

**MEETING MINUTES
JOINT COMMITTEE ON ANESTHESIOLOGIST ASSISTANTS
FLORIDA BOARD OF MEDICINE
EMBASSY SUITES
9300 BAYMEADOWS ROAD
JACKSONVILLE, FL 32256
(904) 731-3555
AUGUST 4, 2011**

Members Present:

Ronald Burns, D.O.
James W. Orr, M.D

Staff Present:

Chandra Prine, Program Operations Administrator
Crystal Sanford, Program Operations Administrator
Joy A. Tootle, Executive Director

Members Absent

Trina Espinola M.D.

Board Counsel:

Donna McNulty, J.D., Assistant Attorney General
Nancy Murphy, Paralegal, Office of the Attorney General

The meeting was called to order at 3:30 p.m.

Tab 1: Approval of the May 31, 2011 Meeting Minutes

The Council recommends approval of the minutes for the meeting held May 31, 2011. The motion was seconded and carried 2/0.

Action Taken - The Council voted to approve the minutes for the meeting held May31, 2011.

PERSONAL APPEARANCES:

Tab 2: Thomas M. Bender, A.A.

The applicant was present and sworn in by the court reporter. After discussion, a motion was made and seconded to table the application and allow the applicant to undergo a PRN evaluation and appear with the results of that evaluation before the Committee meeting within the next six months. The motion carried 2/0. The applicant waived the 90 days for the Committee to act on the application.

Action Taken: The Committee voted to table the application and allow the applicant to undergo a PRN evaluation and appear with the results of that evaluation before the Committee meeting within the next six months.

Tab 3: Charles B. Edgerton, A.A.

The applicant was present and sworn in by the court reporter. After discussion, a motion was made and seconded to approve the application for licensure, which carried 4/0.

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

Tab 4: Ratification of Licensure issued May 18, 2011 – July 12, 2011

A motion was made and seconded to ratify the licensure list from the Agenda, which carried 2/0.

New Business

Tab 5: Rule 64B8-31.003, FAC – Disciplinary Guidelines (MD) and Rule 64B15-7.010, FAC – Disciplinary Guidelines (DO)

Ms. McNulty handed out draft disciplinary guidelines for the Committee's review. She explained she received a letter from the Joint Accrediting Procedures Committee (JAPC) stating the Boards did not have

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statutory authority to impose community service as a penalty. She stated the draft rule language has all references to community service removed.

Ms. McNulty went on to explain JAPC's concern regarding the current penalties for cases involving health care fraud. She explained s. 456.072, FS mandates a \$10,000 fine in health care fraud cases and current guidelines provide for a range of fines. She said she and Ms. Murphy reviewed the rule and replaced all fine ranges with the required \$10,000 fine.

Ms. McNulty referred the Committee to that portion of the guidelines that refers to the violation for *deceptive, untrue, or fraudulent representations in the practice of medicine* and asked the Committee if they felt that rose to health care fraud.

Ms. McNulty explained there were some other technical changes already made or that will be made prior to sending the rule back to JAPC.

A motion was made, seconded and carried unanimously to accept the draft rule language presented.

Ms. McNulty asked the Committee if the rule changes would have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including Government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule changes.

A motion was made, seconded and carried unanimously to find the rule changes would have no adverse impact on small business nor would the changes increase regulatory costs.

The Committee directed Ms. McNulty to take the rule through the rulemaking process and to the Office of Fiscal Accountability and Regulatory Reform (OFARR) for approval.

Action Taken: draft language approved; no statement of estimated regulatory costs (SERC)

Ms. McNulty advised the Osteopathic version of the rule would be revised to reflect these changes.

Tab 6: Legislative Discussion: SB 146

Ms. Tootle explained SB 146 requires the Boards to review their laws and rules for any that disqualify applicants from licensure based on criminal convictions. She stated that she along with Ms. McNulty and Ms. Murphy reviewed the Board's laws and rules and found only one law that disqualifies applicants from licensure, s. 456.0635, FS. She explained the Department of Health has agreed to address this law in their report to the Legislature.

A motion was made, seconded and carried unanimously to find that the Anesthesiology Assistants Committee, with the exception of s. 456.0635, FS, does not have any rules or statutes that would disqualify persons with prior convictions from licensure.

Action taken: no laws or rules that restrict employment or disqualify applicants with the exception of s. 456.0635, FS which will be addressed by the Department

There being no further business, the meeting adjourned at 4:00 p.m.