

# FLORIDA | Board of Osteopathic Medicine

January 6, 2020



**DRAFT MEETING MINUTES**  
Board of Osteopathic Medicine  
Teleconference General Business Meeting  
January 6, 2020  
1 p.m.

The meeting was called to order by Dr. Joel Rose, Chair, at approximately 1:00 p.m.

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT**

Alicja Janson, Consumer Member  
Michelle R. Mendez, DO

**COURT REPORTER:**

For the Record Reporting  
Ray Convery  
(850) 222-5491

**PSU ATTORNEYS:**

Sarah Corrigan, Prosecuting Attorney  
Allison Dudley, Prosecuting Attorney

**OTHERS PRESENT:**

Mark Goldstein, Esq.

**BOARD STAFF PRESENT:**

Kama Monroe, Executive Director  
Carol Taylor, Program Administrator

**BOARD COUNSEL**

Donna McNulty, Board Counsel

*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.*

**TAB-1: RAYMOND FAILER, D.O., LICENSE #OS1920**

*PCP: Moran/Hayden*

Respondent was not present.

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

Board counsel refreshed the board's recollection of the case and the purpose for the item being on the instant agenda.

The item was placed on hold until a quorum could be obtained. Following review of tabs 2 and 3 a new roll call was completed to reflect a quorum and the matter was revisited.

After discussion:

Motion: by Dr. Schwemmer, seconded by Dr. Bellingar, to adopt the First DCA's recommendation to vacate the Final Order issued on May 10, 2019, in this case and to issue a Final Order of dismissal based on the ALJ's Recommended Order. Motion passed unanimously.

**TAB-2: RULE 64B15-14.007- OFFICE SURGERY RULE**

Motion: by Dr. Hayden, seconded by Dr. Schwemmer to approve the language as proposed, for the standard of care for gluteal fat grafting; to read, when performing gluteal fat grafting procedures, fat may only be injected into the subcutaneous space and must never cross the gluteal fascia. Intramuscular or submuscular fat injections are prohibited. Motion carried.

Motion: by Dr. Hayden, seconded by Dr. Schwemmer, 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 the 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. Schwemmer, 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.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden to not add a Sunset Rule Provision to the rule due to the critical health, safety and welfare importance of the rule. Motion carried.

**TAB-3: Rule 64B15-14.0076- OFFICE SURGERY REGISTRATION RULE**

Board counsel, Donna McNulty, stated the rule is a substantial rewrite of the existing rule to comport with the new statutory modifications that went into effect January 1.

Motion: by Dr. Hayden, seconded by Dr. Bellingar to accept the proposed language before the board for Rule 64B15-14.0076 regarding requirements for osteopathic office surgery registration inspection or accreditation. Motion carried.

Motion: by Dr. Hayden, seconded by Dr. Schwemmer, 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 the 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. Schwemmer, seconded by Dr. Bellingar to find that a violation of this rule or any part of this rule would not be considered a minor violation. Motion carried.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden to not add a Sunset Rule Provision to the rule due to the critical health, safety and welfare importance of the rule. Motion carried.

**ADJOURN**

**Next Meeting: January 14, 2020  
Teleconference**

DRAFT