



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

Sawgrass Marriott Resort  
1000 PGA Tour Blvd  
Ponte Vedra Beach, FL 32082  
(904) 280-7017

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**Call to Order:**

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Alicja Janson, Consumer Member (excused)

**STAFF PRESENT:**

Kama Monroe, Executive Director  
Claudia Kemp, Executive Director Board of Medicine  
Daisy King, Program Operations Administrator  
Donna McNulty, Esq., Board Counsel  
Matthew Witters, Esq, DOH Prosecuting Attorney  
Louise St. Laurent, Assistant General Counsel

**COURT REPORTER:**

Precision Court Reporting  
Lalonda Hall  
904-629-5310

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.*

## Office of Compassionate Use Presentation

Louise St Laurent, Assistant General Counsel with the Florida Department of Health provided a power point presentation to the Board. This presentation provided an update on the Department's implementation of the Compassionate Medical Cannabis Act.

## DISCIPLINARY CASES

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

The Respondent was present with counsel, Shylie Bannon, Esq. Mr. Witters, Esq., represented the Department and presented the case to the Board. Dr. Bellinger was recused from the case due to her participation on the probable cause panel.

**Action Taken:** After discussion, Dr. Rose moved to reject the settlement agreement as presented and offered a counter settlement agreement, Dr. Schwemmer seconded the motion, which passed. Dr. Hayden opposed.

**Penalties Imposed:**

- Reprimand
- \$5000 administrative fine
- Costs \$3, 063.17
- CME Course in Legal & Ethical Implications of medicine offered by FMA
- Restitution of \$6,000 to patient
- Quality Assurance Consultation/Risk Management Assessment
- Probation (12 months)
- 30% of charts reviewed by monitor
- Monitor must be within 20 mile radius of office
- Quarterly reports
- Appearance of monitor (first and last)

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

The Respondent was present with counsel, Shylie Bannon, Esq. Mr. Witters, Esq., represented the Department and presented the case to the Board. Dr. Bellinger was recused from the case due to her participation on the probable cause panel.

**Action Taken:** After discussion, Dr. Rose moved to reject the settlement agreement as presented and offered a counter settlement agreement, Dr. Schwemmer seconded the motion, which passed unanimously.

**Penalties Imposed:**

- Reprimand
- \$5,000 administrative fine
- Costs \$2063.08
- CME 5 hour course in Diagnosis and Treatment of infectious respiratory conditions
- Restitution of \$12,600 to patients
- CME Records Course
- Probation (12 months) (run concurrent with case #2014-0418)

### 3. David Thanh Nguyen, D.O. - Settlement Agreement - Case #2015- 19185

The Respondent was present with counsel, John Goldsmith, Esq. Mr. Witters, Esq., represented the Department and presented the case to the Board. Ms. Jansen was recused from the case due to her participation on the probable cause panel.

**Action Taken:** After discussion, Dr. Rose moved to accept the settlement agreement as presented and offered a counter settlement agreement, Dr. Hayden seconded the motion, which passed unanimously.

**Penalties Imposed:**

- \$1, 000 administrative fine
- Costs \$2115.74

**4. Quinn Kiley Karter, D.O. - Settlement Agreement Case #2011 – 02477 & 2011-05666**

The Respondent was not present with counsel, Johnathan Chambers, 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 accept the settlement agreement as presented, Dr. Schwemmer seconded the motion, which passed unanimously.

**Penalties Imposed:**

- Voluntary Relinquishment

**PROSECUTION SERVICES REPORT**

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

**Action Taken:** Dr. Bellinger moved to direct the Department to continue to prosecute cases over a year old. Valerie Jackson seconded the motion, which passed unanimously.

**PROBATION AND COMPLIANCE REVIEW**

**David Simon – Annual Appearance**

Dr. Simon was present with counsel, David Spicer, Esq. and Penny Ziegler, M.D., FASAM, of PRN for his annual appearance.

**Action Taken:** The Board noted in future reports they would like to see more detail in monitor reports. The monitor must submit the date of the review of Dr. Simon's records, the number of charts reviewed and name of female chaperones as required by the final order. The monitor must appear at the end of probation.

**Raymond Failer – Modification of Final Order Request**

Dr. Failer was present without counsel.

**Action Taken:** After discussion, Dr. Rose, moved to extend the due date of the fines and costs by six months, Dr. Mendez seconded the motion, which passed. Dr. Schwemmer opposed.

## **EXPERT WITNESS APPLICATIONS**

Nilusha Fernando  
Timothy Grant  
Sarah Katta  
Glen David Lowery

**Action Taken:** After discussion, the Board would like to continue to see expert applications on the agenda for information only.

## **REVIEW AND APPROVAL OF MINUTES**

### **June 17, 2016 Meeting Minutes**

**Action Taken:** Dr. Schwemmer moved to approve the minutes, Dr. Rose seconded the motion which passed unanimously.

### **May 20, 2016 Meeting Minutes**

**Action Taken:** Dr. Schwemmer moved to approve the minutes as amended, Dr. Mendez seconded the motion, which passed unanimously.

