a board approved equivalent, within twelve (12) months of the filing of the final order; Respondent shall complete five (5) hours of Continuing Osteopathic Medical Education in "Risk Management", sponsored by the Florida Medical Association within one year of the filing of the final order, Respondent shall obtain approval from the board chair prior to completion of hours; Respondent's practice shall be restricted from ordering or prescribing schedule II controlled substances, unless or until Respondent has documented to the board chairman completion of the drug and risk management courses above; and Respondent's license shall be on probation for a period of two years or for two years after the schedule II controlled substances ordering and/or practicing restrictions are lifted, whichever is longer. Respondent's probation shall include obligations and requirements as detailed in the settlement agreement with the oral amendment regarding quarterly reports.

After discussion:

Motion: by Dr. Hayden, seconded by Dr. Schwemmer, to accept the settlement agreement with the oral amendment.  
Motion carried.

**Tab 4 – SA 4 – Steven David Grossinger, D.O. – Settlement Agreement Case No 2016-27041**  
*PCP: Moran/ Hayden*

Respondent was present and sworn in. Respondent was not represented by counsel.

Dr. Hayden was recused due to participation on the probable cause panel.

Ann Prescott represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of section 459.015(1)(b), FS (2016), by having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

The terms of the Settlement Agreement are: appearance; reprimand; fine in the amount of one thousand (\$1,000.00) dollars payable within thirty (30) days from the filing of the final order; reimbursement of costs

for the investigation and prosecution of this case in the amount of two hundred thirteen dollars and seventy-nine cents (\$213.79), payable within thirty (30) days of filing of the final order.

Motion: by Dr. Rose, seconded by Dr. Schwemmer, to accept the settlement agreement.  
Motion carried.

**Tab 5 – SA 5**– Mark G. Kantzler, D.O. – Settlement Agreement Case No. 2015-26406

*PCP: Moran/Hayden*

**Tab 6 – SA 6** – Mark G. Kantzler, D.O. – Settlement Agreement Case No. 2016-27123

*PCP: Moran/Hayden*

Respondent was present and sworn in. Respondent was represented by counsel, John Perrin, Esquire.

Dr. Hayden was recused due to participation on the probable cause panel.

Dr. Bellinger disclosed that she has known Dr. Kantzler for approximately twenty years and that she can render an opinion without bias.

Ann Prescott represented the Department and presented a single combined settlement agreement for case number 2015-26406 and case number 2016-27123 to the Board. The facts and allegations of each case were presented to the board individually prior to the presentation of the combined settlement agreement.

Allegations of the Administrative Complaint in case number 2015-26406: violation of Section 459.015(1)(o), FS (2015), by failing to maintain legible treatment records for patients, as defined by board rule.

Allegations of the Administrative Complaint in case number 2016-27123: violation of Section 459.015(1)(x), FS (2015), by committing medical malpractice; and violation of Section 459.015(1)(o), FS (2015), by failing to maintain legible treatment records for patients, as defined by board rule.

The terms of the Settlement Agreement are: appearance; reprimand; fine in the amount of seven thousand five hundred (\$7,500.00) dollars, payable within twenty-four (24) months from the filing of final order; reimbursement of costs for the investigation and prosecution of this case, payable within twenty-four (24) months of the filing of the final order (current costs are four thousand six hundred thirty dollars and thirty-eight cents [\$4,630.38]); Respondent shall complete the following CMEs: “Quality Medical Record Keeping for Health Care Professionals” and “Legal and Ethical Implications in the Practice of Medicine - A Physician’s Survival Guide”, administered by the Florida Medical Association, or a board approved equivalent, within twelve (12) months of the filing of the final order and shall submit documentation of completion of course within thirteen (13) months of the filing of the final order; and Respondent’s license shall be on probation with restrictions and monitoring for a period of twelve (12) months, effective the day of the filing of the final order in this matter.

After discussion, which included the appropriateness of the settlement agreement as it related to case number 2016-27123:

Motion: by Dr. Rose; seconded by Ms. Jackson, to reject the settlement agreement. Schwemmer opposed.  
Motion carried.

After discussion:

Motion: by Dr. Rose, seconded by Dr. Schwemmer, to offer a Counteroffer. Motion carried.

Counteroffer: The terms of the Counteroffer are: appearance; reprimand; fine in the amount of five thousand (\$5,000.00) dollars, payable within twenty-four (24) months from the filing of final order; reimbursement of costs for the investigation and prosecution of case number 2015-26406, payable within twenty-four (24) months of the filing of the final order (current costs are two thousand six hundred sixty-nine dollars and forty-one cents [\$2,669.41]); Dismissal of case number 2016-27123; Respondent shall complete the following CMEs: "Quality Medical Record Keeping for Health Care Professionals" and "Legal and Ethical Implications in the Practice of Medicine - A Physician's Survival Guide", administered by the Florida Medical Association, or a board approved equivalent, within twelve (12) months of the filing of the final order and shall submit documentation of completion of course within thirteen (13) months of the filing of the final order; Respondent's license shall be on probation with restrictions and monitoring for a period of twelve (12) months, effective the day of the filing of the final order in this matter.

