

Florida Board of Medicine Message from the Chair

December 2010

Dear Colleagues and Interested Citizens,

As I complete my term as Chair of the Florida Board of Medicine, the terms **GRATITUDE and APPRECIATION** come to mind!!! It is truly a team effort to regulate the safe practice of Medicine in the state of Florida. Therefore, it is my first priority to thank board staff, counsel, members, prosecution services, and the Surgeon General's office for their hard work and dedication toward improving patient safety for all of Florida's citizens.

Highlights of 2010 include: recognition of Florida physicians Barth Green M.D. from the University of Miami, Miller School of Medicine for his service to spinal cord injured patients and to disaster victims in Haiti through Project Medishare and Raymond Pomm M.D. for his years of service and leadership in PRN (Practitioners Resource Network). For the first time, the Board of Medicine recognized top medical students from our medical schools. Students were selected by their peers and deans for outstanding character professionalism and excellence (see below). Collaborative work with the Board of Osteopathic Medicine with regards to pain clinic rulemaking continues. We have had multiple hearings for public comment regarding pain clinic rules. Approximately 1,000 pain clinics have been registered, a number have been closed down, inspections are ongoing and several physicians involved with pain clinics have had their licenses suspended or revoked. Although there is still much to accomplish in this regard and there continues to be challenges to implementation of the prescription drug monitoring program and pain management clinic standards, we are better off than where we were two years ago. Licensure has reduced processing time for obtaining a license and the electronic application process is being effectively implemented. We continue to stress the importance of partnering with other boards and agencies in surgical safety efforts so all members of a surgical team take responsibility for errors. As an example of transparency, administrative complaints as well as pain clinic registration is now available online. We also benefited from discussions and presentations with regards to maintenance of licensure, telemedicine, and other important topics for the future.

In conclusion, some things I have learned from my five years of service on the Board of Medicine:

1. Board members are caring people. They work hard and devote the many hours needed to review complex cases and do their best to be fair, to follow the law and handle all licensees and patients presenting before the board with respect and even compassion.
2. It is very helpful to obtain legal advice from attorneys experienced with healthcare regulation in the disciplinary process.
3. Take courses that will help educate you on medical practice laws and rules and get five hours of risk management CME by sitting in a board of medicine disciplinary hearing when it meets in your area (see below for dates).

4. Be an advocate for your profession and for your patients, get involved in medical societies, mentor medical students and participate in the legislative process whenever possible. Be the change you want to see in medicine. Take action!!
5. Don't ignore citations or notices. Communicate with the board and Board staff with your specific questions. By not responding or not complying with legal obligations can only impact your license negatively.
6. Finally, think about the patient and put yourselves in their shoes. If you make a mistake, acknowledge it and apologize sincerely. Care for your patients as you would like to be cared for by your doctor.

Medicine is a profession that gives us the privilege to do good every day with every patient encounter. Life is good so "Pay it Forward" and continue to do good!! Thank you for this incredible opportunity to serve!

Congratulations to our newly elected Board leadership Michael Chizner M.D. Chair; George Thomas M.D. Vice Chair; Steve Rosenberg 1st Vice Chair and Jason Rosenberg 2nd Vice Chair. Congratulations also to Mr. Larry McPherson our Executive Director on his retirement and we thank him for his years of dedicated service to the Board of Medicine (see below).

I close this last newsletter thanking God, my family and my colleagues at the Board and at UM for their unwavering support and guidance. Without them, being the first Pediatrician and Hispanic woman to chair the Florida Board of Medicine would never have been possible.

Many Blessings for 2011!!!!
Onelia G. Lage M.D.

Dr. Lage recognized the following people at the December Board of Medicine Meeting:



Ashley Curry, seen here with Dr. Lage, received the Chair's Recognition Award for her professionalism, moral character, compassion and intellect essential to future leaders of the medical profession.



Dr. Winchester, seen here with Dr. Lage (on the left) and Judy Rivenbark, M.D. (on the right), Director of the Practitioners Resource Network (PRN), was honored by Dr. Rivenbark for his work with PRN.



Eulinda Smith, Department of Health Public Information Officer, is seen here receiving recognition for her work with the Board of Medicine in providing timely information to the media.



Whitney Bowen, Board staff, was recognized by Dr. Lage for her work with the Board Members and ensuring meeting materials are received in a timely and efficient manner.

