



**DRAFT MEETING MINUTES**  
**Board of Osteopathic Medicine**  
**General Business Meeting**  
**February 26, 2016**  
**8:00 a.m.**

**Safety Harbor Resort & Spa**  
**105 North Bayshore Drive**  
**Safety Harbor, FL 34569**  
**(727) 724-7710**

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**Call to Order:**

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**STAFF PRESENT:**

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

**COURT REPORTER:**

Murray 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.*

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

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

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

Ms. McNulty presented the above items to the Board and gave a brief synopsis of the Supreme Court ruling and its effects on the Board at this time.

## DISCIPLINARY CASES

### **1. Ralph M. Wurster, D.O. - Settlement Agreement- Case # Case # 2010-18386**

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

The Respondent was present with counsel, Allen Grossman, Esq. Dr. Ziegler, Professionals Resource Network, was also present. 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 adopt the settlement agreement as orally amended. Dr. Mendez seconded the motion, which passed 5/1 with Dr. Schwemmer opposing the motion.

#### **Penalties Imposed:**

- Appearance
- \$2,500 administrative fine
- Costs \$7,197.05 within 12 months
- Drug Course CME
- Legal and Ethical Implications in Medicine Course CME

### **2. Ramsey Habeeb Saffouri, D.O. - Settlement Agreement - Case # 2014-06345**

### **3. Ramsey Habeeb Saffouri, D.O. - Settlement Agreement - Case # 2014-04187**

The above cases were pulled from the agenda.

### **4. Michael Stampar, D.O. – Settlement Agreement – Case # 2013-03438**

*Allegations of Complaint: Section 459.015(1)(x), Section 459.015(1)(o), and Section*

459.015(1)(s), F.S.

The Respondent was present with counsel, Gregory 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 reject the settlement agreement as presented and offer a counter settlement agreement removing the drug course requirement. Dr. Schwemmer seconded the motion, which passed unanimously.

**Penalties Imposed:**

- Letter of Concern
- Appearance
- \$10,000 administrative fine
- Costs \$3,397.08
- Laws and Rules Course CME
- Records Course CME
- Risk Management Assessment
- Risk Management Course CME

**5. Gino Alberto, D.O. – Settlement Agreement – Case # 2014-00773**

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

The Respondent was present with counsel, Rina Clemens, 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 reject the settlement agreement as presented and offer a counter settlement agreement. Dr. Hayden seconded the motion, which passed unanimously.

**Penalties Imposed:**

- Appearance
- \$2,500 administrative fine
- Costs \$3,893.22
- Sepsis and Management Course CME – Live, 5 hours
- Risk Management Course CME – Live, 3 hours

**6. Robert John Meek, D.O. – Settlement Agreement – Case # 2014-05789**

**7. Mark Leeds, D.O. – Settlement Agreement – Case # 2011-13589**

The above cases were pulled from the agenda.

**8. Ronald M. Lesko, D.O. – Voluntary Relinquishment - Case # 2014-14689**

*Allegations of Complaint: Count I: Section 459.015(1)(b) and Section 456.072(1)(w), F.S.*

The Respondent was not present nor represented by counsel. 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. Bellinger moved to accept the voluntary relinquishment. Dr. Rose seconded the motion, which passed unanimously.

## **PROSECUTION SERVICES REPORT**

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

## **PROBATION AND COMPLIANCE REVIEW**

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

Dr. Pamer was present with counsels, Allen Grossman, Esq., and Edwin Bayo, Esq. Dr. Ziegler, Professionals Resource Network, was also present.

**Action Taken:** Dr. Hayden moved to approve the request to lift the practice restriction: 1) because he is the only credentialed critical care pulmonologist serving Florida Medicaid patients in his community; 2) because of the hardship to the community in his specialty area of practice; 3) based on information provided by the PRN; and 4) compelling letters as they relate to his specialty practice as a critical care pulmonologist. Dr. Rose seconded the motion, which passed unanimously.

### **10. Debra Raggow, DO – Request to Terminate Probation and Lift Restriction**

Dr. Raggow was present with monitor Alan Tannenbaum, MD.

