

FLORIDA | Board of Osteopathic Medicine

November 15, 2019



DRAFT MEETING MINUTES
Board of Osteopathic Medicine
General Business Meeting
November 15, 2019
9:00 a.m.

Mission Inn Resort & Club
10400 County Road 48
Howey-in-the-Hills, Florida 34737
(352) 342-3101

The meeting was called to order by Dr. Joel Rose, Chair, at approximately 9:02 a.m.

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

MEMBERS PRESENT:

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

MEMBERS ABSENT

Alicja Janson, Consumer Member

COURT REPORTER:

American Court Reporting
Jane Heneghan
(352) 324-3904

OTHERS PRESENT:

Allison Dudley, Prosecuting Attorney
Sarah Corrigan, Prosecuting Attorney
John Wilson, Deputy General Counsel

BOARD STAFF PRESENT:

Kama Monroe, Executive Director
Carol Taylor, Program Administrator

BOARD COUNSEL

Donna McNulty, Board Counsel

Please note that the meeting minutes reflect the actual order that agenda items were discussed during the meeting and may differ from the agenda outline.

PLEDGE OF ALLEGIANCE

PLEDGE OF OSTEOPATHIC COMMITMENT:

I pledge to: Provide compassionate, quality care to my patients; Partner with them to promote health; Display integrity and professionalism throughout my career; Advance the philosophy, practice and science of osteopathic medicine; Continue life-long learning; Support my profession with loyalty in action, word and deed; and Live each day as an example of what an osteopathic physician should be.

DETERMINATION OF WAIVER

TAB-5: DOW-01 Bradley Bastow, D.O., 2017-09882 (CS)
PCP: Moran/Hayden

This matter was withdrawn.

PRESENTATIONS

TAB-8: NBOME-John R. Gimpel, DO, Med

Dr. Gimpel presented an informative power point presentation which included a brief history of the creation of the Osteopathic examination, COMLEX-USA; information about the National Board of Osteopathic Medical Examiner's (NBOME) itself, including number of staff and offices, as well as board composition; detailed information regarding all aspects of the COMLEX-USA exam and the COMVEX; and information about graduate medical education. Dr. Gimpel noted the COMLEX-USA exam is the gold standard for licensure for Osteopathic Medical practice in all jurisdictions that recognize DOs across the United States and is recognized nationally, as well. Dr. Gimpel entertained questions following the presentation.

DISCIPLINARY CASES:

SETTLEMENT AGREEMENTS

TAB-1: SA-01 Katie E. Drake, D.O., 2017-03630 (SC)
PCP: Moran/Janson

Respondent was present. Respondent was represented by counsel Christopher Lyon.

Ms. Janson was not present but would have been recused due to participation on the probable cause panel.

Sarah Corrigan represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 459.015(1)(ee), Florida Statutes (2014), by presigning blank prescription forms

The terms of the settlement agreement are: Appearance; Reprimand; five thousand dollar (\$5000.00) fine; and reimbursement of costs for the investigation and prosecution of this case in the amount of two thousand one hundred and five dollars and eighty-five cents (\$2105.85); document completion of a board approved laws and rules course within one year of filing of the Final Order; document completion of a board approved drug prescribing course within one year of filing of the Final Order; and completion and provision of documentation of completion of five hours of continuing medical education (CME) in Risk Management within one year of the filing of the Final Order. Risk Management courses can be taken by completing a course pre-approved by the board or by attending a board meeting.

The settlement agreement was verbally amended to reflect the laws and rules course to be taken, as the FMA Laws and Rules course or other board approved course and the drug prescribing course to be taken, as the University of Florida sponsored drug course or other board approved course.

After discussion:

Motion: by Dr. Schwemmer, seconded by Dr. Bellingar, to accept the settlement agreement as verbally amended. Motion passed unanimously.

TAB-2: SA-02 David Paul Neckritz, D.O., 2018-20029 (JB)
PCP: Moran/Janson

Respondent was present. Respondent was not represented by counsel.

Ms. Janson was not present but would have been recused due to participation on the probable cause panel.

John Wilson represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 459.015(1)(b), Florida Statutes (2018), by having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

The terms of the settlement agreement are: Appearance; letter of concern; three thousand dollar (\$3000.00) fine; reimbursement of costs for the investigation and prosecution of this case not to exceed three thousand one hundred and forty-seven dollars and fifty-four cents (\$3147.54), Costs for the investigation and prosecution of the case are one thousand seven hundred sixty-eight dollars and ninety-three cents (\$1768.93).

After discussion:

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to accept the settlement agreement. Motion passed unanimously.

