

# FLORIDA | Board of Osteopathic Medicine

August 24, 2018 Meeting



**DRAFT MEETING MINUTES**  
Board of Osteopathic Medicine  
General Business Meeting  
August 24, 2018  
9:00 a.m.

Embassy Suites Tampa USF/  
Near Busch Gardens  
3705 Spectrum Blvd.  
Tampa, Florida 33612  
(813) 903-6623

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

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

**MEMBERS PRESENT:**

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

**BOARD STAFF PRESENT:**

Kama Monroe, Executive Director  
Carol Taylor, Program Administrator

**COURT REPORTER:**

Integra Court Reporting  
Jackie Barron  
813-868-5130

**BOARD COUNSEL**

Donna McNulty, Board Counsel

**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.*

Dr. Schwemmer introduced Mark Whitten, Interim Bureau Chief for Health Care Practitioner Regulation to the audience.

## **TAB – 28 Presentation of Board Chair Award**

Board chair, Sandra Schwemmer presented the Board Chair Award to Dr. Joe Nelson for his dedication and commitment to the people of Florida through his service as Emergency Medical Services (EMS) Director for the state of Florida. Dr. Nelson is a Distinguished Fellow of the American College of Osteopathic Emergency Physicians and is certified in Emergency Medical Services. He served as the state EMS medical director for the last 14 years. During that time, he was involved in all state mobilizations for multiple hurricanes throughout Florida; including Charlie, Francis, Ivan and Jean in 2004; Katrina, Rita, Dennis and Wilma in 2005; and Irma in 2017. Dr. Nelson also served as chair of the council of the state EMS medical directors for the national association of state EMS officials in 2014 and 2015 where the creation of the national model EMS protocols occurred. The national model EMS protocols have been used throughout the US by many EMS agencies, including several states that incorporated them as statewide protocols. Additionally, Dr. Nelson served as Medical Director for the Florida Forestry Service and won an outstanding wildfire EMS team of the year award in 2013. He has been involved with setting a standard of national accreditation for national paramedic training programs in Florida. He has been involved in making the national registry of EMTs the required licensure testing in the state of Florida. for EMTs in 2016 and paramedics in 2018. Dr. Nelson has been involved in updating and refining trauma transport protocols at the state level. He has also been involved in initiating the statewide cardiac arrest registry (CARES registry) and a state stroke registry, both now in use in Florida. He has improved cardiac arrest outcomes by promoting the resuscitation academy cardiac arrest training model. Dr. Nelson promoted and directly authorized over 400 AEDs in state buildings throughout the state, on the Florida turnpikes, and in the Florida national patrol cruisers, which resulted in multiple cardiac arrest saves. Early in the opioid crisis he promoted Naloxone use by first responders where law enforcement and lay public had access to this opioid reversal agent, to combat the opioid crisis. He has promoted mobile integrity healthcare community paramedic efforts throughout the United States, including multiple projects initiated in Florida. Dr. Nelson has been a leader in EMS, which is the paramedics and the EMTs that provide the service to all the communities in Florida. He has lectured nationally and internationally on EMS systems. Dr. Nelson truly has allowed the state of Florida to grow and expand our pre-hospital services during his tenure and role as State EMS Director.

Following the award presentation, a group photo was taken.

### **DISCIPLINARY CASES: RECOMMENDED ORDERS**

**TAB-1-RO-01-** Richard D. Vitalis, D.O. case #2011-15619 (ALP)  
*PCP: Moran/Jansen*

Respondent was not present. Respondent was not represented by counsel.

Ms. Janson was recused due to participation on the probable cause panel.

Dr. Schwemmer announced the case name and numbers. She then listed the board members present for this matter. Dr. Schwemmer confirmed that the board members had received and reviewed the materials provided.

