

**Minutes**  
**BOARD OF OSTEOPATHIC MEDICINE**  
**August 22-23, 2008**  
**Tampa Airport Marriott**  
**Tampa International Airport 33607**  
**(813407) 859-1500**

**Friday, August 22, 2008**

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

**MEMBERS PRESENT:**

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

**COURT REPORTER:**

Dempster & Associates  
Rob Darling  
(727) 725-9157

**BOARD STAFF PRESENT:**

Pamela King, Executive Director  
Ronda L. Bryan, Program Administrator

**BOARD COUNSEL:**

Deborah Loucks, Esquire

**DEPARTMENT OF HEALTH:**

Blake Hunter, Esquire

Please note that the below minutes reflect the actual order that items were discussed during the meeting and may differ than the order on the agenda.

Ms. King noted for the record that a representative from PRN would not be available for the meeting due to the Hurricane.

**Approval of Minutes**

**Tab 1 - Minutes from May 17, 2008 Board Meeting**

**Tab 2 – Minutes from May 18, 2008 Board Retreat**

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

**Compliance Review and Appearance**

**Tab 24 – Jack Eric Cohen, D.O. – Required Appearance**

The respondent was present and represented by Richard Ramsey, Esquire. Dr. McCann advised the Board that Dr. Cohen was making a required appearance before.

**Action Taken:** After questioning the probationer regarding his current practice status, Dr. Rose moved to accept the respondent's appearance. Dr. Burns seconded the motion, which passed unanimously.

**Disciplinary Cases**

**Tab 29 – Richard A. Hill, DO – Case Numbers 2006-06296, 2005-62336, 2002-11766, 2002-01196, 2002-00401 & 2004-20914**

The respondent was present and represented by Ed Bayo, Esquire. Mr. Hunter represented the department and presented the case to the Board. Allegations of the case were a violation of 459.015(1)(c) being found guilty of a crime related to the practice of Osteopathic Medicine.

**Action Taken:** After much discussion, Dr. Fedor moved to REJECT the settlement agreement as presented. The motion was seconded by Dr. Burns and carried unanimously.

**Action Taken:** After further discussion, Dr. Rose moved to offer the following COUNTER SETTLEMENT AGREEMENT:

- Reprimand
- \$10,000 fine, paid within 2 years of the final order
- \$28,883.53 costs, paid within 2 years of the final order
- 200 hours of community service, completed within 2 years of final order
- Completion of a 10 hour course in sexual boundaries, completed within 1 year of final order
- Suspension for 1 year with 6 months stay
- Probation for 5 years
- Permanent Restriction of Practice - must have a licensed female chaperone present during all exam and treatment of female patients
- Completion of a Laws and Rules Course, completed within 1 year of the final order
- Restriction – relinquish current dispensing license and never again register as a dispensing practitioner in the State of Florida
- Must obtain a PRN evaluation within 60 days, the Board may impose any additional terms or restrictions as deemed necessary
- Successfully pass the COMVEX exam before commencing practice

Dr. Rodriguez seconded the motion, which passed unanimously. Both parties agreed to the amended terms for the record.

### **Licensure Appearance**

#### **Tab 52 – Karin Kae Stanton, DO**

Dr. Stanton was present and represented by Ed Bayo, Esquire. The applicant was required to appear before the Board to discuss her probation during residency training and medical conditions.

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

### **BOARD CHAIRMAN'S REPORT – Robert McCann, D.O.**

Dr. McCann advised the Board that several national meetings had been attended by Dr. Fedor on the Board's behalf. He request Dr. Fedor to provide information on those meetings.

Dr. Fedor advised that he attended the American Association of Osteopathic Examiners (AAOE) meeting and the major topic of discussion was the National Alliance for Physician Competence. He noted that a report will be released next month regarding this issue. The next AAOE meeting is scheduled for February 2009.

Dr. Fedor also indicated that part of his role on the Federation of State Medical Boards (FSMB) Nominating Committee was to encourage qualified members to run for office with the FSMB. He asked that any member of the board interested to please run for a national office.

Additionally, Dr. Fedor noted that he attended a conference call regarding the Neurological Injury Compensation Association fund.