TAB-3: SA-03 Richard M. Brown, D.O., 2016-30176 (JB)
PCP: Moran/Janson

Respondent's appearance was waived by board chair Dr. Rose. Respondent's counsel Lance Leiker appeared on his behalf.

Ms. Janson was not present but would have been recused due to participation on the probable cause panel.

Sarah Corrigan represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 459.015(1)(b), Florida Statutes (2016), by having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

The terms of the settlement agreement are: Appearance; letter of concern; two thousand dollars (\$2000.00) fine; reimbursement of costs for the investigation and prosecution of this case not to exceed three thousand six hundred and fifty-four dollars and seventy-six cents (\$3654.76), Costs for the investigation and prosecution of the case are two thousand fifty-eight dollars and twelve cents (\$2058.12).

Statement by Respondent's attorney.

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to waive Respondent's appearance. Dr. Mendez, Dr. Schwemmer, Dr. Rose and Ms. Jackson voted nay to the motion. Motion failed.

After discussion:

Motion: by Dr. Hayden, seconded by Dr. Mendez, to accept the settlement agreement. Ms. Jackson voted nay. Motion passed.

Motion: by Dr. Hayden, seconded by Dr. Bellingar to waive Respondent's appearance. Motion passed unanimously.

TAB-4: SA-04 Adam Patrick Hall, D.O., 2013-06898 and 2016-09668 (CD)
PCP: Andriole/Bellingar

Respondent was present. Respondent was represented by counsel Lauren Leikam.

Dr. Bellingar, Dr. Hayden and Ms. Janson were recused due to participation on the probable cause panels.

Allison Dudley represented the Department and presented the case to the Board. Allegations of the Administrative Complaint: violation of Section 459.015(1)(b), Florida Statutes (2016), by having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions; and Section 456.072(1)(c), Florida Statutes (2015), by being found guilty of a crime related to the practice, or the ability to practice, a licensee's profession.

The terms of the settlement agreement are: Appearance; Reprimand; fifteen thousand (\$15,000.00) dollar fine; reimbursement of costs for the investigation and prosecution of this case not to exceed nine thousand one hundred and twenty-nine dollars and seventy-seven cents (\$9129.77); completion of ten hours of board approved continuing medical education (CME) in Ethics within one year of filing of the Final Order; and completion of five hours of continuing medical education (CME) in Risk Management within one year of the filing of the Final Order. Risk Management courses can be taken by completing a course pre-approved by the board or by attending a board meeting. Respondent's license shall be suspended for a minimum period of two years in which the board retains jurisdiction to pose additional practice restrictions such as probation and further suspension until Respondent demonstrates he is able to practice Osteopathic Medicine with reasonable skill and safety; such demonstration shall include a PRN evaluation.

Ms. Dudley identified a verbal amendment to paragraph (6)(a), to remove reference to UF Cares.

Statement by Respondent's attorney.

After lengthy discussion:

Motion: by Dr. Schwemmer, seconded by Dr. Rose, to deny the settlement agreement. Motion passed unanimously.

No counter-offer was presented.

TAB 6 - PROSECUTION SERVICES REPORT

Ms. Dudley introduced John Wilson, Deputy General Counsel to the Board. Mr. Wilson made a brief statement.

Allison Dudley presented the prosecution services report. Ms. Dudley requested the Board consider allowing PSU to continue to prosecute cases that are a year and older.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden, to allow PSU to continue prosecuting cases one year and older. Motion carried.

Ms. Dudley also informed the board that attorney Sarah Corrigan will be taking over as point person in PSU for Osteopathic Medicine as a result of Mr. Dierlam's resignation.

PRESENTATIONS

TAB-9: Anesthesiologist Assistants, Robert Wagner and Dr. Hisghman Certified Anesthesiologist Assistant (CAA) Robert Wagner and Anesthesiologist Dr. Hisghman, presented a power point presentation detailing anesthesiology assistants (AA). The presentation included the history of the CAA, the development and practice of the AA programs in Florida, the role of CAAs in the anesthesia care team and the clinical roles and education of CAAs in Florida. Of interest is the fact Florida is the second largest populated state of CAAs after Georgia. Also, of interest was the comparison of the roles of CAAs and CRNAs. Questions were entertained following the presentation.

PROBATION AND COMPLIANCE REVIEW

FORMAL APPROVAL OF PAYMENT EXTENSION

TAB-10: Joe W. Morgan, D.O., Case #2009-24011
Licensee was present.

Licensee presented his request.

Motion: by Dr. Hayden, seconded by Dr. Schwemmer, to approve the payment extension for Licensee to make payments in the amount of two hundred dollars for a period of two years, at which time, Licensee shall petition the board to appear again with a new request, if needed. Motion carried.

