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**MINUTES**  
**BOARD OF OSTEOPATHIC MEDICINE**  
**May 15-16, 2009**

The Crowne Plaza Universal Hotel  
7800 Universal Blvd  
Orlando, FL 32819  
(407) 355-0550

9 **Friday, May 15, 2009**

11 The meeting was called to order by Dr. Escher, Chair, at 4:00 pm. Those present for all or part of the  
12 meeting included the following:

**MEMBERS PRESENT:**

Allan R. Escher, D.O., Chair  
Joel Rose, D.O., Vice Chair  
Ronald Burns, D.O.  
Robert McCann, D.O.  
James S. St. Louis, D.O. (left early Saturday)  
Rina A. Palladino - Consumer Member

**MEMBERS ABSENT:**

Tom Najjar, Consumer Member- Unexcused

**COURT REPORTER:**

American Court Reporting  
407-896-1813

**BOARD STAFF PRESENT:**

Kaye Howerton, Executive Director  
Christy Robinson, Program Administrator  
Betty Bates, RSII (Saturday only)

**BOARD COUNSEL:**

Donna McNulty, Esquire  
Deborah Loucks, Esquire

**DEPARTMENT OF HEALTH:**

Karin Byrne, Esquire

14  
15 **Please note that the meeting minutes reflect the actual order that agenda items were discussed**  
16 **during the meeting and may differ from the agenda outline.**

17  
18 **PLEDGE OF ALLEGIANCE**

19  
20 Dr. St. Louis led the Board in the Pledge of Allegiance to begin the meeting.

21  
22 **APPROVAL OF MINUTES**

23  
24 **Tab 1 - Review and Approval of March 9, 2009 Conference Call Meeting Minutes**

25 **Action Taken:** Dr. McCann moved to approve the minutes as presented. Dr. Rose seconded the  
26 motion, which passed unanimously.

27  
28 **Tab 48 - Review and Approval of February 6-7, 2009 Meeting Minutes**

29 **Action Taken:** After discussion, Dr. McCann moved to approve the minutes with the correction being  
30 made that Dr. St. Louis was in attendance both days of the meeting. Ms. Palladino seconded the  
31 motion, which passed unanimously.

32  
33 **Tab 49 - Review and Approval of April 27, 2009 Conference Call Meeting Minutes**

34 **Action Taken:** Dr. McCann moved to approve the minutes as presented. Dr. Burns seconded the  
35 motion, which passed unanimously.

1  
2 **GENERAL BUSINESS / CORRESPONDENCE**  
3

4 **Tab 2 - NOVA Request for Consideration of Record Keeping CME Course**

5 **Action Taken:** After discussion, Dr. Rose moved to ask that a representative from NOVA be present at  
6 the next meeting to provide the Board with an overview of the course and answer any questions that  
7 the members may have. Dr. McCann seconded the motion, which passed unanimously.  
8

9 **Tab 3 - Correspondence from American College of Chest Physicians Re: Continuing Medical  
10 Education**

11 The Board discussed the nature of the correspondence and determined that it appeared to ask  
12 providers of continuing education to change their teaching mechanisms for courses.  
13

14 **Action Taken:** After discussion, Dr. McCann moved to take no action as the Board is not a provider.  
15 Dr. Burns seconded the motion, which passed unanimously.  
16

17 **Tab 4 - Correspondence from American Association of Medical Assistants Re: Changes in  
18 Certification**

19 **Action Taken:** Dr. McCann moved to take no action on this issue as the regulation of medical  
20 assistants is not within the purview of Chapter 459, Florida Statutes. Dr. St. Louis seconded the  
21 motion, which passed unanimously.  
22

23 **Tab 5 - Correspondence from Stephen Winn, FOMA Executive Director Re: Morton J. Morris, DO  
24 Award**

25 There was much discussion regarding the nature and intent of the award that was created by the  
26 Board. There was concern that FOMA may want to be the presenter of the award in the future rather  
27 than the Board. Jim Andriole, DO, FOMA's representative present at the meeting, indicated that he  
28 was not aware of FOMA's desire to give the award in the future but clarified that they would be willing to  
29 do so if the Board wanted.  
30

