

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

**Rosen Plaza Hotel**  
**9700 International Dr**  
**Orlando, FL 32819**  
**(407) 996-9700**

**June 5, 2008**

4:00 pm Roll Call

**Members Present:**

Steven Rosenberg, M.D., Chair  
Laurie Davies, M.D.  
George Thomas, M.D.  
Michael Chizner, M.D.

**Members Absent:**

Onelia Lage, M.D.

**Staff Present:**

Larry McPherson, Jr., J.D., Executive Director  
Ed Tellechea, Board Counsel  
Donna McNulty, Board Counsel  
Nancy Murphy, Paralegal  
Crystal Sanford, CPM, Program Operations Administrator

**Others Present:**

American Court Reporting

**Rules Discussion:**

**Tab 1 - Rules Report – Information Only**

This report was provided for information only.

**Tab 2 - Electrology Rule Review**

Shelby Owens, Chair of the Electrology Council and Jim Scott, Vice Chair, were present to discuss the rule with the Committee. The Counsel for the Electrolysis Council, M. Catherine Lannon, J.D., Assistant Attorney General, was also present.

**Rule 64B8-53.002, FAC – Curriculum Standards for Electrolysis Training Programs**

Mr. Tellechea explained the Board had a rule challenge concerning this rule. The basis of the rule challenge was that individuals could not use lasers for hair removal on a

temporary electrology license, even if the individual had undergone the 30 hour CE course. At the time of the rule challenge, this rule was repealed.

A motion was made, seconded and carried unanimously to not consider information submitted on June 4, 2008 from Jon Pellet, Esquire due to the untimely submission of the material.

After discussion, a motion was made, seconded and carried unanimously to recommend drafting legislative language that would include laser training in the curriculum with alternative language that would allow schools to maintain the current curriculum but allow individuals to continue to take the 30 hours CE course to meet the requirements or to increase the total number of hours in the curriculum to include the 30 hour laser course.

It was determined to ask the Council to work with the Association and the Board Counsels to draft language to bring back before the Board.

Ms. Owens and Mr. Scott supported the motion.

Ms. Owens suggested the Board look at the fee caps as well because an assessment had already been imposed on the licensees. She advised she would ask the Executive Director to prepare information regarding the fee caps for the Board's July Retreat.

#### Rule 65B8-51.006, FAC – Rule Governing Licensure and Inspection of Electrology Facilities

Mr. Tellechea explained the Board wanted to look at this rule again. He said that individuals who wish to provide laser treatment may not want to have the equipment required for electrolysis in the facility.

Ms. Owens stated that Council feels it is important that these individuals maintain all of the equipment in case a patient requires electrolysis in lieu of laser treatment.

A motion was made, seconded and carried unanimously to recommend leaving this rule as it currently stands.

#### **Action taken:**

1. Suggest the Council and its Association will work together to draft legislative language to include laser training as part of the regular school curriculum.
2. No change to the equipment rule

#### **Tab 3 - 64B8-3.003, FAC – Renewal Fees**

At the last meeting, the Committee proposed rule language to charge physicians more money for renewal if they elect to renew using the paper format. The Committee reviewed the draft language.

A motion was made, seconded and carried unanimously to recommend approving the draft language.

**Action taken:** draft language approved

**Tab 4 - Rule 64B8-8.001, FAC – Disciplinary Guidelines**

At the last meeting, the Committee asked Mr. Tellechea to revise the disciplinary guidelines to include community service and to match the rule to the correct statutory cite.

The Committee discussed adding appropriate CME as directed by the Board and probation language when imposing suspension.

A motion was made, seconded and carried unanimously to recommend authorizing Mr. Tellechea to add CME and probation language to the rule.

Mr. Tellechea will bring the final draft to the August Committee Meeting.

**Action taken:** Revise rule to add CME and probation language; schedule for next meeting

**Tab 5 - Rule 64B8-13.005, FAC – Continuing Education for Biennial Renewal**

Janie Shingles, Compliance Officer, brought an issue to the Committee for review. Many physicians required to attend ethics CME request the Chair of the Probation Committee to approve attending a Board meeting to meet this requirement. Ms. Shingles was asking the Committee consider adding ethics to the rule.

A motion was made, seconded and carried unanimously to recommend adding ethics to the rule.

**Action taken:** draft language to include ethics in the rule; schedule for next meeting

Dr. Rosenberg introduced Josie Tamayo, J.D., General Counsel to the Department of Health, who was present in the audience.

Mr. McPherson introduced Jack McRay who was also present in the audience.

**Legislative Discussion:**

**Tab 6 - Bill Matrix**

Mr. McPherson outlined pertinent bills that were passed during the 2008 Legislative Session:

1. HB 989 – This bill allows the Physician Assistant Council to remove antipsychotics and parenteral preparations.  
Allen Grossman, J.D., representing the Florida Academy of Physician Assistants, requested the Council hold a conference call to start the rule making process.

