



DRAFT MEETING MINUTES
Board of Osteopathic Medicine
General Business Meeting
May 15, 2015
9:00 a.m.

Tampa Airport Marriott
4200 George J Bean Parkway
Tampa, FL 33607
(813) 879-5151

Call to Order:

The meeting was called to order by Dr. Hayden, Chair, at 9:00 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,
Sandra Schwemmer, DO
Valerie Jackson, Consumer Member
Alicja Janson, Consumer Member

MEMBERS ABSENT:

Michelle Mendez, DO

STAFF PRESENT:

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

OTHERS PRESENT:

Penny Zeigler, MD, PRN

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

PRESENTATION OF BOARD CHAIRMAN'S AWARDS

Dr. Hayden presented the Board Chairman's award to Joel Rose, DO for his service as Chairman of the Board from March 7, 2014 – February 13, 2015.

PRESENTATION ON FLORIDA PRESCRIPTION DRUG MONITORING PROGRAM

Bob Macdonald, MS, Executive Director, Florida PDMP Foundation Inc. Mr. Macdonald thanked the Board for allowing him to speak before the Board about the Florida PDMP Foundation, Inc. and how it is assisting participating Florida Osteopathic Physicians to better manage prescribing controlled substances to their patients. The Florida PDMP Foundation is a non-profit organization established by the Florida Legislature in 2009 to seek funds for the Electronic Florida Online Reporting of Controlled Substance Evaluation (E-FORCSE) database. Currently, over 29,000 practitioners have registered to use the E-FORCSE database.

Currently, the Florida PDMP Foundation Inc. and Florida Medical Association are developing a 1.5 hour online continuing education course. The course will educate health care practitioners about the prescription drug monitoring program and its benefits in development of clinical risk management protocols for private practice. The Foundation will be seeking support from health care regulatory boards for input as to the importance of PDMP and course approval for CE/CME for licensees their biennial renewal.

Mr. Macdonald invited the Board to join other Florida boards in the approval and endorsement of the PDMP and of the continuing education course.

DISCIPLINARY CASES

1. Vincent Joseph Scolaro, D.O. – Settlement Agreement – Case # 2011-03025

Allegations of Complaint: Count I: Section 459.015(1)(x), FS., - committing medical malpractice.
Count II: Section 459.015(1)(t), FS., - legend drug outside of professional practice.
Count III: Section 459.015(1)(pp), F.S., by violating Rule 64B15-14.005(3), FAC.

The Respondent was present with counsel, Ken Skinner, Esq. Ms. Green represented the Department and presented the case to the Board. Dr. Penny Ziegler, Professionals Resource Network, was also present.

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

- Reprimand
- \$7,500 fine within 90 days of the filed final order
- Laws and Rules course
- UF Drug course
- Risk Management course
- Permanent Practice Restriction – Respondent may not own, operate, or practice osteopathic medicine in a Pain Management Clinic as defined by Section 459.0137, Florida Statutes (2013).

- Practice Restriction – Respondent shall not prescribe, administer, dispense, mix, or order Schedule II through V controlled substances, as defined by Chapter 893, Florida Statutes; however, after five years of probation (set forth below), Respondent may petition to lift this restriction for Schedules III through V provided he is in compliance with his PRN contract
- Probation – Two years direct, followed by 3 years indirect

Dr. Rose seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Schwemmer moved to assess costs in the amount of \$11,497.33 to be paid within 90 days of the filed final order. Motion seconded by Dr. Rose, which passed unanimously.

2. Robert E. Tomas, D.O. – Settlement Agreement – Case # 2013-12312

Allegations of Complaint: Count I: Section 456.072(1)(bb), FS., - wrong-site or unauthorized procedure. Count II: Section 459.015(1)(m), FS.,- fraudulent misrepresentation.

The Respondent was present with counsel, Gabrielle Osborn, Esq. 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.

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

- \$7,500 fine within 30 days of the filed final order
- Florida Medical Association sponsored Laws and Rules course
- CME to include
 - 12 hours in risk management
 - 21 hours in patient care
 - 12 hours in professionalism
- 1 hour lecture to include wrong site surgery, the particular issues involved in this case, practice improvements for the “time-out” process in ambulatory surgery centers, and process improvements in informed consent.

Dr. Rose seconded the motion, which passed unanimously.

Additional Action Taken: Dr. Hayden moved to assess costs in the amount of \$2,144.70 to be paid within 30 days of the filed final order. Motion seconded by Dr. Rose, which passed unanimously.