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

**Action Taken:** Dr. Hayden moved to deny request the practice restriction. Dr. Rose seconded the motion, which passed unanimously.

### **11. Celestino Santi, DO – Request to Terminate Probation**

Dr. Santi was present with counsel, Ed Bayo, Esq. and without monitor, Ajay Bisht, MD. Dr. Ziegler, Professionals Resource Network, was also present.

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

unanimously.

### **12. Vincent Scolaro, DO – Formal Approval of Monitor and Request for Extension of Payment Plan**

Dr. Scolaro was present with counsel, Allen Grossman, Esq., and monitor, Mark Webster, MD. Dr. Ziegler, Professionals Resource Network, was also present.

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

**Action Taken:** After discussion, Dr. Hayden moved to grant extension of the payment plan for Dr. Scolaro for another year and to combine the amounts in Case #2011-18625 and 2011-14096, filed November 29, 2012, and Final Order in Case #2011-03025, filed June 16, 2015, for a total monthly payment amount of \$300. Motion seconded by Dr. Mendez, which passed unanimously.

**Action Taken:** After discussion, Dr. Hayden moved to grant the request to lift the practice restriction prohibiting Dr. Scolaro from prescribing, administering, dispensing, mixing, or ordering Schedule V controlled substances. Motion seconded by Dr. Mendez, which passed unanimously.

### **13. Sameh Wanis, DO – Request to Terminate Probation**

Dr. Wanis was present with counsel, Josh Bloom, Esq. and monitor, Selva Ganesh, MD.

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

## **APPLICANTS FOR FULL LICENSURE**

### **34. Monique Cheryl Adu, 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. Motion seconded by Dr. Rose, which passed unanimously.

### **35. Joseph Jackson, DO**

This applicant withdrew their application prior to the meeting.

**Action Taken:** Dr. Schwemmer moved to approve the withdrawal of the application. Motion seconded by Dr. Rose, which passed unanimously.

### **36. Lou Jacobs, DO**

Applicant was not present nor represented by counsel.

**Action Taken:** After discussion, Dr. Bellingar moved to require his appearance at one of the next two regularly scheduled meetings. Motion seconded by Sr. Schwemmer, which passed unanimously.

### **37. Michael J. Lupi, 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 under the following condition that must be completed prior to licensure: successful passage of the COMVEX within 12 months of the filed Final Order. Motion seconded by Dr. Mendez, which passed unanimously.

## **EXPERT WITNESS APPLICATIONS**

**Action Taken:** Dr. Hayden moved to approve expert witness applications items 15 through 17 en masse. Motion seconded by Dr. Mendez, which passed unanimously.

- 15. Michael Creamer, DO
- 16. Brian Kelly, DO
- 17. Anthony Marcotte, DO

**Action Taken:** Dr. Hayden moved to approve expert witness application of Phillip Christ, DO. Motion seconded by Dr. Mendez, which passed unanimously.

## **REVIEW AND APPROVAL OF MINUTES**

### **15. Review and Approval of December 18, 2015 Meeting Minutes**

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

## **RATIFICATION OF LICENSURE**

### **16. Ratification of Licenses Issued 10/28/2015 – 02/12/2016**

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

## **17. Ratification of Training Licenses Issued 10/28/2015 – 02/12/2016**

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

## **BOARD CHAIRMAN REPORT – Bridget Bellingar, DO**

Dr. Bellingar thanks Dr. Hayden for her service to the Board as Chair and gave the floor to Dr. Hayden to present the below items. Dr. Hayden gave a brief synopsis of the 2016 Osteopathic Medical Education Leadership Conference and the AAOE Interstate Medical Licensure Compact Commission Meeting, which Dr. Mendez also attended.

Dr. Hayden thanked the entire Board for their service and shared her appreciation for each member continuing to dedicate their time to the multiple board meetings and collaborative meetings with other boards.

- 21. 2016 Osteopathic Medical Education Leadership Conference Summary**
- 22. 2016 Osteopathic Medical Education Leadership Conference Agenda**
- 23. AAOE Interstate Medical Licensure Compact Commission Meeting Report**

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

**26. February 2016 Rules Report**  
Informational item

**27. 64B15-13.001, F.A.C, Continuing Education for Biennial Renewal**

**Action Taken:** Dr. Hayden moved to keep the language the same. Dr. Mendez seconded the motion, which passed unanimously.

