

**MINUTES  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE  
General Business Meeting**

**The Quorum Hotel  
700 N Westshore Blvd  
Tampa, FL 33609  
(813) 289-8200**

**August 10-11, 2007**

**Friday, August 10, 2007**

**CALL TO ORDER**

The meeting was called to order by Dr. Rodriguez, Chairperson, at 4:15pm. Dr. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Richard Rodriguez, DO, Chair  
Robert Fedor, DO, Vice Chair  
Ronald Burns, DO  
Robert McCann, DO  
Joel Rose, DO  
Nadine Swan – Consumer Member  
Tom Najjar – Consumer Member

**COURT REPORTER:**

Bay Park Reporting  
Patricia Gough  
813-490-0003

**BOARD STAFF PRESENT:**

Pamela King, Executive Director  
Christy Robinson, Program Administrator

**BOARD COUNSEL:**

Michael Flury, Esquire

**DEPARTMENT OF HEALTH:**

Blake Hunter, Esquire  
Beth DeMarco, Esquire

**OTHERS PRESENT:**

Judy Rivenbark, MD - PRN

**Please note that the meeting minutes reflect the actual order of the agenda items as discussed and may differ from the agenda outline.**

**REVIEW AND APPROVAL OF MINUTES**

**Tab 1 – Minutes from May 17-18, 2007 Board Meeting**

**Action Taken:** Dr. Fedor moved to APPROVE the minutes with minor corrections. Dr. McCann seconded the motion, which passed unanimously.

**Tab 2 – Minutes from May 19, 2007 Board Retreat**

**Action Taken:** Dr. Fedor moved to APPROVE the minutes. Dr. McCann seconded the motion, which passed unanimously.

**DEPARTMENT OF HEALTH UPDATES**

**No Tab - Unlicensed Activity Report**

Mr. Brian Bilbrey, Unlicensed Activity Investigator, provided an update on unlicensed activity cases. He noted specific cases involving osteopathic medicine.

## **PRESENTATION OF BOARD AWARD**

Dr. Rodriguez recognized Dr. Andriole for his service to the board.

**BOARD CHAIRMAN'S REPORT – Richard Rodriguez, DO – No Report**

**BOARD COUNSEL REPORT – Michael Flury, Esquire**

### **Tabs 3, 4 & 40 – May 2007 Rules Report**

Mr. Flury updated the Board on the status of the following rules and requested action where appropriate.

#### **64B15-13.001 – Continuing Education for Biennial Renewal**

Effective 1/29/07

#### **64B15-14.011 – Qualifications of Physicians who Treat Sex Offenders**

Effective 6/21/07

#### **64B15-19.009 – Submission of Malpractice Record**

Effective 7/31/07

#### **64B15-12.0075 – Retired Status**

Mr. Flury noted that although the Board had language for physicians to move to retired status, they needed to develop a retired status reactivation rule. He noted that he had drafted potential language for the board to consider.

**Action Taken:** After much discussion, Dr. Fedor moved to approve the proposed rule language and move forward with the rule development process. The motion was seconded by Dr. Rodriguez and carried unanimously.

#### **64B15-6.0035 – Physician Assistant Licensure Renewal and Reactivation**

Mr. Flury noted that the PA Council was recommending changes to the physician assistant renewal and reactivation rule that would comply with legislative changes.

**Action Taken:** After discussion, Dr. Rodriguez moved to approve the language as submitted. The motion was seconded by Dr. Fedor and carried unanimously.

#### **64B15-6.0112 – Physician Assistant Standard Terms Applicable to Orders**

Mr. Flury advised that the PA Council was recommending a new rule that would outline the standard terms in orders in order to reduce any potential error in the drafting of orders.

**Action Taken:** After discussion, Dr. Fedor moved to approve the language as submitted. The motion was seconded by Dr. Rodriguez and carried unanimously.