Licensee additionally requested the practice restrictions on his license be lifted.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden to deny the request to lift the practice restrictions on his license. Motion carried.

APPEARANCE REQUEST TO LIFT PRACTICE RESTRICTIONS

TAB-11: Jimmy Steven Hankins, D.O., Case #2018-17337
Licensee was present.

Licensee presented his request which included reporting his Alabama license is now clear and active.

Motion: by Dr. Hayden, seconded by Dr. Bellinger, to approve the licensee's request and lift the practice restrictions. Motion carried.

REQUEST FOR EXTENSION OF TEMPORARY APPROVAL OF REPLACEMENT MONITOR

TAB-12: Ty Reso Anderson, D.O., File #14603

Licensee was not present.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden, to deny the request for extension of temporary approval of Dr. McAlister as Dr. Anderson's monitor due to the letter provided to the board on November 14, 2019, from Dr. McAlister. Motion carried.

APPLICANTS

APPLICANTS FOR FULL LICENSURE

TABs 13, and 15 through 34 were reviewed as a group by consent agreement.

TAB-13: Elizabeth Mortazavi, D.O., File #16067

TAB-15: Rajat Malik, D.O., File #16352

TAB-16: Alexander Kim Mounts, D.O., File #16242

TAB-17: David Nicholas Dahl, D.O., File #16195

TAB-18: Ian Richard McKenzie, D.O., File #16083

TAB-19: Jonathan David Hirschauer, D.O., File #16349

TAB-20: Jumana Haitham Al-Deek, D.O., File #16422

TAB -21: Kevin Eugene Schlegel, D.O., File #16329

TAB-23: Mohammed Nayab Ansari, D.O., File #16222

TAB-24: Rebecca Joy Ashton, D.O., File #16320

TAB-25: Paris Adele Kharbat, D.O., File #16221

TAB-26: Seth Harly Larsen, D.O., File #16246

TAB-27: Shumaia Rahman, D.O., File #16338

TAB-28: Alexander Joseph Navone, D.O., File #16324

TAB-29: Brian K. Wood, D.O., File #16400

TAB-30: Maria Paula Ruiz, D.O., File #16374

TAB-31: Whitney Gail King, D.O., File #16274

TAB-32: Brandon Scott Atkinson, D.O., File #16382

TAB-33: Ahsan Khan, D.O., File #16394

TAB-34: Vincent Robert Kennedy, D.O., File #15542

Action Taken: After discussion, Dr. Hayden moved to accept good cause shown for Tabs 13, and 15 through 34 and approve the applications. Dr. Bellingar seconded the motion. Motion carried.

TAB-14: Nadav David Fields, D.O., File #16434

Applicant was present. Applicant was not represented by counsel

Action Taken: After discussion, Dr. Bellingar moved to approve the application. Dr. Hayden seconded the motion. Motion carried.

TAB-35: Tyler Hamilton, D.O., File #16354

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Hayden moved to approve the application. Dr. Bellingar seconded the motion. Motion carried.

TAB-36: Jerry Clarence Childs, Jr., D.O., File #16196

Applicant was not present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Hayden moved to approve the application. Dr. Bellingar seconded the motion. Motion carried.

TAB-37: Winthrop Brian Hedrick, D.O., File #16367

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Hayden moved to accept the Oklahoma state exam as a substantially similar examination to part three and to approve the application. Dr. Bellingar seconded the motion. Motion carried.

TAB-38: John Charles Querci, D.O., File #16228

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Hayden moved to approve the application. Dr. Schwemmer seconded the motion. Motion carried.

TAB-39: Evan Musman, D.O., File #16380

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Hayden moved to approve the application. Dr. Bellingar seconded the motion. Motion carried.

TAB-40: Tamara Brainard, D.O., File #15994

Applicant was not present. Applicant was not represented by counsel.

Applicant was present. Applicant was not represented by counsel.

Action Taken: After discussion, Dr. Hayden moved to accept the letter of good cause shown and to accept the letter from her healthcare provider stating she is safe to practice. The application remains open as incomplete until the applicant's NBOME scores are received. Dr. Bellingar seconded the motion. Motion carried.

REQUEST FOR APPROVAL OF VOLUNTEER HOURS FOR CME CREDITS

TAB-41: CHARLES HONECKMAN, D.O., FILE #1123

Action Taken: After discussion, Dr. Honeckman withdrew his request.

