



**Florida Board of Medicine
Board Meeting**

Meet-Me Number:

Toll Free Number: 1-888-585-9008

Conference Number: 432 162 565

August 7, 2020

Meeting Minutes

Pledge of allegiance

8:01 a.m. Roll call

Members Present:

Zachariah P. Zachariah, MD, Chair
Hector Vila, MD, Vice Chair
Eleonor Pimentel, MD
Scot Ackerman, MD
Sarvam TerKonda, MD
Kevin Cairns, MD
Jorge Lopez, MD
Robert London, MD
Nicholas Romanello, Consumer Member
Andre Perez, Consumer Member
Shailesh Gupta, MD
Luz Pages, MD

Members Absent:

David Diamond, MD

Staff Present:

Claudia Kemp, JD, Executive Director
Edward Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Certified Paralegal
Crystal Sanford, CPM, Program Operations Administrator (850) 222-5491
Wendy All, Program Operations Administrator
Shaila Washington, Regulatory Supervisor
Rebecca Hewett, Regulatory Specialist III

Others Present:

For the Record Court Reporting
Lindsey Sampson
1500 Mahan Drive, Suite 140
Tallahassee, Florida 32308

Department Prosecutors Present:

Allison Dudley, Esquire
Geoffrey Christian, Esquire
Sarah Corrigan, Esquire
Cynthia Nash-Early, Esquire
Corynn Alberto, Esquire
Michael Williams, Esquire
William Walker, Esquire
Jeremy Trimble, Esquire
Chase Den Beste, Esquire

Dr. Zachariah opened the meeting.

Ms. Kemp read opening remarks regarding the meeting.

Ms. Sanford read the Settlement Agreement list to determine which cases would be heard that day.

Disciplinary Case Schedule:

Alexander Coleman, MD – Settlement Agreement..... 4

Mr. Romanello was recused due to participation on the probable cause panel.

Allegations of the Administrative Complaint: Section 456.072(1)(bb), Florida Statutes (2018).

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

Penalty imposed: letter of concern, \$2,500 fine, costs, 1 hour CME in wrong site surgery, 3 hours CME in risk management

Nayer N. Khouzam, MD – Settlement Agreement..... 5

Dr. Gupta and Mr. Perez were recused due to participation on the probable cause panel.

Allegations of the Administrative Complaint: Section 456.072(1)(bb), Florida Statutes (2017).

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

Penalty imposed: letter of concern, \$10,000 fine, costs, 1 hour CME in wrong site surgery, 3 hours CME in risk management

Lisa R. Halpern, MD – Settlement Agreement..... 6

Dr. Cairns and Mr. Perez were recused due to participation on the probable cause panel.

Allegations of the Administrative Complaint: Section 456.072(1)(b), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

Penalty imposed: letter of concern, \$1,000 fine, costs, suspension until all licenses are unencumbered, jurisdiction reserved

Neelam Patel, MD – Settlement Agreement..... 7

Mr. Perez was recused due to participation on the probable cause panel.

Allegations of the Administrative Complaint: Section 458.331(1)(b), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

Penalty imposed: letter of concern, \$500 fine, costs, laws and rules course

Aharon Wolf, MD – Settlement Agreement..... 8

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

Allegations of the Administrative Complaint: Section 458.331(1)(b), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

Penalty imposed: letter of concern, \$5,000 fine, costs, laws and rules course, 5 hours CME in ethics

Harish S. Hosalkar, MD – Settlement Agreement..... 9

Dr. Cairns and Mr. Perez were recused due to participation on the probable cause panel.

Allegations of the Administrative Complaint: Section 458.331(1)(b), F.S. (2018)

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

Penalty imposed: letter of concern, \$2,500 fine, costs, laws and rules course, prior to practicing in Florida, must appear before the Probation Committee, jurisdiction retained

Roberto A. Gomez Suarez, MD – Settlement Agreement 1

Dr. Gomez Suarez was present and represented by Gregory Chaires, Esquire.

Mr. Romanello was recused due to participation on the probable cause panel.

Ms. Alberto represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 458.331(1)(t), Florida Statutes (2016).

Mr. Chaires said his client would waive attorney fees and costs.

A motion was made, seconded and carried unanimously to dismiss the Administrative Complaint.