Dr. Lage also recognized the following Board of Medicine staff, not present at the meeting:

- George Johnson
- JoAnne Trexler
- Michelle Shiver
- Gloria Nelson
- Deborah English
- Connie Clayton



From left: Rene Alsobrook, Kim Berfield, Lucy Gee, Onelia Lage, M.D., Larry McPherson, Ana Viamonte Ros

Larry McPherson, Executive Director of the Board of Medicine was honored by Ana Viamonte Ros, State Surgeon General, Kim Berfield, Department of Health Deputy Secretary, Rena Alsobrook, Department of Health Acting General Counsel, and Lucy Gee, Director of the Division of Medical Quality Assurance and Dr. Lage for his years of service to the Board and to the citizens of our state. Mr. McPherson will be retiring in April 2011.

The Florida Department of Health (DOH) today announced the following update on the state's Prescription Drug Monitoring Program (PDMP).

- The Electronic - Florida Online Reporting of Controlled Substances Evaluation program (E-FORCSE) has been chosen as the name for the PDMP
- The program's website – www.eforcse.com – has been updated to reflect the name, and include additional information about the PDMP
- Rebecca R. Poston, R.Ph., has been selected as manager of E-FORCSE

The PDMP was created by the 2009 legislature to encourage safer prescribing of controlled substances and to reduce drug abuse and diversion within the state of Florida.

E-FORCSE will work with a selected contractor to develop a database that will collect and store prescribing and dispensing data for controlled substances in Schedules II, III, and IV. The purpose of the PDMP is to provide the information that will be collected in the database to health care practitioners to guide their decisions in prescribing and dispensing these highly-abused prescription drugs.

Section 893.055(2)(a), *Florida Statutes* (F.S.), directs DOH to “design and establish a comprehensive electronic database system,” to receive controlled substance dispensing data and to provide prescription information to a patient’s health care practitioner and pharmacist who request it, while safeguarding protected health information. This information is to be reported through the electronic system as soon as possible but not more than 15 days after dispensing. This reporting timeframe ensures that health care practitioners have the most up-to-date information available.

DOH is actively involved in the procurement process and has advertised a Request for Proposal (RFP) to acquire and implement a customizable Commercial Off-the-Shelf (COTS) Prescription Drug Monitoring System. Once the submitted proposals have been reviewed and evaluated and a vendor is selected, the E-FORCSE staff will work with that vendor to implement the electronic database.

E-FORCSE will comply with the Health Insurance Portability and Accountability Act (HIPAA) as it pertains to protected health information (PHI), electronic protected health information (EPHI), and all other relevant state and federal privacy and security laws and regulations. The information collected in the system will be used by the PDMP to encourage safer prescribing of controlled substances and reduce drug abuse and diversion within the state of Florida.

Finally, DOH is currently in the process of promulgating rules for the implementation of the program, which flush out any details not provided for in section 893.055, F.S., including how and when Patient Advisory Reports will be provided, how the database will be accessed, managed and operated as well as what measures will be taken to maintain the security of the information maintained in the database.

Board Member and Staff Activities

Jason Rosenberg, M.D., is a Major in the United States Air Force Reserves and in July and August, he was stationed at Eglin Air Force Base in Ft. Walton where he worked at the Eglin Hospital and Keesler Medical Center in Biloxi. Dr. Rosenberg and another physician performed five microsurgical breast reconstructions and additional non-microsurgical operations as well as working in the clinic for the required two weeks of his tour.

Fred Bearison, M.D. gave a presentation on August 13, 2010 at the Florida Medical Association’s Annual Meeting in Orlando, Florida.

Trina Espinola, M.D. has been very busy. On September 2, 2010 she gave a presentation on the “Laws and Rules All Physicians Should Know” during Grand Rounds at the Bayfront Medical Center in St. Petersburg. On September 9, 2010, she gave another presentation, “What’s New with the Board of Medicine and Top Ten Tips Every Physician Should Know” to the South Pinellas Medical Trust, also in St. Petersburg. Dr. Espinola, along with Howard K. Herman, M.D. authored a book called, Tonsillectomy with Harmonic Technology.

Larry McPherson, Executive Director and Crystal Sanford, Program Operations Administrator provided a presentation to the second year medical students at Florida State University on December 9, 2010. This presentation orients the students to the Board and the Board’s functions.

Practitioner Profile

Remember any changes to your profile must be made within 15 days of said change. To change your profile, see *Locating Information* below.