RATIFICATION OF LICENSURE

TAB-42: 1901 - Osteopathic Physician licenses issued 8.1.2019 through 10.31.2019

Motion: by Dr. Hayden, seconded by Dr. Schwemmer, to ratify the 139 full license numbers 16285 through 16427, issued 8.1.2019 through 10.31.2019. Motion carried.

TAB-43: 1902 - Osteopathic Resident Initial Registrations issued 8.1.2019 through 10.31.2019

Motion: by Dr. Hayden, seconded by Dr. Bellingar, to ratify the 18 resident registration numbers 6912 through 6929, issued 8.1.2019 through 10.31.2019. Motion carried.

GENERAL DISCUSSION

TAB-44: 1917 – Osteopathic Physician Expert Witness certificate issued 8.1.2019 through 10.31.2019 (*informational purposes only*)

TAB-45: Approved CE Providers issued 8.1.2019 through 10.31.2019 (*informational purposes only*)

BOARD COUNSEL REPORT - Donna McNulty, Esq.

TAB 46: RULES REPORT

The rules reports were included on the agenda for the board's information. The board had no questions.

RULE DISCUSSION

TAB-47: Annual Regulatory Plan 2019-2020

Motion: by Dr. Schwemmer, seconded by Dr. Bellingar to ratify the Annual Regulatory Plan. Motion carried.

TAB-48: Rule 64B15-19.002: Violations and Penalties

Board counsel, Donna McNulty, stated the purpose of the proposed modification is to address JAPC's concern about the appropriate violation for Section 381.986, Florida Statutes.

Motion: by Dr. Schwemmer, seconded by Dr. Bellingar to approve the proposed changes to Rule 64B15-19.002. Motion carried.

Motion: by Dr. Schwemmer, seconded by Dr. Hayden, that the proposed changes will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including the government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. No SERC is needed, and no legislative ratification is needed. Motion carried.

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

TAB-49: Rule 64B15-19.007: Citations

The proposed changes were to address House Bill 451, regarding the pamphlet for opioid alternatives and to address the letter from FMA. The proposed changes were tabled at the August meeting to facilitate making changes consistent with the Board of Medicine. The Board of Medicine has approved the changes.

Motion: by Dr. Schwemmer, seconded by Dr. Bellingar, to approve the proposed language. Motion carried.

Motion: by Dr. Schwemmer, seconded by Dr. Bellingar, that the proposed changes will not make an adverse impact on small business and proposed changes would not directly or indirectly increase regulatory costs to any entity including the government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. No SERC is needed, and no legislative ratification is needed. Motion carried.

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

TAB-50: Rule 64B15-19.002 (Violations and Penalties) and Rule 64B15-6.011
(PA disciplinary guidelines)

Board counsel requested the board open the disciplinary guidelines for rule development for Osteopathic Physicians and Physician Assistants (PAs) as it pertains to the telehealth registrants. She also requested someone be designated to work with her on the bill.

Dr. Schwemmer agreed to assist Ms. McNulty.

Motion: by Dr. Schwemmer, seconded by Dr. Bellingar, to open the rule for rule development. Motion carried.

TAB-51: Five Most Mis-Diagnosed Conditions

The five most mis-diagnosed conditions: inappropriate prescribing of controlled substance; failure to monitor the safety of prescribed medications; failure to timely diagnose sepsis; failure to accurately diagnose cause of back and leg pain; and retained foreign objects in surgery and wrong site/patient surgery.

Discussion ensued regarding the possible need to modify the statute to something that would be more helpful to the Osteopathic community.

TAB 52: EXECUTIVE DIRECTOR REPORT - Kama Monroe, J.D., Executive Director

Executive Director, Kama Monroe, discussed updated applications. She informed the board that a team will come speak to them with the board regarding application revisions. As a result, the changes regarding the NICA fee and the dispensing practitioner fee will be tabled until that time.

Kama further discussed travel; regarding locations and hotels. She informed the board that the only time board staff can choose a hotel is if there is a tie in the bids.

TAB-72: 2021 Proposed Meeting Dates and Locations

After discussion the board requested the following locations be removed from the board location list: Sarasota, Fort Myers, Championsgate, and St Pete

The board identified the following dates and locations as their preference:

Feb 26	Tampa, Clearwater (must be near Nova), Safety Harbor (meeting at Clearwater Nova Southeastern)
May 14)	Fort Lauderdale, West Palm Beach, Deerfield Beach
August 13	Orlando, Winter Park, Altamonte Springs
November 5	Key West, Tallahassee. Tampa

The board will vote on the proposed dates and locations at the February meeting.

TAB 7 – REVIEW AND APPROVAL OF MINUTES

August 23, 2019, General Business Meeting Minutes

Motion: by Dr. Schwemmer, seconded by Dr. Mendez, to accept the minutes. Motion carried.

