



THE FLORIDA BOARD OF MEDICINE MESSAGE FROM THE CHAIR

June 2012

Greetings

This past month we said farewell to **Gary Winchester, M.D.**, a family practice physician who just completed his fifth term on the Board of Medicine. During this most recent term, he received the *Outstanding Physician of the Year Award* from the Capital Medical Society.



Dr. Jason J. Rosenberg, MD, FACS

His service to Floridians has been exemplary and we are sorry to see Dr. Winchester leave the board. We wish him the very best and will continue to count on his wise counsel moving forward. Joining the board is **Richard G. Shugarman, M.D.**, an ophthalmologist from West Palm Beach, FL. Certified by the American Board of Ophthalmology, Dr. Shugarman also serves as a Voluntary Professor of Ophthalmology at the University of Miami School of Medicine in addition to the duties at his practice. He was appointed to the board to a four-year term of service by Governor Scott on June 8th. In addition to serving on the Board, I have appointed Dr. Shugarman to the Expert Witness Committee, Surgical Care/Quality Assurance Committee and the Dietetic-Nutrition/Electrolysis Committee.

We also would like to extend a warm welcome to **Jennifer Tschetter**, who was recently appointed by the State Surgeon General to serve as the Department of Health's General Counsel. Ms. Tschetter brings 11 years of experience to the position and will provide expert advice on the legal issues that face the department of health. We look forward to working with the department's legal team under her leadership.

In the next edition of the *Message*, we will take

an in-depth look at the prosecution of cases older than one year. From May 2011 to May 2012, the open cases have been reduced by an unprecedented 35%. We will keep you updated as the Department and the Board continue to work together to process cases expeditiously. Thank you for all you do each day to improve the quality of life of Florida's citizens. Your Board of Medicine appreciates your dedicated service to our communities.

Sincerely,
Jason J. Rosenberg, MD, FACS
Chairman, Florida Board of Medicine

Florida Prescription Drug Monitoring Program

Section 893.055, Florida Statutes, requires health care practitioners to report to E-Forcse



each time a controlled substance is dispensed to an individual. This information is to be reported through the electronic system as soon as possible, but not more than 7 days after dispensing. This reporting timeframe ensures that health care practitioners have the most up-to-date information available.

Any health care practitioner who has dispensed a controlled substance in schedule II, III and IV, as defined in section 893.03, F.S. will be required to report to the database.

On May 21, 2012, **Rule 64K-1.007, Florida Administrative Code (FAC) – Indicators of Controlled Substance Abuse**, went into effect. This rule outlines the behavior that is indicative of controlled substance abuse in your patients.

Laws and Rules related to PDMP:

- s. 893.055, Florida Statutes
- s. 893.0551, Florida Statutes
- s. 893.03, Florida Statutes
- 64K-1, Florida Administrative Code

June 2012 Board Meeting Highlights

This meeting was held on June 1-2, 2012 in Orlando, FL. The Board heard 53 disciplinary hearings against physicians and physician assistants. The disciplinary actions imposed are as follows:

