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MINUTES
BOARD OF OSTEOPATHIC MEDICINE
November 13-14, 2009

The Hyatt Regency
9300 Airport Blvd.
Orlando, FL 32827
(407) 825-1234

Friday, November 13, 2009

The meeting was called to order by Dr. Escher, Chair, at 4:10 pm. Those present for all or part of the 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. (Friday)
James S. St. Louis, D.O.
Rina A. Palladino - Consumer Member

MEMBERS ABSENT:

Tom Najjar- Consumer Member

COURT REPORTER:

American Court Reporting
407-896-1813

BOARD STAFF PRESENT:

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

BOARD COUNSEL:

Donna McNulty, Esquire

DEPARTMENT OF HEALTH:

Tobey Schultz, Esquire
Howard Holtzendorf, Esquire
Kathryn Price, Esquire

OTHERS PRESENT:

James Andriole, DO- PCP Chair, FOMA Rep.
Judy Rivenbark, MD, PRN

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

PLEDGE OF ALLEGIANCE

Dr. Rose led the Board in the Pledge of Allegiance to begin the meeting.

PRESENTATION BY NOVA SOUTHEASTERN UNIVERSITY

No Tab – Presentation by Nova Southeastern University Re: New Continuing Education Courses

This item was inadvertently omitted from the agenda outline. David Gensure, Director of Continuing Education, David Thomas, MD, JD and Natasha Bray, DO provided the Board with an overview of their Documented Organized Office Records, Ethics for Healthcare Professionals and Clear Communications for Healthcare Professionals courses. They provided this information to the Board so that these courses could be used, if applicable, in cases where continuing education is imposed as a part of discipline. Mr. Gensure also advised the Board that they were in the process of developing a competency course for physicians that have been out of practice for more than 2 years. He noted that the course would have a didactic and patient care component. It was the consensus of the Board that they would be interested in such a course.

1 **PHYSICIAN IN TRAINING LICENSURE APPEARANCE**

2
3 **Tab 1 - Scott Ciaccia, DO**

4 Dr. Ciaccia was present without counsel. Dr. Ciaccia was required to appear before the Board to
5 discuss his application and criminal history.

6
7 **Action Taken:** After the Board interviewed Dr. Ciaccia, Dr. Rose moved to approve the application for
8 a training license. Dr. St. Louis seconded the motion, which passed unanimously.

9
10 **APPROVAL OF MINUTES**

11
12 **Tab 2 - Review and Approval of August 14-15, 2009 Meeting Minutes**

13
14 **Action Taken:** Dr. Rose moved to approve the minutes as presented. Ms. Palladino seconded the
15 motion, which passed unanimously.

16
17 **GENERAL BUSINESS / CORRESPONDENCE**

18
19 **Tab 3 - Annual Board Chair and Vice Chair Meeting Overview- Joel Rose, DO**

20 Dr. Rose provided the members with an overview of the meeting. He noted that some of the topics
21 discussed included budget analysis, trust fund sweep, statute of limitations on disciplinary cases and
22 pain clinics. Ms. Howerton also noted that the division was in the process of developing a new website
23 which would be available soon. Dr. Andriole, FOMA representative, reminded the Board that the FSMB
24 Foundation had money available to assist Board's in developing their websites.

25
26 **Tab 4 - Article RE: 3-Strikes Statute**

27 Informational only.

28
29 **Tab 5 - Article: FL Fraud Law May Curtail Some Medical Careers**

30 Informational only.

31
32 **Tab 7 - FSMB Announcement RE: New CEO**

33 **Tab 8 - FSMB Call for Nominations for Office**

34 **Tab 9 - FSMB Call for Appointments to Committee**

35 **Tab 10 - FSMB Newslite**

36 Tabs 7-10 were discussed as a whole. Dr. Andriole asked that anyone interested in running for FSMB
37 office or being appointed to a committee speak with him for more information.

38
39 **EXECUTIVE DIRECTOR'S REPORT – Kaye Howerton**

40
41 Ms. Howerton advised the members of her participation in a conference call held on Veteran's Day
42 regarding the concern with access to care and the creation of legislation to allow retired military
43 physician's easier access to limited licensure in Florida. She indicated that Senator Peaden asked if
44 the Board was interested in legislation similar to the Board of Medicine's proposed legislation, to which
45 she said yes.

46
47 Ms. Howerton thanked Dr. Rose for presenting Cathy Lannon, Esq. with an achievement award during
48 the Board Chair and Vice Chair meeting.