Respondent agreed verbally to waive attorney fees and costs for case number 2016-27123.

Respondent verbally accepted the counteroffer.

**Tab 7 – CONTINUED**

**DOW 1** - Raymond Failer, D.O. – Determination of Waiver Case No. 2015-31734  
*PCP: Moran/Hayden*

The Determination of Waiver and Final Order by Hearing Not Involving Disputed Issues of Material Facts was continued.

**Voluntary Relinquishments**

**Tab 8 – VR 1** – Jacalyn Ann Danton, D.O. – Voluntary Relinquishment Case No. 2016-28704  
*PCP: Waived*

The Department requested that the Board entertain a Motion Accepting the Voluntary Relinquishment executed by Respondent in resolution of this case.

Motion: by Dr. Schwemmer, seconded by Dr. Rose, to accept Voluntary Relinquishment.  
Motion carried.

**Informals**

**Tab 9 – CONTINUED**  
**INF 1**- Raymond Failer, D.O. – Informal Hearing Case No. 2016-19223  
*PCP: Andriole/Janson*

The informal hearing for case number 2016-19223 was continued.

**PROSECUTION SERVICES REPORT**

**Tab 10** – September 2017 Report

Mr. Witters presented the prosecution services report.

The report reflected the number of open cases has decreased by approximately twenty-four cases. There are currently 43 year or older cases, two of which were on this agenda. Mr. Witters asked the Board to consider allowing PSU to continue to prosecute those cases.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden, to allow PSU to continue prosecuting cases one year and older. Motion carried

## **REVIEW AND APPROVAL OF MINUTES**

**Tab 11** – May 19, 2017 General Business Meeting Minutes

Motion: by Dr. Hayden, seconded by Dr. Schwemmer, to accept the minutes. Motion carried.

## **PROBATION AND COMPLIANCE**

### **REQUEST FOR FORMAL APPROVAL OF ALTERNATE MONITOR**

**Tab 12** - Andrew Guidry, DO – OS

Tab 12 was pulled from the agenda.

Motion: by Dr. Hayden, seconded by Dr. Mendez, to extend the approval of the monitor until the November board meeting. Motion carried.

### **REQUEST FOR PAYMENT EXTENSION WITH PAYMENT PLAN AND FOR FORMAL APPROVAL OF MONITOR**

**Tab 13** – Joe Morgan, DO – OS

Dr. Morgan was present and was sworn in. Dr. Morgan was not represented by counsel.

Dr. Morgan reported that the monitor he had chosen had declined to become his monitor. He further requested to extend his payment plan.

Motion: by Dr. Hayden, seconded by Dr. Bellinger, to grant Dr. Morgan's Petition for a payment plan consisting of payments of two hundred (\$200.00) dollars monthly for two (2) years. Prior to the end of the two years, he is to petition the board with an appearance for reassessment of his situation. Motion carried.

## **PRESENTATION OF RISK ASSESSMENT REPORT**

### **Tab 33 - Materials Added after Initial Publication of Agenda**

Debra Roggow, DO – OS

Dr. Roggow was present and was sworn in. Dr. Roggow was not represented by counsel.

This item was added to the agenda within seven days of the meeting for just cause. Just cause was identified as a delay in the provision of information due to a miscommunication. Dr. Roggow requested to be added to the board in follow up to previous appearances before the board.

Following discussion, Dr. Roggow was instructed to submit all documentation, including the written dated formal risk assessment report and a copy of the May 2<sup>nd</sup> follow up documentation, as well as, the request for approval of monitor, to the compliance unit. The compliance unit will forward the information to the board chair who has delegated authority to review and approve (if applicable). It was determined that there was no action to be taken at this time.

## **APPLICANTS**

### **APPLICANTS FOR FULL LICENSURE**

**Tab 14-** Roberta Eckholm, DO      File #14100

Applicant was present and sworn in.

**Action Taken:** After discussion, Dr. Hayden moved to grant the license unencumbered. Dr. Bellingar seconded the motion. Motion carried.

## **APPLICANTS FOR RESIDENT REGISTRATION**

**Tab 15** -Kevin Donohue, DO File #4682

Applicant was present and sworn in. Applicant was represented by counsel, Paul Drake, Esquire, who was present. Also present was PRN Medical Director, Dr. Alexis Polles.