Dr. McCann updated that Board on the work that was being done to meet the strategic goals for reducing inappropriate prescribing. He noted that staff had been successful in getting the FSMB prescribing book to licensees and indicated that he will be participating in providing continuing education training on appropriate prescribing at Nova Southeastern University on September 20, 2008.

## **Rules Report and Discussion – Deborah Loucks, Esquire**

### **Tab 3 – Rules Report**

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

Ms. King advised the board that the department was requesting all of the regulatory boards to consider modification to the history questions on their applications to be more in compliance with ADA requirements.

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

**No Tab** – Dr. Burns noted that the Board of Medicine imposes a fine for applicants misrepresenting or failing to disclose information on their application.

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

**Action Taken:** After discussion, Dr. Rose moved to clarify that board members can receive one hour of continuing education for each board meeting attended. Dr. Rodriguez seconded the motion, which passed unanimously.

**Action Taken:** Dr. Rose moved that the proposed changes to Rule 64B15-13.001, F.A.C., would not cause an impact on a small business. Dr. Burns seconded the motion, which passed unanimously.

#### **64B15-19.002 – Violations and Penalties**

**Action Taken:** After discussion, Dr. Rose moved to accept the proposed changes to Rule 64B15-19.002, F.A.C. Dr. Fedor seconded the motion, which passed unanimously.

**Action Taken:** Dr. Fedor moved that the proposed changes to Rule 64B15-19.002, F.A.C. would have an impact on a small business.

## **Rules Discussion**

### **Tab 4 – Rule 64B15-14.007 – Standard of Care for Office Surgery and 64B15-14.0076 – Requirements for Osteopathic Physician Registration; Inspection or Accreditation**

Ms. King advised the Board that they had tabled discussion of these rules until the August meeting of the Board. She noted that the significant difference between the Osteopathic and Allopathic rule made administrative oversight of the Department of Health extremely difficult.

**Action Taken:** After discussion, Dr. Rose moved to accept the changes to Rules 64B15-14.007 and 64B15-14.0076, F.A.C as discussed by the Board. The motion was seconded by Dr. Fedor, which passed unanimously.

**Action Taken:** After discussion, Dr. Burns moved to notice Rules 64B15-14.007 and 64B15-14.0076 for rule development. The motion was seconded by Dr. Rose, which passed unanimously.

**Action Taken:** After discussion, Dr. Rodriguez moved that the proposed changes to Rules 64B15-14.007 and 64B15-14.0076 would not cause an impact on a small business.

#### **64B15-19.008 – Mediation - Informational Only**

## **Executive Director's Report – Pamela King**

### **Tab 5 – ED Report**

#### **Appropriate Prescribing Initiative Update**

Ms. King advised the Board that several appropriate prescribing initiatives were in progress. She noted that Dr. McCann sent letters to the Osteopathic Medical Schools asking for their support in assisting the Board with this initiative. She also noted that the Board would be co-sponsoring a course on Prescribing Opioids for Chronic Pain with Nova Southeastern University, the U.S. Department of Health and Human Services, and the Broward County Medical Society on September 20, 2008 at Nova Southeastern University College of Osteopathic Medicine. Ms. King advised that Dr. McCann will be presenting on behalf of the Board at the course.

Dr. McCann added that the Drug Enforcement Administration is looking at allowing electronic prescribing of controlled substances. The DEA is concerned with the educational level of physicians in prescribing controlled substances electronically and that they may require specific training in the future.

### **Budget Report**

Ms. King reminded the Board that the legislature has cut back the Departments financial allotment by 4 percent; therefore it is a great possibility that the Board will receive less money next year.

### **Morton Morris Award Nomination Criteria Review**

Ms. King and Dr. Rose presented draft criteria to the Board for consideration. After discussion, it was the consensus of the Board accept the criteria with the modification of adding "professionalism and ethics in the profession" to the criteria.

### **Department of Health Reports**

#### **Tab 6 – Prosecution Report**

Mr. Hunter provided an overview of the cases and complaints as of July 11, 2008.

#### **Tab 7 – Compliance Reports**

Informational Only

### **Council on Physician Assistants Report – Ronald Burns, DO**

Tab 8 – August 14, 2008 Meeting Minutes

Dr. Burns provided a detailed report of the Council on Physician's Assistants meeting.