3. David H. Kiner, D.O. – Voluntary Relinquishment – Case # 2014-06492

Allegations of Complaint: 459.015(1)(w)- unable to practice with reasonable skill and safety

The Respondent was not present nor represented by 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.

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

4. Michael Joseph Baglino, D.O. – Voluntary Relinquishment – Case # 2015-04095

Allegations of Complaint: Section 456.072(1)(hh), FS., - terminated from treatment program

The Respondent was not present nor represented by counsel. Mr. Witters represented the Department and presented the case to the Board.

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

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

Allegations of Complaint: Counts I-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. Ms. Green 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. Schwemmer 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. Bellinger seconded the motion, which passed unanimously.

The Board heard testimony from Mr. Goldstein and the Respondent.

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

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

- \$55,000 fine to be paid within 1 year of the filed final order
- Permanent Practice Restriction – Respondent shall not prescribe, administer, dispense, mix, or order Schedule II through V controlled substances, as defined by Chapter 893, Florida Statutes (2015).
- Permanent Practice Restriction – Respondent may not own, operate, or practice osteopathic medicine in a Pain Management Clinic as defined by Section 459.0137, Florida Statutes (2015).
- CME within 12 months of the filed final order:
 - Medical Records course
 - Legal and Ethical Implications in Medicine
 - Laws and Rules
- Probation – The Respondent's license shall be placed on probation for five years with indirect supervision.

Dr. Hayden seconded the motion, which passed unanimously.

Action Taken on Motion to Bifurcate Costs: Dr. Hayden moved to grant the Petitioner's Motion to Bifurcate and Retain Jurisdiction to Assess Costs. Dr. Schwemmer seconded the motion, which passed unanimously.

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

Allegations of Complaint: Count I: Section 459.015(1)(x) – committing medical malpractice

Count 2: Section 459.015(1)(t) – prescribing outside of physicians practice

Count 3: Section 459.015(1)(pp) – by violating Rule 64B15-14.005(3), FAC.

Count 4: Section 459.015(1)(o) – failure to keep legible medical records

The Respondent was present with counsel, Mark Goldstein, Esq. Ms. Green 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 and adopt the findings of fact as presented in the administrative complaint.

Dr. Bellinger seconded the motion, which passed unanimously.

The Board heard testimony from Mr. Goldstein and the Respondent.

Dr. Hayden moved to adopt the conclusions of law as presented in the administrative complaint.

Dr. Bellinger seconded the motion, which passed unanimously.

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

- Reprimand
- \$1,000 fine to be paid within 30 days of the filed final order
- Permanent Practice Restriction – Respondent shall not prescribe, administer, dispense, mix, or order Schedule II through V controlled substances, as defined by Chapter 893, Florida Statutes (2015).
- Permanent Practice Restriction – Respondent may not own, operate, or practice osteopathic medicine in a Pain Management Clinic as defined by Section 459.0137, Florida Statutes (2015).
- CME within 12 months of the filed final order:
 - Medical Records course
 - Legal and Ethical Implications in Medicine
 - Laws and Rules
- Probation – The Respondent's license shall be placed on probation for five years with indirect supervision.

Dr. Bellinger seconded the motion, which passed unanimously.

Action Taken: Dr. Schwemmer moved to assess costs in the amount of \$5,385.28 to be paid within 30 days of the filed final order. Dr. Hayden seconded the motion, which passed unanimously.

7. David Bryan Levy, D.O. – Informal Hearing – Case # 2014-01226

Allegations of Complaint: Section 459.015(1)(b), FS., - license to practice osteopathic medicine acted against by another jurisdiction

The Respondent was not present nor represented by counsel. Mr. Witters 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 and adopt the findings of fact as presented in the administrative complaint.

Dr. Bellinger seconded the motion, which passed unanimously.

Dr. Hayden moved to adopt the conclusions of law as presented in the administrative complaint.

Dr. Bellinger seconded the motion, which passed unanimously.

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

- \$2,500 fine to be paid within 30 days of filed final order
- Suspension – Until completion of
 - Holds unencumbered Ohio Osteopathic Physician license
 - FMA Legal and Ethical Implications in Medicine course
 - FMA Physician’s Survival Guide – Laws and Rules course
 - CPEP Boundaries course

Dr. Hayden seconded the motion, which passed unanimously.

Action Taken: Dr. Hayden moved to assess costs in the amount of \$223.20 to be paid within 30 days of the filed final order. Dr. Bellinger seconded the motion, which passed unanimously.