31 **Action Taken:** A motion was made by Dr. McCann and seconded by Dr. St. Louis to allow FOMA to  
32 give the award in the future. This motion was later withdrawn by Dr. McCann in order to obtain  
33 clarification from FOMA's Executive Director regarding their hope to give the award in the future.  
34

35 **Tab 6 - Letter of Thanks from Pamela King, Former Executive Director**

36 Ms. Howerton indicated that the Chair's Award was presented to Ms. King and that a photo would be  
37 placed on the website as soon as possible.  
38

39 **Tab 7 - FDA News Release- Halt Marketing of Certain Unapproved Prescription Narcotic Drugs**  
40 Informational only.  
41

42 **Tab 8 - Correspondence from Affiliated Monitors, Inc. Re: Expansion of Programs**  
43 Informational only.  
44

45 There was discussion regarding the incorrectness of the addressee on the correspondence. Staff was  
46 asked to ensure that organizations had the correct staff names and contact information.  
47

48 **Tab 9 - FSMB Resolutions to be Reviewed at the 2009 Annual Meeting**

49 This item was discussed after the Physician Assistant Council report later in the agenda.  
50

51 **Tab 10 - Correspondence to the FSMB Re: Adoption of the 2008 Resolution Concerning USMLE  
52 and COMLEX Exams**

53 Informational only.  
54

1  
2 **Tab 11 - FSMB Board Net News- March 6, 2009**

3 Informational only.  
4

5 **COUNCIL ON PHYSICIAN ASSISTANTS REPORT – Ronald Burns, DO**

6  
7 **Tab 12 - April 2, 2009 Council Meeting Minutes**

8 Dr. Burns provided the Board with an overview of the council meeting.  
9

10 **FSMB Annual Meeting Report** – Dr. Burns provided the Board with a summary of the annual meeting  
11 activities and lectures. Jim Andriole, DO also updated the Board on the discussions held at this years  
12 AAOE meeting.  
13

14 **ANESTHESIOLOGIST ASSISTANT COMMITTEE REPORT – Ronald Burns, DO**

15 Dr. Burns indicated that he had no report to provide at this time.  
16

17 **UNLICENSED ACTIVITY LIAISON REPORT – James St. Louis, DO**

18 Dr. St. Louis indicated that he had no report to provide at this time. Ms. Howerton explained the  
19 process of how the ULA liaison would be used by the Department if an opinion was ever needed on a  
20 particular investigation or case.  
21

22 **PHARMACISTS FORMULARY COMMITTEE REPORT- Joel Rose, DO**

23 Dr. Rose indicated that he had no report to provide at this time.  
24

25 **BUDGET LIAISON REPORT- Rina Palladino**

26  
27 **Tab 50 - Overview of Cash Sweep of MQA's Trust Fund**

28 Ms. Palladino provided the members with an overview of the sweep that was done of MQA's trust fund  
29 and the methodology used to determine how much money would be taken from each profession's cash  
30 balance. She also indicated that another sweep of \$1 million was also approved to take place.  
31

32 **No Tab # - December 2008 Expenditures by Function**

33 Informational only.  
34

35 **EXECUTIVE DIRECTOR'S REPORT – Kaye Howerton**

36  
37 **Tab 52 - News Release- Potential Breach of Virginia's Prescription Monitoring Program**

38 Ms. Howerton explained that this was provided as information as there was pending legislation  
39 regarding a prescription monitoring system that could become a law.  
40

41 **Tab 53 - Review of Delegations of Authority to Board Chair**

42 This item was discussed under new business later in the agenda.  
43

44 **Tab 54 - OPPAGA Report Re: Psychologists Prescribing Psychotropic Drugs**

45 Informational only.  
46

47 **No Tab # - Joint Letter to Governor Crist Re: Support of Prescription Monitoring Program**

48 Informational only.  
49

50 **No Tab # - Discussion Re: SB 2188 Relating to Administrative Procedures (Posting of Public**  
51 **Agenda Materials on Agency Website)**

52 Ms. Howerton indicated that this new law requires that all non-confidential agenda materials, available  
53 electronically, be posted on the Board's website at least 7 days prior to a meeting. She explained the  
54 impact of this legislation and the effect that it will have on staff and resources in order to comply.

