

**Minutes
Florida Board of Medicine
Credentials Committee Meeting
Peabody Orlando
9801 International Drive
Orlando, Florida 32819
407-352- 4000**

November 29, 2012

9:00 a.m.

To accommodate individuals required to appear before the Committee, the Chairman may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

Dr. Nuss called the meeting to order at 9:06 a.m. Those present included the following:

Members Present:

Robert Nuss, M.D. Chair
Merle Stringer, M.D.,
George Thomas, M.D.
Onelia Lage, M.D.

Staff Present:

Crystal Sanford, Program Operations Administrator
Allison Dudley, Executive Director

Board Counsel Present:

Donna McNulty, Senior Assistant Attorney General

Member(s) Excused

Elizabeth Tucker, M.D.

Court Reporter

Suzette Bragg Peterson
American Court Reporting
425 Old Magnolia Road
Crawfordville, FL 32327
Office (850)421-0058 Fax (850)421-0256 Braggd1@aol.com

PERSONAL APPEARANCES

Robert Nuss, M.D. – To Interview Tabs 1-5

Tab 1 Robert William Kirkland Bachus, M.D. - Endorsement

Issue(s): Positive response to questions on the licensure application.

The applicant was present and sworn in by the court reporter. He was accompanied by Judy Rivenbark, M.D., Medical Director, Professionals Resource Network. After discussion, the applicant waived the 90 days to act on his application. A motion was made and seconded to table this application for six months to allow the Board to receive information from the Colorado Board of Medicine regarding resolution of the pending action. His application will come back before the Board as an individual consideration. The motion carried unanimously.

Action Taken: The Committee voted to table this application for six months, allow the Board to receive information from the Colorado Board of Medicine regarding resolution of the pending action.

Tab 2 John Argyle Gilmore Sampson, M.D. - Endorsement

Issue(s): Pending charges in the State of Michigan.

The applicant was present and sworn in by the court reporter. Pursuant to Section 456.013(3)(a) and (3)(c), a motion was made and seconded to table this application for 12 months until the issues in Michigan are resolved and to require his appearance when the application is presented to the Committee again. The motion carried unanimously.

The applicant requested a letter be sent to him regarding this action.

Action Taken: The Committee voted to table this application for 12 months until the issues in Michigan are resolved and to require his appearance when the application is presented to the Committee again.

Tab 3 Jose Jesus Sanchez Chavez, M.D. - Examination

Issue(s): Failure to disclose probation during the Neurocritical Care fellowship at Jackson Memorial and failure to meet the training requirement pursuant to section 458.311(1)(f)3.c..

The applicant was present and sworn in by the court reporter. He was accompanied by Monica Rodriguez, Esquire. Dr. Lage recused herself because she knows the physician. A motion was made and seconded to approve the application pursuant to licensure by endorsement with the condition that he practice in a teaching institution for one year under indirect supervision of a Florida-licensed allopathic physician. The Chair of the Credentials Committee was delegated the authority to approve the proposed monitor and practice plan. The motion carried 4/0.

Action Taken: The Committee voted to approve the application with the condition that he practice in a teaching institution for one year under indirect supervision of a Florida-licensed allopathic physician. The Chair of the Credentials Committee was delegated the authority to approve the proposed monitor and practice plan.

Tab 4 Lori Marie Brown, M.D. - Examination

Issue(s): 2011 DUI charge.

The applicant was present and sworn in by the court reporter. She was accompanied by Judy Rivenbark, M.D., Medical Director, Professionals Resource Network. The applicant waived the 90 days for the Board to act on her application. After discussion, a motion was made and seconded to delegate to the Chair of the Credentials Committee the authority to approve the application for licensure if the applicant undergoes an evaluation by PRN and complies with PRN's recommendations, which carried 4/0.

Action Taken: The Committee voted to grant the Chairman authority to review the applicant's PRN evaluation and approve licensure.

Tab 5 Timothy Alwyn Gooden, M.D. - Endorsement

Issue(s): Boards of Ohio and Alabama discipline, surrender of DEA registration and American Board of Pediatrics certification revocation.

The applicant was present and sworn in by the court reporter. He was accompanied by Judy Rivenbark, M.D., Medical Director, Professionals Resource Network. A motion was made, seconded and carried to table this matter until later in the meeting.