**Action Taken:** After discussion, Dr. Schwemmer moved to grant the license unencumbered. Dr. Hayden seconded the motion. Motion carried.

**Tab 16** -Megan Ferri, DO File #5884

Applicant was present and sworn in. Applicant was represented by counsel, Steven Brownlee, Esquire, who was present.

Applicant verbally waived the 90-day requirement to act upon the completed application.

**Action Taken:** After discussion, Dr. Hayden moved to delegate authority to the board chair for a period of six months, to review the PRN evaluation and recommendations for further action on the application. If there are any problems, the application will be presented to the full board. Dr. Bellingar seconded the motion. Motion carried.

At this point in the meeting, Ms. Janson was excused for the remainder of the meeting.

## **RATIFICATION OF LICENSURE**

**Tab 17** - Ratification of Full Licenses Issued 5/1/2017– 7/31/2017

Motion: by Dr. Hayden, seconded by Ms. Bellingar, to accept the ratification of full licenses issued 5/1/2017 through 7/31/2017. Motion carried.

**Tab 18** - Ratification of Osteopathic Resident Registration - 5/1/2017– 7/31/2017

Dr. Schwemmer acknowledged the accomplishments of the board staff during the recent resident registration renewal. Board staff processed four hundred and fifty applications/renewals from May through July, with the final total exceeding five hundred. Ms. Monroe commended staff for completing the task.

Motion: by Dr. Hayden, seconded by Ms. Bellingar, to accept the ratification of full licenses issued 5/1/2017 through 7/31/2017. Motion carried.

**Tab 19** - Ratification of Expert Witness Certificates Issued 5/1/2017– 7/31/2017

No action taken.

It is not a board function to ratify expert witness certificates; however, they will continue to be placed on the agenda for informational purposes. In future "Ratification" will be removed from the item title.

**Tab 20 - Updating Credentialing Requirements (Hayden)**

Beginning July 2015, the AOA and the ACGME formed into a single accreditation system for graduate medical education in the United States. Going forward the AOA will no longer be accrediting programs.



Due to this action Section 459.0055 needs updating. Proposed modification language was placed on the agenda for consideration.

The Board reviewed the proposed modification language and determined that Section 459.005(1)(l) should state:

“Demonstrate that she or he has successfully completed an “internship or residency” of not less than 12 months in a program accredited for this purpose by the American Osteopathic Association or the Accreditation Council for Graduate Medical Education. This requirement may be waived for an applicant who matriculated in a college of osteopathic medicine during or before 1948: and”

Discussion ensued regarding the process to request the change as the Board does not have the authority to change a statute. The Department must present proposed legislative changes by May of the current year. If acted upon immediately, it would be for the 2019 legislature. It was noted that another agency might move forward simultaneously. Mr. Winn from the Florida Osteopathic Medicine Association (FOMA) noted that he does not do legislative affairs for FOMA but he would take any suggested language or proposals to the Legislative director and have them move it forward if it is appropriate for FOMA.

Motion: by Dr. Schwemmer, seconded by Dr. Mendez, to include in the next legislative package for the next legislative session to include the language as discussed. Motion carried.

### **Tab 21 - FSMB Annual Meeting Budget for 2018 (Rose)**

Discussion on the time table to request budgeting of two additional board members and board counsel to attend the Florida State Medical Board (FSMB) annual meeting. This request is in addition to the scholarships that are offered through FSMB. Ms. Monroe explained the requirements to be able to make a budget request. The board was informed that out of state travel approval is difficult to obtain. Ms. Monroe noted she will propose the travel, complete the forms and submit the request. It was noted that a request for any language that would reflect significant justification of the travel and how it would benefit the state would be appreciated. Mr. Tellechea informed the Board that even should they vote to send board counsel to the meeting, there is no guarantee that it would be granted and restated the need for significant justification.

Motion: by Dr. Rose, seconded by Dr. Bellingar, to move forward with request to budget two additional board members and board counsel to attend the annual FSMB meeting in North Carolina.

### **Tab 22 - BOARD CHAIRMAN REPORT – Michelle Mendez, DO**

Dr. Mendez thanked everyone for their participation in the Joint Committee on Medical Marijuana meeting.

### **BOARD COUNSEL REPORT - Donna McNulty, Esq.**

#### **Tab 23 – June, July and August 2017 Rules Report**

Board Counsel, Donna McNulty presented the June, July, and August rules reports for board review.

Ms. McNulty also stated the Annual Regulatory Plan is due by the end of September. She asked that the board chair work with her on the new plan.

Motion: by Dr. Hayden, seconded by Dr. Bellingar to delegate authority to the board chair to work with board counsel on the new Annual Regulatory Plan. Motion carried.

