



Florida Board of Medicine
Board Meeting

Meet-Me Number:
Toll Free Number: 1-888-585-9008
Conference Room Number: 432 162 565

June 5, 2020

Meeting Minutes

8:00 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
(was present for initial roll call, but not present for the second roll call)
Andre Perez, Consumer Member
David Diamond, MD
Shailesh Gupta, MD
Luz Pages, MD

Members Absent:

Barbara Fonte, Consumer Member

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
Jamal Burk, Esquire
Geoffrey Christian, Esquire
Sarah Corrigan, Esquire
Cynthia Nash-Early, Esquire
Corynn Alberto, Esquire
Michael Williams, Esquire
Andrew Perrin, Esquire
Major Thompson, Esquire

Ms. Kemp provided opening remarks and advised all participants and the audience about how to participate in the conference call.

Ms. Sanford called the list of Settlement Agreement cases scheduled on the agenda. The members determined which cases they wanted to hear and approved the rest.

Disciplinary Case Schedule:

Francisco X. Vilasuso, MD – Settlement Agreement 1

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

Allegations of the Administrative Complaint: violation of Section 458.331(1)(t)1., F.S. (2014).

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

Penalty imposed: Letter of concern, Administrative fine of \$7,000, costs, 5 hours of Continuing Medical Education in Risk Management and 5 hours of Continuing Medical Education in Interventional Pain Management for Chronic Back Pain.

Kenneth R. Kesty, MD – Settlement Agreement 2

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

Allegations of the Administrative Complaint: violation of Section 458.331(1)(b), Florida Statutes (2018) and Section 456.072(1)(w), Florida Statutes (2018).

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

Penalty imposed: Letter of concern, Administrative fine of \$1,000, costs and completion of a laws and rules course.

Theodore G. Sample, Jr., MD – Settlement Agreement 3

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

Allegations of the Administrative Complaint: violation of Section 456.072(1)(w), Florida Statutes (2018) and Section 458.331(1)(a), Florida Statutes (2018).

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

Penalty imposed: Letter of concern, Administrative fine of \$1,000, costs, and 5 hours of Continuing Medical Education in Ethics.

Cathy B. Barnes, MD – Settlement Agreement 5

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

Allegations of the Administrative Complaint: violation of Section 458.331(1)(t), Florida Statutes (2016), Section 458.331(1)(m), Florida Statutes (2016) and Section 458.331(1)(nn), Florida Statutes (2016).

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

Penalty imposed: Letter of concern, Administrative fine of \$7,500, costs, Continuing Medical Education – board-approved drug prescribing course, Continuing Medical Education – board-approved medical records course, and 5 hours Continuing Medical Education in Risk Management.

Yvette Laclaustra, MD – Settlement Agreement 6

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

Allegations of the Administrative Complaint: violation of Section 458.33 1(1)(nn), Florida Statutes (2018).

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

Penalty imposed: Letter of concern, costs and completion of a board-approved laws and rules course

Raanan Pokroy, MD – Settlement Agreement..... 9

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

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

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

Penalty imposed: Letter of concern, Administrative fine of \$500, costs and completion of a Continuing Medical Education Laws and Rules course.

Frantz Simeon, MD (ACN) – Settlement Agreement..... 10

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

Allegations of the Administrative Complaint: violation of Section 458.33 1(1)(t), Florida Statutes (2013) and Section 458.331(1) (m) and/or (nn), Florida Statutes (2013).

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

Penalty imposed: Letter of concern, Administrative fine of \$5,000, costs, 10 hours of Continuing Medical Education in neurological examinations and 5 hours of Continuing Medical Education in risk management.

Ricardo E. Presas, MD – Settlement Agreement..... 11

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

Allegations of the Administrative Complaint: violation of Section 458.331(1)(nn), Florida Statutes (2016-2018), by violating Rules 64B8- 9.0091, F.A.C., and/or 64B8- 9.009, F.A.C.

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

Penalty imposed: Letter of concern, Administrative fine of \$5,000, costs, permanent restriction from owning, operating, or practicing in any facility operating under an Office Surgery Registration, permanent restriction from performing or assisting in any surgical procedures, completion of a laws and rules course and Continuing Medical Education in Risk Management.

Nisarul M. Hug, MD – Settlement Agreement..... 12

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

Allegations of the Administrative Complaint: violation of Section 458.331(1)(b), Florida Statutes (2017).

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

Penalty imposed: Letter of concern, Administrative fine or \$5,000, costs, permanent restriction from practicing interventional cardiology and 3 hours of Continuing Medical Education in Risk Management.