Upon return, a motion was made to grant licensure which was seconded and carried unanimously.

Action Taken: The Committee approved the application for licensure.

Onelia Lage, M.D. – To Interview Tabs 6-11

Tab 6 Mario Alberto Malvey, M.D. - Endorsement

Issue(s): The practice requirement pursuant to section 458.313(1)(c), Florida Statutes.

The applicant was present and sworn in by the court reporter. He was represented by Bruce Lamb, Esquire. A motion was made and seconded to approve the application. The motion carried unanimously.

Action Taken: The Committee voted to approve the application.

Tab 7 Ryan Christopher Rao, M.D. - Endorsement

Issue(s): Criminal background history and recommendation with some reservation from Roger Williams Hospital, Department of Internal Medicine.

The applicant was present and sworn in by the court reporter. After discussion, a motion was made and seconded to allow the applicant to withdraw his application for licensure. The motion carried unanimously.

Action Taken: The Committee voted to allow withdrawal of the licensure application.

Tab 8 John Henry Schneider, Jr., M.D. - Endorsement

Issue(s): Boards of Wyoming and Utah discipline and Malpractice case(s).

The applicant was present and sworn in by the court reporter. The applicant waived the 90-day requirement. A motion was made and seconded to table approval of application for 18 months pending resolution of the issues in Wyoming; to allow him to petition for extra time if necessary; and to bring this matter back to the Committee as individual consideration. The motion carried unanimously.

Action Taken: The Committee voted to table approval of application for 18 months pending resolution of the issues in Wyoming; to allow him to petition for extra time if necessary; and to bring this matter back to the Committee as individual consideration.

Tab 9 Kenneth Wayne Blecher, M.D. - Endorsement

Issue(s) The practice requirement pursuant to section 458.313(1)(c), Florida Statutes.

The applicant was present and sworn in by the court reporter. A motion was made and seconded to grant licensure under indirect supervision of a Florida-licensed allopathic physician for six months. Authority was delegated to the Chairman of the Credentials Committee to approve the proposed monitor and practice plan. The motion carried unanimously.

Action Taken: The Committee voted to grant licensure under indirect supervision of a Florida-licensed allopathic physician for six months. Authority was delegated to the Chairman of the Credentials Committee to approve the proposed monitor and practice plan.

Tab 10 Jennifer Torres-Velazco, M.D. - Examination

Issue(s): Positive response to questions on the licensure application.

The applicant was present and sworn in by the court reporter. She waived the 90-day requirement. A motion was made and seconded to table approval of the application for 6 months pending a PRN evaluation and to delegate to the Chairman of the Credentials Committee authority to review and approve for licensure. The motion passed unanimously.

Action Taken: The Committee voted to table approval of the application for 6 months pending a PRN evaluation and to delegate to the Chairman of the Credentials Committee authority to review and approve for licensure.

Tab 11 Wilfredo D. Garcia-Bauta, M.D. - Temporary Certificate to Practice in an Area of Critical Need

Issue(s): Lack of active practiced of medicine during the prior 3 years pursuant to 458.315(4)(b), Florida Statutes.

This applicant was not present and had submitted a letter requesting his application be withdrawn.

Action Taken: The Committee voted to allow withdrawal of the licensure application.

George Thomas, M.D. – To Interview Tabs 12-17

Tab 12 Marcus John Marlow, M.D. - Endorsement

Issue(s): Failure to disclose probation at Mayo Clinic.

The applicant was present and sworn in by the court reporter. A motion was made and seconded to approve the application for licensure. The motion carried unanimously.

Action Taken: The Committee voted to approve the licensure application.

Tab 13 Ryan A. Salahi, M.D. - Endorsement

Issue(s): Positive response to questions on the licensure application.

The application was present and sworn in by the court reporter. He was also accompanied by Judy Rivenbark, M.D., Medical Director, Professionals Resource Network. A motion was made and seconded to approve the applicant for licensure. The motion carried unanimously.

Action Taken: The Committee voted to approve the licensure application.

Tab 14 Robin Gregory Smith, M.D. - Endorsement

Issue(s): Malpractice case(s)

The applicant was present and sworn in by the court reporter. The applicant was accompanied by Allen Grossman, Esquire. A motion was made and seconded to approve the application for licensure. The motion carried unanimously.

