

1 **Draft Meeting Minutes**

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3 **Florida Board of Medicine**
4 **Telephone Conference Call**
5 **Friday, January 21, 2011**

6
7 **Conference Call Number (888) 808-6959**
8 **Conference Code: 2454131**
9

10 **12:02 noon Roll Call**

11
12 **Members Present:**

13 Michael Chizner, M.D., Chair
14 George Thomas, M.D., Vice-Chair
15 Steven Rosenberg, M.D., 1st Vice-Chair
16 Jason Rosenberg, M.D., 2nd Vice-Chair
17 H. Frank Farmer, M.D.
18 Trina Espinola, M.D.
19 Donald Mullins, Consumer Member (joined at 12:11)
20 Robert Nuss, M.D.
21 Fred Bearison, M.D.
22 Tully Patrowicz, M.D.
23 Bradley Levine, M.D.
24 Onelia Lage, M.D.
25 Brigitte Goersch, Consumer Member

11
12 **Members Absent:**

13 Gary Winchester, M.D. , excused
14 Elisabeth Tucker, M.D.

26
27 **Staff Present:**

28 Larry McPherson, Executive Director
29 Ed Tellechea, Board Counsel
30 Donna McNulty, Board Counsel
31 Nancy Murphy, Paralegal
32 Crystal Sanford, Program Operations Administrator
33 Whitney Bowen, Regulatory Specialist II
34 Jennifer Evans, Administrative Assistant I
35

26
27 **Others Present:**

28 For the Record Court Reporting

36 Mr. Tellechea was asked to provide a summary of rulemaking events leading to this meeting. He
37 explained the Governor issued Executive Order 11-01 which suspended all rulemaking. He
38 explained section one requires all entities that report directly to the Governor to submit all
39 pending rules to the Office of Fiscal Accountability and Regulation Reform (OFARR). Mr.
40 Tellechea went on to explain the Executive Order also placed a hold on the Secretary of State
41 publishing rulemaking notices.

42
43 Mr. Tellechea stated that section two applies to entities who do not report directly to the
44 Governor and makes it voluntary to submit pending rules to the OFARR. He said that Attorney
45 General Bondi has opined that the Department of Health is an entity that reports directly to the

1 Governor's Office; but not the Board of Medicine. Therefore section one does not apply to the
2 Board.

3
4 Mr. Tellechea recommended the Board voluntarily comply with section two and suspend all
5 rulemaking except the pain management rules.

6
7 A motion was made, seconded and carried unanimously to voluntarily comply with section two
8 of the Executive Order in all rules except pain management clinic rules.

9
10 Mr. Levine suggested drafting a letter to the Legislature and the Governor explaining the
11 importance of moving forward with the pain management clinic rules.

12
13 Mr. Tellechea suggested that a cover letter go with the rules, if approved, when they are filed
14 with the Legislature and the OFARR.

15
16 A motion was made, seconded and carried unanimously to recommend sending a cover letter
17 with the rules when filing with the Legislature and OFARR.

18
19 Dr. Chizner asked Mr. Tellechea to include in the letter to the Governor that the Board wants to
20 comply with the Governor's Orders, but passing the pain management clinic rules will have an
21 immediate and significant impact on the safety of Florida citizens and the Board requests his
22 continued support to regulate pain management clinics.

23
24 A motion was made, seconded and carried unanimously to support the Governor and voluntarily
25 cease rulemaking as it relates to all rules except pain management clinic rules.

26
27 Mr. Tellechea acknowledged that based on that vote all other rules will be placed on hold per the
28 Executive Order.

29
30 Mr. Tellechea stated the Executive Order would be included with the agenda materials for the
31 upcoming Rules/Legislative Meeting scheduled for February 3, 2011 and he would discuss it
32 further as it relates to the remaining rules at that time.

33
34 **Rule 64B8-9.0131, FAC – Standards of Practice for Physicians Practicing in Pain**
35 **Management Clinics (excluding training requirements)**

36 A motion was made, seconded and carried unanimously to approve the enhanced SERC and to
37 file with the Legislature.

38
39 Dr. S. Rosenberg complimented the staff for getting the enhanced SERCs in such a timely
40 manner.

41
42 Mr. McPherson stated Jerry Parrish, the economist with FSU, who worked on the enhanced
43 SERCs was on the phone and he, Board Staff and Board Counsel staff appreciate that
44 recognition.

1 **Rule 64B8-9.0132, FAC – Requirement for Pain Management Clinic Registration;**
2 **Inspection or Accreditation**

3 A motion was made, seconded and carried unanimously to approve the enhanced SERC and to
4 file with the Legislature .

5
6 **Rule 64B8-9.0133, FAC – Approval of Physician Pain Management Accrediting**
7 **Organizations**

8 A motion was made, seconded and carried unanimously to approve the enhanced SERC and to
9 file with the Legislature.

10
11 Mr. McPherson pointed out that the SERC for Rule 64B8-9.0132 states this rule is unlikely to
12 have an adverse impact on small business

13
14 Mr. Tellechea stated he wanted all SERCs to go forward, if approved by the Board, in an
15 abundance of caution.

16
17 **Rule 64B8-9.0134, FAC – Maximum Number of Prescriptions in Registered Pain**
18 **Management Clinics**

19 Mr. Tellechea explained there were slight changes in the rule language and so the Board needed
20 to review the new draft language and approve it.

21
22 A motion was made, seconded and carried unanimously to approve the draft language.

23
24 Mr. Tellechea advised the changes in the draft language just approved by the Board did not
25 significantly change anything and therefore the proposed enhanced SERC was still appropriate
26 for this rule.

27
28 A motion was made, seconded and carried unanimously to approve the enhanced SERC and to
29 file with the Legislature.

30
31 **Rule 64B8-9.0131(2)(n), FAC – Standards of Practice for Physicians Practicing in Pain**
32 **Management Clinics (training requirements only)**

33 Mr. Tellechea reminded the members he was asked to revise this portion of the rule to mirror the
34 Board of Osteopathic Medicine’s rules and the revised rule included that language.

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36 A motion was made, seconded and carried unanimously to approve the draft language.

37
38 A motion was made, seconded and carried unanimously to approve the enhanced SERC and to
39 file with the Legislature.

40
41 Dr. Chizner thanked everyone who was involved in getting this meeting organized, Mr. Parrish,
42 Mr. Tellechea, Ms. McNulty and Ms. Murphy.

43
44 The meeting adjourned at 12:21 p.m.