

# FLORIDA | Board of Osteopathic Medicine

February 25, 2022



**DRAFT MEETING MINUTES**  
Board of Osteopathic Medicine  
Video/Telephone Conference Meeting  
Meet-Me-Number 1(877) 309-2073  
Participation Code 471-747-373  
February 25, 2022  
9 a.m.

The meeting was called to order by Dr. Sandra Schwemmer, Chair, at approximately 9:02 a.m. Those present for all, or part of the meeting included the following:

**MEMBERS PRESENT:**

Sandra Schwemmer, DO, Chair  
Michelle R. Mendez, DO, Vice-Chair  
Tiffany Sizemore DiPietro, DO  
Jorge Gadea, DO.  
William Kirsh, DO

**MEMBERS ABSENT**

Valerie Jackson, Consumer Member

**PROSECUTION SERVICES ATTORNEYS:**

Sarah Corrigan, Assistant General Counsel  
Sarah Dalton, Assistant General Counsel  
Julisa Renaud, Assistant General Counsel  
Chad Dunn, Assistant General Counsel  
Michael Williams, Assistant General Counsel

**COURT REPORTER:**

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

**OTHERS PRESENT:**

None

**BOARD STAFF PRESENT:**

Kama Monroe, Executive Director  
Carol Taylor, Program Administrator  
Christa Peace, RSIII  
Derek Nieves, RSII

**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*

## **DISCIPLINARY CASES:**

### **RECOMMENDED ORDER**

**\*\*CONTINUED\*\***TAB 1: RO-01 Eric L. Lang, D.O., 2019-38358

This item was continued. No action taken.

### **INFORMAL HEARING**

**TAB 2: I-01 Noah Ridings Converse, D.O., 2020-07625**

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

Julisa Renaud represented the Department and presented the case to the Board. Allegations of Administrative Complaint, violation of Section 459.015(1)(bb), Florida Statutes, 2016; by performing a wrong site procedure that is medically unnecessary to the patient's medical condition; and violation of Section 459.015(1)(pp), Florida Statutes, 2016, by failing to ensure the "Pause Rule" was properly followed.

The Respondent was served an Administrative Complaint. Respondent subsequently filed an election of rights requesting an informal hearing. In accordance with the election of rights and pursuant to Section 120.57(2)(a)(2), Florida Statutes (2020), the Department referred the matter to the Board for an entry of a final order setting forth appropriate action on Respondent's license.

The department offered the investigative file, a copy of which was previously furnished to the Board, into evidence to establish a prima facie case for the violation alleged in the administrative complaint and asked that it be admitted into evidence.

Motion: by Dr. Kirsh, seconded by Dr. Mendez, to accept the investigative file into evidence. Motion carried.

Motion: by Dr. Kirsh, to adopt the allegations of fact in the Administrative Complaint as the findings of fact of the board, seconded by Dr. Gadea. Motion passed unanimously.

Following discussion:

Motion: by Dr. Mendez, that the Respondent violated Florida Statutes as charged in the Administrative Complaint, seconded by Dr. Kirsh. Motion passed unanimously.

The Department provided a proposed penalty recommendation to the Board.

Discussion ensued, following which:

Motion: by Dr. Kirsh, to impose a penalty of; a letter of concern; an administrative fine in the amount of two thousand five hundred (\$2500) dollars to be paid within thirty (30) days from the date of the Final Order; completion of a FMA laws and rules course or equivalent to be completed within one year from the filing of the Final Order; submission of documentation of completion of the course within thirteen months from the filing of the Final Order; and presentation of an original one (1) hour lecture focusing on wrong site surgery and appropriate time out procedure with one component of the lecture addressing the specific events arising from the Respondent's disciplinary matter. The Respondent shall present the lecture to the medical staff of a hospital or ambulatory surgical center at which the Respondent maintains staff privileges or to an osteopathic medical society meeting within six months from the filing of the Final Order. Respondent must obtain prior approval for the lecture from the board. The Board conferred authority to the Board chair to approve the lecture. Motion was seconded by Dr. Mendez. Motion carried.

Mitigation for deviation from the disciplinary guidelines were the Respondent immediately identified the Incident; there were no other known cases; and immediate action was forthcoming to both the patient and the staff.

Motion: by Dr. Kirsh, seconded by Dr. Mendez to approve Petitioner's Motion for Costs and to impose costs in the amount of one thousand two hundred forty-two dollars and seventy-eight cents (\$1242.78). Motion carried.

Motion: by Dr. Mendez, seconded by Dr. Kirsh, for costs to be paid within sixty (60) days from the filing of the Final Order. Motion carried.

### **SETTLEMENT AGREEMENT**

**\*\*CONTINUED\*\*TAB 3:** SA-01 D.O., 2016-09047

This item was continued. No action taken.

### **DETERMINATION OF WAIVER**

**\*\*CONTINUED\*\*TAB 4:** DW-01 William C. Wilson, D.O., 2020-02399

This item was continued. No action taken.

**\*\*CONTINUED\*\*TAB 5:** DW-02 Lorenz C. Spengler, III, D.O., 2019-32791

This item was continued. No action taken.