### **Anesthesiologist Assistant Committee Report - Ronald Burns, DO**

Tab 9 – August 14, 2008 Meeting Minutes

Dr. Burns provided a detailed report of the Anesthesiologist Assistant Committee. He noted that the committee voted to support a rule that would increase the number of Anesthesia Assistants a physician could supervise from 2 to 4. He asked the Board to consider the rule change noting a letter in support of this change could be found under tab 58.

### **Tab 58 – Correspondence from Florida Society of Anesthesiologists Re: Supervision Ration**

David Varlotta, D.O., Chief of Anesthesiology, University of Community Hospital addressed the board in support of increasing the supervision ratio.

**Action Taken:** After discussion regarding the total number of anesthesiology extenders a physician can supervise (AA and CRNA), Dr. Rose moved to table voting on the rule until additional information is brought back before the Board clarifying if the Board has statutory authority to add total supervision ratios to the rule. The motion was seconded by Dr. Rodriguez and passed unanimously.

## **Pharmacist Prescribing Committee Report – Joel Rose, DO**

### **Tab 10 – May 29, 2008 Meeting Minutes**

Dr. Rose noted that he was elected Chair at the Pharmacist Prescribing Committee on May 29, 2008. The committee will be holding a face-to-face meeting to review the drug list to determine if any changes need to be made.

### **General Business/Correspondence**

#### **Tab 11 – Electronic Signatures – Correspondence from Rebecca Poston, ED, Board of Pharmacy**

Ms. King requested the Board to assist in responding to Ms. Poston's correspondence regarding whether an electronically generated paper prescription with an electronic signature meeting the appropriate standards for prescribing or would the prescription need to contain the original signature.

**Action Taken:** After discussion, a motion was made by Dr. Rose that as long as the prescription was provided from a system that required a "signature code" or "identification code" from the physician then it would be a viable prescription. The pharmacist should be allowed to accept a prescription of this nature from an Osteopathic Physician. If the pharmacist has any concern about whether the prescription is legitimate they should contact the physician's office for clarification. The motion was seconded by Dr. Rodriguez and passed with Dr. McCann opposed.

**Tab 12 – Prescribing of Obesity Drugs – Correspondence from Alan Oberlender, BPharm, LCPh**  
Mr. Oberlender requested clarification regarding refills of obesity drugs.

**Action Taken:** After discussion on the clarity of the current rule, Dr. Fedor moved to provide no response since the rules were clear on the requirements for prescribing obesity drugs. The motion was seconded by Dr. Rodriguez and passed with Dr. Rose opposed.

#### **Tab 13 – Request for Consideration of Using CPEP Elevation Program**

It was the consensus of the Board that CPEP was an appropriate program for evaluating physician competency, but choose not to provide an endorsement at this time.

#### **Tab 14 – Request for Waiver of Delinquent Renewal Fee – Correspondence from Pat Hunt, DO**

Dr. Hunt requested the Board to waive her delinquent renewal fee.

**Action Taken:** After discussion, Dr. Rose moved to waive the delinquent fee upon receipt of specific documentation from her credit card company confirming that the renewal fee was paid and processed during the renewal period. The motion was seconded by Dr. Burns and passed unanimously.

**Tab 15 – Memo from John Crosby, JD, Re: FSMB Article on Accreditation Certification and Licensure**  
Informational Only

### **Legislative Discussion**

#### **Tab 16 – Prescription Monitoring Program**

Ms. King noted that the language provided to the Board was language that was considered but failed during the 2008 legislative session. She stated that the current language would allow physicians to access the database to confirm if their patient is being seen by multiple physicians. The language does not include law enforcement because there are concerns with privacy and financial issues. Dr. Fedor noted that law enforcement did want access to the database.

**Action Taken:** After discussion, Dr. Fedor moved to support the language as submitted. The motion was seconded by Dr. Burns and passed unanimously.

### **Tab 17 – Office Surgery Accreditation**

Ms. King advised that this legislative proposal had been submitted previously. She requested the Board to consider if they would like to submit it for consideration again.