1  
2 **FSMB Annual Meeting Update** – Ms. Robinson commented that this year’s program was good and  
3 that she found the Medical Spa presentation of particular interest.  
4

5 **C.A.P.S. Pilot Program Update** – Dr. Burns gave a brief update on the status of the program. There  
6 was additional discussion about maintenance of licensure and how specialty boards are moving toward  
7 this new trend.  
8

9 **LEGISLATIVE LIAISON REPORT – Robert McCann, DO**

10  
11 **Tab 51 - Overview of 2009 Legislation to Date**

12 Dr. McCann provided the Board with an update on several bills that were of interest.  
13

14 **BOARD COUNSEL’S REPORT – Deborah Loucks, Esq. and Donna McNulty, Esq.**

15  
16 **Tab 13 - Introduction of New Board Counsel**

17 Ms. Loucks indicated that this would be her last official meeting as Board Counsel for the Board and  
18 introduced the Board’s new Counsel, Ms. McNulty.  
19

20 **Tab 14 - April 2, 2009 Board of Medicine Rules/Legislative Committee Meeting Minutes**

21 Ms. Loucks updated the Board on a recent case regarding the ratification of any decisions made by  
22 Board liaisons and indicated that ratification would be necessary to ensure there were no issues or  
23 concerns in the future.  
24

25 **Tab 15 - Rules Report**

26 Ms. Loucks provided an update on the rules and indicated that no action was necessary unless  
27 otherwise indicated below.  
28

29 **64B15-6.01051- Citation Authority (Physician Assistant)**

30 **Action Taken:** After discussion, Dr. McCann moved to notice the rule for development, approve the  
31 language as presented and find that no SERC was needed. Dr. Burns seconded the motion, which  
32 passed unanimously.  
33

34 **Tab 16 - Correspondence from Deborah Loucks, Esq. Re: Reporting Expunged Records**

35 Ms. Loucks explained that the Board, at their February meeting, requested that she provide clarification  
36 regarding the requirement to disclose expunged charges. She indicated that applicants for licensure as  
37 an osteopathic physician would be exempt from having to disclose expunged charges. She further  
38 reiterated that this exemption only applied to charges that occurred in Florida.  
39

40 **Discussion of Additional Rules:**

41  
42 **Tab 17 - 64B15-6.0035 – Physician Assistant Licensure Renewal and Reactivation**

43 There was much discussion regarding this language and concerns with reporting and CE Broker. It  
44 was noted that procedures would need to be in place to ensure that the licensee was aware at the time  
45 of the meeting which specific area of credit they were seeking credit for.  
46

47 **Action Taken:** After discussion, Dr. Burns moved to notice the rule for development, approve the  
48 language as presented with the following addition and find that no SERC was needed:

- (3)(b) – add “as designated by the licensee at the time of attendance”

49 Dr. Rose seconded the motion, which passed unanimously.  
50  
51

52 **Tab 19 - 64B15-6.0105 – Physician Assistant Notice of Noncompliance**

53 No action was taken.  
54

1 **Tab 18 - 64B15-14.001 – Discussion Re: Adding the American Association of Physician**  
2 **Specialists to the Rule**

3 Ms. Robinson explained that this proposal was made by staff as a result of confusion regarding the  
4 approval of the AAPS because they were not specified in the Board's rule, although they had been  
5 approved by the Board since 2002. Dr. Andriole indicated that FOMA supported the concept of adding  
6 the organization to the rule for cleanup purposes, but had concerns with the current suggested  
7 placement in the rule. He noted that placing the organization to the proposed section of the rule was  
8 misleading.

9  
10 **Action Taken:** After much discussion, Dr. Rose moved to take no action at this time. Dr. Burns  
11 seconded the motion, which passed unanimously.

12  
13 **BOARD CHAIRMAN'S REPORT – Allan Escher, DO**

14 Dr. Escher provided the members with an overview of the applications he reviewed as Chair and the  
15 types of application issues he encountered.

16  
17 Dr. Escher also spoke to the members about his goals as the new Board Chair, specifically his desire to  
18 work with staff on enhancing the Board's website. He noted that a brief history of the Board was  
19 recently placed on the website and asked that it be updated by staff with any additional history or  
20 information that the members may be able to provide. He also spoke about the Board Member bio's  
21 and asked that the members review them periodically for accuracy and update as needed.

22  
23 Dr. Escher updated the members on the status of the criminal investigation into the recent bombing of  
24 the Arkansas Medical Board's Chairman. This led to discussion regarding the necessity of having  
25 security at the Board's meetings in the future.