Action taken: Administrative Complaint dismissed

Mr. Romanello asked if the Board had determined a way for physicians to obtain CME credit for attending the meeting.

Ms. Kemp advised physicians in the audience should send an email stating they were attending and providing the telephone number they were calling in on for verification purposes.

David M. Kenton, MD – Settlement Agreement..... 2

This hearing was tabled to allow time for Dr. Kenton to get back on the call.

David Rondon, MD – Settlement Agreement..... 3

Dr. Rondon was present and represented by Howard Sheinberg, Esquire.

No current members were recused due to participation on the probable cause panel.

Mr. Walker represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 456.072(1)(bb), Florida Statutes (2018), 458.331(1)(m), Florida Statutes (2018) and 458.331 (1)(nn), Florida Statutes (2018).

A motion was made, seconded and carried unanimously to reject the Settlement Agreement.

A motion was made and seconded to offer a counter proposal to include the same terms in the original agreement but to impose a 6-month term of probation under indirect supervision and 25% chart review of patients undergoing surgery. The review should show the Respondent read the films, brought the films to the surgery room, performed a time out and a review of the postoperative report.

An amendment was offered to impose three hours of ethics CME. The amendment was accepted.

An amendment was offered to impose a reprimand in lieu of the letter of concern. This amendment was accepted.

The motion carried unanimously.

The Respondent took seven days to accept or reject the counteroffer.

Action taken: Settlement Agreement rejected; counteroffer to impose reprimand, \$10,000 fine, costs, medical records course, 1 hour CME in ethics, 1 hour CME in wrong site surgery, 6-months of probation under indirect supervision, 25% chart review, 3 hours CME in ethics; Respondent has 7 days to accept/reject

Revisit David M. Kenton, MD – Settlement Agreement..... 2

Dr. Kenton was present but not represented by counsel.

Mr. Romanello was recused due to participation on the probable cause panel.

Mr. Christian represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 458.331(1)(m), Florida Statutes (2011-2012), 458.331(1)(m), Florida Statutes (2011-2012) and 458.331(1)(nn), Florida Statutes (2011-2012).

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

Penalty imposed: letter of concern, \$3,000 fine, costs, fine and costs stayed while Respondent is not practicing, but receive approve from the Probation Committee on payment plan, medical records course, risk management CME

Ijaz Mahmood, MD – Determination of Waiver 10

Dr. Mahmood was not present nor was he represented by counsel.

Mr. Romanello was recused due to participation on the probable cause panel.

Ms. Corrigan represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 458.331(1)(b), Florida Statutes (2018), 458.331(1)(kk), Florida Statutes (2018) and Section 456.072(1)(w), Florida Statutes (2018).

A motion was made, seconded and carried unanimously to find the Respondent waived his right to a hearing.

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made, seconded and carried unanimously to impose a suspension until his Kentucky license is unencumbered.

A motion was made, seconded and carried unanimously to reconsideration the previous motion and add the Board reserved jurisdiction to impose additional terms at reinstatement.

A motion was made, seconded and carried unanimously to access costs in the amount of \$479.69.

Penalty imposed: suspension until Kentucky license is unencumbered, Board retains jurisdiction, costs

Daniel T. Chang, MD - Determination of Waiver..... 11

Dr. Chang was not present nor was he represented by counsel.

No current members were recused due to participation on the probable cause panel.

Ms. Nash-Early represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 458.331(1)(b) and Section 458.331(1) (kk), Florida Statutes (2017)

A motion was made, seconded and carried unanimously to find the Respondent waived his right to a hearing.

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made to impose a suspension until all licenses are unencumbered and the Board retained jurisdiction. The motion was later withdrawn.

A motion was made and seconded to impose a letter of concern, \$5,000 fine and a laws and rules course.

An amendment was offered to decrease the fine to \$1,000. The amendment was accepted.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$565.95.

Penalty imposed: letter of concern, \$1,000 fine, laws and rules course

Pablo E. Figueroa, MD - Determination of Waiver..... 12

This hearing was tabled to allow time for Dr. Figueroa's attorney to get on the call. The Board asked staff when the Respondent was sent notice of the meeting.

Naiyer Imam, MD – Hearing Not Involving Disputed Issues of Material Fact..... 13

Dr. Imam was present but not represented by counsel.