## **APPLICANTS FOR FULL LICENSURE**

### **Deborah Davidson**

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

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure upon Dr. Davidson passing the convex exam within 24 months Dr. Mendez seconded the motion, which passed unanimously.

### **Sheryl Lavender**

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

**Action Taken:** After discussion, Dr. Rose moved to allow the applicant to withdraw her application Dr. Mendez seconded the motion, which passed unanimously.

## **RATIFICATION OF LICENSURE**

### **Ratification of Full Licenses Issued 04/22/2016– 07/28/2016**

**Action Taken:** Dr. Hayden moved to approve the ratification of full licenses Dr. Mendez seconded the motion, which passed unanimously.

### **Ratification of Training Licenses Issued 04/22/2016– 07/28/2016**

**Action Taken:** Dr. Hayden moved to approve the ratification of training licenses Dr. Mendez seconded the motion, which passed unanimously.

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

Message from FSMB Chair to Osteopathic Board: Dr. Hayden was appointed as the board liaison.

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

June 2016 Rules Report (information only)  
July 2016 Rules Report (information only)  
August 2016 Rules Report (information only)

### **2016/2017 Annual Regulatory Plan (discussion), F.A.C.**

**Action Taken:** Dr. Hayden moved to allow Board Counsel to work with the Board Chair to develop and sign off on the annual report Dr. Mendez seconded the motion, which passed unanimously.

### **Rule 64B15-19.002 (Disciplinary Guidelines), F.A.C.**

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

**Action on SERC Questions:** Dr. Hayden moved 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.

### **Rule 64B15-19.007 (Citation Authority), F.A.C.**

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

**Action on SERC Questions:** Dr. Hayden moved 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.

### **Draft Rule Proposal for 64B15-19.0065, F.A.C. Notice of Noncompliance/Minor Violations**

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

**Action on SERC Questions:** Dr. Hayden moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation, no SERC was needed and legislative ratification was not required Dr. Mendez seconded the motion, which passed unanimously.

### **Rule 64B15-6.003, F.A.C. (Physician Assistant Licensure)**

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

**Action on SERC Questions:** Dr. Hayden moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation, no SERC was needed and legislative ratification was not

required Dr. Schwemmer seconded the motion, which passed unanimously.

**Rule 64B15-6.0035, F.A.C.(Physician Assistant Licensure and Renewal)**

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

**Action on SERC Questions:** Dr. Hayden moved the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year after implementation, no SERC was needed and legislative ratification was not required Dr. Mendez seconded the motion, which passed unanimously.

**Rule 64B15-6.0038, F.A.C. (Physician Assistant Formulary Rule)**

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

**64B15-7.003, F.A.C. (Anestheologist Assistant Application for Licensure)**

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

**Action on SERC Questions:** Dr. Hayden moved 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.

**Rule 64B15 – 12.009 FA.C. (Osteopathic Faculty Certificate)**

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

**Action on SERC Questions:** Dr. Hayden moved 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.

**GENERAL DISCUSSION**

FARB Regulatory Law Seminar

**Action Taken:** Dr. Hayden moved to approve Attorney McNulty to attend seminar in Chicago, Dr. Rose seconded the motion, which passed unanimously.

NDAA Letter on Sec.705(d) (information only)

AAOE Report (information only)

**EXECUTIVE DIRECTOR REPORT – Kama Monroe**

The Board recognized Dr. Schwemmer, DO elected to Class of Distinguished Fellows of the American College of Emergency Physicians (ACOEPE).

**2017 PROPOSED MEETING DATES**

**Action Taken:** Dr. Hayden moved to approve the 2017 meeting dates with the exception being if the board staff cannot schedule the February 24, 2017 meeting at the same hotel as the FOMA conference, the meeting should be scheduled for February 17, 2017. Dr. Mendez seconded the motion, which passed unanimously.

**JOINT COMMITTEE MEETING UPDATES - Joel Rose, DO (No Report)**

**COUNCIL ON PHYSICIAN ASSISTANT’S REPORT – Joel Rose, DO (No Report)**

**ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT – Joel Rose, DO (No Report)**

**PHARMACY CONTROLLED SUBSTANCES STANDARDS COMM. REPORT – Michelle Mendez, DO (No Report)**

**BUDGET LIAISON REPORT – Anna Hayden, DO (No Report)**

**UNLICENSED ACTIVITY LIAISON REPORT – Sandra Schwemmer, DO (No Report)**

**HEALTHY WEIGHT LIAISON REPORT – Bridget Bellinger, DO**  
No report, meeting will be held in September.

**OLD BUSINESS**

**NEW BUSINESS**

**ADJOURN**

**Next Meeting: November 18, 2016**  
**Renaissance Hotel**  
**6677 Sea Harbour Drive**  
**Orlando, Florida 32821**  
**8:00 a.m.**