



FLORIDA | Board of Medicine

April/May 2016



Steven Rosenberg, M.D.
Chairman



Magdalena Averhoff, M.D.
Vice Chairman

2016 Legislative Update

Over the next few months, the Department of Health and the Board of Medicine will be implementing bills signed into law by Governor Scott.

HB 375—Amends s. 458.347, F.S. Revises the circumstances under which a PA can prescribe medication, expressly authorizes licensed PAs to perform any duties or services as delegated by his/her supervising physician, and revises the initial licensure and renewal requirements to streamline processing of applications. This section removes the requirement for PAs to submit sworn, notarized statements relating to criminal history and completion of continuing education at initial licensure and renewal to the Department. It also repeals the requirement that a PA initial licensure applicant submit two letters of recommendation and deletes obsolete provisions relating to a licensure examination administered by DOH for certain foreign-trained PA applicants.

HB 423— Beginning January 1, 2017, Physician Assistants (PAs) and Advanced Registered Nurse Practitioners (ARNPs) can prescribe controlled substances listed in Schedule II, Schedule III or Schedule IV as defined in s. 893.03 Florida Statutes.

An ARNP may only prescribe or dispense a controlled substance as defined in s. 893.03 Florida Statutes if the ARNP graduated from a program with a master's or doctoral degree in a clinical nursing specialty area with training in specialized practitioner skills. However, all ARNPs and PAs are required to complete at least three hours of continuing education on the safe and effective prescribing of controlled substances. The bill further addresses Schedule II prescribing privileges for both ARNPs and PAs.

Physicians appointed by the Board of Medicine to serve on the ARNP prescribing negative formulary committee include Bernardo Fernandez, M.D., Joshua Lenchus, D.O. and Eduardo C. Oliveira, M.D.

HB 7087—Requires the Agency for Health Care Administration, the Department of Health, and the Office of Insurance Regulation to collect certain information; creates the Telehealth Advisory Council within the agency for specified purposes; reenacts provisions relating to provider payment of managed medical assistance program participants.

Bernardo Fernandez, M.D. has agreed to serve on the Telehealth Advisory Council.

HB 173—This bill revises the list of schools at which certain faculty members are eligible to receive medical faculty certificate to include Mayo Clinic College of Medicine and Florida Atlantic University.

HB 221—Prohibits providers from balance biller members of a PPO or EPO for emergency services, or for nonemergency services, when the nonemergency services are provided in a network hospital and the patient had no ability or opportunity to choose a network provider. Consumers who have PPO or EPO coverage would therefore only be responsible for billing differences in circumstances where they knowingly opted to receive out-of-network care. Hospitals are exempt from the balance billing prohibition. Under the bill, the protections for members of HMOs would remain unchanged. Participating and non-participating providers are those defined in s. 627.419, F.S. and s. 627.6471, F.S.

SB 238—Repeals provisions relating to certification of a medical assistant by the American Association of Medical Assistants or as a Registered Medical Assistant by the American Medical Technologists.

HB 307 & HB 1313—Revises requirements for physicians ordering low-THC cannabis, medical cannabis, or a cannabis delivery device; revises the information that the Department of Health is required to include in its online compassionate use registry; provides that dispensing organizations may not dispense low-THC cannabis and medical cannabis unless they meet certain testing requirements; requires the department to authorize certain dispensing organizations or applicants to provide low-THC cannabis, medical cannabis, and cannabis delivery devices to eligible patients, etc.

HB 941—Creates and revises reporting requirements for specified research programs; provides licensing requirements for military members and their spouses; revises provisions relating to regulatory activities of DOH and certain boards and education requirements for certain health professions to qualify for license renewal.

SB 964—Provides that certain acts of dispensing controlled substances in specified facilities are not required to be reported to the prescription drug monitoring program; authorizes the designee of a health care practitioner, pharmacist, pharmacy, prescriber, or dispenser or an impaired practitioner consultant to receive certain information from the prescription drug monitoring program.

HB 977—Authorizes a second opinion for admission to a treatment facility to be provided by certain licensed physicians in all counties, rather than counties with a specified population size; restricts to physicians the authorization to dispense certain medications or prescribe certain controlled substances on the premises of a registered pain-management clinic; provides certification criteria for psychiatric nurses and that certain acts by a psychiatric nurse constitute grounds for denial of a license or disciplinary action.