26  
27 **Recess for 15 minutes**

28  
29 **RATIFICATION OF LICENSURE**

30  
31 **Tab 55 - Ratification of Licensure Approval from February to May**

32 **Action Taken:** Dr. Burns moved to approve the list as presented. Dr. St. Louis seconded the motion,  
33 which passed unanimously.

34  
35 **VOLUNTARY RELINQUISHMENTS**

36  
37 **Tab 56 - Requests to Voluntary Relinquish with No Pending Discipline**

38 **Action Taken:** Ms. Palladino moved to approve the list as presented. Dr. Rose seconded the motion,  
39 which passed unanimously.

40  
41 **OLD BUSINESS**

42  
43 **NEW BUSINESS**

44  
45 **REVIEW AND APPROVAL OF BOARD MEMBER ABSENCES**

46  
47 **Tab 47 - Correspondence from Tom Najjar Requesting to be Excused from this Meeting**

48 Ms. Howerton reminded the members that they had a rule that specified what would constitute an  
49 excused absence from a meeting. The Board counsel also reiterated that 456.011(3), F.S. further  
50 outlined the attendance requirement for Board membership.

51  
52 **Action Taken:** A motion was made by Dr. Burns to approve the absence and seconded by Dr. Rose.  
53 After much discussion, the motion was later withdrawn. Dr. McCann then moved to adhere to the

1 Board's rule and not excuse the absence. Ms. Palladino seconded the motion, which passed  
2 unanimously.  
3

4 **Tab 53 - Review of Delegations of Authority to Board Chair**  
5

6 **Action Taken:** After discussion, Dr. Rose moved to approve the delegation of authority to the Board  
7 Chair as amended:

- 8 • Authority to approve, or refer to the Full Board, applicants for licensure that staff is unable to  
9 approve, including those with questionable credentials and other background concerns, such  
10 as impairment, criminal charges, training issues and disciplinary actions.
  - 11 • Authority to suggest that applicants with impairment issues contact PRN for an evaluation.
  - 12 • Authority to temporarily grant extensions of time (until the next available meeting of the Board)  
13 to pay fines and costs associated with imposed disciplinary orders.
  - 14 • Authority to approve alternative continuing education courses that are imposed as a result of  
15 discipline.
  - 16 • Authority to temporarily grant extensions of time (until the next available meeting of the Board)  
17 to submit or complete continuing education courses imposed as a result of discipline.
- 18 Dr. St. Louis seconded the motion, which passed unanimously.  
19

20 **The meeting recessed at 7:05pm.**

1 **SATURDAY, May 16, 2009**

2 **9:00 am**

3  
4 **RECOGNITION OF ADMINISTRATORS IN MEDICINE AWARD RECIPIENT**

5  
6 Dr. Escher recognized Lija Scherer, Chief Medical Board Investigator and Supervisor with the  
7 Department of Health as this year's recipient of the Administrators in Medicine's Ronald K. Williamson  
8 Memorial Award.

9  
10 **RULE WORKSHOP**

11  
12 **Tab 57 - 64B15-14.0055 – Standards for Pain Management Specialists and Pain Management**  
13 **Facilities**

14 Dr. Escher asked if there was anyone in attendance that wished to speak about the proposed  
15 language. There was no one present that wished to speak. He reiterated that there was a bill pending  
16 the Governor's signature that would require the registration of certain pain management facilities and  
17 that this language might conflict with the language before the Board today.

18  
19 **Action Taken:** After discussion, Dr. McCann moved to postpone indefinitely the discussion of this  
20 proposed rule until the new law becomes effective and the matter could be addressed in the future. Dr.  
21 Rose seconded the motion, which passed unanimously.

22  
23 **LICENSURE APPEARANCES**

24  
25 **Tab 37 – Joshua Keith, DO**

26 Dr. Keith was present without counsel. Dr. Rivenbark from PRN was present and provided the Board  
27 with an update on the applicant and noted that he had signed a monitoring contract. Dr. Keith was  
28 required to appear before the Board to discuss his PRN evaluation.

29  
30 **Action Taken:** After discussion, Dr. Rose moved to approve the license with the following condition:

- 31 • Dr. Keith is required to appear before the Board upon completion of his training program.