49
50 **BOARD COUNSEL'S REPORT – Donna McNulty, Esquire**

51
52 **Tab 11 - Correspondence RE: Rule Revision 120.74(2)**

53 Informational only.

1 **Tab 12 - Rules Report and Update**

2 Informational only.

3
4 **Tab 13 - General Rules Discussion**

5
6 **64B15-12.003 - Application for Licensure**

7 Ms. McNulty and Ms. Robinson provided the members with an overview of the changes made to the
8 application, the majority of which were due to the new law as a result of SB 1986.

9
10 **Action Taken:** After discussion, Dr. Burns moved to approve the application revisions, approve the
11 rule language and proceed with rulemaking. Ms. Palladino seconded the motion, which passed
12 unanimously. Dr. Burns then moved to find that these changes would have no impact on small
13 business and no S.E.R.C. was needed. Dr. St. Louis seconded the motion, which passed unanimously.

14
15 **64B15-12.005 - Limited License**

16 Ms. McNulty and Ms. Robinson provided the members with an overview of the changes made to the
17 application, the majority of which were due to the new law as a result of SB 1986.

18
19 **Action Taken:** After discussion, Dr. Burns moved to approve the application revisions, approve the
20 rule language and proceed with rulemaking. Dr. Rose seconded the motion, which passed
21 unanimously. Dr. Burns then moved to find that these changes would have no impact on small
22 business and no S.E.R.C. was needed. Dr. St. Louis seconded the motion, which passed unanimously.

23
24 **64B15-12.009 - Osteopathic Faculty Certificate**

25 Ms. McNulty and Ms. Robinson provided the members with an overview of the changes made to the
26 application, the majority of which were due to the new law as a result of SB 1986.

27
28 **Action Taken:** After discussion, Dr. Rose moved to approve the application revisions, approve the rule
29 language and proceed with rulemaking. Dr. St. Louis seconded the motion, which passed
30 unanimously. Dr. Burns then moved to find that these changes would have no impact on small
31 business and no S.E.R.C. was needed. Dr. St. Louis seconded the motion, which passed unanimously.

32
33 **64B15-22.004 - Mandatory Registration of Unlicensed Physicians**

34 Ms. McNulty and Ms. Robinson provided the members with an overview of the changes made to the
35 application, the majority of which were due to the new law as a result of SB 1986.

36
37 **Action Taken:** After discussion, Dr. Burns moved to approve the application revisions, approve the
38 rule language and proceed with rulemaking. Dr. Rose seconded the motion, which passed
39 unanimously. Dr. Burns then moved to find that these changes would have no impact on small
40 business and no S.E.R.C. was needed. Dr. Rose seconded the motion, which passed unanimously.

41
42 **64B15-13.001 - Continuing Education for Biennial Renewal**

43 **Action Taken:** After discussion, Dr. Burns moved to approve the language as presented with the
44 following correction:

- 45
 - 3(a)- delete the reference to domestic violence

46 Ms. Palladino seconded the motion, which passed unanimously. Dr. Burns then moved to find that
47 these changes would have no impact on small business and no S.E.R.C. was needed. Dr. St. Louis
48 seconded the motion, which passed unanimously.

49
50 **64B15-19.007 – Citations**

51 **Action Taken:** After discussion, Dr. Rose moved to approve the language as presented. Dr. Burns
52 seconded the motion, which passed unanimously. Dr. Burns then moved to find that these changes
53 would have no impact on small business and no S.E.R.C. was needed. Dr. Rose seconded the motion,
54 which passed unanimously.

1 64B15-19.002 - Violations and Penalties

2 **Action Taken:** After discussion, Dr. Rose moved to approve the language as presented. Dr. St. Louis
3 seconded the motion, which passed unanimously. Dr. Rose then moved to find that these changes
4 would have no impact on small business and no S.E.R.C. was needed. Ms. Palladino seconded the
5 motion, which passed unanimously.

6
7 64B15-6.003 – Physician Assistant Licensure

8 **Action Taken:** After discussion, Dr. Burns moved to approve the application revisions and language
9 as presented. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns then moved to
10 find that these changes would have no impact on small business and no S.E.R.C. was needed. Dr.
11 Rose seconded the motion, which passed unanimously.