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

### **Tab 18 – Medical Assistant Supervision**

Ms. King reminded the Board that they had wanted to consider legislative language that would give them specific statutory authority to supervise medical assistants.

**Action Taken:** After discussion, Dr. Rose moved to approve the language as submitted. The motion was seconded by Dr. Burns and passed unanimously.

### **Ratification of Licensees Issued**

#### **Tab 19 – Ratification of Licenses Issued February – July**

**Action Taken:** Dr. Rose moved to approve the ratification of licenses issued from February to July of 2008. The motion was seconded by Dr. Rodriguez and passed unanimously.

### **Approval of Non-Disciplinary Voluntary Relinquishments**

#### **Tab 20 – Licensees Seeking to Relinquish their License with no Pending Discipline**

**Action Taken:** Dr. Rose moved to approve the licensees relinquishing their license. The motion was seconded by Dr. Burns and passed unanimously.

### **New Business**

Dr. McCann expressed concern about patients that may “fall through the cracks” when a prescription medication is removed from the negative formulary. He raised specific concerns about refill prescription being automatically changed over to generic medication without the physician having an opportunity to clarify if the change may have an impact on the patient’s health. After much discussion it was the consensus of the Board for Dr. McCann send a letter to physicians advising them of this concern.

The meeting recessed at 8:15 p.m.

**SATURDAY, August 23, 2008**  
**9:00 am**

**Rules Workshop**

**Tab 21 – Rules Workshop for 64B14.005 – Standards for Pain Management Specialists and Pain Management Centers**

**Lenore Duensing – American Academy of Pain Management**

Ms. Duensing provided detailed information about the American Academy of Pain Management credentials. She indicated that the AAPM credentials many types of pain management providers. She expressed concern with inappropriate prescribing.

**Steve Winn, Florida Osteopathic Medical Association (FOMA)**

Mr. Winn asked the Board to not adopt the current rule because of the concerns with limitations it would cause for some physicians in providing pain management treatment to their patients. Mr. Winn read correspondence from Josh Provbet, Esquire noting his concerns with limitation the rule places on family practitioners. Mr. Winn stated that FOMA would suggest that the Board focus on getting the Prescribing Monitoring Program passed into law.

**Lynn Columbus, Anesthesiologist Multi Pain Management Center**

Ms. Columbus addressed the Board. Expressing her opinion that there was a valid need for the rule and suggested that maybe some minor changes would alleviate concerns of the family practitioners.

**Action Taken:** After much discussion, Dr. Rodriguez moved to TABLE action on the rule until the next meeting of the Board and to revise the draft language to incorporate language that would address the concerns of the interested parties. The motion was seconded by Dr. Burns and passed with Mr. Najjar opposing.

**Legislative Discussion (cont.)**

NICA – Neurological Injury Compensation Association (NICA)

Dr. Fedor suggested changing the current legislative language to include a permanent Osteopathic physician member to serve on the NICA Board.

**Action Taken:** After much discussion Dr Rose moved to ENDORSE having an Osteopathic physician serve on the NICA board. The motion was seconded by Dr. Burns and carried unanimously.

**Licensure Appearances (cont.)**

**Tab 45 – David Lancaster, DO**

Dr. Lancaster was present without counsel. The applicant was required to appear before the Board to discuss criminal charges and attending medical school for 5 years.

**Action Taken:** After interviewing the applicant, Dr. Fedor move to APPROVE the applicant for licensure. Dr. Rose seconded the motion, which passed unanimously.

**Petition to Rescind Final Order**

**Tab 22 – James D. Zebranek, D.O. – Petition to Rescind Final Order and Lift Suspension of Licensee**

Dr. Zebranek was present without counsel, but with Joe Taraska, Esq., Fred Pearl, Andrea Vinescu, and J.D. Zebranek, Sr. who provide testimony on his behalf.

Dr. Zebranek presented his petition to the Board.

Ms. Loucks provided an overview of the disciplinary and licensure history relevant to this issue. She noted that on May 30, 2008, DOAH entered an Order that the Board had jurisdiction to consider Dr. Zebranek's Petition to Rescind their Final Order.