Dr. Zachariah and Mr. Romanello were recused due to participation on the probable cause panel. Dr. Vila chaired this hearing.

Mr. Trimble represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 458.331(1)(b), Florida Statutes (2018).

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made, seconded and carried unanimously to impose a letter of concern and a \$2,000 fine.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$109.84.

Penalty imposed: letter of concern, \$2,000 fine, costs

Pablo E. Figueroa, MD - Determination of Waiver..... 12

Staff advised the Board, in the case against Dr. Figueroa (tab 12), the Respondent was sent notice on July 15, 2020 and he was pro se at the time. The notice was not returned.

Vishal Verma, MD – Hearing Not Involving Disputed Issues of Material Fact..... 14

Dr. Verma was present and represented by Vincent Roth, Esquire.

Dr. Gupta and Mr. Perez were recused due to participation on the probable cause panel.

A motion was made, seconded and carried unanimously to accept Mr. Roth as a qualified representative for the Respondent.

Mr. Christian represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 458.331(1)(b), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made and seconded to impose a letter of concern, \$1,000 fine, a suspension until the Respondent’s Maryland license is unencumbered, and the Compliance Officer can lift the suspension upon receipt of evidence the Maryland license is clear.

An amendment was offered to decrease the fine to \$500.

Dr. Gupta said the mitigating factors for decreasing the fine is this matter happened out of state and he has already paid significant fines.

The motion carried unanimously.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$42.10.

Penalty imposed: letter of concern, \$500 fine, costs, suspension until the Respondent’s Maryland license is unencumbered, Compliance Officer can lift the suspension

Revisit Pablo E. Figueroa, MD - Determination of Waiver 12

Dr. Figueroa was not present, but he was represented by Lance Leighter, Esquire. He said neither him nor his client received notice of the meeting.

Dr. Cairns and Mr. Perez were recused due to participation on the probable cause panel.

Ms. Sanford confirmed the email address where the notice was sent. She said the notice was sent on July 15, 2020 and was not returned. She said at the time the notice was sent, he was pro se.

Mr. Tellechea said there is an issue with proper notice and recommended the hearing be tabled until the next meeting.

A motion was made, seconded and carried unanimously to table the hearing until the next meeting.

Action taken: tabled until next meeting

David H. Averbach, MD – Hearing Not Involving Disputed Issues of Material Fact 15

Dr. Averbach was not present nor was he represented by counsel.

Dr. Zachariah and Mr. Romanello were recused due to participation on the probable cause panel. Dr. Vila chaired the hearing.

Mr. Williams represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 458.331(1)(b), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made, seconded and carried unanimously to impose a suspension until all his licenses are unencumbered and the Board retained jurisdiction to impose additional terms at reinstatement.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$94.22.

Penalty imposed: suspension until all licenses unencumbered, jurisdiction retained, costs

Uday Mehta, MD – Hearing Not Involving Disputed Issues of Material Fact..... 16

Dr. Mehta was present and represented by Michael Ragan, Esquire.

Dr. Gupta and Mr. Perez were recused due to participation on the probable cause panel.

Mr. Williams represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 456.072(1)(bb), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made and seconded to a letter of concern, \$4,000 fine, and three hours CME in wrong site surgery.

An amendment was offered to decrease the fine to \$1,000. The amendment was accepted.

The motion carried unanimously.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$1,281.43.

A motion was made, seconded and carried unanimously to require the wrong site surgery course contain risk management CME.

Penalty imposed: letter of concern, \$1,000 fine, 3 hours CME in wrong site surgery with risk management

Michele L. Lemay, MD – Hearing Not Involving Disputed Issues of Material Fact.. 17

Dr. Lemay was present and represented by Andrew Bolin, Esquire.

Dr. Zachariah and Mr. Romanello were recused due to participation on the probable cause panel. Dr. Vila chaired the hearing.

Mr. Trimble represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 456.072(1)(j), Florida Statutes (2018).

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made, seconded and carried unanimously to impose a reprimand, \$5,000 fine, three hours CME in ethics, and a laws and rules course.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$1,015.23.

Penalty imposed: reprimand, \$5,000 fine, costs, 3 hours CME in ethics, laws and rules course

John Odion Agbi, MD – Hearing Not Involving Disputed Issues of Material Fact .. 18

Dr. Agbi was present and represented by Michael Gennett, Esquire.