Action Taken: The Committee voted to approve the licensure application.

Tab 15 Robert Albanese, M.D. - Conditional Licensure

Issue(s): Request for reconsideration of the conditional medical license issued in 2009.

Dr. Albanese was present and sworn in by the court reporter. A motion was made, seconded and carried unanimously to lift the conditions from Dr. Albanese's license.

Action Taken: The Committee voted to lift the conditions from the license.

Tab 16 Juliet Ellen Fliegel, M.D. - Resident Registration

Issue(s): Positive response to questions on the licensure application.

The applicant was present and sworn in by the court reporter. The applicant was accompanied by Judy Rivenbark, M.D., Medical Director, Professionals Resource Network. A motion was made, seconded and carried unanimously to approve the resident registration application.

Action Taken: The Committee voted to approve the resident registration application.

Tab 17 Fred J. Bartizal, M.D. - Limited License

Issue(s): Lack for practice pursuant to section 458.317(1)(c), Florida Statutes and action against the Wisconsin and Illinois medical licenses.

The applicant was present and sworn in by the court reporter. A motion was made and seconded and carried unanimously to approve licensure under 6 months direct supervision of a Florida-licensed allopathic physician, restrictions in Florida and Wisconsin will continue; and authority is delegated to the Chairman of the Credentials Committee to approve the proposed monitor and practice plan.

Action Taken: The Committee voted to approve licensure under 6 months direct supervision of a Florida-licensed allopathic physician; restrictions in Florida and Wisconsin will continue; and

authority delegated to Chairman of the Credentials Committee to approve proposed monitor and practice plan.

Merle Stringer, M.D. – To Interview Tabs 18-23

Tab 18 Gazanfar Rahmathulla, M.D. - Endorsement

Issue(s): Failure to meet the training requirement pursuant to section 458.311(1)(f)3.c., Florida Statutes.

The applicant was present and sworn in by the court reporter. After discussion a motion was made and seconded and carried unanimously to approve the application for licensure with the condition that for one year he practice medicine in the area of neurosurgery at one of Florida's teaching hospitals.

Action Taken: The Committee voted to approve the application for licensure with the condition that for one year he practice medicine in the area of neurosurgery at one of Florida's teaching hospitals.

Tab 19 Angela Kim Jubert, M.D. - Endorsement

Issue(s): Lack for practice pursuant to section 458.313(1)(c), Florida Statutes, Action against the Indiana medical license, convictions and positive response to questions on the licensure application.

The applicant was present and sworn in by the court reporter. She was accompanied by Allen Grossman, Esquire, and by Judy Rivenbark, M.D., Medical Director, Professionals Resource Network. A motion was made, seconded, and carried unanimously to approve the application for licensure with the condition that Dr. Jubert practice medicine only in the University of Florida Addiction Medicine Training Program and after successful completion of the UF Addiction Medicine Training Program, Dr. Jubert may practice medicine only under the direct supervision of a Board-approved Florida-licensed allopathic physician for a period up to six months. To remove this condition, Dr. Jubert is required to appear before the Credentials Committee and show that the probation on her Indiana medical license has been lifted. Authority was delegated to Chairman of the Credentials Committee to approve her proposed monitor and practice plan.

Action taken: The Committee voted to approve the application for licensure with the condition that Dr. Jubert practice medicine only in the University of Florida Addiction Medicine Training Program and after successful completion of the UF Addiction Medicine Training Program, Dr. Jubert may practice medicine only under the direct supervision of a Board-approved Florida-licensed allopathic physician for a period up to six months. To remove this condition, Dr. Jubert is required to appear before the Credentials Committee and show that the probation on her Indiana medical license has been lifted. Authority was delegated to Chairman of the Credentials Committee to approve her proposed monitor and practice plan.

Tab 20 Daniel Jay Cohn, M.D. - Endorsement

Issue(s): Action by the Medical Board of California.

The applicant was present and sworn in by the court reporter. After discussion, the applicant waived the 90-day requirement. A motion was made and seconded to table the application for 6 months so Dr. Cohn can take and pass the SPEX. The Committee voted to delegate to the Chair of the Credentials Committee the authority to approve the license if the applicant passes the SPEX. The motion carried unanimously.