#### **64B15-14.006 – Standards of Practice for Surgery**

Mr. Flury advised that he was presenting draft language that would be similar to changes the Board of Medicine instituted for surgical practice. The changes would hold all physicians involved in a surgical procedure responsible.

**Action Taken:** Dr. McCann moved to approve the language as submitted. The motion was seconded by Dr. Rodriguez and carried unanimously.

### **64B15-12.003 – Application for Licensure**

Mr. Flury advised the Board that the JAPC had indicated their concern with having the forms used by the Board in one rule. Due to this concern, Mr. Flury recommended that the Board consider adding the licensure application form into their licensure rule.

**Action Taken:** After much discussion, Dr. Fedor moved to approve the proposed rule language and move forward with the rule development process. The motion was seconded by Dr. Rodriguez and carried unanimously.

### **64B15 – 7.012 – Anesthesiologist Assistants Fees**

Mr. Flury noted the AA Committee's recommended changes to the fee rule.

**Action Taken:** After discussion, Dr. Rodriguez moved to approve the language as submitted. The motion was seconded by Dr. Fedor and carried unanimously.

### **64B15-7.0101 – Anesthesiologist Assistants Standard Terms Applicable to Orders**

Mr. Flury advised that the AA Committee was recommending a new rule that would outline the standard terms in orders in order to reduce any potential error in the drafting of orders.

**Action Taken:** Dr. McCann moved to approve the language as submitted. The motion was seconded by Dr. Fedor and carried unanimously.

### **64B15-7.0102 – Anesthesiologist Assistants Probation Variables**

Mr. Flury advised that the AA Committee was recommending a new rule that would outline the standard probationary terms order to reduce any potential errors when drafting orders.

**Action Taken:** Dr. Fedor moved to approve the language as submitted. The motion was seconded by Dr. McCann and carried unanimously.

### **64B15-6.0113 – Physician Assistant Probation Variables**

Mr. Flury advised that the PA Council was recommending a new rule that would outline the standard probationary terms order to reduce any potential errors when drafting orders.

**Action Taken:** Dr. McCann moved to approve the language as submitted. The motion was seconded by Dr. Fedor and carried unanimously.

### **No Tab- Discussion on 64B15-13.001(3)(a) – Continuing Education for Biennial Renewal**

Dr. Rose noted concern with a statutory provision that was referenced in this rule pertaining to the domestic violence definition. Mr. Flury indicated that this was a typographical error and should be corrected.

**Action Taken:** After discussion, Dr. Rose moved to change the language as recommended by counsel. Dr. Fedor seconded the motion, which carried unanimously.

## **EXECUTIVE DIRECTORS REPORT – Pamela King**

### **Tabs 6 & 44 – Budget Report**

Ms. King gave an overview of impending budget reductions. She specifically noted several initiatives the staff and Department were taking in order to meet the needed reductions.

The Board members recommended looking at meeting at “free” sites – such as Nova Southeastern University, Lake Erie College of Osteopathic Medicine, or public hospitals.

#### **COUNCIL ON PHYSICIAN ASSISTANTS – Ronald Burns, DO**

##### **Tab 5 – PA Council June 5, 2007 Meeting Minutes**

Dr. Burns provided a detailed report of the actions taken by the council. He also noted discussion regarding the lack of awareness that physician assistants can “Baker Act” an individual. And that the Department of Children and Family was reluctant at this time to revise their form indicating that physician assistants could provide this service. Ms. Swan suggested that the Council consider educating hospital and nursing home administrators on this issue.

#### **ANESTHESIOLOGIST ASSISTANT COMMITTEE – Ronald Burns, DO**

##### **Tab 41 – AA Committee July 30, 2007 Meeting Minutes**

Dr. Burns provided information on the status of this profession.