12
13 64B15-6.011 – Physician Assistant Disciplinary Guidelines

14 **Action Taken:** After discussion, Ms. Palladino moved to approve the language as presented. Dr.
15 Burns seconded the motion, which passed unanimously. There was a motion and second to find that
16 these changes would have an impact on small business and a S.E.R.C. was needed. The motion
17 passed unanimously.

18
19 64B15-6.010 – Physician Assistant Performance

20 Ms. McNulty explained that this rule was being brought back before the Board because the Board of
21 Medicine and Physician Assistant Council previously voted that there would be no negative impact on
22 small business but the Board of Osteopathic Medicine indicated that there would be an impact. It was
23 clarified that the Board's intent of this vote was that they believed these changes would have a positive
24 impact on small business because physicians could spend more time on patient care rather than co-
25 signing charts. Ms. McNulty explained the intent of the statement of estimated regulatory costs was to
26 determine if rule changes would have a negative impact on small business.

27
28 **Action Taken:** After discussion, Dr. Rose moved to find that these changes would have no impact on
29 small business and no S.E.R.C. was needed. Dr. Burns seconded the motion, which passed
30 unanimously

31
32 64B15-6.0105 - PA Notice of Noncompliance

33 Effective 11/3/09 - No action needed.

34
35 64B15-7.003 - Application for Licensure and Licensure Requirements for Anesthesiologist Assistants

36 **Action Taken:** After discussion, Dr. Burns moved to approve the application revisions and language
37 as presented. Dr. Rose seconded the motion, which passed unanimously. Dr. Burns then moved to
38 find that these changes would have no impact on small business and no S.E.R.C. was needed. Dr.
39 Rose seconded the motion, which passed unanimously.

40
41 **COUNCIL ON PHYSICIAN ASSISTANTS REPORT – Ronald Burns, DO**

42
43 **Tab 48 - Review of October 1, 2009 PA Council Meeting Minutes**

44 Dr. Burns provided the Board with an overview of the meeting.

45
46 **ANESTHESIOLOGIST ASSISTANT COMMITTEE REPORT – Ronald Burns, DO**

47
48 **Tab 49 - Review of October 1, 2009 AA Committee Meeting Minutes**

49 Dr. Burns provided the Board with an overview of the meeting.

50
51 **BUDGET LIAISON REPORT- Rina Palladino**

52
53 **Tab 50 - Expenditures by Function for Period Ending June 30, 2009**

1 Informational only. A member of the Board asked that Ms. Howerton find out what the loan forgiveness
2 program was and what its effect on the Board's budget was.

3
4 **Tab 51 - Expenditure and Revenue Projections**

5 Informational only.

6
7 **LEGISLATIVE LIAISON REPORT- Robert McCann, DO**

8 Dr. McCann provided the members with an overview of the below bills.

9
10 **Tab 15 - HB135 – Practice of Optometry**

11 After much discussion, it was the consensus of the Board to oppose this bill for the following reasons:

- 12 • There has been no evidence of a need for optometrists to have this type of authority within
13 their scope;
- 14 • There does not seem to be any shortage of care available that would support this expansion of
15 practice scope;
- 16 • Concern with the educational requirements of optometrists as it relates to prescribing;
- 17 • No documented difficulty or concern with patients having access to an ophthalmologist

18
19 **Tab 16 - SB308 – Disorders/Ability to Operate a Motor Vehicle**

20 After much discussion, it was the consensus of the Board to oppose this bill for the following reasons:

- 21 • Concern with setting a precedent of physicians acting in a law enforcement role regarding
22 one's ability to operate a motor vehicle;
- 23 • Concern with the fact that a physician could be disciplined if they fail to comply with this bill;
- 24 • What is the extent of this being a public safety issue that would cause a physician to need to
25 intervene

26
27 **Tab 17 - Board of Medicine's Proposal RE: Limited Licensure for Military Physicians**

28 After discussion, it was the consensus of the Board to support this language.

29
30 **Tab 18 - HB225 – Dispensing Controlled Substances**

31 **Action Taken:** After much discussion Dr. Rose moved to oppose this bill. Dr. St. Louis seconded the
32 motion, which passed unanimously. The reasons for the Board's opposition were as follows:

- 33 • Would cause increased costs to patients
- 34 • Would cause an undue burden and increased costs to a physician practice
- 35 • Would cause an increased costs and adverse impact to healthcare in general
- 36 • Would cause an undue burden to patients
- 37 • Too restrictive to the patient and physician
- 38 • Unfair to the patient to require them to have to visit a physician this often to obtain their
39 medications
- 40 • Concern with the same restrictions not being applied to pharmacies

41
42 **Tab 53 - SB 646 - Relating to Pain Management Clinics**

43 **Action Taken:** After much discussion Dr. Rose moved to support this bill. Dr. Burns seconded the
44 motion, which passed unanimously.

