

FILED

Department of Professional Regulation
BEFORE THE BOARD OF MEDICAL EXAMINERS
CLERK

CLERK [Signature]
DATE 4-1-82
DS 81-03

IN RE: Petition for Declaratory Statement of:

STANLEY P. WEGRYN, M.D.
4301 Emerald-Crestline Rd
Sanibel Island 33957

XCI: Hobbs
Sigler
P. L. L. L.

FINAL ORDER OF THE BOARD OF MEDICAL EXAMINERS

This cause came on for consideration by the Board of Medical Examiners at a public meeting in Tampa, Florida, on February 7, 1982. Stanley P. Wegryn, M.D., (hereinafter referred to as Petitioner) filed a Petition for Declaratory Statement pursuant to Section 120.565, Florida Statutes, and Rules 28-4.01 and 28-4.05, Model Rules of Procedure, requesting a declaratory statement from the Board of Medical Examiners. The Petition for Declaratory Statement contains numerous questions relating to Section 458.347, Florida Statutes, and Rule Chapter 21M-17, Florida Administrative Code. Petitioner had previously waived the requirements of Section 120.59, Florida Statutes, and Rule Chapter 28-4, Florida Administrative Code, as to the time for rendition of this Order.

Notice of receipt of Petition for Declaratory Statement was duly published in the Florida Administrative Weekly, Vol. 7, No. 25, on June 19, 1981. No request for an administrative hearing was received. A transcript of the proceeding is available, if required.

FINDINGS OF FACT

1. Petitioner is a Florida licensed physician who does not currently employ or have a physician's assistant certified to him.
2. Petitioner is not a proper party with requisite interests to request a declaratory statement.
3. Petitioner's Petition for Declaratory Statement is in substantial compliance with Section 120.565, Florida Statutes, and Rules 28-4.01 and 28-4.05, Model Rules of Procedure.

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4. The provisions of statutes and rules as to which Dr. Wegryn is in doubt have a substantial potential impact on Dr. Wegryn's interests in that, if found to have violated those provisions, he might be subjected to disciplinary action by the Board and the Department of Professional Regulation, ultimately resulting in reprimand, monetary penalty and/or suspension or revocation of his professional license. For this reason, Dr. Wegryn seeks a declaratory statement from the Board resolving his doubts about the meaning and applicability of provisions of statutes and rules.

5. Specifically, Petitioner asks the following:

(A) Whether Dr. Wegryn, who assumes responsibility and legal liability for the services rendered by his physician's assistant, is a "Supervising Physician" within the meaning of Florida Administrative Code Rule 21 M-17.01(3).

(B) Whether all "Responsible Physicians" within the meaning of Florida Administrative Code Rule 21 M-17.01(4), as to any particular physician's assistant, are required to be designated on the Board form entitled "Application for Certification of Physician's Assistant" to be completed by the physician.

(C) If question (B) is answered in the negative, whether a Responsible Physician as to any particular physician's assistant may be designated by the Supervising Physician on an ad-hoc or as-needed basis, so long as the Board is notified of such designation.

(D) Whether a properly designated Responsible Physician acts as a "Supervising Physician", within the meaning of Florida Administrative Code Rule 21 M-17.01(3), in the absence of the Supervising Physician.