PA Renewal Fee

The PA Council voted to increase the renewal fee to \$275. This change must go through the rulemaking process. This rule will be effective with the 2012 PA renewal.

CME Requirements Reminder

If this is your *first renewal after licensure*, then you must complete:

- 1 hour HIV/AIDS
- 2 hours prevention of medical errors

For every renewal after your initial renewal, CME requirements include:

- 2 hours in Prevention of Medical Errors
- 38 hours of general CME

Domestic Violence CME Requirement – *this is due every 6 years, but the course must be taken in the final 2 years (5th and 6th year).*

- If you were already licensed in 2006, your first 2-hour Domestic Violence CME requirement is due by January 31, 2011 and every 6 years thereafter.
- If were licensed after 2006, then your first 2-hour Domestic Violence CME requirement is due January 31st, 6 years from your licensure date. To view your licensure date, go to www.FLHealthSource.com and click on *Citizen/Consumer*. Then click on *License Verification*. Search your name/license. Your original issue date can be found under the heading *License Original Issue Date*.

NOTE: The Prevention of Medical Errors course must contain the 5 most mis-diagnosed medical conditions as determined by the Board. Every two years the Board conducts research and determines the newest 5 most miss diagnosed medical conditions. The most current version of these can be found in rule 64B8-13.005, FAC.

Physicians can use CE Broker to help maintain their CME certificates. Their web site is www.CEBroker.com and the lowest level of participation for CME maintenance is free. When the Department performs the annual CME audit, the first place they go is to CE Broker. If the physician has his/her CME listed and is in compliance, he/she will pass the audit automatically. It's that easy. It is not a requirement to use CE Broker, but it could be a good tool so go online and check them out.

Upcoming Events

Our next meeting is scheduled for February 4-5, 2011 in Orlando. Remember this is a good opportunity to learn more about Board activities and obtain 5 hours CME credit in ethics or risk management at the same time. Below is the meeting schedule for the remainder of 2011. While you are there, be sure to pick up helpful information on the public information table and complete our survey. The exact locations for these meetings will be posted to the web site approximately two months prior to meeting date.

February 4-5, 2011	Rosen Plaza Hotel 9700 International Drive
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	Orlando, FL 32819 (407) 996-9700
April 1-2, 2011	Tampa Marriot Airport 4200 George J. Bean Parkway Tampa, FL 33607 (813) 879-5151
June 3-4, 2011	Embassy Suites 1100 SE 17 th St Ft. Lauderdale, FL 33316 (954) 527-2700
August 5-6, 2011	Embassy Suites 9300 Baymeadows Rd Jacksonville, FL 32256 (904) 731-3555
September 30 - October 1, 2011	Wyndham Tampa Westshore 700 N Westshore Blvd Tampa, FL 33609 (813) 289-8200
December 2-3, 2011	Renaissance Orlando Airport 5445 Forbes Place Orlando, FL 32812 (407) 240-1000

Locating Information

Where can you find information you need to know about your license? Our web site! Go to www.FLHealthSource.com and click on *Licensee/Provider*. From here you can go directly to the Medicine web site, access your practitioner profile, renew your license online, review professional updates and declaratory statements, and much more.

Also, you might be interested in our Mailman System which replaces the Web Board as a mechanism to receive information from the Board. This is an email system you can subscribe to in order to receive up to the minute information. Simply log on to <http://flems.doh.state.fl.us/mailman/listinfo/boardofmedicine> and subscribe!

If you are unable to locate the information needed, send an e-mail to the Board! Send your question and comments to: MQA_Medicine@doh.state.fl.us. Remember there is an 'underscore' symbol between MQA and Medicine.

If you would rather correspondence go to another e-mail address, please update your online Practitioner Profile. You can update your Practitioner Profile by visiting <http://www.flhealthsource.com>, selecting *Licensee/Provider*, then selecting *Update Profile* in the Current Licensee Services section of the page. If you need help accessing your online profile, call (850) 488-0595, then select menu option 3.

Are you interested in knowing your Board Members? Go to our web site and click on *Related and Contact Information*. Once there, click on *Board Members, Legal Counsel and Committee Appointments*. Each Board Member is listed. Click on the member's name to view their biography. You can also view the various committees of the Board here.