45
46 The Board took comments from Marla Golden, DO regarding the pain clinic issue.

47
48 After additional discussion, it was the consensus of the Board to ask the Board of Medicine if they
49 would like to write a joint letter in support of this bill.

50
51 **Tab 54 - SB 652 – Relating to Reproductive Health and Family Planning**

52 After much discussion, it was the consensus of the Board to oppose this bill for the following reasons:

- 1 • Concern with a physician's right to prescribe medications as dictated by their religion and
- 2 conscience;
- 3 • Concern with physician's being disciplined for failing to comply with this bill
- 4

5 **Tab 52 - HB 251 – Relating to Clinical Perfusionists**

6 After much discussion, it was the consensus of the Board to table this bill for the next meeting. They
7 asked that staff obtain additional information including the rationale or need for licensing of these
8 practitioners. They also asked to have a member of the Florida Society of Clinical Perfusionists and
9 other interested parties present at the next meeting, if possible, to answer questions pertaining to this
10 bill.

11
12 **No Tab** – Dr. McCann left the meeting at 6:00pm.

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

14 Dr. St. Louis indicated that he had no report to provide at this time.

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

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

17 **BOARD CHAIRMAN'S REPORT – Allan Escher, DO**

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

20 **RATIFICATION OF LICENSURE**

21 **Tab 19 - Ratification of Licensure Approval from 7/24/2009 – 10/15/2009**

22 **Tab 55 - Ratification of Board Chair Licensure Approvals**

23 Tabs 19 and 55 were discussed and voted on as a whole.

24
25
26 **Action Taken:** Dr. Burns moved to approve the ratification lists as presented. Dr. Rose seconded the
27 motion, which passed unanimously.

28 **VOLUNTARY RELINQUISHMENTS**

29 **Tab 20 - Requests to Voluntary Relinquish with No Pending Discipline**

30 **Action Taken:** Dr. Rose moved to approve the list as presented. Dr. Burns seconded the motion,
31 which passed unanimously.

32 **PAIN MANAGEMENT CLINIC STANDARD OF CARE JOINT COMMITTEE REPORT – Allan Escher, DO and Robert McCann, DO, JD**

33 **Tab 14 - August 29, 2009 Pain Clinic Joint Committee Meeting Minutes**

34 Dr. Escher provided the members with a brief overview of the Joint Committee's activities to date. Dr.
35 Golden provided additional comments and voiced concern with the current pain clinic situation. They
36 thanked her for her comments and advised her that she should provide the Pain Clinic Standards of
37 Practice Joint Committee with her concerns.

38 **OLD BUSINESS**

39 **Tab 6 - Discussion RE: Morton Morris, DO, JD Award**

40 **Action Taken:** After discussion, Dr. Rose nominated Cathy Lannon, Esq. for this year's award. Dr.
41 Burns seconded the nomination, which passed unanimously.

42 **NEW BUSINESS**

1
2 **No Tab** – AAOE Meeting Discussion
3 Dr. Andriole advised the Board that the AAOE would be holding their meeting in Texas and asked that
4 the Board be represented. Dr. Escher indicated that he would like to attend the meeting on behalf of
5 the Board.
6
7 **The meeting recessed at 6:25pm.**

1 **SATURDAY, November 14, 2009**
2 **9:00 am**

3
4 **NEW DISCIPLINARY CASES**

5
6 Ms. Price provided the members with an overview of the current case load and thanked them for their
7 patience while new attorneys were being hired and trained.

8
9 **Tab 21 - Christopher Michael Didonato, DO – Settlement Agreement – DOH Case #2009-02697**

10 Allegations of Complaint: 456.072(1)(bb)- wring site surgery/procedure

11
12 Dr. Didonato was present without counsel. Dr. St. Louis was recused due to his participation on the
13 probable cause panel. Mr. Schultz represented the department and presented the case to the Board.

14
15 **Action Taken:** After discussion, Dr. Rose moved to reject the settlement agreement as presented and
16 offer the following counter settlement agreement. Dr. Burns seconded the motion, which passed
17 unanimously.

