

**Minutes
Board of Medicine
Surgical Care Committee
Marriott Airport Hotel
Tampa International Airport
Tampa, FL 33607
February 5, 2009**

The meeting was called to order at 6:00 P.M.

Ms. Willis called the roll and determined that the Committee had a quorum.

Attendees:

Robert Cline, M.D., Chair
John Beebe
Trina Espinola, M.D.
Onelia Lage, M.D.
Tully Patrowicz, M.D.
Jason Rosenberg, M.D.

Larry McPherson, Executive Director
Ed Tellechea, Sr. Asst. Attorney General
Nancy Murphy, Paralegal
Donna McNulty, Asst. Attorney General
Ephraim Livingston, Esq. Prosecution Services
Gwyn Willis, Board Staff

Cindy Green, American Court Reporting

Guest Speakers:

Rafael Miguel, M.D.
Debra Tracy, M.D.

Tab #1 Open Discussion on Pain Management and Pain Clinics

Dr. Cline expressed concern about the number of pain clinics that are opening and operating in the state. He gave a brief review of the documents available in the agenda and the supplemental materials.

Dr. Cline suggested that the Committee review the Louisiana laws and rules and use them as a model to develop pain management and pain clinics laws and rules. He pointed out that the Louisiana rules require that the pain clinic be owned and operated by a Board Certified pain management physician.

Dr. Rafael Miguel, who is representing the Florida Society of Interventional Pain Physicians (FSIPP), stated that the problems in Florida are not being addressed and that statistics show that there are 11 deaths a day from prescription overdose. FSIPP and the Florida Medical Association are sponsoring the "comprehensive electronic system" to monitor the prescribing and dispensing of controlled substances which has been proposed to the legislature. This will help stop the current trend of "doctor shopping".

Dr. Miguel stated that the “cash only” walk in pain clinic will see 50 plus patients a day. He also stated that his understanding is that the physicians in these clinics do not do the required history and physical and the medical records are very sparse. He also understands that law enforcement has discovered that organized crime is now involved in running the “cash only” pain clinics because of the large amounts of cash revenue.

Dr. Miguel expressed concerns about physicians who do not have the proper training in pain management and that a disservice is being done to the public and trained physicians by allowing this unsafe situation to continue.

Dr. Rosenberg stated that there are two issues; to stop people from dying and to ensure that the physician has the necessary training.

Mr. Beebe and Dr. Cline had suggested that the Board follow the example of the Office Surgery rule which has been given the authority to make rules by Chapter 458.309(3) F.S.

Mr. Tellechea stated that the Board has rule making authority to develop standard of care rules. But, if the Committee wants to develop rules to require registration and/or licensure, ownership and training, the Board would need statutory rule making authority. He also suggested that the Board members or physicians write the proposed statute because they are more familiar with the issues. He also stated that the members keep the provision short and simple, using the example of the office surgery statute authority as a guide.

Dr. Miguel suggested that he speak to the sponsors of the “electronic monitoring” proposed bills to see if adding a paragraph amendment to give statutory authority for rule making to the Board of Medicine for pain management and pain clinics would be acceptable.

Dr. Cline recommended that Mr. Tellechea and Dr. Miguel write a proposed statutory change that could be addressed and approved at the Full Board Telephone Conference Call scheduled for March 4, 2009.

Dr. Debra Tracy, the president elect of the Florida Society of Interventional Pain Physicians presented a study by the OIG 2006 related to abuse of Medicare funds for unnecessary procedures of pain management procedures. She also stated that physicians do not want more regulations but that the FSIPP would support developing regulations for pain management.

Dr. Espinola expressed concern that the bulk of the materials were not given to the members until the meeting and requested that they receive the information in a more timely fashion.

Action Taken:

Mr. Tellechea and Dr. Miguel will cooperate to develop a paragraph that will give the Board the authority to make rules for pain management and pain clinics that will be submitted to the sponsors of the proposed “electronic monitoring system” as an amendment. The proposal would be presented at the March 4, 2009 telephone conference call.

Tab #2 Statistics

The committee reviewed an update of the adverse incidents. Mr. Beebe expressed concern about the numbers of adverse incidents reported by plastic surgery physicians. He also was concerned that a representative from the Agency for Health Care Administration could not attend the meeting.

Dr. Cline requested that the Committee review the adverse incidents reported deaths that occurred in plastic surgery, chemotherapy, cardiology and urology for the last four years.

Dr. Rosenberg stated that the acceptable number of deaths in an office surgery is zero. He asked about the total number of procedures performed in an office surgery office. He also wanted to know about the training and certification of the physicians performing office surgery.

Ms. Willis stated that physicians are not required to report the total number of procedures performed in their offices and passed out copies of the master list of 2008 Adverse Incident Report to the members for review.

Mr. McPherson stated that in 2004, the Board had an Emergency Rule that required the office surgery facilities to submit their surgical logs to the Committee. It was the only time that the Committee was able to obtain data on the total number of surgical procedures performed in the office surgery facility. He stated that many of the entries were not legible, but estimates of the procedures were made. Information about these estimates will be provided at the next meeting.

Mr. Beebe stated that he had requested the total number of surgeries performed in hospitals and ambulatory surgery centers from the Agency for Health Care Administration.

Dr. Patrowicz reported that he had received a letter from the American Academy of Ophthalmology that contains some cards that address the prevention of wrong site surgery. He also stated that Florida has made a significant impression at the national level.

Action taken:

Dr. Cline requested a review of the adverse incidents for the specialties of plastic surgery, chemotherapy, cardiology and urology in which a death occurred. Board staff will provide information from the 2004 Surgical Care Committee regarding totals obtained from the office surgery facilities.

No new business.

The meeting adjourned at 7:00 P.M.