Luis A. Vinas, MD – Settlement Agreement..... 4

Dr. Vinas was present and represented by Alex Barker, Esquire.

Dr. Ackerman 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: violation of Section 458.331(1)(t)1, Florida Statutes (2015) (Case 2018-14110) and Section 458.331(1)(nn), Florida Statutes (2018) (Case 2019-12322).

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

Penalty imposed: Reprimand, Administrative fine of \$10,000, costs, completion of laws and rules course, 5 hours of Continuing Medical Education in Liposuction Surgical Procedures and 5 hours of Continuing Medical Education in Risk Management.

Mark-Friedrich B. Hurdle, MD – Settlement Agreement..... 7

Dr. Hurdle was present and represented by Allen Grossman, Esquire.

Mr. Romanello was recused due to participation on the probable cause panel. Dr. TerKonda recused himself because he has a working relationship with the Respondent.

Mr. Burk represented the Board and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(bb), Florida Statute (2018).

A motion was made, seconded and carried with three opposed (Dr. Gupta, Dr. Vila, Dr. Cairns) to accept the Settlement Agreement.

Penalty imposed: Letter of concern, Administrative fine of \$3,500, costs and 1 hour of Continuing Medical Education in “Wrong-Sight Surgery”.

Loren Z. Clayman, MD – Settlement Agreement..... 8

Dr. Clayman was present and represented by Jon Pellett, Esquire.

Dr. Vila and Mr. Perez were recused due to participation on the probable cause panel. Dr. TerKonda and Dr. Ackerman recused themselves because they have a professional relationship with the Respondent.

The patient, SR and her representative both spoke to the Board Members. Mr. Tellechea had to remind them several times not to include facts about other patients.

Mr. Christian represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 458.331(1)(m), Florida Statutes (2013), Section 458.33 1(1)(t) 1., Florida Statutes (2013) and Section 458.33 1(1)(nn), Florida Statutes (2013).

A motion was made, seconded and carried with two opposed to accept the Settlement Agreement.

Penalty imposed: Letter of concern, Administrative fine of \$5,000, costs, completion of a laws and rules course, completion of a medical ethics course, completion of a medical records course and completion of Continuing Medical Education in Risk Management.

Jose A. Torres, MD – Determination of Waiver 13

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

Dr. Vila 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: violation of Section 458.33 1(1)(x), Florida Statutes (2012-2014).

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 reprimand, \$7,500 fine and a suspension until the Respondent complies with the previous Final Order.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$311.40.

Penalty imposed: reprimand, \$7,500 fine, costs, suspended until complies with previous Final Order.

Arman Abovyan, MD - Determination of Waiver 14

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

No current members were 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: violation of Section 458.33 1(1)(c), F.S. (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 revoke the Respondent's license.

The Department waived costs since the Respondent was revoked.

Penalty imposed: revoked, costs waived

Arnaldo Carmouze, PA - Determination of Waiver..... 15

Mr. Carmouze was not present nor was he represented by counsel.

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

Ms. Alberto represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(c), F.S. (2018) and Section 456.072(1)(x), F.S. (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 revoke the Respondent's license.

The Department waived costs since the Respondent was revoked.

Penalty imposed: revoked, costs waived

Richard C. Mendel, MD – Determination of Waiver..... 16

Dr. Mendel was not present but he was represented by Julie Gallagher, Esquire.

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

Ms. Dudley and Mr. Christian represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 458.331(1)(p), Florida Statutes (2016).

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 accept the Motion for Waiver and 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 reprimand, \$5,000 fine, a laws and rules course and 5 hours CME in risk management.

A motion was made, seconded and carried unanimously to assess costs in the amount of 1,237.09.

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

Yonas Zegeye, MD - Determination of Waiver..... 17

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

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

Ms. Dudley represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 458.33 1(1)(x), Florida Statutes (2015) and Section 458.331(1)(nn), 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, seconded and carried unanimously to impose a reprimand, \$5,000 fine, and a suspension until he complies with the previous Final Order.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$9,283.90.

A motion was made, seconded and carried unanimously to correct the costs and assess costs in the amount of \$283.90.

Penalty imposed: reprimand, \$5,000 fine, costs, suspended until complies with previous Final Order

Jeanne E. Germeil, MD – Determination of Waiver..... 18

This case was withdrawn from the agenda.