- 18 • Letter of Concern
- 19 • \$2500.00 fine to be paid within 30 days of the Final Order
- 20 • \$1394.93 in costs to be paid within 30 days of the Final Order
- 21 • Presentation of a lecture regarding the prevention of wrong site surgeries at an approved
22 medical facility within 6 months of the Final Order.

23
24 Both parties agreed to the counter agreement for the record.

25
26 **Tab 22 - James Otis, DO – Settlement Agreement – DOH Case #2009-00278**

27 Pulled from agenda- previously granted a continuance.

28
29 **Tab 23 - Gary M. Silverstein, DO – Settlement Agreement – DOH Case #2008-26694**

30 Allegations of Compliant: 456.072(1)(q)- violate an order of the Board;

31
32 Dr. Silverstein was not present or represented by counsel. Ms. Palladino was recused due to her
33 participation on the probable cause panel. Mr. Schultz represented the department and presented the
34 case to the Board. Mr. Schultz presented the Board with a signed disciplinary voluntary relinquishment
35 of licensure and asked that the Board consider the relinquishment rather than the settlement agreement
36 before them.

37
38 **Action Taken:** After discussion, Dr. Rose moved to accept the voluntary relinquishment of licensure.
39 Dr. Burns seconded the motion, which passed unanimously.

40
41 **Tab 24 - Jose R. Thomas-Richards, DO – Settlement Agreement – DOH Case #2008-18522**

42 Allegations of Complaint: 459.015(1)(x)- standard of care

43
44 Dr. Thomas-Richards was present without counsel. Dr. St. Louis was recused due to his participation
45 on the probable cause panel. Mr. Schultz represented the department and presented the case to the
46 Board.

47
48 **Action Taken:** After discussion, Dr. Rose moved to reject the settlement agreement and offer the
49 following counter settlement agreement:

- 50 • Letter of Concern
- 51 • \$5000.00 fine to be paid within 30 days of the Final Order
- 52 • \$2707.40 in costs to be paid within 30 days of the Final Order
- 53 • Presentation of a 1 hour lecture on proper surgical techniques to minimize potential operator
54 error within 6 months of the Final Order

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

2
3 The counter agreement was accepted by both parties for the record.

4
5 **Tab 25 - Mitchell A. Wick, DO – Settlement Agreement – DOH Case #2008-10192**

6 Allegations of Complaint: 459.015(1)(bb)- violate an order of the Board

7
8 Dr. Wick was present and represented by Steven Ballinger, Esquire. Dr. Rivenbark from PRN was also
9 present. Mr. Schultz represented the department and presented the case to the Board. There was
10 much discussion regarding the proposed settlement agreement and the concerns with tracking such
11 stipulations in the database.

12
13 **Action Taken:** After discussion, Dr. Burns moved to adopt the settlement agreement as presented:

- 14 • Respondent must place his license on inactive or retired status within 15 days of the Final
- 15 Order
- 16 • Respondent agrees not to attempt to reactivate his license without requesting an appearance
- 17 before the Board to demonstrate his ability to practice with skill and safety
- 18 • Must present a practice plan at the time of appearance
- 19 • The Board has the authority to impose any requirements or restrictions as a part of the
- 20 reactivation
- 21 • Must pay costs in the amount of \$671.28 prior to reactivation
- 22 • Abatement of previous final orders until he petitions for reactivation

23 Ms. Palladino seconded the motion, which passed unanimously.

24
25 **Tab 26 - Blake A. Zika, DO – Settlement Agreement – DOH Case #2009-04497**

26 Allegations of Complaint: 459.015(1)(g)- fail to comply with a statutory or legal obligation;
27 459.015(1)(bb)- violate a law or rule of the Board (CE violation)

28
29 Dr. Zika was present without counsel. Dr. St. Louis was recused due to his participation on the
30 probable cause panel. Mr. Holtzendorf represented the Department and presented the case to the
31 Board.

32
33 **Action Taken:** After discussion, Ms. Palladino moved to accept the settlement agreement as
34 presented:

- 35 • Letter of Concern
- 36 • \$1800.00 fine to be paid within 30 days of the Final Order
- 37 • \$2216.57 in costs to be paid within 30 days of the Final Order
- 38 • Completion of the 12 hours of CME (11 AOA Category 1A and 1 laws regarding the use and
- 39 abuse of controlled substances) within 1 year of the Final Order

40 Dr. Rose seconded the motion, which passed unanimously.

41
42 **Tab 27 - Robert Raymond Reppy, DO – Motion for Determination of Waiver – DOH Case #2008-**
43 **24342**

44 The respondent was not present or represented by counsel. Mr. Schultz indicated that Dr. Reppy
45 recently retained new counsel and requested a continuance. Ms. Price asked that the Board allow the
46 Department to pull the case from the agenda.