**Action Taken:** After much testimony and discussion, Dr. Fedor moved to REMAND the case to the Division of Administrative Hearings for a formal hearing. The motion was seconded by Dr. Rose and carried with Dr. McCann opposed.

### **Compliance Review and Appearances**

#### **Tab 23 – Regan R. Burke, DO**

Dr. Burke was present and represented by Michael Delugo, Esquire. Dr. Burke appeared before the Board to review his required evaluation.

Ms. King advised the Board that Dr. Burke was making his required appearance before the Board after having a PRN evaluation to allow the board an opportunity to impose any additional requirements they deem necessary.

**Action Taken:** After discussion, Dr. Fedor moved IMPOSE the following additional penalties:

- Restrict his practice to seeing only male patient's;
- Compliance with all PRN recommendations
- Completion of the recommended PRN treatment program within 6 months and appear before the board to allow them to consider any additional restrictions that may need to demonstrate the ability to practice with skill and safety.

Dr. Rose seconded the motion, which passed unanimously.

#### **Tab 25 – Joan Bernstein, PA**

Ms. Bernstein was not present. Travis Godwin, Esquire noted that he works for the law firm who represents Ms. Bernstein but was not aware of her need to appear before the Board at this meeting.

**Action Taken:** Continue until next meeting.

### **Disciplinary Cases (cont.)**

#### **Tab 30 – Paul S. Glassman, DO – Settlement Agreement – case number 2005-66741**

Dr. Glassman was present and represented by Michael Rudd, Esquire.

Mr. Hunter represented the department and presented the case to the Board. Allegation of the complaint were a violation of sections 459.015(1)(o), F.S. (2005), failing to keep adequate medical records; 459.015(1)(x), F.S. (2005) failing to practice with the appropriate skill and safety; and 456.072(1)(j), F.S. (2005) aiding the in unlicensed practice of osteopathic medicine.

**Action Taken:** After discussion, Dr. Rodriguez moved to ACCEPT the settlement agreement as presented which included the following penalty:

- Appearance
- Letter of Concern
- \$3,000.00 fine, paid within 30 days
- \$7,000.00 costs, paid within 30 days
- Laws and Rules Course, completed within 1 year
- Dismiss Count 3 of the Administrative Complaint – which alleged the violation of 456.072(1)(j), F.S. (2005) aiding the in unlicensed practice of osteopathic medicine

Dr. Burns seconded the motion, which pass unanimously.

**Tab 28 – Gary S. Brandwein, DO – Settlement Agreement – case number 2008-08472**

Dr. Brandwein was present and represented by David Spicer, Esquire. Probable cause was waived in the case.

Mr. Hunter represented the department and presented the case to the Board. Allegations of the complaint were a violation of section 459.015(1)(c), F.S. (2007) being convicted of a crime related to the practice of osteopathic medicine.

**Action Taken:** After discussion, Dr. Burns moved to ACCEPT the settlement agreement as presented which included the following penalty:

- Reprimand
- \$5,000.00 fine, paid within 30 days
- \$945.05 costs, paid within 30 days
- 1 year suspension stayed
- 2 years probation with indirect monitoring
- 200 hours of community service
- 5 hours of CME in Ethics of Prescribing
- Completion of the FOMA Laws and Rules course

Dr. Rose seconded the motion, which passed unanimously.

**Tab 31- Dyan Harvey-Dent, DO - Settlement Agreement – case number 2007-17755**

Dr. Dent was present and represented by Greg Chaires, Esquire. Mr. Najjar was recused due to participation in the probable cause panel.

Mr. Hunter represented the department and presented the case to the Board. Allegations of the complaint were a violation of section 459.015(1)(x)(2007) failing to practice with the appropriate skill and safety.

**Action Taken:** After discussion, Dr. Rose moved to ACCEPT the settlement agreement as presented which included the following penalty:

- Letter of concern
- \$2,500.00 fine, paid within 6 months
- \$3,439.12 cost, paid within 6 months
- 100 hours of community service
- 5 hours of CME in diagnosis and treatment of pigmented lesions

Dr. Burns seconded the motion, which passed unanimously

**Tab 32 - Mark Kabat, DO – Settlement Agreement – case number 2007-23818**

**Dr. Kabat was not present, but represented by Travis Godwin, Esquire.**

Mr. Godwin advised the Board that Dr. Kabat could not attend the meeting due to his current circumstances and asked that his appearance before them be waived.