55. Lucy Valencia, D.O. – Settlement Agreement – Case # 2010-08883

Allegations of Complaint: Section 456.072(1)(c), FS., - convicted of crime related to the practice

The Respondent was present with counsel, William Furlow, Esq. 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 reject the settlement agreement as presented. Dr. Bellinger seconded the motion, which passed unanimously. Dr. Hayden moved to offer the following counter settlement agreement:

- Reprimand
- Permanent Practice Restriction – Respondent shall not prescribe, administer, dispense, mix, or order Schedule II controlled substances, as defined by Chapter 893, Florida Statutes (2015).
- Probation – The Respondent’s license shall be placed on probation for two years with indirect supervision. Monitor may be within 45 miles.

Dr. Rose seconded the motion, which passed unanimously.

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

Additional Action Taken: Dr. Hayden moved to assess costs in the amount of \$1,281.88 to be paid within 30 days of the filed final order. Motion seconded by Dr. Bellinger, which passed unanimously.

PROSECUTION SERVICES REPORT

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

Action Taken: Dr. Rose moved to direct the Department to continue to prosecute the 136 cases over a year old. Motion seconded by Dr. Hayden, which passed 5/1 with Dr. Schwemmer.

APPLICANTS FOR FULL LICENSURE

8. Jason Georgekutty, DO

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

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

10. Kirk Nelson, DO

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

Action Taken: After discussion, Dr. Rose moved to grant the license with the condition that the applicant successfully pass the COMVEX within 12 months of the filed final order. Motion seconded by Dr. Hayden, which passed unanimously.

(break)

9. Sheryl Lavender, DO

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Dr. Rose moved to require the applicant's appearance at one of the next two regularly scheduled board meetings. Motion seconded by Dr. Bellingar, which passed unanimously.

CONDITIONAL LICENSURE REVIEW

11. Ty Anderson, DO

Dr. Anderson was present with counsel, William Furlow, Esq. and monitor, Dr. Fana.

Action Taken: After discussion, Dr. Bellingar moved to approve the monitor and to issue applicant's license upon completion of the missing CE hour for domestic violence course imposed in previous Notice of Intent to Approve with Conditions and an updated CV from Dr. Fana. The Board Chair is delegated authority to approve the CE coursework and updated CV. Motion seconded by Dr. Hayden, which passed unanimously.

Action Taken: After discussion, Dr. Hayden moved to grant the AHCA exemption . Motion seconded by Dr. Rose, which passed unanimously.

PROBATION AND COMPLIANCE OVERVIEW

12. Mark Kantzler, DO – Required Appearance to Review Payment Extension and Payment Plan

Dr. Kantzler was present without counsel.

Action Taken: After discussion, Dr. Rose moved to extend the payment plan for Dr. Kantzler for another 12 months with a monthly payment amount of \$250. Motion seconded by Dr. Hayden, which passed unanimously.

13. David Simon, DO – Formal Approval of Monitor

This item was pulled from the agenda.

14. Amy Seinfeld, DO – Formal Approval of Monitor

Dr. Seinfeld was present with monitor, Dr. Katanick.

Action Taken: Dr. Rose moved to approve the monitor and respondent's reports. Motion seconded by Dr. Hayden, which passed unanimously.

PETITIONS

15. Stuart Chesky, D.O. – Petition for Termination of Condition

Dr. Chesky was present with counsel, William Furlow, Esq.

Action Taken: Dr. Rose moved to grant the petition to lift the restriction after the licensee demonstrates to the Board successful passing of one of the following examinations within 12 months of this Order: the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX); or the certifying examinations offered by American Osteopathic Board of Obstetrics and Gynecology (AOBOG); or the American College of Obstetrics/Gynecology (ACOG). Motion seconded by Dr. Hayden, which passed unanimously.

30. Barry Kaplan, D.O. – Petition for Variance from Final Order

This item was pulled from the agenda.

EXPERT WITNESS APPLICATIONS

Action Taken: Dr. Hayden moved to approve expert witness applications items 31 through 48 en masse. Motion seconded by Dr. Bellingar, which passed unanimously.

- 31. Frank Bono
- 32. Mark Cheiken
- 33. Anthony Davis
- 34. Steven Duther
- 35. John Ferris
- 36. Steven Grieper
- 37. Douglas Joyce
- 38. Richard Kimmell
- 39. Krishna Kumar
- 40. Marah Lee
- 41. Hal Pineless
- 42. David Rabaja
- 43. Patricia Rooney

- 44. Julie Saranita
- 45. Samuel Smith
- 46. Joel Stein
- 47. Tracy Weiner
- 48. Steven Woodring

REVIEW AND APPROVAL OF MINUTES

16. Review and Approval of February 13, 2015 Meeting Minutes

Action Taken: Dr. Bellingar moved to approve the minutes as written. Motion seconded by Dr. Hayden, which passed unanimously.