**28. 64B15-14.007, F.A.C. – Standard of Care for Office Surgery**

**Action Taken:** Dr. Hayden moved to approve the language with the addition of a footnote as orally indicated to the SERC form presented and proceed with rulemaking. Dr. Mendez seconded the motion, which passed unanimously.

**29. 64B15-14.0081, F.A.C. – Standards for Telemedicine Practice**

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

**Action on SERC Questions:** 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. 64B15-6.010, F.A.C. – Physician Assistant Performance**

**Action Taken:** Dr. Schwemmer moved move forward with rule development and language. Dr. Mendez seconded the motion, which passed unanimously.

#### **41. 64B15-6.003, F.A.C. – Physician Assistant Licensure**

**Action Taken:** Dr. Rose moved to notice the rule for development. Dr. Schwemmer seconded the motion, which passed unanimously.

#### **EXECUTIVE DIRECTOR REPORT – Claudia Kemp**

Ms. Kemp introduced Daisy King as the new Program Operations Administrator for the Board of Osteopathic Medicine. Ms. King expressed she was looking forward to working with the Board.

Ms. Daniela Lee, from the Department's Bureau of Operations, advised the Board of the upcoming improvements to the Web iViewer agenda program. She also indicated she would be taking the board member's comments back to the office for the next phase of improvements.

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

##### **30. February 4, 2016 Council on Physician Assistants Meeting Minutes**

**Action Taken:** Dr. Mendez moved to approve the minutes as presented. Motion seconded by Dr. Hayden, which passed unanimously.

#### **PHARMACY CONTROLLED SUBSTANCES STANDARDS COMMITTEE REPORT – Michelle Mendez, DO**

##### **31. December 9, 2015 Board of Pharmacy, Controlled Substances Standards Committee Meeting Minutes**

Dr. Mendez represented the Board at the Controlled Substances Standards Committee Meeting in December. She indicated that the Board of Pharmacy adopted rule 64B16-27.831, FAC, which further delineates for the pharmacists what their obligation is when patients are being prescribed controlled substances. It introduces a three part verification when there are concerns regarding prescription validity that the pharmacist must discuss with the patient or patient's representative about their understanding of the drug, consult the PDMP, and contact with the prescribing physician.

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

No report at this time.



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

No report at this time.

## **ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Vacant**

Dr. Bellingar appointed Dr. Rose to Anesthesiology Assistants Committee.

## **BUDGET LIAISON REPORT – Vacant**

### **32. Expenditures by Function for Period Ending September 30, 2015**

Dr. Bellingar appointed Dr. Hayden as budget liaison.

## **UNLICENSED ACTIVITY LIAISON REPORT – Vacant**

Dr. Bellingar appointed Dr. Schwemmer as unlicensed activity liaison.

## **HEALTHY WEIGHT LIAISON REPORT – Bridget Bellingar, DO**

### **38. Healthiest Weight CE/CME Course**

This item is informational

## **OLD BUSINESS**

### **33. Correspondence from PRN, dated 1/6/2016**

This item is informational

## **NEW BUSINESS**

Dr. Hayden mentioned that she would like to discuss adding ACGME internships to the Board's legislative proposal for next year at the upcoming May meeting.

Dr. Rose asked that the Board discuss the Chair and Vice-Chair elections at the upcoming May meeting to determine a schedule for voting going forward.

Dr. Rose mentioned that at the Council on Physician Assistant's meeting, they noticed an increasing number of wrong cite surgeries being reported through AHCA code 15, specifically in ambulatory surgery settings. He asked Board staff to gather information as it pertains to Osteopathic Physicians. Ms. McNulty added that Ms. Kemp could work with the Board of

Medicine staff to gather this information and bring before the Board.

**INFORMATIONAL**

**39. American College of Emergency Physicians, Emergency Medicine Telemedicine Memorandum**

This item is informational

**ADJOURN**

There being no further business the meeting adjourned at 1:30pm.

**Next Meeting: May 20, 2016**

DRAFT