Action taken: withdrawn

Guillermo Achong, MD – Determination of Waiver..... 19

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

Dr. TerKonda 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: violation of Section 458.331(1)(x), Florida Statutes (2014-2015).

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 reprimand and a suspension until he complies with the previous Final Order.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$1,807.88 due within 90 days of reinstatement.

Penalty imposed: reprimand, costs, suspended until complies with previous Final Order

Carlos E. Aguilar, MD – Determination of Waiver 20

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

Dr. Lopez 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: violation of Section 456.072(1)(c), F.S. (2018) and Section 456.072(1)(x), F.S. (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 revoke the Respondent's license.

In light of the revocation, the Department waived costs.

Penalty imposed: revoked, costs waived

Arman Abovyan, MD – Determination of Waiver 21

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

Dr. Ackerman 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: violation of Section 456.072(1)(kk), Florida Statutes (2019).

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 revoke the Respondent's license.

In light of the revocation, the Department waived costs.

Ms. Dudley pointed out the revocation is outside of the disciplinary guidelines.

Mr. Tellechea said the members would need to find aggravating circumstances to impose a penalty outside of the disciplinary guidelines.

A motion was made, seconded and carried unanimously to reconsider the penalty.

A motion was made, seconded and carried unanimously to impose a 10-year suspension.

Penalty imposed: 10-year suspension, costs waived

Pablo E. Figueroa, MD – Determination of Waiver..... 22

Dr. Figueroa was present but not represented by counsel.

Dr. Cairns and Mr. Perez 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: violation of Section 458.331(1)(t), Florida Statutes (2013-2018) and Section 458.331(1)(m), Florida Statutes (2013-2018) or in alternative, Section 458.331(1)(nn) by violating Rule 64B8-9.003, Florida Administrative Code (2013-2018).

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 letter of concern, \$10,000 fine, 5 hours CME in risk management and 5 hours CME in medical records. The motion also included 2-years of probation with indirect supervision, triennial appearances, 25% chart review of patients who receive Schedule I-IV controlled substances, and 6 months to pay the fine.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$6,476.74 payable within 6 months.

Penalty imposed: letter of concern, \$10,000 fine and costs payable within 6 months, 5 hours CME in risk management, 5 hours CME in medical records, 2-years of probation with indirect supervision, triennial appearances, 25% chart review of patients who receive Schedule I-IV controlled substances

Scott S. Katzman, MD – Determination of Waiver..... 23

This case was withdrawn from the agenda.

Action taken: withdrawn

Alex R. G. Nieves, MD (ACN) – Determination of Waiver..... 24

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

Mr. Burk represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 456.072(1)(c), 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, seconded and carried unanimously to impose a \$5,000 fine, a suspension until the Respondent appears before the Board and demonstrates his current ability to practice with reasonable skill and safety including a PRN evaluation and the Board reserves jurisdiction to impose additional terms at that time.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$5,997.63.

Penalty imposed: \$5,000 fine, costs, suspended until he appears before the Board and demonstrates his current ability to practice with reasonable skill and safety including a PRN evaluation, Board reserved jurisdiction

The Board took a break from approximately 10:57 until 11:18 am. Roll call was taken again.

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
- Andre Perez, Consumer Member
- David Diamond, MD
- Shailesh Gupta, MD
- Luz Pages, MD

Members Absent:

- Barbara Fonte, Consumer Member
- Nicholas Romanello, Consumer Member

Ms. Sanford confirmed Board Counsel, Edward Tellechea was on the line too.

Kang Lu, MD – Hearing Not Involving Disputed Issues of Material Fact..... 25

Dr. Lu 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: violation of 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, \$500 fine, and 5 hours CME in ethics.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$134.27.

Penalty imposed: letter of concern, \$500 fine, costs, 5 hours CME in ethics

Robert B. Lufkin, MD – Hearing Not Involving Disputed Issues of Material Fact...26

Dr. Lufkin was present but not represented by counsel.

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

Mr. Burk represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 458.331(1)(b), Florida Statutes (2018) and Section 458.331(1)(kk), 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 \$1,000 fine.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$34.81.

Penalty imposed: letter of concern, \$1,000 fine, costs

Robin B. Garelick, MD - Hearing Not Involving Disputed Issues of Material Fact...27

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

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

Mr. Perrin represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 458.331(1)(b), Florida Statutes (2018), Section 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 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, \$2,000 fine and a laws and rules course.

A motion was made, seconded and carried unanimously to assess costs.