Highlights of the August 6-7, 2010 Board of Medicine Meeting

43 Disciplinary Hearings:	
26	Settlement Agreements
3	Informal Hearings
3	Informal Hearing by Default
9	Voluntary Relinquishments
2	Recommended Orders

Board Final Action *	
16	MDs/PAs/EOs placed under obligations
9	MDs/PAs/EOs voluntarily relinquished This category includes 7 Electrologists
3	MDs/PAs/EOs suspended
3	MDs/PAs/EOs revoked
1	MDs/PAs/EOs on probation
5	Case was continued until the next meeting
4	Settlement Agreements rejected; case returned for further litigation
2	Cases dismissed

* See bottom of email for explanation of penalties.

* The Board of Medicine has oversight in disciplinary matters for the following professions:

- Medical Doctors
- Physician Assistants
- Electrologists
- Dietetic-Nutritionists

To view the minutes for any of these meetings, go to our web site and click on *Minutes*.

Several committees met in conjunction with this Board Meeting. The committees include:

- Credentials Committee
 - The Committee reviewed the credentials of a number of applicants for Florida licensure.
- Council on Physician Assistants
 - The Council interviewed applicants for licensure and ratified other licenses. The Council also approved revisions to various forms including the supervision data form, PA prescribing application, Changes to the PA prescribing application and approved a new form which delegates dispensing authority from a physician to a PA.
- Rules/Legislative Committee
 - The Committee reviewed proposed language changes to Rule 64B8-9.013, FAC – Standards for the Use of Controlled Substances for the Treatment of Pain. The Committee added the American Board of Interventional Pain Physicians to the list of approved certifying boards for the purpose of advertising [Rule 64B8-11.001, FAC]. Additional penalties for pain management clinic violations, established by SB 2272 (2010 Legislative Session) were also added to the disciplinary guidelines in Rule 64B8-8.001, FAC. Proposed legislation was discussed that would remove the

requirement to have domestic violence CME every six years. The Committee also reviewed and approved an additional page to the Dispensing Practitioner Registration form that designates the physician assistants to which the physician has delegated dispensing authority.

- Surgical Care/Quality Assurance Committee
 - The Committee revised Rule 64B8-9.009, FAC regarding the most recent update to the American Society of Anesthesiologists 30 standards on ambulatory anesthesia in the office setting approved by the ASA Board of 31 Directors on October 21, 2009.
- Expert Witness Committee
 - The Committee reviewed applications for physicians applying to become expert witnesses for the Department of Health. In addition, the Committee determined that letters of recommendation on behalf of the applicants is no longer necessary. The Committee also started looking at the Physician Assistant expert witness application process.
- Dietetic-Nutrition/Electrolysis Committee
 - The Board of Medicine has oversight for disciplinary actions as well as rulemaking authority for the Council on Dietetics-Nutrition and the Council on Electrology. At this meeting, the Committee reviewed and approved changes to rules proposed by the Councils.

Highlights of the October 1-2, 2010 Board of Medicine Meeting

43 Disciplinary Hearings Scheduled:	
24	Settlement Agreements
0	Informal Hearings
4	Informal Hearing by Default
13	Voluntary Relinquishments
2	Recommended Orders

Board Final Action *	
12	Licensee under obligations
13	Licensees voluntarily relinquished
2	Licensees suspended
2	Licensees revoked
3	Licensees on probation
2	Cases dismissed
7	Cases continued
2	Settlement Agreements rejected; pending acceptance of counter offers

* See bottom of email for explanation of penalties.

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- Physician Assistants
- Electrologists
- Dietetic-Nutritionists

To view the minutes for any of these meetings, go to our web site and click on *Minutes*.

Several committees also met in conjunction with the Board Meeting. The following committees met:

- Credentials Committee
 - The Committee reviewed the credentials of a number of applicants for Florida licensure.
- Council on Physician Assistants

