



# FLORIDA | Board of Medicine

February/March 2016



Steven Rosenberg, M.D.  
Chairman



Magdalena Averhoff, M.D.  
Vice Chairman

**“This letter is to inform you there is a pending investigation against your license to practice medicine in the State of Florida”.** No physician ever wants to receive a letter that begins this way; however, it could happen to any one of us. Why? There are a variety of reasons, which I’ll discuss along with other issues in an attempt to help you better understand the system and “how it works”.

First, it is important to be aware of some of the basics. A complaint against your medical license can be filed by a variety of sources: the Department of Insurance (closed malpractice claims), any healthcare facility, other healthcare providers, attorneys, patients, their families or just about anyone (and can be anonymous).

Every complaint against one’s medical license, which is initially confidential, is fully investigated by the Department of Health. The physician is able to provide a response to the complaint offering the Department additional information, an expert opinion supporting his care (if the complaint involves care issues) or mitigating factors specific to the

complaint. After this extensive process of investigation and evaluation by the Department’s legal staff, which usually takes months, the case is referred to the Probable Cause Panel (PCP) of the Board of Medicine. Probable Cause Panels meet twice a month and are made up of three individuals—a current Board physician, a physician who previously served on the Board and a consumer member. The PCP can:

- Dismiss the case without a finding of Probable Cause
- Dismiss with a “Letter of Guidance” to the physician
- Instruct the legal department to issue an “Administrative Complaint” against the physician in cases where there exists probable cause of a violation of the Medical Practice Act. When this occurs, the case becomes “open to the public” 10 days later and even if dismissed at a later date remains public record.

If you find yourself in the unfortunate situation of having a complaint filed against your medical license, although not required by law, it is my opinion that early on you seek assistance from a qualified healthcare attorney who specifically has extensive experience in Board of Medicine cases. Based upon my experience with the Board, I have found there to be about a dozen such attorneys in the state. You have invested valuable time in training, made financial sacrifices, and developed a reputation in your community; this may not be the time you want to save on legal fees. You can do your “homework” and examine previous Board cases (available on the Internet by going to [www.flboardofmedicine.gov](http://www.flboardofmedicine.gov), clicking on the Meetings tab, going to full board meetings and listening to audio of cases). Better still, go to a Board of Medicine meeting. Dates and locations are posted on the web site, and you can earn 5 hours of CME by attending. The Florida Board of Medicine consists of 12 practicing physicians and 3 consumer members who are appointed by the Governor and confirmed by the Senate. The members volunteer their time (minimum 15 days out of their offices and hundreds of hours preparing for meetings)

to carefully evaluate each case and base their judgment on a fair and thorough evaluation of the information presented to them. I am proud that in my over 7 years serving on the Board, I can honestly say that in my opinion, no physician has ever been treated unfairly by the Board, and the citizens of our state have been protected against unfit physicians.

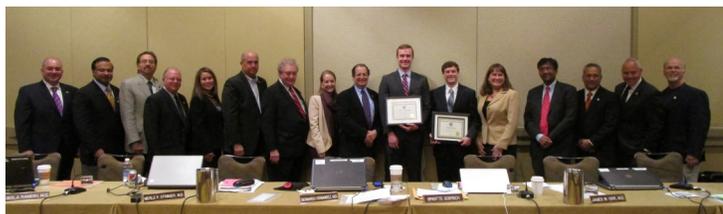
Future updates will discuss the work of other committees which Board members must serve on, such as the Credentials Committee, Expert Witness Committee, Rules and Legislative Committee, and the Finance and Process Accountability Committee. Did you know the latter Committee worked to reduce your renewal fee by \$110 for one biennium renewal period.

The Members consider it an honor and privilege to serve the citizens of Florida through the Florida Board of Medicine.

Steven P. Rosenberg, MD  
Chair, Florida Board of Medicine

### Board Recognizes Medical Students

At the February 2016 Board Meeting, the Board recognized two medical students as part of the Medical Student Recognition Program: *Clinton Dunn*, Florida State University and *Carl Herndon*, University of Florida. The Board recognized these students because, among other things, the student demonstrates extraordinary medical and social competence and skill expected of a young medical professional. Congratulations to the award recipients!



### Governor Appoints New Consumer Member to the Board

On January 8, 2016, the Governor appointed Nicholas Romanello, Esquire to the Board of Medicine as a Consumer Member for a term expiring October 31, 2016. He is the Interim Chief Executive Officer of the Health Care District of Palm Beach County. He received his bachelor's degree from Florida State University and his law degree from Saint Thomas University. This appointment is subject to confirmation by the Florida Senate. Welcome Mr. Romanello!