**Action Taken:** After discussion, Dr. Rodriguez moved to waive the respondent's appearance before the Board. Dr. Rose seconded the motion, which passed unanimously.

Mr. Hunter represented the department and presented the case to the Board. Allegations of the complaint were a violation of section 459.015(1)(c) (2007) being convicted of a crime related to the practice of osteopathic medicine.

**Action Taken:** After discussion Dr. Burns moved to ACCEPT the settlement agreement as presented, which included the following penalty:

- Reprimand
- \$5,000.00 fine, paid in 30 days

- \$2,000.00 cost, paid in 30 days
- 5 hours CME in sexual boundaries
- Restricted from practice until evaluation and compliance with PRN recommendation, and appears before the board to demonstrate the ability to practice with skill and safety

Dr. Rose seconded the motion, which passed unanimously.

**Tab 33 – Sy Rabins, DO – Settlement Agreement - case number 2007-14652**

Dr. Rabins was present and represented by Cliff Accord, Esquire. Mr. Najjar was recused due to participation on the probable cause panel.

The patient in the case was present and testified before the Board.

Mr. Hunter represented the department and presented the case to the Board. Allegations of the complaint were a violation of section 459.015(1)(o) F.S. (2007), failing to keep adequate medical records; and 459.015(1)(x), F.S. (2007) failing to practice with the appropriate skill and safety.

**Action Taken:** After discussion Dr. Rodriguez moved to ACCEPT the settlement agreement as presented, which included the following penalty:

- Letter of Concern
- \$7,500 fine, paid in 30 days
- \$5,915.43 costs, paid in 30 days
- Completion of the NSU Medical Records Course
- 50 hours of community service
- 5 hours of CME in the treatment of cardiac problems

Dr. Burns seconded the motion, which passed unanimously.

**Tab 34 – Marvin Werlinsky, DO – Settlement Agreement - case number 2007-22715**

Dr. Werlinsky was present and represented by Alex Barker, Esquire. Mr. Najjar was recused due to participation on the probable cause panel.

The patient in the case was present and testified before the Board.

Mr. Hunter represented the department and presented the case to the Board. Allegations of the complaint were a violation of section 459.015(1)(o), F.S. (2007), failing to keep adequate medical records; 459.015(1)(t), F.S. (2007), prescribing inappropriately; and 459.015(1)(x), F.S. (2007) failing to practice with the appropriate skill and safety.

**Action Taken:** After discussion Dr. Rose moved to ACCEPT the settlement agreement as presented, which included the following penalty:

- Letter of Concern
- \$10,000 fine, paid in 6 months
- \$1,494.92 costs, paid in 6 months
- Completion of the NSU Medical Records Course
- Completion of course on appropriate prescribing of controlled substances
- 150 hours of community service

Dr. Burns seconded the motion, which passed unanimously.

**Tab 35 – Gregg O. Wilentz, DO – Settlement Agreement - case number 2007-39882**

Dr. Wilentz was present and represented by Carol Glasgow, Esquire. Mr. Najjar was recused due to participation on the probable cause panel.

Mr. Hunter represented the department and presented the case to the Board. Allegations of the complaint were a violation of section 459.015(1)(d), F.S. (2007), misleading advertising.

**Action Taken:** After discussion Dr. Rose moved to ACCEPT the settlement agreement as presented, which included the following penalty:

- Letter of Concern
- \$1,000 fine, paid in 30 days
- \$439.83 costs, paid in 30 days
- Completion of the FOMA laws and rules course
- Compliance with the regulations for identifying himself as a D.O. in advertising

Dr. Burns seconded the motion, which passed unanimously.

**Tab 26 – Gregory Fox, DO – Determination of Wavier Case – case number 2007-22694**

Dr. Fox was not present or represented by counsel.

Mr. Hunter represented the department and presented the case to the Board. Allegation of complaint were a violation of section 459.015(1)(b), F.S. (2006), action taken in another jurisdiction.

**Action Taken:** After discussion, Dr. Fedor moved to find that the respondent had waived their rights to a hearing and was in default. Dr. Burns seconded the motion, which passed unanimously.