#### **PHARMACIST PRESCRIBING FORMULARY COMMITTEE – Joel Rose, DO**

##### **No Tab – Pharmacist Prescribing Committee June 20, 2007 Meeting Minutes**

Dr. Rose provided a report on the June meeting of the pharmacist prescribing committee. He noted that there was some confusion regarding the intent of the meeting. The physician members were under the understanding that the meeting was being held to select a 7<sup>th</sup> member and the pharmacist members were under the understanding that the meeting was intended for adding additional medications to the formulary.

He advised that due to the confusion there would be another meeting in the near future to select the 7<sup>th</sup> member of the committee prior to discussion of any changes to the formulary.

Dr. Rose also suggested that the Board consider proposed legislation that would not bind the medical boards to the recommendation of the committee. After much discussion, the consensus of the Board was to have Dr. Rose and Mr. Flury work on developing language for consideration at the next meeting and to have Ms. King work on getting assistance with this issue.

#### **GENERAL BUSINESS / CORRESPONDENCE**

##### **Tab 7 – Correspondence Re: Electronic Prescriptions**

Mr. Flury advised the board not to respond to the correspondence unless it is filed as a petition for declaratory statement.

**Action Taken:** After much discussion, Dr. McCann moved to have Ms. King advise the physician present this question in the form of a declaratory statement. Dr. Rose seconded the motion, which carried unanimously.

##### **Tab 8 – Florida Patient Safety Corporation Update**

It was noted that Dr. Wears could not attend the meeting due to a family emergency. Ms. King noted that she had met with Dr. Wears and they had discussed several partnering initiatives.

Dr. Rose also noted that the budget reductions may have a direct impact on this organization.

### **Tab 9 – Approval of Proposed 2008 Meeting Dates**

Dr. Fedor moved to hold the 2008 meeting dates as follows, with locations to be determined by the department based on the most economical locations:

- February 22-23, 2008 - at Nova Southeastern University
- May 17-18, 2008 (Retreat included)
- August 22-23, 2008 - at Lake Erie College of Osteopathic Medicine- Bradenton
- November 14-15, 2008

Dr. Burns seconded the motion, which carried unanimously.

### **Tab 10 – Delegation of Authority to Executive Director**

**Action Taken:** After discussion, Dr. Burns moved to approve delegation of authority to sign final orders on behalf of the Chair. The motion was seconded by Dr. Fedor and carried unanimously.

### **Tab 42 – Invitation from NICA to Attend Meeting**

Informational Only – The board suggested staff see if Dr. Moran or Dr. Kaufman could attend this meeting on their behalf.

## **LICENSURE**

### **Tab 43 – Ratification of Approval of Licenses Issued 4/12/07 – 7/11/07**

**Action Taken:** Dr. Fedor moved to approve the list as presented. Dr. McCann seconded the motion, which passed unanimously.

## **NEW BUSINESS**

Dr. Rose noted concern with the similarities in the risk management and prevention of medical errors continuing education courses. He asked that the board look at this issue at the next meeting.

**ADJOURNED @ 6:30 pm**

**Saturday, August 11, 2007**

**CALL TO ORDER**

The meeting was called to order by Dr. Rodriguez, Chairperson, at 9:00 am.

**RULES WORKSHOP**

**Tab 11 – Rule Workshop on 64B15-14.055 – Pain Management Facilities**

Dr. Rodriguez gave an overview of the concerns regarding pain management facilities that were opening with out appropriate oversight. He noted that the Board had seen a significant increase in disciplinary cases that involved inappropriate prescribing from physicians that are operating this type of facility.

Since there were no interested parties present to provide testimony, the consensus of the Board was to hold a second rules workshop at the next meeting and request pain management experts to attend.

**Action Taken:** After additional discussion, Dr. Burns moved to develop a separate rule on pain management facilities and to look at developing legislation that would allow the inspection of pain management facilities. The motion was seconded by Dr. Fedor and carried unanimously.

**LICENSURE APPEARANCES**

**Tab 37 - Michael Strolla, D.O.**

Dr. Strolla was present without counsel. A representative from PRN was present and advocated for the licensee.