### **TAB 6: PROSECUTION SERVICES REPORT- Sarah Corrigan, Esq.**

Sarah Corrigan presented the prosecution services report (PSU). Ms. Corrigan requested the board consider allowing PSU to continue to prosecute cases that are a year and older.

Motion: by Dr. Mendez, seconded by Dr. Kirsh, to allow PSU to continue prosecuting cases one year and older. Motion passed.

### **REVIEW AND APPROVAL OF MINUTES**

**TAB 7:** December 17, 2021, Board of Osteopathic Medicine Meeting Minutes

Motion: by Dr. Gadea, seconded by Dr. Kirsh, to accept the December 17, 2021, meeting minutes.

Motion carried.

**Board counsel informed all participants in the meeting, that although the meeting was not an in person meeting where the individual can be sworn in by the court reporter, the individual is still obligated to be truthful to the tribunal.**

### **PROBATION AND COMPLIANCE**

#### **REQUEST FOR FORMAL APPROVAL OF PAYMENT EXTENSION**

**TAB 8:** Vincent Joseph Scolaro, D.O., OS5974

Licensee was present. Licensee was not represented by counsel.

Motion: by Dr. Kirsh, to approve a payment plan consisting of payments of two hundred dollars (\$200) a month for a period of twenty-four months with the caveat that the licensee can petition the board prior to the expiration of the twenty-four months should he encounter any problems meeting the requirements, seconded by Dr. Mendez. Motion carried.

### **PETITION FOR TERMINATION OF LICENSURE CONDITION**

**TAB 10:** Ty Anderson, D.O., OS 15140

Licensee was present. Licensee was represented by attorney Veronica Bayo Clifford.

After discussion:

Motion: by Dr. Kirsh, to deny the petition, seconded by Dr. Gadea. Motion carried.

## **APPLICANTS**

### **APPLICANTS FOR FULL LICENSURE**

**TAB 11:** James C. Johnson, D.O., File #16443

Applicant was present. Applicant was not represented by counsel.  
Dr. Jacobs appeared on behalf of PRN.

After discussion,

Motion: by Dr. Kirsh to approve the application, seconded by Dr. Mendez. Motion carried.

**TAB 12:** Everett Rogers, D.O., File # 18629

Applicant was present. Applicant was not represented by counsel.

After discussion,

Motion: by Dr. Gadea, to approve the application, seconded by Dr. Kirsh. Motion carried.

**TAB 13:** Jeffery Wayne Beaty, D.O., File #18394

Applicant was present. Applicant was not represented by counsel.

Motion: by Dr. Kirsh, to approve the application with the condition that the applicant take and submit proof of successful completion of the COMVEX exam within one year of the filing of the Notice of Intent to License, seconded by Dr. DiPietro.

Motion carried.

### **TAB 21: BOARD CHAIR REPORT – Sandra Schwemmer, D.O.**

Board chair, Sandra Schwemmer presented the Board chair award to Dr. Fred Lippman. She announced the board wished to take the time to honor Dr. Lipman with a small token for the years of dedication, service, and support that he has provided for osteopathic medicine and the osteopathic physicians in the state of Florida, noting the many years of hard work spent as a pharmacist and a legislator. Dr. Schwemmer then provided a brief history of Dr. Lipman's accomplishments, including his work at Nova Southeastern Medical School.

Dr. Lippman graciously accepted the award and enlightened the board with some Osteopathic Medicine history. He ended by thanking the board for all they do.

### **REQUEST FOR FORMAL APPROVAL OF MONITOR**

**TAB 9:** Vincent Joseph Mamone, D.O., OS6401

Licensee was present. Licensee was represented by attorney Veronica Bayo Clifford.  
Licensee's temporary monitor Mario Siervo appeared with Dr. Mamone.

Motion: by Dr. Mendez, to formally approve Dr. Siervo as Dr. Mamone's monitor, seconded by Dr. Kirsh. Motion carried.

### **RATIFICATION OF LICENSURE**

**TAB 14:** 1901 - Osteopathic Physician licenses issued 10.23.2021 through 1.17.2022

Motion: by Dr. Mendez, seconded by Dr. Kirsh, to ratify the 200 full licenses; numbers 18278-18477 inclusive issued 10.23.2021 through 1.17.2022. Motion carried.

**TAB 15:** 1902 - Osteopathic Resident Initial Registrations issued 10.23.2021 through 1.17.2022

Motion: by Dr. Mendez, seconded by Dr. Kirsh to ratify the 9 resident registrations; numbers 8094-8102 inclusive issued 10.23.2021 through 1.17.2022. Motion carried.

## **GENERAL DISCUSSION**

**TAB 16:** 1917 - Osteopathic Physician Expert Witness certificate issued 10.23.2021 through 1.17.2022

This information was provided for informational purposes only.

**TAB 17:** PDMP Monthly Report December 2021

This information was provided for informational purposes only.