**Action Taken:** After discussion, Dr. Burns moved to adopt the findings of fact in the case. Dr. Rodriquez seconded the motion, which passed unanimously.

**Action Taken:** After further discussion, Dr. Fedor moved to adopt the conclusions of law in the case. Dr. Burns seconded the motion, which passed unanimously.

**Action Taken:** After discussion, Dr. Burns moved to impose the following penalty:

- Reprimand
- \$5,000 fine, paid in 30 days
- \$482.79 costs, paid in 30 days
- Completion of the FOMA Laws and Rules course
- Suspended until license is clear in all jurisdictions and appears before the Board

Dr. Rodriquez seconded the motion, which passed unanimously.

**Tab 27 – John C. Mayes – Determination of Waiver Cases – case number 2007-31186**

Dr. Mayes was not present or represented by counsel. Mr. Najjar was recused due to participation on the probable cause panel.

Mr. Hunter represented the department and presented the case to the Board. Allegation of complaint were a violation of section 456.072(1)(w), failing to comply with profiling requirements.

**Action Taken:** After discussion, Dr. Rodriquez moved to find that the respondent had waived their rights to a hearing and was in default. Dr. Rose seconded the motion, which passed unanimously.

**Action Taken:** After discussion, Dr. Rodriquez then moved to adopt the findings of fact in the case. Dr. Fedor seconded the motion, which passed unanimously.

**Action Taken:** After further discussion, Dr. Burns then moved to adopt the conclusions of law in the case. Dr. Rodriquez seconded the motion, which passed unanimously.

**Action Taken:** After discussion, Dr. Rose moved to impose the following penalty:

- Letter of Concern
- \$1,000 fine, paid in 30 days
- \$490.12 costs, paid in 30 days
- Update profile within 10 days of the Final Order
- Suspended until license is clear in all jurisdictions

Dr. Burns seconded the motion, which passed unanimously.

## **Licensure Appearance (cont.)**

### **Tab 36 – Amy Elizabeth Armada, DO**

Dr. Armada was present without counsel. The applicant was required to appear before the Board to discuss her probation during medical school graduation, residency training, medical conditions and certification examination.

**Action Taken:** After interviewing the applicant, Dr. Fedor moved to CONDITIONALLY approve the application for licensure pending a PRN evaluation and compliance with any recommendations. Dr. Rose seconded the motion, which passed unanimously.

### **Tab 37 – James Darryl Bise, DO**

Dr. Bise was present without counsel. Dr. Bise's application was tabled from the May 2008 with a required appearance at this meeting. The applicant was required to appear before the Board to discuss his academic probation and medical condition.

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

### **Tab 38 – Stuart Barry Chesky, DO**

Dr. Chesky was present without counsel. Dr. Rose recused himself due to working relationship for the same employer. The applicant was required to appear before the Board to discuss his malpractice and medical conditions.

**Action Taken:** After interviewing the applicant, Dr. Fedor moved to CONDITIONALLY approve the application for licensure to only practice administrative medicine. Dr. Rodriguez seconded the motion, which passed unanimously.

### **Tab 39 – Richard Leon Drake, DO**

Dr. Drake was present without counsel. The applicant was required to appear before the Board to discuss his DUI charges (2), PRN evaluation and change in specialty.

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

### **Tab 40 – Robert John Egidio, DO**

Dr. Egidio was present without counsel. The applicant was required to appear before the Board to discuss his malpractice, suspension/surrendered of staff privileges and DEA license surrendered.

**Action Taken:** After interviewing the applicant, Dr. Fedor moved to CONDITIONALLY approve the application for licensure pending an amended application, PRN evaluation and compliance with any recommendation and submission of 40 continuing education hours taken within the past two years. The motion was seconded by Dr. Rose carried unanimously.

### **Tab 53 – Lawrence Jay Tarasuk, DO**

Dr. Tarasuk was present without counsel. The applicant was required to appear before the Board to discuss his probation during training, medical condition and ethical misconduct.

**Action Taken:** After interviewing the applicant, the applicant requested to withdraw his application. After discussion, Dr. Burns moved to accept his request to withdraw his application. Dr. Fedor seconded the motion, which passed unanimously.

