

**DRAFT MINUTES**  
**BOARD OF OSTEOPATHIC MEDICINE**  
**March 7, 2014**

Residence Inn Tallahassee Universities at the Capitol  
600 W. Gaines Street  
Tallahassee, FL 32304  
(800) 627-7468

**FRIDAY, March 7, 2014**

The meeting was called to order by Dr. Burns, Chair, at 9:00 am. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Ronald Burns, DO, Chair  
Joel Rose, DO, Vice Chair  
Bridget Bellingar, DO  
Anna Hayden, DO  
Michelle Mendez, DO  
Aicja Janson- Consumer Member

**STAFF PRESENT:**

Anthony Jusevitch, Executive Director  
Christy Robinson, Program Operations Administrator  
Donna McNulty, Esq. – Board Counsel  
Nancy Murphy, Paralegal  
Yolonda Green, Esq. – DOH Prosecutor  
Jodi-Ann Livingstone, Esq., DOH Prosecutor  
Sondra Nelson, Compliance Officer

**MEMBERS ABSENT:**

Valerie Jackson, Consumer Member-  
excused

**OTHERS PRESENT:**

Penny Ziegler, MD, PRN

**COURT REPORTER:**

Accurate Stenotype Reporters  
850-878-2221

**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**

**No Tab – Presentation of Award**

Dr. Burns presented Rina Malan an award for her service as a member on the Board.

**PROBATION AND COMPLIANCE REVIEW**

**Tab 1 - Mark Kantzler, DO - Required Annual Appearance Regarding Financial Situation**

Pulled from agenda (granted a continuance).

**Tab 2 - Glenn Charles, DO - Required Probationary Appearance with Monitor**

Dr. Charles was present and represented by Gregory Chaires, Esq. His monitor, Bruce Wishnov, DO was also present.

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

**Tab 3 - Nancy Pyram-Bernard, DO - Required Appearance for Approval of Monitor**

Dr. Pyram-Bernard was present without counsel. Her monitor, Ana Lugo-Lopez, DO was also present.

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

**Tab 4 - Celestino Santi, DO - Required Appearance for Approval of Monitor**

Pulled from agenda (granted a continuance).

**Tab 5 - Sameh Wanis, DO - Required Appearance for Approval of Monitor**

Dr. Wanis was present and represented by Bernard Cassidy, Esq. His monitor, Selva Ganesh, MD was also present.

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

**Tab 6 - Alex Wargo, DO - Request to Modify Final Order**

Dr. Wargo was present with Monica Rodriguez, Esq. Dr. Ziegler from PRN was also present. Dr. Wargo was petitioning the Board to remove the lifelong PRN contract requirement.

**Action Taken:** Dr. Rose moved to postpone the request until the next meeting pending the following:

- Obtain a copy of the two evaluations referenced by PRN during the meeting
- Proof of voluntary entry into PRNs extended monitoring program
- Place on the next agenda for review without a required appearance by Dr. Wargo

Dr. Hayden seconded the motion, which passed unanimously.

**DISCIPLINARY CASES**

**Tab 7 - Joseph Miller, DO - Settlement Agreement - Case #2012-10809**

Pulled from agenda by the Department.

**Tab 8 - Abel Ramos, DO - Settlement Agreement - Case #2013-06431**

Allegations of Complaint: 456.072(1)(cc)- retained foreign body

The Respondent was present and represented by Allen Grossman, Esq. Ms. Livingstone represented the Department and presented the case to the Board.

**Action Taken:** Dr. Rose moved to reject the settlement agreement as presented. Dr. Hayden seconded the motion, which passed unanimously. Dr. Rose moved to offer the following counter settlement agreement:

- Letter of Concern
- \$5,000 fine to be paid within 30 days of the Final Order
- \$2028.28 in costs to be paid within 30 days of the Final Order
- The 3 hour course previously taken shall be approved
- 1 hour lecture to ER personnel in the hospital where the Respondent works with the topic of the lecture being risk reduction/appropriate techniques for reducing harms to patients when inserting central lines; the lecture is to be completed within 6 months of the order and must be pre-approved by the Chair; documentation from the hospital risk manager must be submitted as proof of completion

Dr. Hayden seconded the motion, which passed unanimously.

Both parties agreed to the terms of the counter settlement agreement for the record.

**Tab 9 - Joe W. Morgan, DO - Informal Hearing - Case #2012-12854**

Allegations of Complaint: 459.015(1)(b)- discipline in another state

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

Dr. Burns moved to proceed with an informal hearing. Dr. Rose seconded the motion, which passed unanimously.

Dr. Burns moved to accept the agenda materials and investigative report as presented into the record as evidence and adopt the findings of fact as presented in the administrative complaint. Dr. Rose seconded the motion, which passed unanimously.