32 Dr. Burns seconded the motion, which passed unanimously.

33  
34 **NEW DISCIPLINARY CASES**

35  
36 **Tab 20 - Jerrold R. Ecklind, DO – Settlement Agreement – DOH Case #2008-11867**

37 Allegations of Complaint: 456.072(1)(z) & 459.015(1)(w) – being unable to practice with skill and safety  
38 due to impairment

39  
40 The Respondent was present without counsel. Mr. Najjar was recused due to his participation on the  
41 probable cause panel. Ms. Byrne represented the department and presented the case to the Board.

42  
43 **Action Taken:** After discussion, Dr. McCann moved to approve the Settlement Agreement as  
44 presented:

- 45 • Letter of Concern  
46 • \$3000.00 Fine  
47 • \$7900.00 in Costs  
48 • Suspension indefinitely until such time that he can demonstrate to the Board that he is able to  
49 practice with skill and safety, including an evaluation by PRN  
50 • Probation for 1 year with indirect supervision, 25% chart review and quarterly reports  
51 • Tolling provision

52 The motion was seconded by Ms. Palladino and passed with Dr. Rose and Dr. Burns opposed.

1 **Tab 21 - Teresa Rawe, DO – Settlement Agreement – DOH Case #2006-38124**

2 Allegations of Complaint: Dismissed

3  
4 The Respondent was present and represented by Kenneth Metzger, Esquire. Ms. Byrne represented  
5 the department and presented the case to the Board. Dr. McCann recused himself from this case due  
6 to a prior working relationship with the respondent.

7  
8 **Action Taken:** After much discussion, Dr. Rose moved to dismiss the administrative complaint and the  
9 case. Dr. Burns seconded the motion, which passed unanimously. The respondent agreed to waive  
10 attorney's fees in the case for the record.

11  
12 **Tab 22 - Patrick J. Fullerton, DO – Informal Hearing – DOH Case #2007-37460**

13 Allegations of Complaint: Dismissed

14  
15 Dr. Fullerton was present without counsel. Mr. Najjar was recused due to his participation on the  
16 probable cause panel. Ms. Byrne represented the department and presented the case to the Board.  
17 Dr. Rose moved to adopt the findings of fact and conclusions of law as presented in the administrative  
18 complaint. Dr. Burns seconded the motion, which passed unanimously. The Board then heard  
19 testimony from Dr. Fullerton about the case.

20  
21 **Action Taken:** After much discussion, Dr. McCann moved to not adopt the conclusions of law as  
22 presented in the administrative complaint and dismiss the case. Dr. St. Louis seconded the motion,  
23 which passed with Dr. Rose opposed. Ms. Byrne withdrew the motion to assess costs for the record.

24  
25 **MISC. DISCIPLINARY MATTERS**

26  
27 **Tab 23 - Arvin Adler, DO – Motion to Vacate Final Order**

28 Dr. Adler was not present or represented by counsel. Ms. Robinson explained that she was advised  
29 the previous evening that staff received a phone call from Dr. Adler asking if he could call into the  
30 meeting and was advised that he could not. Ms. Loucks advised that the Board could proceed with  
31 making a decision regarding the matter without him present. Several members voiced concern with  
32 wanting Dr. Adler present to answer questions about his request.

33  
34 **Action Taken:** Dr. McCann moved to table the matter and require an appearance at the next meeting.  
35 Dr. Rose seconded the motion, which passed unanimously.

36  
37 **Tab 24 - James Zebranek, DO – Recommended Order – DOAH Case #08-5804**

38 Dr. Zebranek was present without counsel. Ms. Loucks advised that she could not serve as Board  
39 Counsel for this case because she litigated the case on behalf of the Board. Ms. Byrne was asked to  
40 act as Board Counsel during this proceeding. Ms. Byrne provided the members with instructions for  
41 handling Recommended Order cases and asked that all members state for the record if they had  
42 received and read all of the materials. Ms. Byrne also explained that if the Board adopted the  
43 recommendation as outlined in the recommended order Dr. Zebranek's license would be reinstated  
44 from a disciplinary relinquished status to suspended status.