After interviewing the applicant, Dr. Fedor moved to GRANT a license with the following restrictions:

- The applicant's license be restricted to the University of Florida Addiction Medicine fellowship program;
- Remain in compliance with his PRN contract;
- Have PRN and the fellowship program submit quarterly reports;
- Appear before the Board after one year, the Board reserves the right to impose additional restrictions at that time.

The motion was seconded by Dr. McCann and carried unanimously.

**PROBATION REVIEW**

**Tab 12 – Harold Bafitis, D.O.**

Dr. Bafitis was present and represented by Jason Winn, Esq. The licensee petitioned the Board for early termination of his probationary status.

**Action Taken:** After interviewing Dr. Bafitis and much discussion, Dr. Fedor moved to deny the request for early termination of probation. The motion was seconded by Dr. Rose and carried with Dr. McCann opposed.

**Tab 13 - Adam Frent, D.O.**

Dr. Frent was present and represented by Steve Ballinger, Esq. A representative from PRN was also present.

**Action Taken:** After interviewing Dr. Frent and much discussion, Dr. Fedor moved to lift the suspension of licensure. The motion was seconded by Dr. Rose and carried unanimously.

**Tab 14 – Earl Henson**

Dr. Henson was present and represented by Edwin Bayo, Esq.

There was much discussion regarding whether all of the continuing education requirements in the Final Order had been met.

**Action Taken:** After interviewing Dr. Henson and much discussion, Dr. Fedor moved to reinstate the license pending verification that the continuing education requirements were completed. The motion was seconded by Dr. Burns and carried unanimously.

**Tab 15 – William Maher, D.O.**

Dr. Maher was not present or represented by counsel. Dr. Rivenbark with PRN noted that Dr. Maher called and advised PRN that he was relinquishing his license.

**Action Taken:** The Board request staff to check on Dr. Maher's licensure status.

**Tab 16 – Mitchell Wick, D.O. - withdrawn**

**Tab 17 – Curtis Wilkinson, D.O.**

Dr. Wilkinson was present without counsel.

Dr. Wilkinson advised the Board that his previously approved monitor had moved out of state. He requested approval of another monitor; however he indicated that the new monitor could not attend the meeting due to the short notice of his request.

**Action Taken:** After interviewing Dr. Wilkinson, Dr. Fedor moved to temporarily approve his new monitor, pending an appearance at the next meeting of the Board.

Dr. Wilkinson also requested the Board for an extension of time to submit the payment of his fines and costs. He indicated that he previously submitted a payment of \$5000.00 earlier in August. Staff noted that this information was not in the record, but they would research to see if payment had been received.

**Action Taken:** After much discussion, Dr. Rose moved to approve the request of payment of \$3000 per month, if he paid a minimum of \$5000 in August.

**CONDITIONAL LICENSE REVIEW**

**Tab 18 – Melvin Bishow, D.O.**

Dr. Bishow was not present but was represented by Jason Winn, Esquire. Mr. Winn asked the Board to grant Dr. Bishow a full unrestricted license.

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

**Break – 15 minutes**

## **NEW DISCIPLINARY CASES**

### **Tab 19 – Ronald Guzas, D.O. – Informal Hearing - Case #2007- 04758**

The respondent was present without counsel. Mr. Hunter represented the department and presented the case to the Board. Probable cause was waived in this case. Allegations of Complaint: 456.072(1)(bb)- leaving a foreign body in a patient used in surgical procedure.

Dr. Fedor then moved to adopt the Findings of Facts in the case. Dr. Rodriguez seconded the motion, which passed unanimously. Dr. Rodriguez moved to adopt the conclusions of law as presented in the administrative complaint and all of the materials in the case into evidence. Dr. McCann seconded the motion, which passed unanimously.