RATIFICATION OF LICENSURE

17. Ratification of Full Licenses Issued 1/18/2015 – 4/15/2015

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

18. Ratification of Training Licenses Issued 1/18/2015 – 4/15/2015

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

GENERAL BUSINESS AND CORRESPONDENCE

49. MQA Annual Report 2013-2014

Informational Item

BOARD CHAIRMAN REPORT – Anna Hayden, DO

19. Government Accountability Office Report Re: Drug Shortages

The Board requested that this item be placed on the August meeting agenda for further discussion and directed Board staff to gather more information from other regulatory boards affected. The Board also requested that Ms. Robinson attend the Controlled Substance Rules Committee meeting in conjunction with the Board of Pharmacy meeting on June 9 in Lake Buena Vista, FL. The Board further showed interest in a collaborative meeting between all medical boards affected to share ideas and make a collective statement and action plan.

50. 2015 Federation of State Medical Boards Annual Meeting update

Informational

51. NBOME 2014 Annual Report

Informational

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

20. NC State Board of Dental Examiners v. Federal Trade Commission

Ms. McNulty explained the case involving the Federal Trade Commission vs. North Carolina Board of Dentistry. An overview was provided of the decision and its potential effects in Florida, including Regulatory Boards facing Anti-Trust violations and or lawsuits. This decision also has the potential to change the dynamics of Regulatory Boards to where 50% of serving board members are consumer members.

Ms. McNulty stated that she is working with the Anti-Trust Division in the Attorney General's office and will share information with the Board as it becomes available.

21. April Rules Report

Informational

22. Annual Regulatory Plan 2015-2016

Action Taken: Dr. Schwemmer moved to approve the regulatory plan for 2015-2016. Motion seconded by Dr. Rose, which passed unanimously.

Action Taken: Dr. Rose moved to delegate the Board Chair to collaborate with Board Counsel on annual review of existing rules. Motion seconded by Dr. Bellingar, which passed unanimously.

23. 64B15-9.008 Board Member Compensation

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

64B15-9.008 Board Member Compensation. For purposes of board member compensation under subsection (4) of Section 456.011 ~~455.207~~, F.S., "other business involving the board" is defined to include:

- (1) Board meetings;
- (2) Any meetings of committees of the board ~~officially appointed by the chair as set out in the official minutes of the board where statutory authority is given by the practice act;~~
- (3) Meetings of a board member with Department staff or contractors of the Department at the Department's request. ~~Any participation or meeting of members noticed or unnoticed will be on file in the board office;~~
- (4) Where a board member has been requested by the State Surgeon General to participate in a

meeting;

(5) Probable cause panel meetings; and

(6) All participation in board-authorized meetings with professional associations of which the board is a member or invitee. ~~This would include, but not be limited to, all meetings of national associations of which the board is a member as well as board- authorized participation in meetings of national or professional associations or organizations involved in educating, regulating, or reviewing the profession over which the board has statutory authority; and~~

(7) ~~Conference calls for which licensing or disciplinary action is agendaed or which exceed one hour in duration.~~

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

24. 64B15-10.0055 Registration Fee for Residents, Interns and Fellows; 64B15-10.0075 Unlicensed Activity Fee; 64B15-10.008 Change of Status Fee

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

64B15-10.0055 Registration Fee and Renewals for Residents, Interns and Fellows.

Every resident, intern or fellow registering with the Department pursuant to Rule 64B15-22.004, F.A.C., shall pay a fee of \$100 at the time of initial registration and at the time of renewal.

64B15-10.0075 Unlicensed Activity Fee.

~~The Department of Health is authorized to collect an additional \$5.00 with each initial licensure fee and each biennial renewal fee for the purpose of investigating and prosecuting the unlicensed practice of osteopathic medicine.~~

64B15-10.008 Change of Status Fee.

A licensee shall pay a change of status fee of one hundred dollars (\$100) when the licensee applies for a change in licensure status at any time other than during licensure renewal. ~~The renewal period shall begin ninety (90) days prior to the end of the biennium and shall end on the last day of the biennium.~~

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

25. 64B15-12.003 Applications for Licensure; 64B15-12.004 Personal Appearance by Applicant

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

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination or endorsement must include a completed application form and appropriate fee as set forth in Section 459.0055, F.S., and subsection 64B15-10.002(1), F.A.C. The instructions and application form, DH-MQA 1029, (Revised 03/14), entitled "Application For Licensure" is hereby incorporated by reference, and may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-04375>, from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or from the website at: <http://www.floridasosteopathicmedicine.gov/>. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

~~(2) Applicants making initial application for licensure shall complete an educational courses approved by the Board pursuant to Rule 64B15-13.001, F.A.C., on prevention of medical errors.~~

64B15-12.004 Personal Appearance by Applicant.