Dr. Schwemmer informed the board that this matter was being presented pursuant to Section 120.569 and Section 120.57(1), Florida Statutes. She noted that the purpose of the proceeding was to consider the recommended order issued by the Administrative Law Judge (ALJ) in this cause. No new evidence was presented, as the proceeding was not an evidentiary proceeding. The proceeding was confined to the

record, together with the Recommended Order. Dr. Schwemmer identified the actions the board could take as the following: the board could adopt the Recommended Order as its Final Order or the board could reject the ALJ's Findings of Fact or Conclusions of Law and interpretation of administrative rules over which it has substantive jurisdiction. Dr. Schwemmer noted the board must state with peculiarity its reasons for rejecting or modifying such Conclusion of Law or interpretation of administrative rule and must make a finding that its substituted Conclusion of Law is as or more reasonable than that which was rejected or modified. She further noted that the Board may not reject or modify the factual findings unless it determines, from a review of the completed record, that the factual findings were not based on competent substantial evidence or that the proceedings on which the finding were based did not comply with the essential requirements of law. Rejection or modification of the Conclusions of Law may not form the basis for rejection or modification of Findings of Fact. Further instructions included the fact that the board may not alter the recommended penalty without a review of the completed record and without stating with peculiarity the reasons therefore, citing to the record and justifying the record.

Dr. Schwemmer stated exceptions were filed to the penalty and noted they would be discussed at the penalty portion. She then noted the Board would consider the Findings of Fact and the Conclusions of Law and would take up the exceptions when discussing the penalty.

Following Dr. Schwemmer's preliminary statements and instructions above, the case was presented.

Ann Prescott represented the Department and presented the case to the Board. On January 12, 2016, the Department filed an Administrative Complaint with the following allegations: violation of Section 459.015(1)(x), Florida Statutes, for failure to practice osteopathic medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure; Section 459.015(1)(t), Florida Statutes (2007-2011), for prescribing, dispensing, administering, supplying, selling, giving, mixing or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice; and Section 459.015(1)(o), Florida Statutes, by failing to keep medical records that justify the course of treatment. Respondent disputed the allegations and requested the case be heard by an administrative law judge pursuant to Section 120.57(1), Florida Statutes. The final hearing was held on April 17, 2018, in Tallahassee, Florida. The Administrative Law Judge (ALJ) filed a Recommended Order wherein he recommended the Board of Osteopathic Medicine issue a Final Order finding the Respondent in violation of Sections 459.015(1)(x), (t), and (o), Florida Statutes, and imposing a two-thousand-dollar administrative fine, reprimanding the Respondent's license and awarding the cost incurred for the prosecution of this matter.

The Department filed Exceptions to the Recommended Order. The Department took exception and requested the Board to modify the ALJ's recommended penalty. in paragraph 32 of the Recommended Order. The Department additionally requested the Board modify paragraph 55 of the Recommended Order. The Department requested a revocation of the Respondent's license.

After discussion,

Motion: by Dr. Hayden, seconded by Dr. Rose, to adopt the Findings of Fact.  
Motion carried.

Motion: by Dr. Hayden, seconded by Dr. Mendez, to adopt the Conclusions of Law.  
Motion carried

Exceptions were then discussed.

The Department requested the board impose a \$10,000 fine and revoke the Respondent's license in lieu of the penalty the ALJ recommended in the Recommended Order. The Department clarified that their request

was for the Board to impose discipline consistent with the disciplinary guidelines, noting the belief that the ALJ did not set forth sufficient mitigating factors within the record to justify the downward deviation from the standards. The Department requested the board grant the exception and impose the discipline requested in the exception.

Motion: by Dr. Mendez, to grant the Department's Exception as requested.

Board counsel provided the standard for modifying the penalty. Board counsel stated the standard is: the agency may accept the penalty in the Recommended Order but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons, therefore in the order by citing to the record, and justifying the action. Board counsel noted that the ALJ set forth mitigation in its Recommended Order. The ALJ set forth an aggravator and a mitigator. To change the penalty the board must comply with the statutes and cite to the record something that the ALJ did not already consider in setting forth his recommended penalty.

Dr. Mendez repeated her motion, Dr. Rose seconded for discussion.