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

Mr. Den Beste represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: Section 456.072(1)(j), Florida Statutes (2018).

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to find the Respondent has violated Florida statutes as charged in the Administrative Complaint.

A motion was made, seconded and carried with one opposed to revoke the Respondent's license.

The Department withdrew their Motion for Costs.

Penalty imposed: revocation

Voluntary Relinquishments:

Richard L. Gilliam, MD – Voluntary Relinquishment 19

Dr. Gilliam was not present nor was he represented by counsel.

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

Allegations of the Administrative Complaint: Section 458.331(1)(b), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to accept the voluntary relinquishment of his license.

Penalty imposed: license relinquished

Petitions for Declaratory Statement:

David John Rossi, PA – Approval of Draft Final Order 20

Mr. Rossi was not present, but he was represented by Trish Calhoun, Esquire.

Mr. Tellechea explained there was an issue with this Final Order. He said the Board answered the petition in the negative but did not state the legal reason. This petition involved allowing a PA to talk with the patient and/or the patients family regarding Do Not Resuscitate orders in the hospital medical records.

Dr. Gupta explained this is a very detailed conversation with the family and is considered a serious matter.

Mr. Tellechea read from the law and explained the PA has to have the experience and training to perform the function and the supervising physician must delegate that function to the PA.

Dr. Vila said PA's do not work independently and are required to consult with the supervising physician. He said he supports the petition.

Dr. Cairns said physicians have more training than PA's in this area and it is the physician that should make the decision.

Ms. Calhoun said Mr. Rossi's training and experience was included in the petition materials. She said he wants to help the patient and/or family make a decision in the best to carry out the patient's/family's wishes. She said Dr. Rossi constantly consults with his supervising physician. She further said, the supervising physician does not have to delegate that function to a PA.

A motion was made and seconded to affirm the petition as it is within the scope of practice for a supervising physician to delegate the function to a PA provided the PA has the proper training and experience. The motion failed 3-9.

After discussion, a motion was made, seconded and carried unanimously to deny the petition. Although it is within the scope of practice for a supervising physician to delegate this task to a PA, the Board does not feel he has the training and experience.

Mr. Tellechea advised he would draft the Final Order and present it at the October Board Meeting.

Action taken: petition denied

Final Order Compliance:

Cletus R. Georges, MD – Petition to Lift the Practice Restriction 29

Dr. Georges was present and represented by counsel. William Jacobs, M.D. from PRN was also on the call. He was requesting the restriction on his license be lifted.

A motion was made, seconded and carried unanimously to deny the request to lift the restriction and he has failed to demonstrate PRN supports the request.

Action taken: Denied

Michael E. Palmer, Jr., PA – Petition for Reinstatement..... 30

Dr. Palmer was not present nor was he represented by counsel. He petitioned for reinstatement of his medical license.

A motion was made, seconded and carried unanimously to grant reinstatement.

Action taken: reinstatement granted

AHCA Exemption:

Ravi Patel, MD 31

Dr. Patel was not present or represented by counsel.

A motion was made, seconded and carried unanimously to grant the exemption.

Action taken: exemption granted

Evan Peck, MD 32

A motion was made, seconded and carried unanimously to grant the exemption.

Action taken: exemption granted

Petition for Declaratory Statement:

Armando Augusto Falcon, MD – RE: 456.44 F.S. - Controlled Substance Prescribing..21

Dr. Falcon was not present, but he was represented by William Norris, Esquire.

After discussion, a motion was made, seconded and carried unanimously to answer the petition as follows:

Paragraph 13 of the petition -

May a physician, in his or her medical practice treating chronic non-malignant pain in a registered pain-management clinic, follow the directives of Section 456.44(3)(a), and perform “a physician examination prior to beginning any treatment,” with the “exact components of the physical examination [being] left to the judgment of the [physician] who is expected to perform a physical examination proportionate to the diagnosis that justifies a treatment.”

The Board affirmed this statement.

Paragraph 15 of the petition –

May a physician, in his or her medical practice treating chronic non-malignant pain in a registered pain-management clinic, follow the directives of Section 456.44(3)(d) that the patient be seen at regular intervals, with no standing requirements for additional physical examination.