HB 1175—Requires a facility licensed under ch. 395, F.S., to provide timely and accurate financial information and quality of service measures to certain individuals; requires a health care practitioner to provide a patient upon his or her request a written or electronic good faith estimate of anticipated charges within a certain timeframe; requires a health insurer to make available on its website certain methods that a policyholder can use to make estimates of certain costs and charges; revises a requirement that a health maintenance organization make certain information available to its subscriber.

HB 1241—Provides that a pharmacist may dispense an emergency opioid antagonist pursuant to a non-patient-specific standing order for an autoinjection delivery system or intranasal application delivery system; revises the authority of a licensed physician assistant to order medication under the direction of a supervisory physician for a specified patient; revises the term "prescription" to exclude an order for drugs or medicinal supplies dispensed for administration; authorizes a licensed practitioner to authorize a licensed physician assistant or advanced registered nurse practitioner to order controlled substances for a specified patient under certain circumstances.

The full text of these bills can be read at www.FLHealthSource.gov. Stay tuned to the Board of Medicine's web site for additional information as it becomes available.

Board Recognizes Medical Student

At the April 2016 Board Meeting, the Board recognized one medical student as part of the Medical Student Recognition Program: David Michael Cantu, University of Central Florida. The Board recognized Mr. Cantu because, among other things, the student demonstrates extraordinary medical and social competence and skill expected of a young medical professional. Congratulations to Mr. Cantu!



Board Recognizes Past Chairman

The Board presented a plaque to Dr. Fernandez recognizing him for his work as Chairman of the Board from July 1, 2015 through December 31, 2015.



Department of Health Announces New Executive Director for the Board of Medicine

Claudia Kemp has been selected to replace Andre Ourso, J.D. as the Executive Director for the Board of Medicine. The board approved her appointment at the April 8, 2016 Board Meeting. Prior to accepting this position, Ms. Kemp was the Executive Director for the Boards of Osteopathic Medicine, Massage Therapy, Speech, Language, Pathology and Audiology and the Midwifery Council. Her responsibilities are administrative and include budget, legislation, and policy issues.

Board and Committee Business Updates

During the [April 7, 2016 Surgical Care/Quality Assurance Committee Meeting](#), the Committee approved the Statement of Estimated Regulatory Costs (SERC) related to amendments to Rule 64B8-9.009, FAC—Standards for Office Surgery. The SERC will be presented to the Legislature for ratification during the 2017 Session. The changes to this rule will not take effect until the Legislature ratifies the Rule and the SERC.

In the meantime, the Committee voted to remove Vasopressin from the list of medications required on the crash cart. Stay tuned to our web site for the effective date of this change.

At their [April 7th meeting, the Rules/Legislative Committee](#) voted to remove language from Rule 64B8-35.002, FAC—Standards for Protocols, that requires the protocols be submitted to the Board of Medicine at renewal. The protocol form, submitted by physicians supervising one of the listed professions, will also be modified to reflect that change.

Licensure Statistics from the April 7-8, 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	20	2
Licenses ratified by Board	815	122
Licenses approved with conditions	13	1
Licenses denied	1	0
Tabled or no action	3	0
Applications withdrawn	7	2
Request for Modification of License on Conditions—Denied	0	0
Request for Modification of License on Conditions—Approved	0	0

Discipline Statistics from the April 7-8, 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	5
Suspension	1
Relinquishment	5
Probation	2
Obligations	12
No penalty, Costs	0
Tabled/Pending/Continued	4
Restriction on Practice	0

The next meeting of the Board is June 2-3, 2016. June 2nd are the Committee Meetings and June 3rd is the Board Meeting where the disciplinary hearings are held. The meeting will be at the [Embassy Suites Ft. Lauderdale, 1100 SE 17th Street Causeway, Ft. Lauderdale, Florida](http://www.embassy.com/ftlauderdale).

All agenda's and agenda materials will be available online at www.FLBoardofMedicine.gov under the "Meetings" tab, seven days prior to the meeting date.

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 June , 2016 at the [Embassy Suites Ft. Lauderdale, 1100 SE 17th Street Causeway, Ft. Lauderdale, Florida](http://www.embassy.com/ftlauderdale).

Did you know Not all licensees can update their address online or through the Department of Health Licensure Services? Certain licensees must work in designated areas (Areas of Critical Need Licenses, Limited Licenses, Medical Faculty Certificate Holders and House/Training Licenses). These licensees must advise the Board of Medicine in writing of their address change. Otherwise, you can go online and change your mailing and/or practice location address by going to www.FLHealthSource.gov and click on Provider Services. Once there, click on Manage Your License, sign in and make your address change. Satellite location addressed must also be sent to the Board of Medicine for processing.

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Vacant Medical Doctor