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

### **TAB 18: RULE REPORTS**

February 2022	Rules Report
January 2022	Rules Report
December 2021	Rules Report
November 2021	Rules Report

Board counsel informed the board that the information was included in the board materials for informational purposes only. No action taken.

## **RULE DISCUSSION**

**TAB 19:** 64B15-14.007-Office Surgery

The purpose of this standard of care for office surgery rule on the agenda is to update the renewal of transfer agreements every five years and what the agreement must include, which is an effective date. Board counsel provided background to the board members. The Department requested the board amend the rule to enhance patient safety by ensuring the facilities have current transfer agreements. The board members were made aware that The Board of Medicine has approved the same rule change.

Following discussion,

Motion: by Dr. Mendez, to approve the draft rule language as presented by board counsel, seconded by Dr. Kirsh. Motion carried.

There was no public comment.

Motion: by Dr. Schwemmer, seconded by Dr. Kirsh, 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. Motion carried.

Motion: by Dr. Schwemmer, seconded by Dr. Mendez, 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. Kirsh, to not add a sunset provision to this rule as the rule is required by statute to protect the health, safety, and welfare of the citizens of Florida. Motion carried.

## **TAB 20: EXECUTIVE DIRECTOR REPORT - Kama Monroe, J.D., Executive Director**

The executive director provided board members with a legislative update.

## **JOINT COMMITTEE MEETING UPDATES**

**TAB 22:** Anesthesiology Assistants Committee

Board counsel noted it was perfunctory meeting. She added the committee approved minutes and ratified the licensure list.

**TAB 23: Surgical Care/Quality Assurance Committee Meeting**

Drs. Mendez, DiPietro and Schwemmer attended the meeting. Dr. Mendez provided an update which included the fact that there was a lot of discussion regarding the transfer agreements previously discussed during the instant agenda. She also stressed the importance of recognizing that there is a difference between the office surgery center and the ambulatory surgical care center. They have different rules and statutes and there is concern regarding the crossover of the two disciplines.

Board counsel noted that the joint surgical care committee approved AAAASF to be an accrediting organization at the December 2, 2021, meeting and asked that the board make a motion to do the same.

Following discussion:

Dr. Mendez moved to accept (AAAASF) as an accrediting organization, Dr. Gadea seconded the motion. Motion carried.

At the January 27, 2022, joint surgical care committee meeting the application for American Accreditation Commission International America, LLC (AACI America LLC) was presented. It had been before the committee previously. The committee found that American Accreditation Commission International America, LLC (AACI America LLC) substantially demonstrated compliance with this rule, but the application did not provide the correct citations. They approved the application for one year with the condition that AACI submit an amended application with the correct citations.

Motion: Dr. DiPietro, to approve AACI America LLC's application as an accrediting organization for one year pending receipt of an amended application that properly cites both the Board of Medicine and Board of Osteopathic Medicine rule provisions, seconded by Dr. Kirsh. Motion carried.

**TAB 24: Council on Physician Assistants Committee**

Rule 64B15-6.0035/64B8-30.005 – PA Licensure Renewal and Activation

Rule 64B15-6.0038/64B8-30.008 – Formulary

Board counsel provided a brief overview of the PA council meeting. The council approved minutes and the temporary licensees. An amended rule and application were presented.

Motion: by Dr. Kirsh to approve the proposed rule language and corresponding application for licensure, seconded by Dr. Gadea. Motion carried.

Motion: by Dr. Schwemmer, seconded by Dr. Kirsh, 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. Motion carried.

Motion: by Dr. Mendez, seconded by Dr. Kirsh, 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. Mendez, to not add a sunset provision to this rule as the rule is required by statute to protect the health, safety, and welfare of the citizens of Florida. Motion carried.

**TAB 25: Rules/Legislative Committee Meeting**

Board counsel provided a summary of the obesity rules workshop.

Work in progress. She and Ed Tellechea are working together. This will be going back to April Board of Medicine meeting and then to the Osteopathic meeting in May.

**TAB 26**

**Budget Liaison Report-William Kirsh, DO**

There has been no activity. The materials are on the agenda.

**TAB 27-LEGISLATIVE REPORT-Michelle Mendez, DO**

There was no report.

**TAB 28-UNLICENSED ACTIVITY LIAISON REPORT-Sandra Schwemmer, DO**

There was no report.

**TAB 21: BOARD CHAIR REPORT – Sandra Schwemmer, D.O. (continuation)**

Board chair provided a summary of tasks she has performed since the last board meeting, which included, reviewing non-routine applications and quarterly reports. She noted that she serves as a member of the board of directors for the Federation of State Medical Boards (FSMB) and noted that the last three days of October she attended the annual meeting. She reported there was a lot of discussion surrounding physicians and disinformation regarding COVID 19 and opined that the board will probably see more in the coming months.

She instructed board members to email Kama with any questions they want her to take back to the federation and Kama can forward to Dr. Schwemmer to follow through.

Floor was opened for public comment. There was none

**ADJOURN:**

Motion: by Dr. Kirsh, to adjourn, seconded by Dr. Gadea.

Meeting adjourned at 11:57 a.m.

Next Meeting: May 20, 2022-TBA