The Board affirmed the statement finding it depends on the requirements of the standard of care and the circumstances presented to the patient and physician.

Action taken: petition affirmed as noted above; draft final order to October meeting

Jose E. Garcia, MD – RE: 456.47 F.S. Use of Telehealth to Provide Services..... 22

Dr. Garcia was present and he was presented by Jon Pellett, Esquire and Cynthia Tunicliff, Esquire.

The basis of the petition was whether a physician can direct an EMT, who is present with the patient in a telehealth visit, to administer medications in a non-urgent setting.

Mr. Tellechea reminded the Board they cannot rule on an EMT's scope of practice.

The Board discussed declining to answer the petition because there is insufficient information regarding an EMT's scope of practice.

Dr. Vila said EMT's do not administer medication. He said they typically do patient transport, but a paramedic does administer medication.

Mr. Pellett requested to table the petition to allow him to provide additional information and an amended petition.

A motion was made and seconded to table this until the next meeting.

Mr. Tellechea recommended Mr. Pellett withdraw from this petition with the intent he will be bringing the petition back before the Board at a later meeting.

Action taken: petition withdrawn

Scott Loessin, MD - RE: Rule 64B8-9.009, F.A.C. Standard of Care for Office Surgery..23

Dr. Loessin was present and he was represented by Magda Rodriguez, Esquire. They were seeking a declaratory statement to determine if Dr. Loessin can set up an office surgery in the homes of his patients.

Dr. Cairns said he had concerns about the equipment being damaged in transport, placing the patient at risk, inability to do inspections and the overall logistical issues with doing surgery in a house.

Christopher Nuland, Esquire, representing the Florida Society of Plastic Surgeons and Plastic Surgery and the Florida Society of Dermatologists and Dermatologic Surgeons, addressed the Board on his Motion to Intervene in this petition.

A motion was made, seconded and carried unanimously to grant the Motion to Intervene.

Mr. Nuland said this physician would be registering the patient's home as an office surgery facility where he will be dismantling his equipment before it is inspected. He said this puts the patient in jeopardy.

Ms. Rodriguez addressed the Board and said his equipment would be inspected by a risk manager prior to doing surgery.

A motion was made, seconded and carried with one opposed to deny the petition on the basis they have not established they can perform surgery in a patient's home and due to patient safety issues.

Action taken: petition denied for reasons set forth above

Petition for Variance/Waiver:

Scott Loessin, MD - RE: Rule 64B8-9.009(2)(g), F.A.C. Standard of Care for Office Surgery
.....**24**

Based on the previous decision, Ms. Rodriguez withdrew the Petition for Variance and Waiver.

Action taken: petition withdrawn

Florida Medical Association, Inc., Doug Murphy, M.D., The Florida Academy of Family Physicians, Inc., The Florida Chapter of the American Academy of Pediatrics, Inc., The Florida Chapter of the American College of Physicians, Inc., and The Florida Society of Dermatologists and Dermatologic Surgeons, Inc. – RE: SB 698 Reproductive Health...33

Dr. Murphy was present along with Jeff Scott, Esquire, from the FMA.

Mr. Scott stated there was a lot of confusion regarding the new law and physicians are unsure of their obligation. He said the Legislature, in their deliberations, talked only about women, not men. He said the law does not define what a pelvic examination is and whether it is to be done when the procedure being done is not for diagnostic purposes.

Christopher Nuland, Esquire, addressed the Board and said he concurred with Mr. Scott. He said there is a difference between a procedure and an examination.

Mr. Tellechea reminded the Board they had no authority to change the statute or draft rules. He said the new law applies to all licensed practitioners. He also explained the Board had no authority to add exceptions. He said the Board of Nursing declined to answer the petition presented to them.

A motion was made to grant the petition except for emergency care, and it is limited to the circumstances in the petition. The members decided to vote on each individual item in the petition.

Gender:

A motion was made, seconded and carried unanimously to affirm this part of the petition because all the legislative documentation clearly only refer to females.

Performing pelvic examination for non-diagnostic reasons:

A motion was made and seconded to grant the request in paragraph 12 of the petition, based on the materials presented, to affirm consent is not needed when performing pelvic examinations. The motion carried unanimously.