After lengthy discussion, Dr. Rose stated the board could not find issues with specificity. The motion was called to a vote.

The board voted on the motion to accept the Department's exception. Dr. Mendez approved the motion. The remaining board members opposed. Motion failed. The motion was denied due to the fact the members could not comport with Section 120.057(1)(l), Florida Statutes by not being able to cite to the record.

Motion: by Dr. Hayden, seconded by Dr. Rose, to approve the ALJ's recommended penalty of a two thousand dollar fine (\$2,000.00) and a reprimand. Motion carried.  
Dr. Mendez opposed.

The Department then presented its motion for costs in the amount of fifteen thousand six hundred sixty dollars and fifty-three cents (\$15,660.53).

Motion: by Dr. Rose, seconded by Dr. Hayden, to grant the Department's Motion for Costs in the amount of \$15,660.53. Motion carried.

Costs are due within thirty (30) days.

## **SETTLEMENT AGREEMENTS**

**TAB 2 – SA 01 – Monica Miyuki Yamada-Oklin, D.O. case # 2017-10551 (ALP)**

*PCP: Moran/Rose*

Respondent was present. Respondent was represented by counsel, Marc P. Ganz, Esq.

Dr. Rose corrected an error on the agenda. He participated on the probable cause panel and not Dr. Bellinger. Dr. Rose was recused due to participation on the probable cause panel.

Matt Witters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 459.015(1)(x), Florida Statutes, for failure to practice osteopathic medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure in her treatment of Patient D.B.

The terms of the settlement agreement are: appearance; letter of concern; a fine in the amount of two thousand (\$2,000.00) dollars payable within thirty (30) days from the filing of the final order, reimbursement of costs for the investigation and prosecution of this case, payable within thirty (30) days of filing of final order (current costs are three thousand two hundred ninety-six dollars and fifty-seven cents [\$3,296.57]); Respondent will complete three hours of Continuing Osteopathic Medical Education in Prevention of Medical Errors and three hours of continuing medical education in Sepsis Diagnosis and Management within one year of the filing of the Final Order in this matter; Respondent shall present a one-hour lecture/seminar on Prevention of Medical Errors to medical staff at an approved medical facility within six months of the Final Order in this matter; Respondent shall submit a written plan to the board chair for approval prior to presenting the lecture/seminar; Respondent shall provide written documentation to the board that said lecture/seminar has been completed within six months of the Final Order in this matter.

After discussion: Dr. Hayden noted her belief that the standard of care was met in this case. Dr. Schwemmer and Dr. Mendez concurred as well.

Mr. Ganz stated on the record that his client waives all fees and costs associated with the matter.

Motion: by Dr. Hayden, seconded by Dr. Mendez, to reject the settlement agreement. Motion carried.

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to dismiss the case. Motion carried.

Motion carried. **TAB 3 – SA 02 – Vinson M. Disanto, D.O. case # 2017-11428 (AC)**  
*PCP: Moran/Mendez*

Respondent was present. Respondent was not represented by counsel.

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

Matt Wittters represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 459.015(1)(b), Florida Statutes (2016), by having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted upon, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions; and violation of Section 456.072(1)(k), Florida Statutes (2016), by failing to perform any statutory or legal obligation placed upon the licensee.

The terms of the settlement agreement are: appearance; letter of concern; reimbursement of costs for the investigation and prosecution of this case, payable within thirty (30) days of filing of final order (current costs are nine hundred thirteen dollars and ninety-six cents [\$913.96]).

After discussion wherein, the Respondent clarified that there was no discipline placed on his license in Idaho. He noted that you can't prescribe Tetesterone in the state of Idaho unless you reside in Idaho. Respondent noted that he was not clear on the law at the time, but he is now.

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to accept the settlement agreement. Motion carried.

#### **TABLED - DETERMINATION OF WAIVER**

**TABLED - TAB 4 – DOW -01 – Dominic R. Riganotti, D.O., case# 2017-01971 (PAC)**  
*PCP: Moran/Mendez*

This item was tabled. No action taken.