Action Taken: The Committee voted to table approval for 6 months so Dr. Cohn can take and pass the SPEX. The Committee voted to delegate to the Chair of the Credentials Committee the authority to approve the license if the applicant passes the SPEX.

Tab 21 Bella A. Sawkar, M.D. - Endorsement

Issue(s): Postgraduate training at University of Arkansas.

The applicant was present and sworn in by the court reporter. A motion was made and seconded to approve the applicant for licensure. The motion carried unanimously.

Action Taken: The Committee voted to approve the licensure application.

Tab 22 Kasey Avis Statum, M.D. - Endorsement

Issue(s): Action by the West Virginia Board of Medicine and positive response to questions on the licensure application.

The applicant was present and sworn in by the court reporter. The applicant was accompanied by Judy Rivenbark, M.D., Medical Director, Professionals Resource Network. A motion was made and seconded to approve the application for licensure. The motion carried unanimously.

Action Taken: The Committee voted to approve the application for licensure.

Tab 23 Rodrigo Martinez de Mello Vianna, M.D. - Endorsement

Issue(s): Failure to meet the training requirement pursuant to section 458.311(1)(f)3.c., Florida Statutes.

The applicant was present and sworn in by the court reporter. The applicant was accompanied by Allen Grossman, Esquire. A motion was made and seconded to approve the application for licensure with the condition that he practice medicine at the University of Miami or another teaching hospital in Florida for one year. The motion carried unanimously.

Action Taken: The Committee voted to approve the applicant for licensure with the condition that he practice medicine at the University of Miami or another teaching hospital in Florida for one year.

INDIVIDUAL CONSIDERATIONS

Robert Nuss, M.D. – To Interview Tabs 24-33

Tab 24 Cristiano Quintini, M.D. – Endorsement

Issue(s): Failure to meet the training requirement pursuant to section 458.311(1)(f)3.c. Florida Statutes.

The applicant was present and sworn in by the court reporter. The applicant was accompanied by Bruce Lamb, Esquire. A motion was made and seconded to approve the applicant for licensure with the condition that he practice medicine at a teaching hospital or the Cleveland Clinic in Florida for one year. The motion carried unanimously.

Action Taken: The Committee voted to approve the applicant for licensure with the condition that he practice medicine at a teaching hospital or the Cleveland Clinic in Florida for one year.

Tab 25 Erin McMillan Werner, M.D. – Examination

Issue(s): Petition for Waiver of Rule 64B8-4.018, Florida Administrative Code, Unapproved clerkship(s).

The applicant was not present nor was she represented by counsel. A motion was made, seconded and carried unanimously to grant the applicant's petition for waiver/variance of Rule 64B8-4.018, FAC. Another motion was made, seconded and carried unanimously to approve the application for licensure.

Action Taken: The Committee voted to grant the petition for waiver/variance and approve the application for licensure.

Tab 26 Marcos Javier Cruz, M.D. – Endorsement

Issue(s): lack of a bachelor's degree from an accredited United States college or University pursuant to section 458.311(3) (a) Florida Statutes.

The applicant was not present nor was he represented by counsel. A motion was made, seconded and carried unanimously to approve the application for licensure.

Action Taken: The Committee voted to approve the application for licensure.

Tab 27 Vinu A. Patel, M.D. - Endorsement

Issue(s): Petition for Waiver of Rule 64B8-2.001, Florida Administrative Code, passage of FLEX in one complete sitting.

The applicant was not present nor was the applicant represented by counsel. A motion was made and seconded to grant the petition for waiver/variance of Rule 64B8-2.001, FAC. Another motion was made, seconded and carried unanimously to grant the application licensure.

Action Taken: The Committee voted to grant the petition for waiver/variance and to grant the application for licensure.

Tab 28 Nathan Andrew Eberle, M.D. - Examination

Issue(s): Petition for Waiver of Rule 64B8-4.004(1), Florida Administrative Code, approved residency.

The applicant was present and sworn in by the court reporter. A motion was made and seconded to grant the petition for waiver/variance of Rule 64B8-4.004(1), FAC. Another motion was made, seconded and carried unanimously to grant the application for licensure.

Action Taken: The Committee voted to grant the petition for waiver/variance and to grant the application for licensure.