The Board heard testimony from the Respondent.

Dr. Burns moved to adopt the conclusions of law as presented in the administrative complaint. Dr. Hayden seconded the motion, which passed unanimously.

**Action Taken:** After discussion, Dr. Bellingar moved to impose the following penalty:

- An evaluation by PRN within 60 days and compliance with any recommendation; reserve jurisdiction to impose additional terms and restrictions; PRN evaluation should include the review of the Vanderbilt evaluation

Dr. Hayden seconded the motion, which passed unanimously.

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

- Reprimand
- \$1000.00 fine

Dr. Hayden seconded the motion, which passed unanimously.

**Action Taken on Motion to Assess Costs:** Dr. Burns moved to assess costs in the amount of \$238.46 to be paid within 60 days of the Final Order. Dr. Hayden seconded the motion, which passed unanimously.

Dr. Morgan also discussed his financial hardship and presented mitigating circumstances for payment of his fines and costs.

**Additional Action Taken:** Dr. Burns moved to allow 24 months to pay the fines and costs in this case. Dr. Mendez seconded the motion, which passed unanimously.

#### **Tab 10 - Gary Blumberg, DO - Voluntary Relinquishment - Case #2013-16441**

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

The respondent was not present or represented by counsel. Dr. Hayden recused herself from the case for personal reasons. Ms. Green represented the Department and presented the case to the Board.

**Action Taken:** Dr. Rose moved to accept the voluntary relinquishment of licensure. Dr. Bellingar seconded the motion, which passed unanimously.

**Break for 15 minutes**

#### **PROSECUTION SERVICES REPORT**

Ms. Green provided an overview of the current case load statistics.

**Action Taken:** Dr. Burns moved to authorize the Department to proceed with prosecuting cases over a year old. Dr. Rose seconded the motion, which passed unanimously.

## APPLICATIONS FOR LICENSURE

### **Tab 11 - Carl Aagesen, DO**

Dr. Aagesen was present without counsel. Dr. Aagesen was required to appear before the Board to discuss his application and Iowa state licensure exam, which did not appear to contain an osteopathic component.

**Action Taken:** Dr. Burns moved to conditionally approve the application pending proof of passage of the COMVEX exam within 12 months. Dr. Mendez seconded the motion, which passed unanimously.

### **Tab 12 - Mary Baker, DO**

Dr. Baker was present without counsel. Dr. Baker was required to appear before the Board to discuss her application, health history and lack of practice since 2005.

**Action Taken:** Dr. Rose moved to conditionally approve the application pending proof of passage of the COMVEX exam within 12 months. Dr. Bellinger seconded the motion, which passed unanimously.

### **Tab 13 - James Ditolla, DO**

Dr. Ditolla was present without counsel. Dr. Ditolla was required to appear before the Board to discuss his application, discipline in another state, Medicaid/Medicare exclusions, surrender of DEA license, criminal history, suspension of staff privileges and health history.

During discussion, the Board made motions to conditionally approve the application pending the following:

- Must practice under direct supervision for 1 year to include quarterly reports and an appearance at the first quarterly meeting with the monitor
- Attendance at the Drexel 6-week reentry program; jurisdiction is reserved to impose additional terms or conditions based on the Drexel evaluation
- PRN evaluation and compliance with any recommendation; jurisdiction is reserved to impose additional terms or conditions based on the PRN evaluation

Dr. Ditolla voiced concern with how this action may affect his licensure in other states and asked the Board for some time to consider his options. Dr. Ditolla waived his 90 days for the record.

**Action Taken:** A motion was made to table the application for 6 months to allow the applicant time to consider the licensure conditions the Board is contemplating placing on the license. Dr. Hayden seconded the motion, which passed unanimously.

### **No Tab – Dr. Armstrong Presentation**

Dr. Armstrong, State Surgeon General, thanked the Board for their willingness to volunteer and protect and serve the people of Florida.

### **Tab 25 - Mirna Martinez, DO**

Dr. Martinez was present without counsel. Dr. Baker was required to appear before the Board to discuss her application and health history.

Dr. Martinez waived the 90 days for the record.

**Action Taken:** Dr. moved to conditionally approve the application pending a PRN evaluation within 6 months and proof of compliance with any recommendation as a result of the evaluation; the chair has delegated authority to approve the PRN report if appropriate. Dr. seconded the motion, which passed unanimously.

## PETITIONS FOR VARIANCE OR WAIVER

### **Tab 26 - Douglas Baska, DO – Petition for Variance or Waiver from 64B15-13.001, F.A.C.**

Dr. Baska was not present or represented by counsel. Dr. Baska's petition asked the Board to waive the requirement for completion of live CME hours for licensure renewal.