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

Revisit Pablo E. Figueroa, MD – Determination of Waiver 22

Ms. Dudley asked the Board to revisit this case. She has asked Dr. Figueroa to rejoin the call and he was present. Ms. Dudley explained there were five counts of violation of s. 458.331(1)(t), F.S. in the Administrative Complaint. She explained s. 456.50, F.S. requires the Board revoke the Respondent's license. She asked the Board to vacate their previous action.

Dr. Figueroa did not have any objections to vacating the previous action.

Mr. Tellechea explained the Department will need to bring their Motion to Vacate the Final Order to the next meeting.

A motion was made, seconded and carried unanimously to table this hearing until a future meeting.

Penalty imposed: hearing tabled until a future meeting

George B. Buczko, MD - Hearing Not Involving Disputed Issues of Material Fact...28

Dr. Buczko was not present but he was represented by counsel, Alan Tate, Esquire.

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

Ms. Corrigan represented the Department and presented the case to the Boar. Allegations of the Administrative Complaint: violation of 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 \$100 fine.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$100.71.

Penalty imposed: letter of concern, \$100 fine, costs

Daniel R. Canchola, MD - Hearing Not Involving Disputed Issues of Material Fact...29

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

Mr. Perez was 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: violation of 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 letter of concern, \$1,000 fine and a suspension until his Texas license is unencumbered.

A motion was made, seconded and carried unanimously to assess costs in the amount 91.55.

Penalty imposed: letter of concern, \$1,000 fine, costs

Nicanor Baguio, Jr., MD - Hearing Not Involving Disputed Issues of Material Fact...30

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

Dr. Ackerman 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: violation of Section 458.331(1)(t)1, Florida Statutes (2014-2017), Section 458.331(1)(t)1., Florida Statutes (2015-2017), Section 458.331(1)(m) and/or (nn), Florida Statutes (2014-2017) and Section 458.331(1)(m) and/or (nn), Florida Statutes (2015-2017).

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 revocation.

The Department waived costs since the license was revoked.

Penalty imposed: revoked, costs waived

Michael R. Seawell, MD - Hearing Not Involving Disputed Issues of Material Fact...31

Dr. Seawell was present but not represented by counsel.

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

Mr. Thompson represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 458.331(1)(b), Florida Statutes (2018) and 458.331(1)(kk), 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 dismiss Count I of the Administrative Complaint, for failing to report the action.

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 \$1,000 fine.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$1,526.12.

Penalty imposed: letter of concern, \$1,000 fine, costs, Count I dismissed

Linda S. Cox, MD – Hearing Not Involving Disputed Issues of Material Fact51

This matter was continued until a future meeting.

Action taken: hearing continued

Voluntary Relinquishments:

Tabs 33, 34, 35, 37 and 38 were handled in one motion.

Richard H. Matthews, MD – Voluntary Relinquishment..... 33

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

Allegations of the Administrative Complaint: violation of Section 458.331(1)(b), Florida Statutes (2017) and Sections 458.331(1)(kk), Florida Statutes (2017).

Asif H. Choudhury, MD – Voluntary Relinquishment 34

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

Allegations of the Administrative Complaint: violation of Section 458.331(lxj), Florida Statutes (2016) and 458.331(1)(nn), Florida Statutes (2016) by violating §456.072(1)(v), Florida Statutes (2016).

Zoya Kosman, MD - Voluntary Relinquishment 35

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

Allegations of the Administrative Complaint: violation of Section 456.072(1)(c), F.S. (2018), Section 458.33 1(1)(b), F.S. (2018), Section 456.072(1)(x), F.S. (2018) and Section 456.072(1)(w), F.S. (2018).

Donald J. Slevin, MD – Voluntary Relinquishment 37

Probable cause was waived in this case.

Allegations of the Administrative Complaint: violation of Section 456.072(1)(hh) F.S. (2019) and Section 458.331(1)(s) F.S. (2019).

Roland H. Green, MD – Voluntary Relinquishment..... 38

Probable cause was waived in this case.

Allegations of the Administrative Complaint: violation of Section 456.072(1)(c), Florida Statutes (2019) and Section 456.072(1) (ll), Florida Statutes (2019).

A motion was made, seconded and carried unanimously to accept the voluntary relinquishment of licenses in tabs 33, 34, 35, 37, and 38.

Penalty imposed: licenses relinquished

Anthony Baldizzi, MD – Voluntary Relinquishment..... 39

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

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

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

Penalty imposed: license relinquished

Guy T. Selander, MD – Voluntary Relinquishment..... 36

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

Allegations of the Administrative Complaint: violation of Section 458.331(1)(j), F.S. (2019).

