

**AGENDA**  
**COUNCIL ON PHYSICIAN ASSISTANTS**  
**Florida Board of Medicine**  
**Embassy Suites**  
**9300 Baymeadows Road**  
**Jacksonville, FL 32256**  
**(904) 731-3555**  
**August 4, 2011**

**Members Present:**

Jeffrey Hulley, P.A., Chairman  
Gary Winchester, M.D.  
Zachariah P. Zachariah, M.D.  
Ronald Burns, D.O.

**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 3:00 p.m.

Tab 1: Approval of June 2, 2011 Meeting Report/Minutes

The Council recommends approval of the minutes for the meeting held June 2, 2011. The motion was seconded and carried 4/0.

ACTION: - The Council voted to approve the minutes for the meeting held June2, 2011.

Tab 2: List of Full and Temporary Physician Assistant Licensees

Ratification of Licensure Issued (May 10, 2011 – July 12, 2011)

A motion was made and seconded to ratify the licensure list from the Agenda, which carried 4/0.

ACTION: The Council voted to ratify the list of applicants.

Tab 3: Rule 64B8-30.015, FAC – Disciplinary Guidelines (MD) and Rule 64B15-6.011, FAC (DO)

Mr. Hulley explained the Board reviewed a case at their last meeting where the PA had been disciplined and had failed to comply with the penalties imposed. He was being charged with violation of s. 456.072(1)(q), Florida Statutes (FS) – failure to comply with a Board Order. Mr. Hulley further explained the Board wanted to suspend the PA until he had complied with the previous Final Order, but were not permitted to do so because the guidelines did not allow for a suspension. He asked the Council for comments and suggested that a suspension be imposed for second offense of this violation.

Ms. McNulty asked if the suspension should be followed by a period of probation.

Mr. Hulley stated that would be appropriate.

Dr. Zachariah expressed more concern about imposing community service as a penalty.

8/8/2011

Ms. McNulty stated this was one of the issues she wanted to discuss with the Council. She explained she received a letter from the Joint Accrediting Procedures Committee (JAPC) stating the Council did not have statutory authority to impose community service as a penalty. She recommended all references to community service be removed from the guidelines.

Dr. Winchester stated the point behind imposing community service was for the physician to give back to the community. Additionally, he believes CME should not be imposed in disciplinary cases other than the records course and the drug course.

Dr. Zachariah agreed that CME should not always be imposed.

Ms. McNulty stated statutes require CME to maintain the license, but not there is no statutory authority for community service.

Mr. Tellechea addressed the Council and advised the only time community service could be imposed is in Settlement Agreement cases because both parties have agreed to that particular penalty.

A motion was made, seconded and carried unanimously to remove all references to community service from the rule.

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 would review the rule and replace the current fine ranges with the mandated \$10,000 and bring that language to the Council at the next meeting for approval.

A motion was made, seconded and carried unanimously to add the suspension language to the disciplinary guidelines.

Ms. McNulty stated she would draft these changes and present the language at the next meeting.

A motion was made, seconded and carried unanimously to review the rule and replace fine ranges with \$10,000 for health care fraud violations.

**Action taken:** Modify penalty guidelines to remove all references to community service, include suspension and probation for violations of 456.072(1)(q), Florida Statutes and reflect mandatory \$10,000 fine for health care fraud cases.

#### Tab 4: Legislative Discussion on SB 146

Ms. Tootle explained SB 146 requires the Council 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 Council'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 and would do so on behalf of the Board.

A motion was made, seconded and carried unanimously that the Council on Physician Assistants, with the exception of s. 456.0635, FS, does not have any rules or statutes that would disqualify persons with prior convictions from employment or 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

The Council recognized Cheryl Smiley a Regulatory Specialist II and Mavis Brown, a Regulatory Specialist I for their hard work and dedication in support of the Council's mission.

Mr. Hulley, Chair of the Council, recognized Cheryl Smiley and Mavis Brown for their hard work and dedication when processing licensure applications.

Tab 5: Request for Approval of 3-hour Prescriptive Course from Keiser University

Mr. Hulley asked if anyone was present representing Keiser University and no one came forward.

A motion was made, seconded and carried unanimously to table approval of this course until the next meeting and to invite a representative from the university to attend the meeting and answer Council questions.

**Action taken:** tabled until next meeting; invite representative from Keiser to attend meeting

There being no further business, the meeting was adjourned at 3:20 p.m.