

**Department of Health
Rule Workshop**

**Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, FL 32399**

March 10, 2008

The workshop began at 1:07 p.m.

Present:

Donna Erlich, J.D., MQA Counsel

Larry McPherson, Jr., J.D., Executive Director, Board of Medicine

Crystal Sanford, CPM, Program Operations Administrator, Florida Board of Medicine

Cheryl Graham, CPM, Administrative Assistant I, Board of Medicine

Ms. Erlich opened the workshop by providing the historical background on the rule. She explained the following:

- Department of Health (Department) held a workshop in September 2003 and a hearing in November 2003 which resulted in Rule 64B-3.004, FAC, effective January 7, 2004.
- Rule Challenge resulted in the removal of Surface EMG from the rule
- PIP legislation lapsed
- Department repealed the rule, effective December 11, 2007
- Legislature during Special Session, re-enacted the PIP law on October 11, 2007
- Department is now promulgating a new rule and would be incorporating all materials previously submitted and also requesting new information from interested parties
- Request for Rule Workshop received from Christopher Nuland, Esquire, representing the Florida Neurological Society

Mr. McPherson reviewed the available materials and asked Ms. Sanford to read Mr. Nuland's letter into the record.

Ms. Sanford read Mr. Nuland's letter. She also read an email from Lora Brown, M.D., Florida Society of Interventional Pain Physicians and another email from Venerando Batas, M.D., President of the Florida Society of Physical Medicine and Rehabilitation, both of which support the proposed rule as written as well as Mr. Nuland's requested allowance.

Mr. McPherson explained the approval process and stated the proposed rule would go to the following Boards for comments:

- Board of Medicine
- Board of Osteopathic Medicine

- Board of Chiropractic Medicine
- Board of Podiatry
- Board of Dentistry
- Board of Nursing

He then opened the floor for comments from the audience.

Lisa Miller, 180 Consulting, asked if she could send in written materials.

Michael Johnston asked if the rule would be reviewed periodically for updates and was advised it would be periodically reviewed.

Following a discussion for the need to provide adequate time for the various boards to respond given the different board public meeting schedules, Ms. Erlich advised the record would be open for submission of additional comments for 90 days, until June 10, 2008.

Robert McCann, D.O., Chairman of the Board of Osteopathic Medicine, asked when the materials would be sent to his Board for review.

Mr. McPherson stated staff would start sending materials to the Board Offices within a week, and would supplemental that material as additional material was received.

Dr. McCann advised his Board would review the materials at their May 2008 Board Meeting.

The workshop was adjourned at 1:28 p.m.