### Rule Discussions

On April 7, 2016 at 1:00 p.m., the Physician Assistant Council (Council) will conduct a Rule Workshop on [Rule 64B8-30.012, Florida Administrative Code \(F.A.C.\) – Physician Assistant \(PA\) Performance](#). The Council received a Petition for Rulemaking from the Florida Academy of Physician Assistants (FAPA) alleging the Board has exceeded their rulemaking authority related to establishing general principles for the supervision and performance of a PA. FAPA is requesting the rule be amended to reflect current practices. A copy of the petition can be requested by going to [www.FLBoardofMedicine.gov](http://www.FLBoardofMedicine.gov) and clicking on "Contact" at the top of the page.

The Board of Medicine approved proposed language to [Rule 64B8-9.009, F.A.C.—Standards for Office Surgery](#). At the February 2016 Meeting, the Board considered the proposed statement of estimated regulatory costs (SERC) impacted by the amendments to this rule. The Board made some suggestions for changes to the proposed SERC which will be presented to the Board on April 7, 2016 during the Surgical Care/Quality Assurance Committee Meeting. If the SERC impacts small business more than a specific monetary amount, the amended rule will require Legislative Ratification before it becomes effective.

The Board also approved changes to Rule [64B8-9.0141, F.A.C. – Standards for Telemedicine](#) Practice regarding the prescribing of controlled substances for the treatment of psychiatric conditions via telemedicine. The rule will become effective on March 7, 2016.

The Board began discussions on Wrong Site Surgery and Disruptive Behavior in December. These committees will meet again April 7, 2016.

### Licensure Statistics from the February 5, 2016 Board Meeting

The Board of Medicine is tasked with ensuring applicants meet the current requirements for licensure. If issues are identified in the application, the applicant may be asked to appear before the Credentials Committee.

LICENSURE STATISTICS	Medical Doctor Applicants	Physician Assistant Applicants
Licenses approved after appearance	6	1
Licenses ratified by Board	595	122
Licenses approved with conditions	8	0
Licenses denied	0	0
Tabled or no action	6	1
Applications withdrawn	2	0
Request for Modification of License on Conditions— Denied	0	0
Request for Modification of License on Conditions— Approved	0	0

### Discipline Statistics from the February 5, 2016 Board Meeting

In addition to licensing qualified practitioners, the Board conducts disciplinary hearings at the Board Meetings.

DISCIPLINE STATISTICS	Medical Doctor Physician Assistant
Revocation	2
Suspension	0
Relinquishment	6
Probation	0
Obligations	13
No penalty, Costs	1
Tabled/Pending/Continued	6
Restriction on Practice	3

The next meeting of the Board is April 7-8, 2016. April 7th are the Committee Meetings and April 8th is the Board Meeting where the disciplinary hearings are held. The meeting will be at the Hilton Orlando/Altamonte Springs, 350 Northlake Boulevard, Altamonte Springs, Florida.

All agenda's and agenda materials will be available online at [www.FLBoardofMedicine.gov](http://www.FLBoardofMedicine.gov) under the "Meetings" tab, seven days prior to the meeting date. The Board will continue to keep you apprised of changes to our rules

## Healthiest Weight Florida: A Life Course Approach

Healthiest Weight Florida is pleased to announce the availability of a free, 2-credit Continuing Medical Education (CME) course, *Healthiest Weight: A Life Course Approach*. This monograph was produced as a collaboration between the Florida Department of Health and the [Florida Medical Association \(FMA\)](#). It is available free of charge to all physicians licensed in Florida, whether they are FMA members or non-members. For information on accessing the course, click the link below:

<http://www.healthiestweightflorida.com/activities/life-course.html>

## Board Meeting Attendance for CME Credit

[Florida Administrative Code Rule 64B8-13.005](#) allows physicians to attend a full day of disciplinary hearings to earn five [\(5\) hours CME credit in risk management or ethics](#). The [Board's next meeting is scheduled for April 8, 2016](#) at the [Hilton Orlando/Altamonte Springs, 350 Northlake Boulevard, Altamonte Springs, Florida](#). The meeting begins at 8:00 am. Be sure to sign in with staff upon arrival to ensure proper credit.

**Did you know . . . .** Section 381.026, Florida Statutes defines Florida's Patient Bill of Rights and Responsibilities. Healthcare practitioners should read and become familiar with Florida's Patient Bill of Rights.

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