## **TAB 5 - PROSECUTION SERVICES REPORT APPLICANTS FOR FULL LICENSURE**

Mr. Witters presented the prosecution services report. Mr. Witters noted that every case presented today was a year and older.

Mr. Witters asked the Board to consider allowing PSU to continue to prosecute cases that are a year and older.

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

The report noted there are no cases on appeal.

Dr. Schwemmer commended Prosecution Services on their reduction of the caseload and on the quality of the cases being presented.

## **TAB 6 – REVIEW AND APPROVAL OF MINUTES**

May 18, 2018 Osteopathic Medicine Meeting Minutes

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

## **PROBATION AND COMPLIANCE**

### **REQUIRED BOARD APPEARANCE FOLLOWING 6 MONTHS OF PROBATION**

#### **TAB 7 – Ty Anderson, D.O., File #14603**

Dr. Bellingar noted that she knows Dr. Anderson and Dr. Fana and that she believes she can make an unbiased decision.

Dr. Anderson was present and was sworn in. Dr. Anderson was not represented by counsel. Dr. Anderson's monitor Miguel Fana, M.D. was present and was sworn in. PRN representative Martha White was present and sworn in.

Dr. Anderson presented a statement.

After discussion: Dr. Anderson noted the CME portion of the Final Order was waived in Fort Lauderdale. He will get with Carol on the matter.

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to accept appearance.  
Motion carried.

### **REQUEST FOR APPROVAL OF REPLACEMENT OF MONITOR**

#### **TAB 8 – Ty Anderson, D.O., File #14603**

Dr. Anderson was present and was sworn in. Dr. Anderson was not represented by counsel. Dr. Anderson's proposed monitor, Aron Schlau, M.D. was present and was sworn in.

After discussion: Due to Dr. Anderson's inability to secure a position with Dr. Fana, he needs to change his monitor/supervisor. Effective October 1, 2018.

Motion: by Dr. Bellingar, seconded by Dr. Hayden, to approve the proposed monitor beginning October 1, 2018. Motion carried.

## **REQUIRED BOARD APPEARANCE PRIOR TO TERMINATION OF SUPERVISION**

### **TAB 9 – Debra Kay Roggow, D.O., Case #2009-22381**

Dr. Roggow was present and was sworn in. Dr. Roggow was not represented by counsel. Dr. Roggow's monitor, Keith Sisko, D.O. was present and was sworn in.

Dr. Roggow presented a statement which was followed by Dr. Sisko providing a statement regarding his report.

After discussion: Dr. Schwemmer noted on the record that she approved the August quarterly report and that there is one report remaining.

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to accept appearance.  
Motion carried.

## **APPLICANTS**

### **APPLICANTS FOR FULL LICENSURE**

#### **TAB 10 – Clifford Myers, D.O., File #14718**

**Action Taken:** After discussion, Dr. Hayden moved to accept the West Virginia exam taken in 1990 as substantially similar to the NBOME and grant the license. Dr. Bellingar, seconded the motion. Motion carried.

#### **TAB 11 – Stephen Goykovich, File #14675**

**Action Taken:** After discussion, Dr. Hayden moved to accept the Pennsylvania exam taken by the applicant and grant the license, Dr. Bellingar, seconded the motion. Motion carried.

#### **TAB 12 – Evan Cohen, File #15139**

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

#### **TAB 13 – Aleksandr Martirosov, File #14627**

**Action Taken:** Case was tabled until later in the meeting.

#### **TAB 14 – Jeffrey Ender, File #15267**

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

## **AHCA EXEMPTION APPLICATION**

### **TAB 15 – Jacob Urda, D.O., File #14375**

**Action Taken:** After discussion, Dr. Hayden moved to grant an exemption because there was no harm

done and because of efforts to grant access to underprivileged patients in Florida. Dr. Rose, seconded the motion. Motion carried.