**Action Taken:** After much discussion, Dr. Fedor moved to adopt the department's recommended penalty.

- Letter of Concern
- \$5000 fine
- \$1452.19 in costs
- 5 hours of continuing education in risk management
- 1 hour lecture at the facility where the incident occurred regarding the lessons learned from this experience; the chair to approve the lecture prior to it being presented

The motion was seconded by Dr. Burns and carried unanimously.

### **Tab 20 – Beatrice Eugene, D.O. – Settlement Agreement - 2005-66053**

Dr. Rose and Ms. Swan were recused from the case due to participation on the probable cause panel.

The respondent was present without counsel. Ms. DeMarco represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (o) failing to keep legible medical records that identify the course of treatment of the patient, (t) inappropriately prescribing controlled substances, (x) failure to practice osteopathic medicine with a level of care, skill and treatment which is recognized by a reasonable prudent similar osteopathic physician, (f) aiding or advising any unlicensed person to practice osteopathic medicine.

**Action Taken:** After much discussion, Dr. Fedor moved to adopt the settlement agreement as presented:

- \$10,000 fine to be paid in 2 years;
- \$10,050.22 in costs to be paid in 2 years;
- 100 hours of community service to be completed in 2 years;
- 12 months suspension stayed, pending compliance with the final order;
- 3 years probation, with the possibility of early termination after 18 months;
- Restriction from practicing as a medical director for 5 years and restricted from the treatment of HIV/AIDS patients for 3 years;
- Completion of the FMA Medical Record Keeping Course;
- 5 hours of continuing education in Risk Management

Dr. Burns seconded the motion, which carried unanimously.

**Tab 21 – Arvin Adler, D.O. - Settlement Agreement - 2006-43952**

The respondent was not present or represented by council. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the required continuing education courses required for renewal of licensure.

**Action Taken:** After much discussion, Dr. Fedor moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$2000 fine to paid in 30 days;
- \$1,047.22 in costs to be paid in 30 days
- Completion of the previously required continuing education courses to be submitted prior to the board meeting
- Completion of additional continuing education
- Suspension of licensure if proof of completion of the continuing education was not received prior to the meeting

The motion was seconded by Dr. Rose and carried unanimously.

It was noted for the record that the continuing education courses had not been submitted and the license would need to be suspended.

**Tab 22 – Jerry Quinn Barton, D.O. – Settlement Agreement - Case #2006-43920**

The respondent was not present or represented by council. Ms. DeMarco represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the continuing education courses required for renewal of licensure.

**Action Taken:** After much discussion, Dr. Fedor moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$1000 fine to paid in 30 days;
- \$172.33 in costs to be paid in 30 days
- Completion of the previously required continuing education courses to be submitted prior to the board meeting. It was noted for the record that continuing education courses had been submitted to the department.

The motion was seconded by Dr. Rose and carried unanimously.

**Tab 23 – Maria Estrada, D.O. – Settlement Agreement - Case #2006-44316**

Dr. Rose and Ms. Swan were recused do to participation on the probable cause panel.

The respondent was not present or represented by council. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the continuing education courses required for renewal of licensure.

**Action Taken:** After much discussion, Dr. Burns moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$1000 fine to paid in 30 days;
- \$455.50 in costs to be paid in 30 days
- Completion of the previously required continuing education courses to be submitted prior to the board meeting. It was noted for the record that continuing education courses had been submitted to the department.

- Suspension of licensure if proof of completion of the continuing education was not received prior to the meeting

Dr. Fedor seconded the motion, which passed unanimously.

**Tab 24 – Dianel Fasciano, D.O. – Settlement Agreement - Case #2006-44322**

Dr. Rose and Ms. Swan were recused do to participation on the probable cause panel.

The respondent was not present or represented by council. Ms. DeMarco represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the continuing education courses required for renewal of licensure.