Tab 29 William J. Conforti, M.D. – Endorsement

Issue(s): Petition for Waiver of Rule 64B8-4.009(5), Florida Administrative Code, medical school verification.

The applicant was not present nor was the applicant represented by counsel. A motion was made and seconded to grant the petition for waiver/variance of Rule 64B8-4.009(5), FAC. Another motion was made, seconded and carried unanimously to grant the application for licensure.

Action Taken: The Committee voted to grant the petition for waiver/variance and to grant the application for licensure.

Tab 30 Arabinda Kumar Choudhary, M.D. – Endorsement

Issue(s): meet the training requirement pursuant to section 458.311(1)(f)3.c. Florida Statutes.

The applicant was not present nor was the applicant represented by counsel. A motion was made, seconded and carried unanimously to approve the application for licensure.

Action Taken: The Committee voted to approve the application for licensure.

Tab 31 Kamran Aghayev, M.D. - Medical Faculty Certificate

Issue(s): To determine if the training at the University of South Florida meets the training requirement pursuant to section 458.3145(1)(d), Florida Statutes.

The applicant was not present, but Kelley Zarzycki, Esquire, was present to represent the applicant. A motion was made, seconded and carried unanimously to approve the application for licensure.

Action Taken: The Committee voted to approve the application for licensure.

Tab 32 Jose A. Lopez-Chevres, M.D. - Temporary Certificate to Practice in an Area of Critical Need

Issue(s): Petition for Waiver of Rule 64B8-1.007 and 64B8-4.009, Florida Administrative Code, lack of the AMA profile.

The applicant was not present nor was he represented by counsel. A motion was made, seconded and carried unanimously to grant the petition for waiver/variance of Rules 64B8-1.007

and 4.009, FAC. Another motion was made, seconded and carried unanimously to approve the application for licensure.

Action Taken: The Committee voted to grant the petition for waiver/variance and to grant licensure.

Tab 33 Elvira Esther Perez Perez, M.D. - Temporary Certificate to Practice in an Area of Critical Need

Issue(s): Petition for Waiver of Rule 64B8-1.007 and 64B8-4.009, Florida Administrative Code, lack of the AMA profile.

The applicant was not present. After discussion, a motion was made, seconded and carried unanimously to grant the petition for variance/ waiver. Another motion was made, seconded and carried unanimously to approve the application for licensure.

Action Taken: The Committee voted to grant the waiver/variance and approve the application for licensure.

NEW BUSINESS

Rules Discussion.....34

- 64B8-4.004, Approved Residency or Fellowship; Definitions, Florida Administrative Code
A motion was made, seconded and carried unanimously to approve the proposed language. Another motion was made, seconded and carried unanimously to find this change will not have an impact on small business nor will the change be likely to directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the change.

Action taken: The Committee voted to approve the language; no SERC

- 64B8-2.001, Definitions, Florida Administrative Code,
A motion was made, seconded and carried unanimously to approve striking language from this rule and to move proposed language to Rule 64B8-5.001, FAC. Another motion was made, seconded and carried unanimously to find this change will not have an impact on small business nor will the change be likely to directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the change.

Action taken: The Committee voted to strike the language and move proposed language to Rule 64B8-5.001, FAC; no SERC

- 64B8-5.001, Examination, Florida Administrative Code,
A motion was made, seconded and carried unanimously to approve proposed language regarding the definition of FLEX from Rule 64B8-2.001 into this rule. Another motion was made, seconded and carried unanimously to find this change will not have an impact on small business nor will the change be likely to directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the change.

Action taken: The Committee voted to approve proposed language regarding the definition of FLEX from Rule 64B8-2.001 into Rule 64B8-5.001, F.A.C.; no SERC

- 64B8-3.002(9), Fees, Florida Administrative Code,
A motion was made, seconded and carried unanimously to approve the proposed language. Another motion was made, seconded and carried unanimously to find this change will not have an impact on small business nor will the change be likely to directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the change.

Action taken: The Committee voted to approve the proposed language; no SERC

- 64B8-4.025, Licensure Under Supervision, Florida Administrative Code,
A motion was made, seconded and carried unanimously to table this rule until the next meeting.

Action taken: The Committee voted to table this matter until the next meeting.

The Committee adjourned at 12:45p.m