~~(1) The Board may require a personal appearance of any applicant for licensure or certification as a condition of said licensure or certification. The Board will provide adequate notice as to the time and place of the appearance as well as a statement of the purpose and reasons for said appearance.~~

~~(2) In determining whether an appearance is required for malpractice actions under this section, the following will be considered:~~

~~(a) The number of malpractice actions or claims, and their disposition.~~

~~(b) The status of the physician at the time of the claim as a resident or intern. (c) The number of years elapsing since the last malpractice claim.~~

~~(d) Any additional relevant factors.~~

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

26. 64B15-14.0015 Notice to the Department of Mailing Address and Place of Practice of Licensee

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

64B15-14.0015 Notice to the Department of Mailing Address and Place of Practice of Licensee.

Each licensee shall provide by mail-written notification to the department of the licensee's current mailing address and place of practice. The term "place of practice" means the primary physical location where the osteopathic physician practices the profession of osteopathic medicine.

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

27. 64B15-19.007 Citations

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

64B15-19.007 Citations.

(r)Failure of the designated physician in pain management clinic to submit the data required by Section 459.0137(2)(j)2., F.S.; Section 459.015(1)(g), F.S. The fine shall be \$1,000 and a requirement to submit the delinquent data within 30 days."

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

52. May 2015 Rules Report

Informational

53. 64B15-14.007 – Standard of Care for Office Surgery

Jason D. Winn, Esq., Florida Osteopathic Medical Association, asked that the Board stay any disciplinary action on Osteopathic Physicians

Aldo Leiva, Florida Women Care, addressed the Board and gave an update regarding the deadline extension to submit patient safety data to Joint Office Surgery Rule Subcommittee.

This item was tabled to the August board meeting so more information could be brought before the Board.

Action Taken: Dr. Hayden moved to appoint Dr. Schwemmer to the Office Surgery Rule Subcommittee and Telemedicine Subcommittee. Motion seconded by Dr. Bellingar, which passed unanimously.

EXECUTIVE DIRECTOR REPORT – Christy Robinson

28. Delegation of Authority, Revised May 2015

Action Taken: Dr. Schwemmer moved to approve the revised Delegation of Authority. Motion seconded by Dr. Bellingar, which passed unanimously.

Legislative Update

SB 450 – Pain Management Clinics

Ms. Robinson indicated that this bill requires the Department of Health to continue to regulate the registration and inspection of pain management clinics. It is scheduled to be signed into law by the Governor and Board staff will update Board members as more information becomes available.

JOINT COMMITTEE MEETING UPDATES

No updates at this time

COUNCIL ON PHYSICIAN ASSISTANT'S REPORT – Vacant

Action Taken: After discussion, Dr. Hayden moved to appoint Dr. Rose to the Physician Assistant's Council. Motion seconded by Ms. Jansen, which passed unanimously.

ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Vacant

No report at this time

BUDGET LIAISON REPORT – Vacant

29. Expenditures by Function for Period Ending December 31, 2014

Action Taken: After discussion, Dr. Hayden moved to appoint Dr. Schwemmer as the Budget Liaison. Motion seconded by Dr. Bellingar, which passed unanimously.

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 Bellingar, DO

54. Healthiest Weight Board Liaison Presentation

Dr. Bellingar provided information on Healthiest Weight Florida, which was launched in 2013. Healthiest Weight Florida is a public-private collaboration bringing together state agencies, not

for profit organizations, businesses, and entire communities to help Florida's children and adults make consistent, informed choices about healthy eating and active living.

Only 36 percent of Floridians are at a healthy weight and if our current trend continues, almost 60 percent will be obese by 2030. This obesity is expected to contribute to millions of cases of preventable chronic diseases such as type 2 diabetes, heart disease and cancer, costing an estimated \$34 billion over the next 20 years in Florida.

The overall goal of this initiative is to bend the weight curve by 5% by 2017.

The Board would like to receive communication from the Department on updates with this initiative.

OLD BUSINESS

No report at this time

NEW BUSINESS

No report at this time

ADJOURN

There being no further business the meeting adjourned at 2:30pm.

Next Meeting:

August 21, 2015

DoubleTree by Hilton Deerfield Beach

100 Fairway Drive

Deerfield Beach, FL 33441

(954) 427-7700