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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF PODIATRIC MEDICINE**

**MINUTES
GENERAL BUSINESS MEETING**

**Tampa Airport Marriot
4200 George J. Bean Parkway
Tampa, FL**

March 25, 2011

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CALL TO ORDER:

Dr. Weisman, Acting Chairman, called the meeting to order at 9:00 a.m. Those present for all or part of the meeting included the following:

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BOARD MEMBERS:

Sherwood A. Weisman, D.P.M., Acting Chair
Dennis R. Frisch, D.P.M.
Chet Evans, D.P.M.
Scott Koppel, D.P.M.
Mrs. Sandra R. Inge
Mr. Robert Morris, PhD

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MEMBERS NOT PRESENT:

Beth Pearce, D.P.M., Chair (excused)

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BOARD STAFF:

Bruce Deterding, Board Executive Director
Sharon Guilford, Program Operations Administrator

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BOARD COUNSEL:

C. Khai Patterson, Assistant Attorney General
Office of Attorney General

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PROSECUTING ATTORNEY:

Maja S. Holman, Assistant General Counsel
Department of Health

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43
44

COURT REPORTER:

Berryhill & Associates (813) 229-8225

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APPROVAL OF MINUTES:

January 4, 2011 – Telephone Conference Call

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Dr. Frisch moved to approve the minutes with noted corrections. The motion was seconded and carried 6/0.

- 1 • completing a three day continuing professional education course in Prescribing
2 Controlled Drugs: Critical Issues and Common Pitfalls of Misprescribing
3 • 100 hours of community service, with at least 50 hours of community service performed
4 during the first year.
5

6 **Dr. Koppel moved to accept the department's recommendation. The motion was seconded**
7 **and carried 5/0.**

8
9 **Dr. Koppel moved to issue a Motion to Assess Costs of \$2,428.04, payable within two years**
10 **from the filing of the final order. The motion was seconded and carried 5/0.**

11
12 **Motions for Final Order Based Upon Settlement Agreement:**

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14 **Matthew C. Hakeman, DPM – Case Number 10-15886**
15 **PCP: Evans/Pearce**
16

17 Dr. Hakeman was neither present nor represented by counsel.
18

19 Ms. Holman informed the board that the respondent had violated:

- 20 • Section 461.013(1)(r), F.S. (2009)
21

22 Ms. Holman advised the board that the settlement agreement contained the following provisions:

- 23 • appearance
24 • letter of concern
25 • administrative fine of \$1,000, to be paid within one year of the filing of the Final Order
26 • administrative costs of \$2,004.36, to be paid within two years of the filing of the Final
27 Order
28 • suspension until he undergoes an evaluation by PRN and complies with any terms and
29 conditions as deemed appropriate
30

31 Discussion ensued.
32

33 **Dr. Frisch moved to approve the settlement agreement. The motion was seconded and**
34 **carried 5/0.**

35
36 **Gaby Kafie, DPM – Case Number 10-01376**
37 **PCP: Pearce/Price**
38

39 Dr. Kafie was present, sworn and was represented by Mr. Parker Easton, Esq.
40

41 Ms. Holman informed the board that the respondent had violated:

- 42 • Section 461.013(1)(c), F.S. (refer to terms of the agreement)
43 • Section 461.013(1)(h), F.S.
44 • Section 461.013(1)(cc), F.S.
45

46 Ms. Holman advised the board that the settlement agreement contained the following provisions:

- 47 • appearance
48 • letter of concern
49 • administrative fine of \$2,000.00, to be paid within one year of the filing of the Final
50 Order

- 1 • administrative costs of \$1,309.58, to be paid within six months of the filing of the Final
- 2 Order
- 3 • dismissal of count one
- 4 • suspension until he undergoes an evaluation by PRN and complies with any terms and
- 5 conditions as deemed appropriate
- 6 • seven hours of continuing education
- 7

8 Ms. Holman stated on the record that the respondent was in a “Retired” status.

9
10 Dr. Kafie addressed the board. Mr. Easton also addressed the board on behalf of his client.

11
12 Discussion ensued.

13
14 **Dr. Frisch moved to reject the settlement agreement. The motion was seconded and carried**

15 **5/0.**

16
17 **Dr. Frisch moved to issue a counter agreement imposing an appearance (today’s meeting**

18 **will be accepted), letter of concern, administrative fine of \$1,000, administrative costs of**

19 **\$711.21, dismissal of count 1, and completion of continuing education, with four (4) hours in**

20 **the areas of Prevention of Medical Errors and three (3) hours in laws and rules. The**

21 **motion was seconded and carried 5/0.**

22
23 Mr. Easton accepted the counter agreement.

24
25 Ms. Holman accepted the counter agreement on behalf of the department.

26
27 **Prosecution Report**

28
29 Ms. Holman provided an overview of the prosecution report. (see Attachment A)

30
31 **Dr. Evans moved to accept the prosecution report as presented. The motion was seconded**

32 **and carried 6/0.**

33
34 **PETITION FOR DECLARATORY STATEMENT – Mark J. Metzger, DPM – Nerve**

35 **Conduction Velocity (NCV) and Needle Electromyography (EMG)**

36
37 Dr. Weisman stated the Petition for Declaratory Statement has been tabled until the July 29, 2011,

38 board meeting.

39
40 Dr. Weisman recognized Dr. Rivenbark to address the board regarding a donation received by the

41 Florida Podiatric Medical Association (FPMA).

42
43 Dr. Rivenbark addressed the board that PRN had received a donation from the FPMA and

44 respectfully, requested the board to notify the FPMA thanking them for their donation.