Ms. McNulty informed the board that the board is named as a party for declaratory judgement regarding Medical Marijuana. It is an action for declaratory relief to determine the constitutionality of the state statute that excludes the use of marijuana in its smokable form. The Department of Health, Office of

Compassionate Use, Board of Medicine, and Board of Osteopathic Medicine are named parties. The Solicitor General's office is representing the board in that law suit.

## **RULE DISCUSSION – Donna McNulty, Esq.**

### **Tab 24 - Rules 64B15ER17-2 (64B15-19.002)(Disciplinary Guidelines)**

Following discussion:

Motion: by Dr. Schwemmer, seconded by Dr. Hayden, to approve the rule as currently written. Motion carried.

Motion: by Dr. Mendez, seconded by Dr. Rose, to authorize regular rule making including rule development and notice for the same proposed changes for the non-emergency rule. Motion carried.

Motion: by Dr. Hayden, seconded by Dr. Bellingar, that the proposed changes will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. No SERC is needed and no legislative ratification is needed. Motion carried.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden, to find that a violation of this rule or any part of this rule would not be considered a minor violation. Motion carried.

## **EXECUTIVE DIRECTOR REPORT – Kama Monroe, J.D., Executive Director**

### **Tab 25 – Message from FSMB chair**

Ms. Monroe noted that Dr. Hayden is the director of state liaisons for FSMB. The board needs to appoint a state liaison for the coming year. Dr. Hayden has been the state liaison for the last two years and is the director. Dr. Mendez volunteered to be the state liaison.

After discussion, Dr. Rose suggested FSMB do more seminars on topics such as medical marijuana, state boards and regulation.

## **JOINT COMMITTEE MEETING UPDATES - Joel Rose, DO**

### **Tab 26- COUNCIL ON PHYSICIAN ASSISTANT'S REPORT – Joel Rose, DO**

Dr. Rose noted the chairman, Dr. Foley passed away. The committee is searching for a new PA to place on the council. Dr. Rose is now chair and Dr. Villa is vice-chair.

Dr. Mendez commented that attending the council meeting made her aware that the board may need to work harder to ensure member physicians are more vigilant in the scope of care issues. Physicians need to be aware of delegable tasks.

Dr. Schwemmer has been appointed vice-chair for the Joint Committee on Medical Marijuana.

Dr. Hayden noted no budget liaison report.

Dr. Schwemmer noted no unlicensed activity liaison report.

Dr. Bellingar noted no healthy weight liaison report. Dr. Mendez commended the display table for Healthy Weight, which included portion plates and cutting boards.

## **Tab 30 - OLD BUSINESS**

Dr. Bellingar noted that historically, physicians have sent letters stating they can't come to Florida to obtain their mandatory five hours for licensure. FOMA and FSACOP can go to those individual states to those individuals.

Dr. Mendez will be attending an ACOI internist meeting in Washington, DC to present a lecture.

Dr. Hayden noted the AOA had their annual house of delegates meeting which included four resolutions that impacted state medical boards. They were the Sunset Resolution 601 reaffirming the AOA telemedicine policy; Resolution 442 on recreational medical marijuana used by physicians, students, and patients; physician wellness; Resolution 331 interstate opioid data base. Dr. Hayden provided an update on each.

## **NEW BUSINESS**

### **Tab 31 – Medical Marijuana Informed Consent**

Informed Consent Form

Documentation of Comparable Conditions Form

Materials from August 25, 2017, Committee Meeting (Informational Purposes)

### **Tab 32 – Additional Documents from the 8.25.17 Joint Committee on Medical Marijuana Meeting**

Public Comment

64B8ER17-1 (64B8-9.018)/64B15ER17-1 (64B15-14.013)

Background Materials

Tabs 31 and 32 were presented at the same time.

Following discussion wherein Ms. McNulty informed the board of the oral amendments to the forms that were approved at the Joint Committee for the Boards of Medicine and Osteopathic Medicine meeting immediately prior to this meeting.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden, to approve the consent form, documentation and emergency rule language as amended. Motion carried.

Motion: by Dr. Rose, seconded by Dr. Hayden, to authorize regular non-emergency rule making for 64B15-14.013 as discussed and amended, including rule development and notice for the proposed changes. Motion carried.

Motion: by Dr. Hayden, seconded by Schwemmer, to find that proposed changes will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. No SERC is needed and no legislative ratification is needed. Motion carried.

Motion: by Dr. Rose, seconded by Dr. Schwemmer, to find that a violation of this rule or any part of this rule would not be considered a minor violation. Motion carried.

## **Tab 34 – ADJOURN 1:43 p.m.**

**Next Meeting: November 17, 2017**  
**Location: Jacksonville**  
**9:00 a.m.**