TAB 53– Board Chair Report

Board Chair, Dr. Rose, noted that at the next meeting the health history questions may be placed on the next board meeting for discussion. He noted the FMA recently submitted a letter with suggested questions. He read the six questions to the board and suggested possibly working with Medical regarding how to handle the questions. Dr. Rose requested a five year history.

Dr. Rose provided a summary of the chair/vice-chair meeting.

He further opined that Annual Survey the Department sends out does not go to the heart of what the Department needs to ask, adding the Department should consider creating its own survey.

Dr. Rose noted an interest in having an Unlicensed Activity (ULA) presentation by Chilo Casas in the near future.

TAB-54: Council on Physician Assistants Committee

Dr. Rose will attend a Federation meeting in Washington DC on behalf of the AAOE. The meeting is regarding Physician Assistant (PA) portability in licensure; looking at a compact for PA licensure.

There are no PA rules pending.

TAB-55: Anesthesiology Assistants Committee-Joel Rose DO

Dr. Rose noted there will be a combined meeting coming up.

TAB-58: Joint Office Surgery Committee

Dr. Rose and Dr. Schwemmer attended recent meeting. Dr. Rose provided update. Registration rule will be presented at the December joint meeting.

TAB-64: LEGISLATIVE LIAISON-Joel Rose, DO

Dr. Rose noted that the Florida Osteopathic Medicine Association (FOMA) is working diligently to get our legislative language updated. Mr. Winn provided an update that the house bill and the senate bill have both passed the first committee and have referenced to their second committee stop.

JOINT COMMITTEE MEETING UPDATES - Joel Rose, D.O.

TAB-56: Boards of Medicine and Osteopathic Medicine's Physician Certification Pattern Review Panel

There was a recent conference call. Dr. Schwemmer provided an update. Today's meeting was cancelled and has been rescheduled for December 5.

TAB-57: Boards of Medicine and Osteopathic Medicine's Joint Committee on Medical Marijuana

TAB-59: Joint Board Acute Pain Rule Committee

Nothing new.

TAB-60: Telemedicine Subcommittee

Nothing new; however, it has been replaced essentially through statute. The board eliminated the rule.

TAB-61: Multi-Board Joint Committee on Controlled Substances

TAB-62: Pharmacist Prescribing Joint Committee

No action.

TAB-63: Pharmacy Controlled Substances Standards Committee

LIAISON REPORTS

TAB-65: BUDGET LIAISON REPORT – Anna Hayden, DO

Revenue Reports

- August 2019 Allocation to Boards by Source
- August 2019 Total Expenditures
- August 2019 Cash Balance Report
- August 2019 Expenditures by Function

Dr. Hayden noted the report is attached, the Board is fiscally sound. She also added the Board is audited and there are no issues.

TAB-66: HEALTHY WEIGHT LIAISON REPORT – Bridget Bellingar, DO

Dr. Bellingar noted there were materials at back of room. There has not been a meeting.

TAB-67: UNLICENSED ACTIVITY LIAISON REPORT – Sandra Schwemmer, DO

There was nothing to report.

TAB-68: OLD BUSINESS

There was no old business.

NEW BUSINESS

TAB-69: Request to Address the CME Requirements for Osteopathic Physicians

Dr. Rose noted the degree is a DO. Osteopathic Medicine has unique advantages to its' continuing medical education. Dr. Rose directed the board to respond back that the board reviewed the request and the licensee still has choices to do other things.

TAB-70: Morton Morris Award

Motion: by Dr. Bellingar, seconded by Dr. Hayden, to nominate Dr. Kenneth Webster for the Morton Morris Award. Motion carried.

See accomplishments provided. To be presented at the Winter Seminar in January.

TAB-71: Election of Officers

Motion: by Dr. Bellingar, seconded by Dr. Schwemmer, to approve Dr. Rose as chair for the 2020 term. Motion carried.

Motion: by Dr. Bellingar, seconded by Dr. Rose, to approve Dr. Schwemmer as vice-chair for the 2020 term. Motion carried

Motion: by Dr. Bellingar, seconded by Dr. Rose, for the board liaisons to stay the same for the 2020 term. Motion carried

TAB-73: Criminal History Matrix

This item was tabled to the February meeting.

ADDENDUM MATERIALS ADDED

All items were discussed with the respective agenda item.

ADJOURN

Motion: by Dr. Hayden, to adjourn the meeting.

Meeting adjourned at 5:04 pm.

ADJOURN

Next Meeting: February 28, 2020

Tampa, Florida