Penalty	Number imposed	Penalty	Number imposed
Revocation – These practitioners are not permitted to practice in Florida; Violations for these cases include: prescribing violations, billing for services not rendered, holding an area of critical need license but not practicing at area of critical need facility, failure to comply with PRN, forging prescriptions to obtain medications for personal use (PA); being convicted of a crime directly related to the practice of medicine.	5	Obligations – These practitioners may practice their profession under the conditions specified in the Final Order and which may include paying fines and costs, completing additional CME, giving a lecture, obtaining a quality assurance review of the practice and/or restrictions on the practice; Violations for these cases include: Failed to report action in another state, standard of care violations, not being in compliance with Medical Director responsibilities, failed to comply with PRN, failed to complete CME required for renewal of license, pre-signed prescriptions, making deceptive/untrue representations in the practice of medicine, wrong site surgery, convicted of crime directly related to the practice of medicine.	29
Suspension – These practitioners may not practice their profession for a specified period of time as outlined in the Final Order and often until the practitioner appears before the Board and demonstrates their current ability to practice with reasonable skill and safety; Violations for these cases include: Failed to report action in another state, impairment and failure to comply with PRN.	3	Dismissed – In these cases, the Board reviews the case materials and interviews the physician. Based on the individual circumstances and evidence presented, the Board dismissed the cases; Allegations for these cases include: Standard of care violations .	3
Relinquished – These practitioners relinquished their license in lieu of further prosecution; Violations for these cases include: Termination from Medicaid program, PIP fraud, sexual misconduct, aiding/abetting unlicensed practice, failed to comply with previous Final Order, practicing on delinquent license, inappropriate prescribing, failed to report action in another state, failed to complete CE required for renewal of license.	8	Pending cases – These are cases where the Board rejected the Settlement Agreement proposed and offered a counter proposal that is still pending the Respondent’s acceptance or the hearing was tabled for another reason; Allegations for these cases include: Wrong site surgery, inappropriate prescribing, failed to report action in another state, standard of care violation, sexual misconduct.	4
Probation - This practitioner may practice his/her profession under the probationary terms outlined in the Final Order; Violations for these cases include: being convicted of a crime directly related to the practice of medicine.	1		

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At this meeting, several of the Board's committees met to carry out their business and include the following:

- Credentials Committee
- Council on Physician Assistants
- Surgical Care/Quality Assurance Committee

Minutes and the audio from all of these meetings are available online at www.doh.state.fl.us/mqa/medical.

As with all Board Meetings, **physicians can attend one of the two days of disciplinary hearings (Friday or Saturday) and receive five (5) hours of CME credit in ethics or risk management.** Dates and locations for these meetings are available on our web site. Be sure to sign in with Board Staff upon arrival at the meeting.

Testimonials and Awards

The staff in the Board of Medicine office strives every day to make processes easier and more efficient. Sometimes we receive compliments on jobs well done and sometimes we win awards. We want to share a few of those with you.

Testimonials:

One physician, after contacting staff to ask various practice questions, wrote the following:

JoAnne Trexler, C.P.M., Supervisor / Consultant is terrific. I want her to come work for our organization! Thanks for having intelligent and competent folks working for Florida, I'm not surprised because your department has been wonderful throughout my licensing process.

My best, Dr. N

A physician from Virginia contacted our office concerning our Office Surgery Regulations and had the following to say about **LaShonda Cloud** and the Florida Board of Medicine:

Thank you very much for the information you provided. I think it very clearly demonstrates the effectiveness of the regulations enacted in Florida. I hope to use these data to help convince others in Virginia about potential effectiveness of similar regulations here.

Dr. L.

Good work staff!

Awards:

At the June 2012 Board of Medicine Meeting, the Board honored University of Central Florida College of Medicine student **Anika Mirick** by presenting her with the Chairman's Recognition Award.



Ms. Anika Mirick with Chairman Jason J. Rosenberg, MD, FACS

The program—originally implemented in 2010 during current Board Member Dr. Onelia Lage's term as Chair—honors students that exemplify the professionalism, moral character, compassion, and intellect essential to the future leaders of our medical profession.

Currently in her third year at UCF, Anika was a part of their inaugural class, and was awarded a four-year scholarship to attend the college. In 2011, she was honored with the Order of Pegasus Award, UCF's most prestigious student award.

On top of her academic achievements, Ms. Mirick is also an accomplished athlete. While in high school, she won four Wisconsin State High School Ski titles, and from 2001 to 2004, she competed as a member of the Junior Olympic Alpine Ski Team.

"This is an outstanding young medical student that I'm so pleased to be able to recognize at this meeting" said Chairman Dr. Jason J. Rosenberg. "I think the future of medicine is bright."

Congratulations to Ms. Anika Mirick!

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Division of
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