45
46 Mr. Michael Schwartz, with the FPMA, briefly provided the board with an update to legislation.

47
48 Dr. Weisman requested the FPMA to post the Florida laws and rules for this profession.

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50 **RATIFICATION OF LICENSURE:**

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Podiatric Medical Physicians

- Nathan Daniel Vela, PO 3460 – Eric S Trathen, PO 3472

Dr. Frisch moved to accept the ratification list as presented. The motion was seconded and passed 6/0.

Podiatric Medicine X-ray Assistants

- Jasmine Pi, PXA 1151 – Amy Jean Albritton, PXA 1156

Dr. Frisch moved to accept the ratification list as presented. The motion was seconded and passed 6/0.

CHAIR/VICE-CHAIR REPORT:

Future Agenda Items

No report.

EXECUTIVE DIRECTOR’S REPORT

Mr. Deterding stated that the board’s website was being updated.

BOARD COUNSEL’S REPORT:

**Rules Status Report
Governor’s Rule Review**

Ms. Patterson provided an overview of the Podiatric Medicine’s Rules Review on the draft presented the board.

COMMITTEE REPORTS:

Budget – Ms. Inge

Ms. Inge had no report.

Continuing Education – Dr. Koppel

Dr. Koppel provided a brief report on the courses that he had reviewed.

Credentials – Dr. Frisch

No report.

Disciplinary Compliance – Dr. Weisman

Brett Cutler, DPM – Case Number 07-30896 – Request to Toll Obligations

Dr. Cutler was present, sworn and was represented by Mr. William Huseman, Esq.

1 Ms. Patterson stated that Mr. Huseman had filed a motion to toll the obligations of the Settlement
2 Agreement on behalf of his client.

3
4 Ms. Holman provided an overview of Case Number 07-30896. She stated that the Administrative
5 Complaint and Settlement Agreement was provided in the board's agenda.

6
7 Mr. Huseman addressed the board on behalf of his client. He advised the board that Dr. Cutler's
8 professional practice was unsuccessful, and his client is currently not practicing in podiatric
9 medicine.

10
11 Dr. Weisman asked why Dr. Cutler's, no longer has his practice?

12
13 Dr. Cutler stated that he decided to sell the business to another podiatrist.

14
15 Dr. Weisman asked what Dr. Cutler was doing?

16
17 Dr. Cutler stated that he had an opportunity to teach.

18
19 Dr. Frisch asked why he did not comply with the course with UF?

20
21 Dr. Cutler didn't believe he needed to complete this course due to no longer practicing.

22
23 Dr. Evans asked Dr. Cutler why he wanted to continue to hold an active license.

24
25 Dr. Cutler stated that he did not want to let his license lapse in case he wanted to begin seeing
26 patients again.

27
28 Ms. Patterson addressed the Tolling Provision. The Tolling Provision is in place to allow the
29 practitioner to toll the requirements in the final order if leaving the state of Florida.

30
31 Dr. Evans stated that the Motion does not indicate that Dr. Cutler would be leaving the state.

32
33 Further discussion ensued.

34
35 **Dr. Evans moved to deny the Motion to Toll Obligations as stated in the Settlement**
36 **Agreement. The motion was seconded and carried 6/0.**

37
38 **Darall Moore, DPM – Case Number 09-01855 – Clarification of 5 Hours of Florida**
39 **Laws and Rules**

40
41 Dr. Moore was present, sworn but was not represented by counsel.

42
43 Ms. Holman provided an overview in Case Number 09-01855, and the Settlement Agreement that
44 is provided in the board's agenda.

45
46 Discussion ensued.

47
48 Dr. Frisch requested the board to provide a list of available courses.

1 Ms. Patterson stated that the board needed to clarify whether the five (5) hours in laws and rules
2 required in the final order would be impossible to comply with due to lack of availability of the
3 courses.

4
5 **Dr. Frisch moved that Dr. Moore had made a conscientious effort to comply and that the**
6 **board should accept the one hour credit completed in the area of laws and rules of podiatric**
7 **medicine, and further required the completion of one additional hour in laws and rules and**
8 **four hours of general business hours to fulfill the continuing education credits. The motion**
9 **was seconded and carried 6/0.**

10
11 Ms. Patterson stated that Dr. Moore will receive an amended order outlining the actions of the
12 board.

13
14 **David C. Scherer, DPM – Case Number 06-01350 – Termination of Probation**

15
16 Dr. Scherer was present, sworn and was represented by Mr. Jerry Foster, Esq.

17
18 Dr. Weisman stated that Dr. Scherer was appearing before the board requesting Termination of
19 Probation.

20
21 Dr. Scherer provided an overview of his probationary period.

22
23 Discussion ensued.

24
25 **Dr. Koppel moved to accept Dr. Scherer’s request for Termination of Probation. The**
26 **motion was seconded and carried 6/0.**

27
28 **Examination – Dr. Evans**

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30 No report.

31
32 **Probable Cause – Dr. Pearce**

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34 **Stats**

35
36 Informational only.

37
38 **Residency Programs – Dr. Pearce**

39
40 No report.

41
42 **Rules – Dr. Evans**

43
44 Dr. Evans stated that his report had been provided by Board counsel.

45
46 **Unlicensed Activity – Mr. Morris**

47
48 No report.

49
50 **NEXT MEETING DATE – July 29th – Tampa**

1 Dr. Frisch will not be attending the July 29th board meeting as he will be in attendance at the
2 APMA.

3

4 **ADJOURNMENT:**

5

6 The meeting was adjourned at 11:20 a.m.