47
48 **No Tab - Dr. Rose chaired the meeting during Tab 28 as Dr. Escher was recused from**
49 **participation due to his participation on the probable cause panel.**

50
51 **Tab 28 - Daniel T. Fasciano, DO – Motion for Determination of Waiver – DOH Case #2008-17659**

52 Allegations of Complaint: 459.015(1)(bb)- violate an order of the Board

1 The respondent was not present or represented by counsel. Dr. Escher was recused from participation
2 due to his participation on the probable cause panel. Mr. Schultz represented the Department and
3 presented the case to the Board. Mr. Schultz reminded the Board that this case was acted on by the
4 Board at their August 2009 meeting, except for the imposition of penalty. At the August meeting, the
5 Board asked that information be presented to them regarding the current status of the respondent's
6 license and the implications of dismissal of this case.

7
8 **Action Taken:** After discussion, Dr. Burns moved to impose the following penalty:

- 9 • \$2500.00 fine prior to reinstatement of licensure due to the mitigating circumstance that he is
10 currently unable to practice for health reasons
- 11 • Compliance with the previous Final Order of the Board

12 Dr. St. Louis seconded the motion, which passed unanimously.

13
14 **Additional Action Taken:** Dr. Burns moved to assess costs in the amount of \$510.66 to be paid prior
15 to reinstatement of licensure. Ms. Palladino seconded the motion, which passed unanimously.

16 17 **PROBATION AND COMPLIANCE REVIEW**

18 19 **Tab 29 - Gary Blumberg, DO- Petition for Termination of Practice Restriction**

20 Dr. Blumberg was present and represented by Bruce Lamb, Esq. Mr. Lamb explained that it was his
21 client's intent to continue to have a female chaperone present when examining or treating female
22 patients but he would respectfully ask that this restriction be removed from his license.

23
24 **Action Taken:** After much discussion, Dr. St. Louis moved to deny the petition to remove the practice
25 restriction. Dr. Rose seconded the motion, which passed unanimously.

26 27 **Tab 30 - Barry Kaplan, DO- Review of Practice Plan**

28 Dr. Kaplan was present without counsel or his monitor, Dr. Chois. Dr. Kaplan indicated that Dr. Chois
29 had a personal urgent situation and has been unable to reach him. The Board tabled this matter until
30 later in the meeting to allow Dr. Kaplan an opportunity to contact Dr. Chois.

31 32 **Tab 31 - Joseph Deluca, DO – Request for Extension**

33 Dr. Deluca was not present or represented by counsel. This matter was tabled until later in the meeting
34 to see if Dr. Deluca would show up.

35 36 **LIMITED LICENSE APPLICATION REVIEW**

37 38 **Tab 31 - Darryl Aarons, DO**

39 Dr. Aarons was present without counsel. Dr. Aarons was required to appear before the Board to
40 discuss his application for a limited license. Dr. Aarons indicated that he has not actively practiced
41 since 2002. Ms. McNulty explained to the Board that the statute required supervision of an applicant if
42 they have been out of practice for more than 2 years.

43
44 **Action Taken:** After discussion, Dr. Rose moved to approve the application for limited licensure with 6
45 months of supervision. Ms. Palladino seconded the motion, which passed unanimously. Dr. Burns
46 moved to delegate approval of the supervisor to the Chair. Dr. Rose seconded the motion, which
47 passed unanimously.