**Action Taken:** Dr. Hayden moved to grant the petition for variance of obtaining the live participatory CME permanently. Dr. Bellinger seconded the motion, which passed unanimously.

## REVIEW AND APPROVAL OF MINUTES

### **Tab 14 - November 15, 2013 Board Meeting Minutes**

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

### **Tab 15 - December 11, 2013 Board Meeting Minutes**

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

## GENERAL BUSINESS AND CORRESPONDENCE

### **Tab 16 - Review and Approval of Annual Delegation of Authority**

**Action Taken:** Dr. Hayden moved to approve the delegation of authority as presented. Dr. Rose seconded the motion, which passed unanimously.

### **Tab 27 - Press Release – Joint Investigation Leads to Several Arrests in West Palm Beach**

Informational item.

## LEGISLATIVE UPDATE

### **Tab 17 - PCB RORS 14-02- Administrative Procedures**

Ms. McNulty provided an overview of the bill and its impact on the rule making process.

### **Tab 28 - SB 728**

Mr. Jusevitch provided an overview of the bill regarding telemedicine.

### **Tab 29 - SB 1230**

Mr. Jusevitch provided an overview of the bill regarding increasing the supervision ratio from 4 to 8.

### **No Tab- HB 7015**

Mr. Jusevitch provided an overview of the bill regarding streamlining the licensure process for military physicians and veterans.

## RATIFICATION OF LICENSURE

### **Tab 18 - Ratification of Licenses Issued 10/17/2013 - 1/30/2014**

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

### **Tab 19 - Ratification of Training Licenses Issued 10/17/2013 - 1/30/2014**

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

## **BOARD CHAIR REPORT – Ronald Burns, DO**

Dr. Burns provided an overview of several workgroups and committees he participates on, including the recent merger of the ACOM (AOA) and ACGME accreditation programs for postgraduate training programs.

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

### **Tab 20 - Rules Report**

Informational item.

### **Tab 21 - 64B15-14.0076 - Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation**

Ms. McNulty provided an overview of the proposed changes.

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

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

**Action on SERC Questions:** Dr. Burns 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.

### **Tab 22 - 64B15-14.007 - Standard of Care for Office Surgery**

Informational item.

### **Tab 30 - 64B15-10.002 – Application and Licensure Fees**

Mr. Jusevitch provided an overview of the proposed fee change.

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

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

**Action on SERC Questions:** Dr. Burns 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.

### **Tab 31 - 64B15-12.003 – Applications for Licensure (Review of Application for Licensure and Rule)**

Mr. Jusevitch explained the proposed changes to the licensure application. During discussion, some typographical errors were noted by the Board.

**Action Taken:** Dr. Burns moved to approve the language and application with the corrections mentioned. Dr. Rose seconded the motion, which passed unanimously.

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

**Action on SERC Questions:** Dr. Burns 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.

## **EXECUTIVE DIRECTOR REPORT – Anthony Jusevitch**

**Tab 23 - Section 456.0635, F.S. Update Report**  
Informational item.

## **JOINT COMMITTEE MEETING UPDATES**

**Tab 32 - Office Surgery Joint Committee Meeting Update- 2/6/2014 Meeting**

The committee members, Dr. Burns, Dr. Rose and Dr. Hayden provided an overview and update of the joint committee meeting.

## **COUNCIL ON PHYSICIAN ASSISTANTS REPORT – Ronald Burns, DO**

Dr. Burns provided an overview of the recent council meeting. He indicated there was an issue with physician assistants working in large groups or hospitals not always being made aware of when supervising physicians leave the practice. Because of this practice, the Department was hesitant to impose discipline against physician assistants that failed to notify the Department of supervisory changes. He noted that legislation would be introduced to correct this issue.

**Action Taken:** Dr. Rose moved to grant discretionary authority to the Department to determine disciplinary actions on this issue until the outcome of Session. Dr. Mendez seconded the motion, which passed unanimously.

**ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Ronald Burns, DO**  
No report.

## **BUDGET LIAISON REPORT – Vacant**

**Tab 24 - Expenditures by Function for Period Ending 9/30/2013**  
Informational item.

**PHARMACISTS FORMULARY REPORT - Joel Rose, DO**  
No report.

**UNLICENSED ACTIVITY REPORT**  
No report.

## **ELECTION OF 2014 OFFICERS**

Dr. Burns nominated Dr. Rose for Chair. Dr. Hayden seconded the nomination, which passed unanimously.

Dr. Burns nominated Dr. Hayden for Vice Chair. Dr. Mendez seconded the nomination, which passed unanimously.

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**There being no further business the meeting adjourned at 2:05 pm.**