- The Council interviewed a couple of applicants for licensure, ratified applicants and elected Ronald Burns, DO as Vice-Chair of the Council. Ms. Gerbert, current Chair, is ending her term on October 31, 2010 after serving for eight years. Jeffrey Hulley, PA-C was appointed to the PA Council by Ana Maria Viamonte Ros, M.D., State Surgeon General, and will begin his four year term on November 1, 2010.
- Joint Anesthesiologist Assistant Committee
 - The Committee reviewed and approved proposed disciplinary penalties resulting from violations imposed in SB 1986 (2009 Legislative Session) for Rule 64B8-31.010, FAC – Disciplinary Guidelines.
- Rules/Legislative Committee
 - The Committee revised Rule 64B8-8.018, FAC – Voluntary Relinquishment of License, to clarify the conditions under which a physician may administratively relinquish his/her license. SB 2272 (2010 Legislative Session) requires physicians in pain-management clinics to report various data to the Department on a quarterly basis. While an electronic system is being set up to submit the data electronically, the Committee also approved a data reporting form for use by those physicians who do not wish to submit their data electronically.
- Surgical Care/Quality Assurance Committee
 - The Committee continues to be concerned about the systems errors that lead to wrong site surgeries and ways to reduce them. The Committee requested staff conduct some research on this topic and to report back at the December Meeting.
- Expert Witness Committee
 - The Committee reviewed and approved a large number of expert witness applications at this meeting. They also discussed the Physician Assistant expert witness application process further.
- Dietetic-Nutrition/Electrolysis Committee
 - The Board of Medicine has oversight for disciplinary actions as well as rulemaking authority for the Council on Dietetics-Nutrition and the Electrology Council. At this meeting, the Committee reviewed and approved changes to rules proposed by the Councils.

Highlights of the December 3-4, 2010 Board of Medicine Meeting

Disciplinary Hearings Scheduled:	
23	Settlement Agreements
4	Informal Hearings
4	Informal Hearing by Default
10	Voluntary Relinquishments
3	Recommended Orders

Board Final Action *	
17	Licensee under obligations
11	Licensees voluntarily relinquished
4	Licensees suspended
4	Licensees revoked
1	Licensees on probation
2	Cases dismissed
4	Cases continued
1	Settlement Agreements rejected; pending acceptance of counter offers

* See bottom of email for explanation of penalties.

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- Medical Doctors
- Physician Assistants
- Electrologists
- Dietetic-Nutritionists

To view the minutes for any of these meetings, go to our web site and click on *Minutes*.

Several committees also met in conjunction with the Board Meeting. The following committees met:

- Credentials Committee
 - The Committee reviewed the credentials of a number of applicants for Florida licensure.
- Council on Physician Assistants
 - The Council interviewed a couple of applicants for licensure. Jeffrey Hulley, PA-C attended his first meeting since being appointed by the State Surgeon General.
- Rules/Legislative Committee
 - The Committee discussed outcomes resulting from the override of the previously vetoed HB 1565. The Committee identified several rules which would require an enhanced statement of estimated regulatory costs to be approved by the Legislature in 2011 Session.
- Surgical Care/Quality Assurance Committee
 - The Committee reviewed the first set of statistics regarding wrong site surgery cases and foreign body cases related to companion cases. The Committee requested staff conduct additional research on this topic and to report back at the February 2011 Meeting.
- Expert Witness Committee
 - The Committee reviewed and approved a large number of expert witness applications at this meeting. They also approved criteria under which Physician Assistants may apply to become expert witnesses for the Department.
- Dietetic-Nutrition/Electrolysis Committee
 - The Board of Medicine has oversight for disciplinary actions as well as rulemaking authority for the Council on Dietetics-Nutrition and the Electrology Council. At this meeting, the Committee discussed the impact of HB 1565 on the rules and referred those back to the Council on Dietetic-Nutrition. The Committee also recommended approval of new Council members.

*** Explanation of Penalties (in order of severity)**

Obligations	The board disciplined the licensed practitioner and a penalty, which may include restrictions and/or additional requirements, was placed on the licensed practitioner. The licensed practitioner may practice his/her profession in the state of Florida under the conditions specified by the licensing board or department. Practitioner is obligated to update his/her profile data
Probation	The board has disciplined the licensed practitioner and placed his/her license in a probationary status. The licensed practitioner may practice his/her profession in the state of Florida under terms specified by Final Order. Practitioner is obligated to update his/her profile data.
Suspension	The board disciplined the licensed practitioner, prohibiting practitioner from practicing in the state of Florida for a specified period of time outlined in the final disciplinary order. The practitioner is obligated to update his/her profile data.
Revocation	The board or department disciplined the licensed practitioner and his/her license was removed permanently. The practitioner is not authorized to

	practice in the state of Florida. The practitioner is not obligated to update his/her profile data.
Voluntary Relinquishment	The licensed practitioner elected to give up their license to practice in the state of Florida. This relinquishment does constitute discipline and the licensee is not permitted to ever reapply for licensure in Florida. The practitioner is no longer obligated to update his/her profile data.