48 49 **LICENSURE APPEARANCES**

50 51 **Tab 33 - Lori Beth Schmerling, DO**

52 Dr. Schmerling was present and represented by George Indest, Esquire. Dr. Schmerling was required
53 to appear before the Board to discuss her application for licensure, probation during training and
54 resignation from a training program. Ms. Bates advised that the Board office has not yet received any

1 information directly from the training program regarding the probation or resignation, thus the
2 application remained incomplete. There was also discussion that she may wish to voluntarily take the
3 course offered by Nova Southeastern University regarding clear communications.
4

5 **Action Taken:** After much discussion, Ms. Palladino moved to table this matter until the next meeting.
6 Dr. Rose seconded the motion, which passed unanimously.
7

8
9 **Tab 34 - Murray W. Alsip, DO**

10 Dr. Alsip was present without counsel. Dr. Alsip was required to appear before the Board to discuss his
11 application, reprimand during training and resignation from training programs.
12

13 **Action Taken:** After discussion, Dr. Rose moved to approve the application for licensure. Dr. St. Louis
14 seconded the motion, which passed unanimously.
15

16 **Break for 15 minutes.**
17

18 **No Tab – PSU Report**

19 Mr. Schultz provided the Board with an overview of the current case load for the Board. Ms. Price also
20 clarified the confusion regarding the recent article containing inaccurate information concerning the
21 number of Board of Medicine cases that were closed due to meeting the statute of limitation.
22

23 **Tab 35 - Phyllis Anderson-Wright, DO**

24 Dr. Anderson-Wright was present without counsel. Dr. Anderson-Wright was required to appear before
25 the Board to discuss her application and disciplinary action in another state.
26

27 **Action Taken:** After discussion, Dr. St. Louis moved to approve the applicant for licensure. Dr. Burns
28 seconded the motion, which passed unanimously.
29

30 **Tab 36 - James Bova, DO**

31 Dr. Bova was present without counsel. Dr. Bova was required to appear before the Board to discuss
32 his application, off-sequence training and malpractice.
33

34 **Action Taken:** After discussion, Dr. St. Louis moved to approve the applicant for licensure. Dr. Burns
35 seconded the motion, which passed unanimously.
36

37 **Tab 37 - John Coppola, DO**

38 Dr. Coppola was present and represented by Allen Grossman, Esquire. Dr. Coppola was required to
39 appear before the Board to discuss his application, off-sequence training and criminal history.
40

41 **Action Taken:** After discussion, Dr. Burns moved to approve the applicant for licensure. Dr. St. Louis
42 seconded the motion, which passed unanimously.
43

44 **Tab 38 - Timothy Hoffmeister, DO**

45 Dr. Hoffmeister was present without counsel. Dr. Hoffmeister was required to appear before the Board
46 to discuss his application, failure to disclose a training license and malpractice.
47

48 **Action Taken:** After discussion, Dr. St. Louis moved to approve the applicant for licensure. Dr. Burns
49 seconded the motion, which passed unanimously.
50

51 **Tab 40 - John Koncelik, DO**

52 Dr. Koncelik was present without counsel. Dr. Koncelik was required to appear before the Board to
53 discuss his application and failure to disclose criminal charges.
54

1 **Action Taken:** After discussion, Dr. Burns moved to approve the applicant for licensure. Dr. St. Louis
2 seconded the motion, which passed unanimously.

3
4 **Tab 39 - Ronald Holley, DO**

5 Dr. Holley was not present or represented by counsel. Staff advised the Board that Dr. Holley left a
6 message with the Board office the previous day indicated that he was ill and would not be able to be
7 present at the meeting.

8
9 **Action Taken:** Dr. St. Louis moved to require his appearance at the next meeting of the Board. Ms.
10 Palladino seconded the motion, which passed unanimously.

11
12 **Tab 41 - Jose F. Llach, DO**

13 Dr. Llach was present without counsel. Dr. Llach was required to appear before the Board to discuss
14 his application and failure to disclose a training license and receiving a citation while holding a training
15 license.

16
17 **Action Taken:** After discussion, Ms. Palladino moved to approve the applicant for licensure. Dr. St.
18 Louis seconded the motion, which passed unanimously.

19
20 **Tab 42 - Rikantas P. Majauskas, DO**

21 Dr. Majauskas was present without counsel. Dr. Majauskas was required to appear before the Board to
22 discuss his application, Medicaid exclusion, default on a student loan and suspended staff privileges.

23
24 **Action Taken:** After discussion, Dr. St. Louis moved to approve the applicant for licensure. Ms.
25 Palladino seconded the motion, which passed unanimously.

26
27 **Tab 43 - Deborah M. Malone, DO**

28 Dr. Malone was present without counsel. Dr. Malone was required to appear before the Board to
29 discuss her application, leave of absence during training and malpractice.

30
31 **Action Taken:** After discussion, Dr. Burns moved to approve the applicant for licensure. Dr. St. Louis
32 seconded the motion, which passed unanimously.