**Tab 41 – M. Rahat Faderani, DO**

Dr. Faderani was present without counsel. The applicant was required to appear before the Board to discuss his length of residency training, criminal charges and failing to disclose criminal charges.

**Action Taken:** After interviewing the applicant, Dr. Fedor moved to approve application for licensure. Dr. Rodriguez seconded the motion, which passed unanimously.

**Tab 43 – Charles Francis Kava, DO**

Dr. Kava was present without counsel. The applicant was required to appear before the Board to discuss his discharge from military.

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

**Tab 44 – Charles King, DO**

Dr. King was present without counsel. The applicant was required to appear before the Board to discuss his surrender of staff privileges.

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

No Tab – Dr. Rodriguez left at 6:13 p.m.

**Tab 46 – Scott Lanier Martin, DO**

Dr. Martin was present without counsel. The applicant was required to appear before the Board to discuss his length of residency training, suspension from training program, leave of absence during training and repeating internship.

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

**Tab 47 – Ronak Patel, DO**

Dr. Patel was present without counsel. The applicant was required to appear before the Board to discuss him leaving his training program.

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

**Tab 48 – Christopher L. Queen, DO**

Dr. Queen was present without counsel. The applicant was required to appear before the Board to discuss him leaving his training program and criminal charge.

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

**Tab 49 – Elaine Marie Ramos, DO**

Dr. Ramos was present without counsel. The applicant was required to appear before the Board to discuss her length of residency training and leaving her training program.

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

**Tab 50 – Francis Edward Salazar, DO**

Dr. Salazar was present without counsel. The applicant was required to appear before the Board to discuss her length of residency training, leaving her training program, probation during training, evaluation, 2 internships and training license for one month rotation.

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

**Tab 51 – Ken Savage, DO**

Dr. Savage was present and represented by George Indest, Esquire. Dr. Fedor was recused. The applicant was required to appear before the Board to discuss his criminal charges, probation during residency, training evaluation and failure to disclose criminal charges and probation on training application.

**Action Taken:** After interviewing the applicant, Dr. Rose moved to CONDITIONALLY approve the application for licensure pending an amended application. Dr. Burns seconded the motion, which passed unanimously.

**Tab 54 – Erin Underwood, DO**

Dr. Underwood was present without counsel. The applicant was required to appear before the Board to discuss her probation during residency training.

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

**Tab 55 – Sai-Kit Wong, DO**

Dr. Wong was present without counsel. The applicant was required to appear before the Board to discuss his criminal charges and negative reports during training.

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

**Physician in Training Registration Appearances (cont.)**

**Tab 56 – Kimberly Lashae Johnson, DO**

Dr. Johnson was present without counsel. The applicant was required to appear before the Board to discuss her domestic violence charge.

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

**Tab 57-Eva-Florence Goyette, DO**

Dr. Goyette was present without counsel. The applicant was required to appear before the Board to discuss her residency termination.

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

**Tab 60 – Sebastian Tas, DO**

Dr. Tas was present without counsel. The applicant was required to appear before the Board to discuss his criminal charges.

**Action Taken:** After interviewing the applicant, Dr. Rose moved to approve the application for licensure with conditions to maintain contract with PRN and appears before the Board prior to termination of PRN contract. Dr. Fedor seconded the motion, which passed unanimously.

**Licensure Appearances (cont.)**

**Tab 42 – Timothy Alan Highley, DO**

Dr. Highley was not present or represented. The applicant was required to appear before the Board to discuss his failure to disclose Kentucky license and leaving his training program.

**Action Taken:** After interviewing the applicant, Dr. Rose motion to TABLE application and require his appearance at the next meeting. Dr. Fedor seconded the motion, which passed unanimously.

**2009 Meeting Dates**

**Action Taken:** After discussion, Dr. Rose move to approve the 2009 meeting dates as follows:

February 20-21, 2009

May 15-16, 2009

August 14-15, 2009

November 13-14, 2009

Dr. Burns seconded the motion, which passed with Dr. Fedor opposing.

**Adjourn** - With no other business the meeting was adjourned at 8:06 p.m.