45  
46 **Action Taken:** Dr. Rose moved to adopt the findings of fact as presented in the Recommended Order.  
47 Ms. Palladino seconded the motion, which passed unanimously. Dr. Rose then moved to adopt the  
48 conclusions of law as presented in the Recommended Order. Dr. St. Louis seconded the motion,  
49 which passed unanimously. Dr. Rose then moved to adopt the recommendations outlined in the  
50 Recommended Order. Dr. Burns seconded the motion, which passed unanimously.

1 **LICENSURE REACTIVATIONS – Required Appearances**

2  
3 **Tab 25 - Jeffrey Helfand, DO**

4 Withdrawn from agenda.

5  
6 **Tab 26 - Alan Saltzman, DO**

7 Dr. Saltzman was present without counsel. Dr. Saltzman's appearance was required for reactivation of  
8 his license pursuant to 64B15-12.007, F.A.C.

9  
10 **Action Taken:** After discussion, Dr. Rose moved to approve the request for reactivation of licensure.  
11 Dr. St. Louis seconded the motion, which passed unanimously.

12  
13 **Tab 27 - Alex Wargo, DO**

14 Dr. Wargo was present without counsel. Dr. Rivenbark from PRN was present to answer any questions  
15 that the Board may have regarding his compliance. Dr. Wargo's appearance was required for  
16 reactivation of his license pursuant to 64B15-12.007, F.A.C.

17  
18 **Action Taken:** After discussion, Dr. Rose moved to approve the request for reactivation of licensure.  
19 Ms. Palladino seconded the motion, which passed unanimously.

20  
21 **PROBATION REVIEW**

22  
23 **Tab 59 - Beatrice Claude Eugene, DO- Request for Early Termination of Probation**

24 Dr. Eugene was present without counsel. Her monitor, Dr. Smith Joseph was also present. Dr.  
25 Eugene was requesting early termination of probation as was provided for in her Final Order.

26  
27 **Action Taken:** After much discussion, Dr. Rose moved to approve the request for early termination of  
28 probation. Ms. Palladino seconded the motion, which passed with Dr. McCann opposed.

29  
30 **Tab 28 - Mary J. Eicher, DO – Request for Early Reinstatement from Suspension**

31 Dr. Eicher was present without counsel. Dr. Eicher was requesting early reinstatement from  
32 suspension status.

33  
34 **Action Taken:** After discussion, Ms. Palladino moved to deny the request for early reinstatement. Dr.  
35 McCann seconded the motion, which passed unanimously.

36  
37 **Tab 29 - Paul A. Elliott, DO – Request for Termination of Probation**

38 Dr. Elliott was present with Kenneth Metzger, Esquire and Dr. John Simons his monitor. Dr. Elliott was  
39 required to appear for the termination of his probation.

40  
41 **Action Taken:** After discussion, Dr. McCann moved to accept the appearance and approve the  
42 termination of probation to be effective on the date that probation ends. Dr. Rose seconded the motion,  
43 which passed unanimously. Mr. Metzger asked that the correspondence or order regarding this matter  
44 be directed to Edwin Bayo, Esq.

45  
46 **Tab 58 - Gary Brandwein, DO- Required Appearance with Monitor**

47 Withdrawn from agenda.

48  
49 **Tab 60 - Dyan Harvey-Dent, DO – Request for Modification or Clarification of Final Order Re:  
50 Required CME Course**

51 Dr. Harvey-Dent was not present but was represented by Richard Brooderson, Esquire. Dr. Harvey-  
52 Dent was requesting that the Board consider allowing her to take an on-line course rather than a live  
53 course to fulfill her remaining disciplinary requirement.

1 **Action Taken:** After much discussion, Dr. Rose moved to allow her to do a 5 hour preceptorship under  
2 the purview of a dermatologist, in lieu of the CME course, to include the following:

- 3 • The cases followed should be similar to the type of case specified in the administrative  
4 complaint.
- 5 • The preceptor should be provided with a copy of the Final Order in this case
- 6 • She should write a report with the specific case diagnosis and treatment plans of the cases  
7 she follows
- 8 • The Chair shall approve the dermatologist prior commencement of the preceptorship
- 9 • The Chair can grant an extension of time, if needed, to complete the preceptorship

10 Dr. McCann seconded the motion, which passed unanimously.

11  
12 **Tab 64 - Joseph Deluca, DO- Required Appearance with Monitor**

13 Dr. Deluca was not present or represented by counsel.

14  
15 **Action Taken:** Dr. Rose moved to find that Dr. Deluca was in violation of his Final Order. Dr. Burns  
16 seconded the motion, which passed unanimously.