33
34 **Tab 44 - Steven T. Patterson, DO**

35 Dr. Patterson was present without counsel. Dr. Rivenbark from PRN was also present. Dr. Patterson
36 was required to appear before the Board to discuss his application, malpractice, discipline in another
37 state and affirmative answer to questions 48 and 52 on the application.

38
39 **Action Taken:** After discussion, Dr. Burns moved to approve the license with conditions, require a
40 PRN evaluation and grant the Chair the authority to approve the issuance of the license upon receipt of
41 a favorable evaluation. There was no second.

42
43 Ms. McNulty advised the applicant of the requirement for Board action within 90 days of a completion of
44 an application and advised that he may wish to consider waiving his 90 day requirement. Dr. Patterson
45 agreed to waive his 90 day rights for the record.

46
47 **Additional Action Taken:** After much discussion, Dr. Burns moved to table the application until the
48 next meeting of the Board. Dr. Rose seconded the motion, which passed unanimously.

49
50 **Tab 45 - Angel Luis Rivera, DO**

51 Dr. Rivera was present without counsel. Dr. Rivenbark from PRN was also present. Dr. Rivera was
52 required to appear before the Board to discuss his application, probation during medical school, PRN
53 during training and criminal history.

1 **Action Taken:** After discussion, Dr. St. Louis moved to approve the applicant for licensure. Ms.
2 Palladino seconded the motion, which passed unanimously.

3
4 **Tab 46 - Michael J. Stumpf, DO**

5 Dr. Stumpf was present without counsel. Dr. Stumpf was required to appear before the Board to
6 discuss his application, criminal charges, off-sequence training, pending malpractice, resignation of
7 staff privileges and denial of licensure in another state.

8
9 **Action Taken:** After discussion, Dr. Burns moved to approve the applicant for licensure. Dr. St. Louis
10 seconded the motion, which passed unanimously.

11
12 **Tab 47 - Richard B. Wallace, DO**

13 Dr. Wallace was present without counsel. Dr. Wallace was required to appear before the Board to
14 discuss his application and criminal charges.

15
16 **Action Taken:** After discussion, Dr. Burns moved to approve the applicant for licensure. Dr. St. Louis
17 seconded the motion, which passed with Dr. Escher opposed.

18
19 **PROBATION AND COMPLIANCE REVIEW - continued**

20
21 **Tab 31 - Joseph Deluca, DO – Request for Extension (revisit)**

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

23
24 **Action Taken:** Dr. Rose moved to table the request until the next meeting and require an appearance
25 at the next meeting. After discussion, there was no second. After additional discussion, Ms. Palladino
26 moved to deny his petition. Dr. St. Louis seconded the motion, which passed unanimously.

27
28 **Tab 30 - Barry Kaplan, DO- Review of Practice Plan (revisit)**

29 Dr. Kaplan was not present at the time the Board began discussion. There was discussion regarding
30 the appropriateness of the monitor's letter and concern with what procedures Dr. Kaplan would be
31 permitted to perform in the future. Dr. Kaplan was granted leave earlier in the meeting to allow him an
32 opportunity to contact his monitor. During the discussion, Dr. Kaplan entered the meeting and advised
33 the Board that he was unable to reach his monitor, Dr. Choix.

34
35 The Board expressed concern with the fact that the monitor's report was not dated, should be on
36 letterhead and should include more detailed information about the procedures performed by Dr. Kaplan.
37 Dr. Kaplan indicated that he may have to obtain a new monitor.

38
39 **Action Taken:** After much discussion, Dr. Rose moved to grant Dr. Kaplan authority to perform, under
40 the indirect supervision of his approved monitor, liposuction on the arm, abdomen, hip area, flank, inner
41 and outer thighs and knees contingent upon receipt of an acceptable report from the monitor (Dr.
42 Choix) to be approved by the Chair. Dr. Burns seconded the motion, which passed unanimously.

43
44 **LICENSURE APPEARANCES - continued**

45
46 **Tab 56 - Joshua Glauser, DO**

47 Dr. Glauser was present without counsel. Dr. Glauser was required to appear before the Board to
48 discuss his application, repeated internship, off-sequence training and dismissal from a training
49 program.

50
51 **Action Taken:** After discussion, Dr. St. Louis moved to approve the applicant for licensure. Ms.
52 Palladino seconded the motion, which passed unanimously.

53
54 **There being no further business the meeting adjourned at 12:50pm.**