

**Meeting Report
Department of Health
Florida Board of Medicine
Rules/Legislative Committee Meeting**

**Embassy Suites
1100 SW 17th Street
Ft. Lauderdale, FL 33316
(954) 527-2700**

June 3, 2010

Roll Call 3:45 p.m.

Members Present:

Jason Rosenberg, M.D., Chair
Steven Rosenberg, M.D.
H. Frank Farmer, Jr., M.D.
Michael Chizner, M.D.
Onelia Lage, M.D.

Members Absent:

Donald Mullins, Consumer Member
Fred Bearison, M.D.

Staff Present:

Larry McPherson, Executive Director
Ed Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Paralegal
Crystal Sanford, Administrator

Others Present:

American Court Reporting

Tab 1 – Rules Report

This was provided for information only.

Tab 2 – Bill Matrix

This was provided for information only.

Tab 3 – SB 2272

Mr. McPherson summarized the bill that, if signed by the Governor, will impose new requirements and restrictions on pain management clinics. He explained the bill would become effective October 1, 2010 if signed. He stated the Department and the Boards of Medicine and Osteopathic Medicine will have to conduct rule making.

Tab 4 – HB 573

Mr. McPherson summarized this bill which was signed by the Governor on May 11, 2010 and will be effective July 1, 2010. This bill removes the requirement for 3 months of clinical experience prior to being approved to be a prescribing Physician Assistant (PA) and allows forms to be submitted electronically.

He said the PA Council voted to authorize Ms. McNulty to notice the pertinent rules for development and the Council would review the draft changes at the August meeting.

Tab 5 – SB 1844

Dr. J. Rosenberg stated this bill was vetoed by the Governor and no further discussion was necessary.

New Business:

HB 5311

Mr. McPherson explained this bill, in sections 32 and 33, provided licensure avenues for retired military physicians to be eligible to receive an area of critical need license. He said many physicians often give up their medical license when they retire then decide they want to practice, often as a volunteer, but do not want to go through the full licensure process again. The bill also provides the board additional authority to place conditions on the license.

Mr. Tellechea pointed out the bill also states the State Surgeon General will determine the areas of critical need instead of the Board.

Dr. J. Rosenberg suggested staff get the word out to military facilities.

Mr. Tellechea stated the application will need to be changed and asked the Board to authorize him to notice for rule development.

A motion was made, seconded and carried unanimously to notice the appropriate rules for rule development.

Mr. McPherson stated that this bill also applies to the Osteopathic Board who has never had an area of critical need license.

Dr. Farmer asked if the bill outlined the criteria the Board would use to determine an applicant's suitability for an ACN license.

Mr. McPherson read the appropriate portion of the bill related to the question. He said appearances before the Credentials Committee may be necessary for some applicants.

Action taken: notice appropriate rules for development

Consideration of Noticing Rule 64B8-9.013, FAC – Standards for the Use of Controlled Substances for Treatment of Pain – for Rule Development

Mr. Tellechea explained the rule, currently in place, is applicable to all physicians, not just those practicing in pain management clinics. He said while going through rule making for the pain management clinics, it was determined this rule needs to be updated as well. He asked if the Committee would rather review the rule or if the Committee

would like the Joint Standards of Practice for Physicians Practicing in Pain Management Clinics Committee to review the rule.

Dr. Farmer stated that since the rule is applicable to all physicians, he would rather this Committee review the draft changes.

Dr. Lage agreed.

A motion was made, seconded and carried unanimously to authorize Mr. Tellechea to notice Rule 64B8-9.013, FAC for development.

Mr. Tellechea stated he would draft changes and present at the next meeting.

Action taken: Notice Rule 64B8-9.013, FAC for development

The meeting adjourned at 4:00 p.m.