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

Penalty imposed: license relinquished

FINAL ORDER COMPLIANCE:

Miguel Montoya, MD – Motion for Modification of Permanent Restriction..... 40

Dr. Montoya was present and represented by Dale Sisco, Esquire.

A motion was made, seconded and carried unanimously to deny the request for modification of the permanent restriction.

Action taken: denied

Endre Kovacs, MD – Petition for Modification of Final Order 41

Dr. Kovacs was present and was not represented by counsel.

A motion was made, seconded and carried unanimously to deny the request for modification of the Final Order.

Action taken: denied

Kevin J. Pauza, MD - Petition for Modification of Final Order..... 42

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

A motion was made, seconded and carried unanimously to deny the request for modification of the Final Order.

Action taken: denied

Raul J. Rodriguez Sora, MD – Petition for Reinstatement..... 43

A motion was made, seconded and carried unanimously to reinstate Dr. Sora's license.

Action taken: license reinstated

AHCA EXEMPTION:

Richard M. Monti, PA52

Mr. Monti was present and represented by Allen Grossman, Esquire.

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

Action taken: exemption granted

Revisit - Michael R. Seawell, MD - Hearing Not Involving Disputed Issues of Material Fact... 31

Mr. Thompson asked the members to revisit this hearing related to the costs. He asked Dr. Seawell to return to the call and he was present. He explained an issue related to the amount of the costs and said the Respondent should only be required to pay costs in the amount of \$553.22.

A motion was made, seconded and carried unanimously to assess costs in the amount of \$553.22 only.

Action taken: costs in the amount of \$553.22

RECOMMENDED ORDERS:

Tabs 32 and 45 were handled in one motion.

John C. Tomberlin, MD – Recommended Order 32

Dr. Vila, Dr. Lopez and Mr. Romanello were recused due to participation on the probable cause panel.

Justin C.K. Davis, MD – Recommended Order.....45

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

Dr. Gupta said it took him a couple meetings to figure out his duties on the Board. He said he was not in favor of handling Recommended Orders on the phone.

Dr. Ackerman agreed. He said he has a difficult time with these types of hearings and recommended these be heard at a face-to-face meeting.

Mr. Tellechea recommended the Board vote to table both hearings. He explained these are complex cases with exceptions. He said, as everyone could see by today's meeting, it would be too difficult to do on the phone.

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

Action taken: hearings table until next meeting

UNTIMED ITEMS*:

Dietetics and Nutrition Council Application for Reappointment.....46

Carol Elliott, RDN, LDN, FAND was present and addressed the Board. She told the Board about her experience and reasons why she wanted to stay on the Council.

A motion was made, seconded and carried unanimously to re-appoint Ms. Elliott to the Council.

Action taken: reappointed

Board Counsel's Remarks: 47

Mr. Tellechea explained that annually the Board is required to provide the Board's Annual Regulatory Report to the Office of Fiscal Accountability and Regulatory Reform (OFARR) by October 1st each year. He said they are working on the report now but wanted a member authorized to review and temporarily approve the report before it is sent to OFARR.

Dr. TerKonda agreed to review the report.

Mr. Tellechea explained physicians attend the Board meeting to obtain 5 hours CME in risk management or ethics; however, the last two meetings were on conference calls. He asked the members if they could receive credit for attending the meeting even though it is not face-to-face.

Ms. Kemp explained how Board staff track the attendees at a face-to-face meeting.

Dr. Gupta said he is in favor of granting CME credit as long as they sign in and out somehow.

Dr. Ackerman suggested having people attest to being on the call.

Ms. Kemp suggested those that attended provide the telephone number they called in from so staff can verify the number on the call list.

A motion was made, seconded and carried unanimously to grant credit to anyone who attended provided they send a letter and include the telephone number they called from.

Action taken: grant credit for attending if a letter is sent to staff including the call in telephone number

Council on Physician Assistants:..... No tab

Dr. Lopez and Dr. Diamond provided the report for the meeting held June 4, 2020.

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

Action taken: report accepted

Committee Reports:

Credentials Committee Meeting No tab

Dr. London provided the report for the meeting held June 4, 2020.

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

Action taken: report accepted

Probation Committee Meeting..... No Tab

Dr. Diamond provided the report for the meeting held June 3, 2020.