**Action Taken:** After much discussion, Dr. McCann moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$1000 fine;
- \$502.55 in costs;
- Completion of the previously required continuing education courses to be submitted prior to the board meeting;
- Suspension of licensure if proof of completion of the continuing education was not received prior to the meeting.

The motion was seconded by Dr. Burns and carried unanimously.

It was noted for the record that the continuing education courses had not been submitted and the license would need to be suspended.

**Tab 25 – Charles Franson D.O., – Settlement Agreement - Case #2006-40388**

Dr. Rose and Ms. Swan were recused do to participation on the probable cause panel.

The respondent was present and represented by Rodnie Marquinez, Esq. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (u) engaging or attempting to engage in sexual misconduct and (l) exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity.

After much discussion, Dr. Rodriguez moved to adopt the settlement agreement. The motion died for lack of a second.

**Action Taken:** After additional discussion, Dr. Rodriguez moved to adopt the settlement agreement with the modification that the chaperone be a female licensed health care provider:

- Letter of Concern;
- \$7500 fine to be paid in 6 months;
- \$3207.19 in costs to be paid in 6 months;
- 100 hours of community service;
- 4 hours of continuing education in sexual boundaries;
- Practice is restricted by limiting treatment to female patients only when accompanied by a female chaperone that is licensed as a health care provider

The motion was seconded by Mr. Najjar and carried with Drs. McCann and Fedor opposed.

**Tab 26 - Tod Northrup, D.O. – Settlement Agreement - Case #2007-03051**

The respondent was present without council. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the required continuing education courses required for renewal of licensure.

**Action Taken:** After much discussion, Dr. Burns moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$1000 fine to paid in 30 days;
- \$521.88 in costs to be paid in 30 days
- Completion of the previously required continuing education courses to be submitted prior to the board meeting. It was noted for the record that continuing education courses had been submitted to the department.

The motion was seconded by Mr. Najjar and carried unanimously.

**Tab 27 – Marshall Pressman, D.O. – Settlement Agreement - Case #2005-54212**

The respondent was present and represented by Barry Shevland, Esq. Ms. DeMarco represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1)(b) having a license to practice osteopathic medicine acted against by another licensing authority.

**Action Taken:** After much discussion, Dr. Burns moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$2500 fine to paid;
- \$338.15 in costs;
- 50 hours of community service in one year

The motion was seconded by Dr. McCann and carried unanimously.

**Tab 28 – Edwin Seligson, D.O. – Settlement Agreement - Case #2007-11547**

The respondent was not present or represented by council. Ms. DeMarco represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the required continuing education courses required for renewal of licensure.

**Action Taken:** After discussion, Dr. Rose moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$1000 fine;
- \$383.42 in costs;
- Completion of the previously required continuing education courses

The motion was seconded by Dr. Burns and carried unanimously.

**Tab 29 – James M. Smith, D.O. – Settlement Agreement - Case #2007-01588**

The respondent was present without counsel. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the required continuing education courses required for renewal of licensure.

**Action Taken:** After discussion, Dr. McCann moved to adopt the settlement agreement as presented:

- Letter of concern;
- \$1000 fine;
- \$361.19 in costs;

- Completion of the previously required continuing education courses to be submitted prior to the board meeting. It was noted for the record that continuing education courses were submitted to the department at the meeting.

The motion was seconded by Dr. Burns and carried unanimously.

**Tab 30 – Lorenz Spengler, D.O. – Settlement Agreement - Case #2004-08939**

The respondent was present without council. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (o) failing to keep legible medical records that identify the course of treatment of the patient, (t) inappropriately prescribing controlled substances, (x) failure to practice osteopathic medicine with a level of care, skill and treatment which is recognized by a reasonable prudent similar osteopathic physician.

**Action Taken:** After much discussion, Dr. Fedor moved to adopt the settlement agreement as presented:

- Letter of concern
- \$7500 fine
- \$7552.84 in costs
- Completion of the FMA Medical Record Keeping Course
- Completion of the USF course of appropriate prescribing

The motion was seconded by Dr. Rose and carried unanimously.