## **APPLICANTS FOR FULL LICENSURE FOR DETERMINATION WHETHER POST GRADUATE TRAINING MEETS STATUTE**

**TAB 16** – Patrice Hicks, D.O., File #14914

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

**TAB 17**– Danielle Maria DonDiego, D.O., File #15246

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

## **RATIFICATION OF LICENSURE**

**TAB 18** - 1901 - Osteopathic Physician licenses issued 5.1.2018 through 8.1.2018

Motion: by Dr. Hayden, seconded by Dr. Mendez, to ratify full license numbers 15204 through 15531, issued 5.1.2018 through 8.1.2018. Motion carried.

**TAB 19** - 1902 - Osteopathic Resident Initial Registrations issued 5.1.2018 through 8.1.2018

Motion: by Dr. Hayden, seconded by Ms. Janson, to ratify resident registration numbers 5855 through 6332, issued 2/1/2018-4/30/2018. Motion carried.

## **GENERAL REGISTRATION/CERTIFICATE INFORMATION**

**TAB 20** - 1902 - Osteopathic Resident Renewal Registrations issued 5.1.2018 through 8.1.2018

Motion: by Dr. Hayden, seconded by Dr. Mendez, to ratify resident registration numbers, issued 2/6/2018-7/24/2018. Motion carried.

**TAB 21** – 1917- Expert Witness Certificates issued 5.1/2018 through 8.1.2018

Expert Witness certificates issued 5.1.2018 through 8.1.2018

This item was placed on the agenda for informational purposes only. The board indicated a desire for this item to continue to be placed on agendas for informational purposes. No action required by the board.

## **TAB 22 - GENERAL DISCUSSION**

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

**TAB 23** - Rules Report

Board counsel presented the reports. Dr. Mendez identified a concern that was brought to her attention by a legislator. The concern was discussed thoroughly, and Ms. McNulty noted the concern was a misinterpretation of the rule.



## **RULE DISCUSSION**

### **TAB 24 - Rules 64B15-13.001 Continuing Education for Biennial Renewal and 64B15-13.0025 Requirement for Continuing Education on Prescribing Controlled Substance**

Ms. McNulty informed the board that they had seen these rules before. She further stated that, at the time the rule was drafted, Informed was the only additional application submitted. Since that time, two additional entities have come forward. The requests were reviewed individually.

Prior to review, Ms. McNulty read the statutory language that will be used for all entities.

The board approved 2-hour CE course on the prescribing of controlled substance offered by a statewide professional association of physicians in this state, that is accredited to provide educational activities designated by the AMA Category I or AOA Category I A for CME as part of biennial licensure renewal.

Discussion ensued regarding the multiple requirements included in the language.

### **REQUEST FOR APPROVAL OF OPIOID CONTINUING EDUCATION COURSES**

#### **TAB 39 – Informed Independent Physician Association, Inc.**

No one from Informed Independent Physician Association, Inc. was present to support their course submission.

After discussion:

Motion: by Dr. Rose, seconded by Dr. Hayden, to approve Informed's controlled substance course. Motion carried.

#### **TAB 38 – Baptist Health South Florida**

No one from Baptist Health was present to support their course submission.

After discussion:

Motion: by Dr. Bellinger, seconded by Dr. Rose, to approve Baptist Health South Florida's controlled substance course. Motion carried.

#### **TAB 37– Florida American Academy of Emergency Medicine (FLAAEM)**

Ms. McNulty reviewed the statutory requirements for the board.

Stephen Parr, D.O. was present and sworn in to respond to questions from the board. Dr. Parr provided insight regarding the various organizations related to Emergency Medicine. He informed the board that there is no specific office in Florida; they operate through the national organization. There are over 200 physicians in the Florida chapter of AAEM, consisting of both osteopathic physicians and medical doctors. Dr. Parr informed the board that FLAAEM is registered as a non-profit association in the state of Florida.

Dr. Parr responded to questions regarding the Florida Chapter of the American Academy of Emergency Medicine. Upon completion of the questions, the board reviewed the information to determine if FLAAEM meets the statutory requirements. It was determined that FLAAEM is not accredited by ACCME.