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

Action taken: report accepted

Rules/Legislative Committee No tab

Dr. Gupta provided the report for the meeting held June 3, 2020. He explained the Committee discussed HB 389 and the best way to consult with the Board of Pharmacy on their rule. He encouraged all members to send their comments to Mr. Tellechea and Ms. Kemp who would share the comments with the Board of Pharmacy members.

Ms. Kemp reminded the members the rule language is still being drafted. She said the Board of Pharmacy's Rules Committee will be conducting another meeting on June 25, 2020 and encouraged members to listen in to the call.

Dr. Pages asked if the law differentiates between adults and pediatric patients.

Mr. Tellechea said the law did not differentiate between them.

Dr. Zachariah said the process should be methodical, thoughtful and should not be rushed. He suggested asking for members of the Boards of Medicine, Osteopathic Medicine and Pharmacy hold a joint meeting to work on the rule language.

Dr. Pimentel asked if there was a similar law in other states.

Mr. Tellechea said he was not aware of other states.

Ms. Kemp said she could find out and let the members know.

Dr. Gupta asked how the Board asks for a joint meeting.

Ms. Kemp said she and Mr. Tellechea could talk to their Executive Director and Board Counsel.

Dr. TerKonda said there are a lot of questions and the members need a better understanding. He said he would be on the call on June 25th.

Dr. London said this is a significant increase in scope of practice.

Dr. Vila said he had concerns but glad to have the opportunity to work with the Board of Pharmacy so patients have more access to care.

Dr. Gupta brought up the next topic from the meeting which concerned Telehealth by Electrologists doing Laser Hair Removal.

Dr. Zachariah called speakers to address the Board.

Jolynn Greenhalgh, DNP, ARNP, Electrology Council Chair, addressed the Board in support of their rule.

Judy Adams, Legislative Liaison with the Electrolysis Society of Florida, addressed the Board in support of the rule language.

Tali Arviv was called but was not on the call.

Christopher Nuland, Esquire, representing the Florida Society of Dermatology and Dermatologic Surgeons and the Florida Society of Plastic Surgeons, addressed the Board in opposition to the rule language. He said Chapters 456 and 458, F.S. define direct supervision requiring the onsite presence of the physicians. He said the Legislature specifically put supervision in the law.

Lawrence Gonzalez, Counsel to the Electrolysis Society of Florida and the Electrolysis Association of Florida, addressed the Board in support of the language. He said the language would allow supervision under telehealth and direct supervision and responsibility was within the Board's scope to define. He reminded the Board the profession has a superior safety record.

A motion was made and seconded to accept the report.

Mr. Tellechea read the language into the record.

Dr. Vila asked if the rule would now go into rule making.

Mr. Tellechea confirmed.

The motion passed unanimously.

Action taken: report accepted; send comments to Ms. Kemp and Mr. Tellechea regarding the Pharmacy rule, members encouraged to attend June 25th Pharmacy meeting, Mr. Tellechea and Ms. Kemp to discuss a joint meeting with Pharmacy's Executive Director and Board Council, Electrology telehealth rule language approved

Board Director's Remarks: 48

Legislative Summary

Ms. Kemp provided an update on specific bills. She said HB 389 and HB 607 were both signed by the Governor. She explained HB 307 creates a Council with the Board of Nursing and Drs. Gupta and Vila were appointed to serve on the Council. She said HB 743 had been presented to the Governor but no action as of the meeting. She highlighted HB 713 which changes the composition of the Physician Assistant Council and said the bill had not yet been presented to the Governor. She said staff was already preparing in case the Governor signed the bill. She said she would send a copy of HB 389 to all members.

No action necessary.

Department Remarks:..... 49

- Appellate Report
- Year-Old Case Report

Ms. Dudley told the members there are 335 cases on the year-old case report and asked the Board for authorization to continue prosecuting the cases.

A motion was made, seconded and carried unanimously to authorize the Department to continue prosecuting the cases on the year-old case report.

Ms. Dudley gave an update on the appellate report. She thanked the prosecutors that presented the cases that day. She also thanked the members for the opportunity to allow the prosecutors to present their own cases.

Action taken: continue prosecuting cases on report

Approval of Meeting Minutes: 44

A motion was made, seconded and carried unanimously to approve the April 3, 2020 Board Meeting minutes.

Action taken: minutes approved

Ratification of Applicants Pursuant to Chapter 458, FS..... 50

A motion was made, seconded and carried unanimously to ratify the licenses on the lists provided.

Action taken: licenses ratified

Other Business

None

New Business

None

The meeting adjourned at 1:46 p.m.