Mr. McPherson advised that decision would be up to the Chair of the PA Council, Deborah Gerbert, PA-C.

2. SB 2366 – This bill added the University of Central Florida and Florida International University to the list of schools who may employ medical faculty certificate holders.
3. Mr. McPherson advised the Board that the Orthotist & Prosthetist bill did pass; however, the language that the Committee had concerns with was deleted.

Dr. Rosenberg asked about the bill that requires physicians to put the patient's name on the prescription form.

Mr. McPherson advised he would have to check on the status of that bill.

Transcript of item 1.ordered.

**Action taken:** None

#### **Tab 7 - PCB HCC 08-27**

This bill relates to autism and in its original form required all physicians to attend CME. However, the bill that passed deleted the requirement for CME and therefore, the bill no longer has impact on physicians.

**Action taken:** None

Dr. Rosenberg thanked Ms. Sanford for putting together a comparison of the bills that passed and outlining any changes to bills from the original version reviewed by the Committee.

#### **Tab 8 - s. 458.331(1)(dd), F.S. – Grounds for Discipline**

The Committee asked Mr. Tellechea to draft language that would make it a disciplinary violation for failing to adequately supervise any type of physician extenders. It was noted that residents, interns and fellows had been left out of the statute.

After discussion, a motion was made, seconded and carried unanimously to recommend approving the draft language proposed, but to add house physicians and medical assistants.

**Action taken:** language approved with the addition of house physicians and medical assistants

**Tab 9 - Rule 64B8-10.003, FAC – Costs for Reproducing Medical Records**

The Committee readdressed the issue of raising the costs for reproducing medical records. Several interested parties addressed the Committee:

1. Barbara DeVane, Florida Alliance for Retired Americans – oppose
2. Tamecka Pierce, Florida ACORN – oppose
3. Tony Fransetta, President of the Florida Alliance for Retired Americans – oppose
4. Jack McRay, AARP – oppose
5. Chris Nuland, J.D. – States there is a way to raise costs without gouging patients
6. Jeff Scott, J.D., FMA – Proposed the language the members reviewed and in support of language
7. Carol Lanfri, J.D., Florida Professional Insurance Company – States the Board could develop a rule that protects patients as well as serving the physicians.

A motion was made to eliminate the rule, however, it died for lack of a second.

The chair recognized Ms. Sanford for her excellent work in assembling extensive background materials on this issue. After a lengthy discussion, a motion was made, seconded and carried unanimously to recommend referring this issue to the July Retreat for discussion by the full Board.

**Action taken:** referred to the July Retreat

Transcript ordered.

**Tab 10 - Rule 64B8-1.007, FAC – Forms**

Mr. Tellechea explained that the Joint Administrative Procedures Committee (JAPC) sent a letter advising the Board's rules needed to be revised to incorporate forms by reference in the actual rule that imposes the use of the form.

Ms. Tamayo addressed the Committee and advised she was concerned about the impact on other Boards and agencies. She suggested that she talk to JAPC further about this matter.

A motion was made, seconded and carried unanimously to recommend authorizing Mr. Tellechea to notice all rules that require forms for rule development, pending the outcome of Ms. Tamayo's discussion with JAPC.

**Action taken:** notice any affected rules for rule development

The meeting adjourned at 6:15 p.m.

64B8-3.003 Renewal Fees.

(1) Licenses shall be renewed biennially in accordance with the rules of the Department.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$ 360.00, for those who choose online renewal. For those who choose to renew by mail, the biennial renewal fee shall be \$385.00. However the following exceptions shall apply:

1. If a physician holding an area of critical need license or a limited license submits a notarized statement from the employing Agency or institution stating that the physician will not receive monetary compensation for any service involving the practice of medicine, said fee shall be waived.

2. If the licensee is converting a full, unrestricted license to a limited license, pursuant to Section 458.317(4), F.S., the licensure renewal fee shall be waived.

3. If the licensee is a resident physician, assistant resident physician, fellow, or intern in an approved postgraduate training program, the biennial renewal fee shall be \$ 220.00, for those who choose online renewal. For those who choose to renew by mail, the biennial renewal fee shall be \$245.00.

4. If the licensee whose license is on inactive status chooses to renew the license in an inactive status, the biennial renewal fee shall be \$ 121.00, for those who choose online renewal. For those who choose to renew by mail, the biennial renewal fee shall be \$146.00.

(b) Biennial renewal fee for a person registered as a house physician pursuant to Section 458.345, F.S., shall be \$ 220.00, for those who choose online renewal. For those who choose to renew by mail, the biennial renewal fee shall be \$245.00.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS.

Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS.

HISTORY -- New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-30-01, 3-25-02, 10-19-03, 12-2-03, 7-2-07.