17  
18 **No Tab # - Barry Kaplan, DO- Request for an Extension of Time to Pay Fine and Modification of**  
19 **Practice Plan**

20 Dr. Kaplan was present without counsel. Dr. Kaplan was present to request a modification of his  
21 practice plan and an extension to pay his fines and costs. Ms. Robinson explained that this request  
22 was placed on the agenda at the last minute based on a phone call from Dr. Kaplan indicating that his  
23 request was delivered to the department on March 23 and had apparently been lost. Dr. Kaplan was  
24 advised that his monitor was to be present when practice plan modifications were being requested. He  
25 read an unsigned letter from his monitor into the record.

26  
27 **Action Taken:** After discussion, Dr. St. Louis moved to deny the request for modification of the  
28 practice plan until the monitor could be present. Dr. Rose seconded the motion, which passed  
29 unanimously.

30  
31 **Action Taken:** After additional discussion, Dr. McCann moved to grant an extension to pay fines and  
32 costs for 1 year with \$500.00 being paid monthly. Ms. Palladino seconded the motion, which passed  
33 unanimously.

34  
35 **No Tab – Prosecutor’s Report**

36 Ms. Byrne provided the members with an overview of their pending cases and advised that they had  
37 recently hired for the attorney vacancy. The Board asked for Ms. Byrne to forward the CV of the 2 new  
38 attorneys for review at the next meeting.

39  
40 **Action Taken:** Dr. Rose moved to allow the department to proceed with prosecution of the cases that  
41 are over 1 year old. Dr. St. Louis seconded the motion, which passed unanimously.

42  
43 **Break for Lunch 11:40 – 12:30**

44  
45 **Dr. St. Louis was not present for the remaining portion of the meeting.**

46  
47 **LICENSURE APPEARANCES**

48  
49 **Tab 31 - Ellen Babinsky, DO**

50 Dr. Babinsky was present with her husband Edward Zawadzki, DO. Dr. Babinski was required to  
51 appear before the Board to discuss a reported disciplinary action taken during her training.

52  
53 **Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. McCann  
54 seconded the motion, which passed unanimously.

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**Tab 32 - Kent Burgwardt, DO**

Dr. Burgwardt was present without counsel. Dr. Burgwardt was required to appear before the Board to discuss his malpractice.

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. Burns seconded the motion, which passed unanimously.

**Tab 33 - Jacob Diehl, DO**

Dr. Diehl was present without counsel. Dr. Diehl was required to appear before the Board to discuss his criminal charge.

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Palladino seconded the motion, which passed unanimously.

**Tab 34 - Michelle Duhaney, DO**

Dr. Duhaney was present without counsel. Dr. Duhaney was required to appear before the Board to discuss a reported disciplinary action during training.

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. McCann seconded the motion, which passed unanimously.

**Tab 35 - John Freitas, DO**

Dr. Freitas was present without counsel. Dr. Freitas was required to appear before the Board to discuss his malpractice, criminal charges, discipline taken in another state and reason for leaving a training program prior to completion.

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. Burns seconded the motion, which passed with Dr. McCann opposed.

**Tab 36 - Larry Janhoff, DO**

Dr. Janhoff was present without counsel. Dr. Janhoff was required to appear before the Board to discuss his malpractice.

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. Burns seconded the motion, which passed with Dr. McCann opposed.

**Tab 38 - Carmen Marrero, DO**

Dr. Marrero was present without counsel. Dr. Marrero was required to appear before the Board to discuss her off sequence training date and medical condition.

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Ms. Palladino seconded the motion, which passed unanimously.

**Tab 39 - Joseph Miller, DO**

Dr. Miller was present without counsel. Dr. Miller was required to appear before the Board to discuss his malpractice, disciplinary action taken during training and reason for leaving a training program prior to completion.

**Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. Burns seconded the motion, which passed unanimously.

**Tab 40 - Andrew Nye, DO**

1 Dr. Nye was present without counsel. Dr. Nye was required to appear before the Board to discuss his  
2 off sequence training date and delay in graduation from medical school.

3  
4 **Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Ms.  
5 Palladino seconded the motion, which passed unanimously.