**Tab 31 - Robert Hover, D.O. – Voluntary Relinquishment – Case #2005-70777**

The respondent was not present or represented by counsel. Mr. Hunter represented the department and presented the case to the Board. Mr. Hunter noted that Dr. Hover waived his right to probable cause; therefore there was no administrative complaint in this case.

**Action Taken:** After much discussion, Dr. McCann moved to accept the voluntary relinquishment of licensure. The motion was seconded by Dr. Fedor and carried unanimously

**Tab 32 – Robert Kellam, D.O. – Voluntary Relinquishment – Case #2007-03786**

The respondent was not present or represented by counsel. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (pp) by not completing the required continuing education courses required for renewal of licensure.

**Action Taken:** After much discussion, Dr. Fedor moved to accept the voluntary relinquishment of licensure. The motion was seconded by Dr. McCann and carried unanimously

**Tab 33 – Eugene W. Williams, D.O. – Voluntary Relinquishment – Case #2006-04524**

The respondent was not present or represented by counsel. Mr. Hunter represented the department and presented the case to the Board. Allegations of Complaint: 459.015(1) (o) failing to keep legible medical records that identify the course of treatment of the patient, (t) inappropriately prescribing controlled substances, (x) failure to practice osteopathic medicine with a level of care, skill and treatment which is recognized by a reasonable prudent similar osteopathic physician.

**Action Taken:** After much discussion, Dr. McCann moved to accept the voluntary relinquishment of licensure. The motion was seconded by Dr. Fedor and carried unanimously

**Break – 15 minutes**

## **LICENSURE HEARINGS**

### **Tab 34 – Louis J. Manley, D.O. – Informal Hearing Request on Conditional Licensure**

Dr. Manley was present with Trey Stoffer, President, Transformations International, Inc. Dr. Manley requested the Board to reconsider the conditions placed on his license at the last meeting.

**Action Taken:** After much discussion, Dr. Rose moved to uphold the original licensure order and have staff provide Dr. Manley with information about the FSMB competency course. The motion was seconded by Dr. McCann and carried unanimously.

## **LICENSURE APPEARANCES**

### **Tab 35 – Daniel R. St. Aubyn Hay, D.O.**

Dr. St. Aubyn Hay was present without counsel. He was asked to appear before the Board to discuss his medical school training.

**Action Taken:** After much discussion, Dr. Rose moved to approve the application for licensure pending receipt of a corrected application. The motion was seconded by Dr. Burns and carried unanimously.

### **Tab 36 – Kasey Christopher Nelson, D.O.**

Dr. Nelson was present without counsel. Dr. Nelson was asked to appear before the Board to discuss a misdemeanor charge.

**Action Taken:** After discussion, Dr. Burns moved to approve the application for licensure. The motion was seconded by Dr. Rose and carried unanimously.

### **Tab 38 - Steven J. Svabek, D.O.**

Dr. Svabek was present without counsel. Dr. Svabek was asked to appear before the Board to discuss pending medical malpractice cases.

**Action Taken:** After much discussion, Dr. Rose moved to have Dr. Svabek reappear at the next meeting of the Board with an update on all the malpractice cases and any information regarding licensure in Indiana; unless the Chair is satisfied with the updated information provided.

## **PHYSICIAN IN TRAINING LICENSURE APPEARANCES**

### **Tab 39 – Alison S. Gardner, D.O.**

Dr. Gardner was not present.

**Action Taken:** After discussion, a motion was made to require Dr. Gardner's appearance at the next meeting of the Board.

## **NEW BUSINESS**

### **No Tab – Sunshine Fund**

Ms. King announced that Dr. Rose indicated an interest in starting a fund for coffee and refreshments at board meetings. Dr. Rose started the fund with a \$100 contribution.

**Adjourn @1:45 p.m.**