FLORIDA BOARD OF PODIATRIC MEDICINE

GENERAL BOARD MEETING AGENDA

March 18, 2020 at 8:00 A.M. EST

Call-in # 888-585-9008
Conference Code – 744-469-610#

Joseph Strickland, DPM, Chair
Janet E. Hartman, Executive Director
Participants in this public meeting should be aware that these proceedings are being recorded. An audio file of the meeting will be posted on the Florida Board of Podiatric Medicine website.

AGENDA

TAB 1. CALL TO ORDER
Roll Call
Welcome

TAB 2. EMERGENCY RULE
Rule 64B18-17.001(4), F.A.C.

TAB 3. APPLICATION REQUIRING BOARD REVIEW
Mary Jane Walter, D.P.M. – License # PO1735 – Renewal Fee Waiver Request Volunteer Health Care Provider Program (s. 766.1116, F.S.)

TAB 4. DELEGATION OF AUTHORITY
Renew Fee Waiver Requests - Volunteer Health Care Provider Program (s. 766.1116, F.S.)

TAB 5. NEXT MEETING DATE – April 10, 2020 @ 9:00 A.M. EST Teleconference Call

TAB 6. ADJOURNMENT
WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and
WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.
Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.
Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, “necessary action in coping with the emergency” means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan (“CEMP”); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.
C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

3) Incurring obligations;

4) Employment of permanent and temporary workers;

5) Utilization of volunteer workers;

6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State
building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

1) Maintain an accurate and up-to-date list of all such closures; and,

2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.
Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE
NOTICE OF EMERGENCY RULE

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Continuing Education

RULE NO.: 64B18ER20-19

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Podiatric Medicine (hereinafter the “Board”) is statutorily mandated to adopt rules establishing a procedure for the biennial renewal of licenses. The Board is also authorized to condition such renewal upon the completion of continuing education courses. Pursuant to this authority, the Board has promulgated rules setting forth the requirements for continuing education as a predicate for licensure renewal and outlining the standards for said continuing education credits.

Pursuant to Rule 64B18-17.001(2), Florida Administrative Code, all licensees who seek to renew the active status of their licensure must demonstrate that they have completed, during the previous two years, at least forty (40) hours of continuing education. Pursuant to Rule 64B18-17.001(4), F.A.C., a licensed podiatric physician may receive only up to 8 hours credit for home study continuing education programs taken during the biennium. The biennium for licensure renewal for all of Florida’s licensed podiatric physicians ends on March 31, 2020.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency pursuant to the spread of the Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of March 11, 2020, there are 21 positive cases of COVID-19 in the State of Florida. The Center for Disease Control (“CDC”) recommends mitigation measures to combat the spread of COVID-19 such as staying home when sick, keeping away from others who are sick, and staying home when a household member is sick with respiratory disease symptoms. The CDC also recommends those who are at a higher risk, such as older adults and those who have serious chronic medical conditions, should avoid non-essential air travel and avoid crowds as much as possible.

Westside Regional Medical Center was scheduled to provide a Podiatric Symposium (“Symposium”) on
Saturday March 7, 2020, in Broward County, Florida, and 52 of Florida’s licensed podiatric physicians were scheduled to attend the Symposium. The Symposium was pre-approved for 5 hours of continuing education credits for podiatric physicians. However, on March 6, 2020, the organizer of the Symposium advised all scheduled attendees that the symposium was being cancelled due to the threat of COVID-19. Specifically, the organizers were concerned with the potential transmission of COVID-19 associated with compiling large groups of healthcare workers in a confined space for nonessential medical work.

Upon notification of the cancelled Symposium several licensed podiatric physicians contacted the Board office with concerns centered on not being able to renew their license absent the hours they had anticipated receiving from attendance at the Symposium. Further, given the March 31, 2020 deadline for licensure renewal the licensees were unable to locate an appropriate non home study course prior to the deadline.

Ensuring that Florida’s podiatric physicians are not unnecessarily put at risk is essential during this healthcare emergency. Healthcare providers such as podiatric physicians have an increased likelihood of being exposed to COVID-19 due to the number of patients they come in close contact with during a given day. Considering the spread of COVID-19, forcing large numbers of healthcare workers into a confined space for the purpose of performing nonessential medical work unnecessarily increases the risk of exposure of the medical providers and their future patients to COVID-19. Further, given the current situation involving COVID-19, allowing podiatric physicians to complete the remaining continuing education requirements through home study is consistent with the intent of the continuing education requirements as outlined in Rule 64B18-17.001(1), F.A.C.