Consent, if there is no physical contact:

A motion was made, seconded and carried unanimously to affirm paragraph 14, and clarify that the written consent requirement in s. 456.51, F.S. does not apply in situations where the only examination will be visual without physical contact with any of the parts of the anatomy included in the definition of “pelvic examination”.

Consent, general:

The petition requested a declaratory statement that affirms paragraph 13, that the consent may authorize one or more “pelvic examinations” as may be necessary during the course of treatment or care for which the patient has presented and must identify the type of provider who may perform the “pelvic examination”, but is not required to identify providers by name and does not require separate written consent every successive time a “pelvic examination” is conducted during the course of treatment or care for which the patient has presented.

Mr. Tellechea stated the Board did not have authority to determine answer this part of the petition.

A motion was made, seconded and carried unanimously to deny the remainder of the petition.

Mr. Tellechea said he would draft the final order and bring it to the October Board Meeting.

Action taken: Parts of the petition affirmed, as outlined above; denied the remainder of the petition; draft final order for October meeting

John C. Tomberlin, MD – Recommended Order 25

This case was moved to the August 14, 2020 Agenda.

Justin C.K. Davis, MD – Recommended Order 26

This case was moved to the August 14, 2020 Agenda.

Florida Medical Association, Inc., Request for Reduction of Licensure/Renewal Fees due to COVID-19..... 34

Mary Thomas, Esquire, representing the FMA, addressed the Board regarding the reduction of licensure and renewal fees for physicians during the COVID-19 pandemic.

A motion was made, seconded and carried with one opposed to table consideration until the October Board Meeting to allow staff to obtain and present financial projections.

Action taken: tabled until October Board Meeting; get financial projections

UNTIMED ITEMS:

Ratification of Applicants Pursuant to Chapter 458, FS 36

A motion was made, seconded and carried unanimously to ratify the applicants on the list provided.

Action taken: licenses ratified

New Business

Dr. Vila - Update on Board of Pharmacy’s Rules Committee rulemaking for collaborative practice.37

Dr. Vila provided an update on the meetings he has attended with the Board of Pharmacy. He said the conditions listed are the ones that will be in the rule for now but will look at expanding the list later.

The members thanked Dr. Vila for representing the Board at the meetings.

No action necessary.

Board Director’s Remarks: 27

A motion was made, seconded and carried unanimously to approve the 2022 proposed meeting dates,

Action taken: 2022 meeting dates approved

Ms. Kemp reminded the members the August 14, 2020 Board Meeting will be using the Zoom platform. She offered members test runs of the system with Ms. Hewett, if they were interested.

Board Chair’s Remarks: No tab

No remarks.

Board Counsel’s Remarks:..... No tab

Mr. Tellechea advised the Legislature changed the make up of the Physician Assistant Council. He said he assigned Lawrence Harris, Senior Assistant Attorney General, to be counsel for the PA Council instead of Ms. McNulty. He explained this gives the PA Council independent legal advice.

No action necessary.

Department Remarks:..... 35

Ms. Dudley provided information about the Appellate Report for the members. She said there are 348 cases on the year-old case report and asked the Board for authority to continue prosecuting the cases.

Action taken: authorized to continue prosecuting year-old cases

Council on Physician Assistants:

This meeting was cancelled.

Committee Reports:

Rules/Legislative Committee No tab

Dr. TerKonda provided the report for the meeting held August 6, 2020. He explained the Committee originally referred the request for rulemaking regarding the pelvic examination consent form to the Board to discuss; however, based on the discussion earlier in the day, this matter will be heard at the October meeting.

A motion was made, seconded and carried unanimously to approve the report.

Action taken: report approved

Credentials Committee Meeting No tab

Dr. London provided the report for the meeting held August 6, 2020.

A motion was made, seconded and carried unanimously to approve the report.

Action taken: report approved

Approval of Meeting Minutes: 28

A motion was made, seconded and carried unanimously to approve the June 5, 2020 Board Meeting minutes.

Action taken: minutes approved

Committee Reports Continued:

Probation Committee Meeting..... No Tab

Dr. Gupta was going to give his report but was having laptop issues. Ms. Hewett read the report for the meeting held July 30, 2020 to the members.

A motion was made, seconded and carried unanimously to approve the report.

Action taken: report approved

Other Business

No old business.

The meeting adjourned at 4:24 pm.