6  
7 **Tab 41 - Scott Oster, DO**

8 Dr. Oster was present without counsel. Dr. Oster was required to appear before the Board to discuss  
9 his criminal charges, discipline in another state and reason for leaving a training program prior to  
10 completion.

11  
12 **Action Taken:** After discussion, Ms. Palladino moved to approve the application for licensure. Dr.  
13 Rose seconded the motion, which passed unanimously.

14  
15 **Tab 42 - Bruce Peters, DO**

16 Dr. Peters was present without counsel. Dr. Peters was required to appear before the Board to discuss  
17 his extended time in medical school and failure to report other state licenses on his application.

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19 **Action Taken:** After discussion, a motion was made to approve the application for licensure. The  
20 motion was seconded and passed unanimously.

21  
22 **Tab 44 - Matthew Tinney, DO**

23 Dr. Tinney was present without counsel. Dr. Tinney was required to appear before the Board to  
24 discuss his previous Florida discipline, criminal charges, denial of staff privileges, denial of licensure in  
25 another state and extended time in medical school.

26  
27 **Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Ms.  
28 Palladino seconded the motion, which passed unanimously.

29  
30 **Tab 43 - Christopher J. Smith, DO**

31 Dr. Smith was present without counsel. Dr. Smith was required to appear before the Board to discuss  
32 his criminal charges, off sequence training, leave of absence during training and leaving a training  
33 program prior to completion.

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35 **Action Taken:** After discussion, Dr. McCann moved to approve the application for licensure. Ms.  
36 Palladino seconded the motion, which passed unanimously.

37  
38 **Tab 45 - Benito Torres, DO**

39 Dr. Torres was present without counsel. Dr. Torres was required to appear before the Board to discuss  
40 his criminal charges.

41  
42 **Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. Escher  
43 seconded the motion, which passed unanimously.

44  
45 **Tab 61 - Kevin Ache, DO**

46 Dr. Ache was present without counsel. Dr. Ache was required to appear before the Board to discuss  
47 his criminal charges and medical condition.

48  
49 **Action Taken:** After discussion, Dr. Rose moved to grant the license with the following conditions:  
50 

- Dr. Ache must have his treating physician submit quarterly reports to the Board office for one  
51 year, to include his condition, current prognosis and ability to practice with skill and safety.  
52 The Board Chair is granted the authority to review and approve the reports or in the alternative  
53 require an appearance if a report is unfavorable or he has any concerns.

54 Dr. McCann seconded the motion, which passed unanimously.

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**PHYSICIAN IN TRAINING LICENSURE APPEARANCES**

**Tab 62 - Travis Michael Smith, DO**

Dr. Smith was present without counsel. Dr. Smith was required to appear before the Board to discuss his criminal charge.

**Action Taken:** After discussion, Dr. McCann moved to approve the application for a training license. Ms. Palladino seconded the motion, which passed unanimously.

**CONDITIONAL LICENSE REVIEW**

**Tab 63 - Sebastian Tas, DO – Appearance Prior to Termination of PRN Contract**

Dr. Tas was present without counsel. Dr. Rivenbark was present for PRN. Dr. Tas was required to appear before the Board based on his conditional licensure approval order that required an appearance prior to the termination of his PRN contract.

**Action Taken:** After discussion, Dr. McCann moved to approve the appearance and remove the conditions from his license. Dr. Rose seconded the motion, which passed unanimously.

**Tab 46 - Michael Strolla, DO- Review and Approval of Practice Plan**

Dr. Strolla was not present or represented by counsel. Dr. Strolla was required pursuant to his conditional licensure approval order to have his practice plan approved by the Board.

**Action Taken:** After discussion, Dr. Rose moved to approve the practice plan as presented. Dr. McCann seconded the motion, which passed unanimously.

**LICENSURE APPEARANCES – continued**

**Tab 30 – Pierre Angier, DO**

Dr. Angier was not present or represented by counsel as required.

**Action Taken:** After discussion, Dr. McCann moved to table the application and require an appearance at the August meeting. Dr. Burns seconded the motion, which passed unanimously.

**NEW BUSINESS**

Dr. Escher presented Dr. McCann with a plaque to thank him for his service and leadership as the Board's previous Chairman.

**There being no further business the meeting adjourned at 3:05pm.**