Accordingly, the Board, by emergency rule, hereby waives the restriction regarding the number of hours of home study continuing education credits that can be counted toward the biennial licensure renewal of podiatric physicians. The Board finds that these actions are a measured regulatory approach that helps to protect the patients of podiatric physicians and the physicians themselves from exposure to COVID-19. The podiatric physicians are still required to obtain the same number of continuing education credits but are allowed to do so in a format that mitigates the threat of exposure to COVID-19 for them and their patients.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:**

The procedure used for the promulgation of this emergency rule is fair under the circumstances. The Symposium was not cancelled until March 6, 2020. The Board was contacted by multiple licensed podiatric physicians with concerns about not being able to obtain the necessary continuing education hours for license
renewal by March 31, 2020, shortly thereafter. The Board published notice of this meeting on its website on March 10, 2020, eight (8) days prior to the date of the meeting. The Board also published notice of the meeting in the Florida Administrative Review seven (7) days prior to the date of the meeting. The meeting is also being held telephonically which facilitates participation by any interested parties. Accordingly, all notice requirements contained in Rule 28-102.001, F.A.C., were properly complied with and interested parties were given ample opportunity to participate in this rulemaking process.

SUMMARY: The proposed emergency rule waives the restriction on the number of home study continuing education hours that a pediatric physician may count towards licensure renewal.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Janet E. Hartman, Executive Director, Board of Pediatric Medicine, 4052 Bald Cypress Way, Bin # C-08, Tallahassee, Florida 32399-1708.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B18ER20-19 (64B18-17.001) Continuing Education Required for License Renewal.

(1) through (3) No change.

(4) Except for the home study authorized by subsection 64B18-17.002(1), F.A.C., a licensed pediatric physician may receive only up to 8 hours credit for home study continuing education programs taken during the biennium.

(5) through (10) renumbered as (4) through (9) no change.

Rulemaking Authority 456.013(6), 456.033, 456.0301(2), 461.005, 461.007(3) FS. Law Implemented 456.013(6), (7), 456.033, 456.0301(1), 461.007 FS. History—New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00, 9-27-01, 11-27-05, 1-29-07, 11-19-12, 8-6-18.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
This certifies that M. Jane Walter, DPM has provided uncompensated health care services to clients referred by the Department of Health pursuant to Section 766.1115, F.S., “Volunteer Health Care Provider Program”. These services were provided during the period February 27, 2018 to February 20, 2020.

This practitioner has volunteered a total of 400 hours during their biennial licensure period.

Under the provisions of s. 766.1116, F.S., the licensed health care practitioner named above requests a waiver of her biennial renewal fee and credit for the maximum of 25% of the continuing medical education requirements for Domestic Violence, HIV/AIDS, and Preventing Medical Errors cannot be waived by this provision.

Health Care Provider

Signature [Signature] Date 2/20/20
Contact# 386-931-3838 Email Address swalter919@Aol.com

Executive Director of the Volunteer Organization

Signature [Signature] Date 2/20/20

The practitioner should maintain a copy of this certification form for a period of not less than four years in the event of a continuing medical education audit.
STATE OF FLORIDA BOARD OF PODIATRIC MEDICINE

NOTICE OF MEETING

TO: Mary Jane Walter, DPM
   44 Cortes Ct.
   Palm Coast, FL 32137

PLEASE TAKE NOTICE that your application is on the agenda for review by the Board of Podiatric Medicine. The meeting is scheduled to take place on March 18, 2020 at 8:00 a.m. EST via teleconference call. The dial-in information is:

   Dial-in #: 1 (888) 585-9008
   Participation Code: 744-469-610#

You are not required to attend this meeting; however, this is a public meeting and you are encouraged to attend. It may be helpful for you to appear in the event the Board has any questions concerning your application.

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board’s website.

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Meeting has been sent by U.S. Mail to the above address on this March 10, 2020.

_________________________________
Eric Pottschmidt
Program Operations Administrator
Email: Eric.Pottschmidt@flhealth.gov
Phone: (850) 245-4292, Facsimile: (850) 413-6982
4052 Bald Cypress Way, Bin # C08
Tallahassee, Florida 32399-3258