

**Report/Minutes
Surgical Care Committee
Florida Board of Medicine
Marriott West Palm Beach
1001 Okeechobee Boulevard
West Palm Beach, FL 33401
(561) 833-1234**

April 3, 2008

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

Crystal Sanford called the roll and determined that the Committee had a quorum.

Attendees:

Laurie Davies M.D., Chair
Robert Cline, M.D.
Onelia Lage, M.D.
Steven Rosenberg, M.D.

Excused:

Fred Bearison, M.D. Arrived at 6:50 P.M.

Absent: Trina Espinola, M.D.

Ed Tellechea, Assistant Attorney General
Nancy Murphy, Paralegal
Crystal Sanford, Board Staff
Gwyn Willis, Board Staff

Suzette Bragg Peterson, American Court Reporting

Tab #1 Discussion on Surgical Technologists and Surgical First Assistants

The Committee discussed the training and certification process for surgical technologists and surgical first assistants to determine if these professionals are allowed to do suturing.

Mr. Tellechea stated that surgical technicians and surgical first assistants are not regulated in Florida. He also stated that Chapter 458.3485 F.S., which lists the duties that can be performed by a medical assistant, would apply to surgical technicians and first assistants. He further stated that not following the statute would be considered practicing medicine without a license.

Chris Nuland, Esq. stated that to his knowledge, the only place surgical assistants are mentioned in statute is in the Risk Management section of Chapter 395 F.S.

Action Taken:

The Committee agreed to not take any action on this issue.

Tab #2 DOH Policy on Community Service at County Health Departments

The Committee discussed the information provided on Volunteers with the State of Florida.

Mr. Tellechea stated that there are many excellent physicians who made a mistake that was not related to standard of care issues and saw no reason why the physician could not perform community service at the County Health Departments. He also had talked to the General Counsel for the Department of Health about community service volunteers in the County Health

Departments who voiced other concerns that would be raised if the Department took this proposed course.

Dr. Cline stated that he had been discussing this issue with Dr. Viamonte Ros, the Florida Surgeon General, who would be speaking at the Full Board Meeting on Friday, April 3, 2008. The Committee decided to listen to the decision made by Dr. Viamonte Ros and then, if necessary, draft a letter based on the meeting.

Dr. Davies suggested drafting a letter to the County Health Departments (CHD) stating that the Committee has examined the laws related to volunteers in the state. In view of the current lack of enough access to health care, a potential pool of volunteers is available, if the CHD's are willing to allow physicians to serve community service hours in the CHD;s. The letter should include specifics as to which penalties would be considered and would exclude any discipline for standard of care.

Action Taken:

Dr. Davies made a motion to talk to the Surgeon General to see what she has to say on the issue. Then, if necessary, draft a letter to the local County Health Departments requesting assistance in allowing certain physician to perform community service in their facilities. The motion was seconded by Dr. Lage and passed unanimously.

Dr. Davies asked for statistics on the number of physicians who have been disciplined on the standard of care charges vs. non-standard of care charges.

Tab #3 Update on Pause Rule 65B8-9.007 F.A.C.

For information only: The change to the rule was noticed on March 14, 2008.

Action Taken: No action taken.

Tab #4 Statistics

After a review, the Committee was concerned about the total number of inspections that were pending for this year. After discussion, the Board staff assured the committee that all inspections will be completed by the end of 2008.

Dr. Davies requested statistics on the specialty practice of all of the registered office surgery physicians.

Action Taken:

The Board staff will gather the statistics and present them at the next meeting.

Tab #5 Chart from the American Medical Association indicating which States have Office Surgery Rules.

The Committee discussed how the different states viewed discipline.

Action Taken: No action taken.

Tab #6 FYI: Responses on Wrong Site Surgery from ExecNet Forum, from the Administrators in Medicine Web Site

Dr. Cline stated that a discussion on consistency in the disciplinary process related to wrong site surgery is planned for the July retreat.

Action Taken:

This issue will be placed on the agenda for the July meeting.

Tab #7 Discussion: Donation of Leftover Drugs to Free Clinics

The Committee agreed that the rules related to donation of leftover drugs to free clinics are very complicated and prohibitive. The committee agreed not to pursue any activity in this area.

Action Taken: No action taken.

Other Business: No other business.

The meeting adjourned at 7:00 P.M.