Motion: by Dr. Bellinger, seconded by Dr. Hayden, to deny the course Florida American Academy of Emergency Medicine (FLAAEM) submitted due to the fact it is not ACCME accredited and they have not demonstrated they have met the statutory requirement. Motion

carried.

Dr. Parr asked if he obtained proof of ACCME certification would the board reconsider and approve. Dr. Rose stated that if proof of ACCME certification is provided, it would meet that requirement, but there are other prongs that would need to be met as well. Dr. Parr stated he would reorganize and resubmit.

After discussion:

Motion: by Dr. Hayden, seconded by Dr. Rose, to amend Rule 64B15-13.001, Florida Administrative Code and Rule 64B15-13.0025, Florida Administrative Code to include both entities; Informed Independent Physician Association, Inc and Baptist Health South Florida

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. Rose, 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.

**TAB 25 – Rule 64B15-19.007 Citations**

19.007-Citations

19.002-Disciplinary Guidelines

Board counsel informed the board that the Department enforcement unit requested the Board of Medicine consider revising their disciplinary guidelines to impose citations for designated physicians in a pain management clinic (PMC) that fail to report to the Department when a designated physician leaves or is hired in a clinic. Currently citations cannot be issued, and this violation would require a complaint to proceed through the regular disciplinary process. The citation scenario is more efficient. The Board of Medicine approved the proposal. Board counsel presented this matter to the board for consideration for the purpose of efficiency.

After discussion:

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to approve the proposed changes to Rule 64B15-19.007. 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. Rose, seconded by Dr. Bellingar, to find that a violation of this rule or any part of this rule would be considered a minor violation for (t) and not be considered a minor violation for (u) and (v). Motion carried.

## **TAB 26 – ANNUAL REGULATORY PLAN**

Board counsel stated statute requires the annual regulatory plan be submitted by October 1, 2018. Board counsel requested a motion to have the chair work with her, and authorization to sign off on the annual regulatory plan. Board counsel stated the filed report would be brought to a future meeting for board ratification.

Motion, by Dr. Mendez, seconded by Dr. Hayden, to delegate authority to the chair to move forward on this annual regulatory plan.

## **REPORTS**

### **BOARD CHAIR REPORT – Sandra Schwemmer, DO**

#### **TAB – 27 Chair Report**

Dr. Schwemmer reported that since the last board meeting she has reviewed 25 applications for licensure, five of which were before the board today. She further reported that she has attended no meetings on behalf of the board, since the last board meeting.

#### **TAB 29 - EXECUTIVE DIRECTOR REPORT - Kama Monroe, J.D., Executive Director**

Ms. Monroe stated the board has been asked what legislative changes the board wants for the next year. She provided the changes she currently has, which included 459.0055(1)(l), Florida Statutes. The change was being requested because the AOA programs are now becoming ACGME programs and we need to update the statute to indicate what type of internship people should have

Regarding applications

Ms. Monroe reminded the board of the application standardization project previously presented wherein universal questions, such as 456 items would be handled by the department and the board would handle other board specific issues. Ms. Monroe stated that It has been determined not to bifurcate the applications. She stated the Department has been asked to clean profession applications so that all applications have the same look and that standard questions are posed in the same format across the boards.

Health History questions that came out of health history workgroup were offered to the board for consideration. Ms. Monroe informed the board that the question: “Are you registered with the DEA to prescribe controlled substances? If yes, what is your number?” needs to be included on the application.

Ms. Monroe informed the board that If the board approves the health history questions, she can have a draft application with the only changes being the health history questions and the DEA question, for the October meeting.

Dr. Mendez inquired whether there is a clear definition of reasonable skill and safety. Dr. Bellingar noted that every word was scrutinized. The real intention is that everyone that answers these will be honest. After discussion, Dr. Schwemmer stated a belief that the questions will have to go back to the health history workgroup. Workgroup members will take suggestions back to the meeting.

Dr. Hayden was asked had the FSMB begun work on the issue. She noted they have and referenced the link she provided to the board office. North Carolina took away those questions. Ms. McNulty noted that the Board of Nursing does not ask those questions.

Following lengthy discussion, Ms. Monroe stated that nothing would be done at this time regarding the health history questions but noted she would have a revised application with the DEA questions for the October teleconference board meeting. The board is looking at a teleconference meeting, possibly the 15<sup>th</sup> or the 22<sup>nd</sup>. Board staff will send a doodle poll.

Ms. Monroe updated the board of the many rumors in existence regarding HB21. She welcomed insights from board members that would assist in dispelling the rumors.

Ms. Monroe provided the upcoming meeting dates.

Dr. Mendez publicly expressed her discontent with the fact that despite an agreement that the PCPRP meetings would be split between Medicine and Osteopathic Medicine, the meetings are all being held in conjunction with the Board of Medicine.

Dr. Schwemmer asked if the PCPRP members could have conference call meetings. Ms. Monroe will investigate the possibility of conference calls. She did indicate that one of the meetings will have to be live to finish the required report.

The November board meeting may be in Orlando, waiting on confirmation.

Chairs and Vice-Chairs meeting will now be in the spring. Any suggestions will be welcomed.

**TAB 13 – Aleksandr Martirosov, File #14627**

Applicant was not present.

Board counsel provided a summary of the file and the applicable statutes.

After discussion,

Action Taken: Dr. Hayden moved to waive the appearance requirement. Dr. Mendez, seconded the motion. Motion carried.

Dr. Hayden moved grant the license, Dr. Mendez, seconded the motion. Motion carried.

**TAB 30 - JOINT COMMITTEE MEETING UPDATES - Joel Rose, DO**

a. Joint Health History Workgroup July 12, 2018 Meeting  
Discussion held during previous agenda items.

b. Joint Committee on Controlled Substances June 21, 2018 Meeting  
Dr. Rose provided an update regarding the workgroup and when the next meeting will be held. Donna asked if the board wanted to open Rule 64B15-14.005-Standard of Use of a Controlled Substance for the Treatment of Pain.  
Motion by Dr. Rose, seconded by Dr. Mendez to open Rule 64B15-14.005 for rule development.

c. Physician Certification Panel Review Committee August 2, 2018, Meeting  
Dr. Rose stated the meeting was held in August. A preliminary draft was presented and is included in the board's materials.

**TAB 31 - COUNCIL ON PHYSICIAN ASSISTANT'S REPORT – Joel Rose, DO**

a. Physician Assistant August 2, 2018 Meeting Minutes

b. Physician Assistant June 7, 2018 Meeting Minutes

Dr. Rose stated that it has been quiet and that there have been relatively short meetings. He noted he has been able to consult with counsel to handle most cases

**TAB 32 - ANESTHESIOLOGY ASSISTANTS COMMITTEE REPORT-Joel Rose, DO**

There have been no meetings. Board counsel recommended Dr. Rose request a meeting.

**TAB 33 - BUDGET LIAISON REPORT – Anna Hayden, DO**

Budget Report for July

Dr. Hayden noted an update to the agenda item. Ms. Monroe noted the 2017-2018 fiscal year report included two numbers that were incorrect. She provided the correct numbers and stated the cash sweep took less money than was reported.

**TAB 34 - UNLICENSED ACTIVITY LIAISON REPORT – Sandra Schwemmer, DO**

There have been no meetings. There is nothing to report.

**TAB 35 - HEALTHY WEIGHT LIAISON REPORT – Bridget Bellingar, DO**

There have been no meetings. There is nothing to report.

**TAB 36- OLD BUSINESS**

None

**NEW BUSINESS**

None

**ADJOURN**

Motion: by Dr. Hayden, seconded by Dr. Rose, to adjourn the meeting. Meeting adjourned at

**Next Meeting: November 16, 2018**

**TBD**