

MINUTES

Florida Board of Medicine
Finance & Statistics Committee
Embassy Suites
9300 Baymeadows Rd
Jacksonville, FL 32256
(904) 731-3555

August 5, 2011

MEMBERS PRESENT:

Donald Mullins, Chairman
Gary Winchester, M.D.
Jason Rosenberg, M.D.
Nabil El Sanadi, M.D.

STAFF PRESENT:

Joy A. Tootle, Executive Director
Crystal Sanford, Program Operations
Ed Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Paralegal
Whitney Bowen, Regulatory Specialist II

MEMBERS ABSENT:

Bradley Levine, Consumer Member
Brigitte Goersch, Consumer Member

ALSO PRESENT:

Kimberly Berfield, Deputy Secretary, DOH
Lucy Gee, Director, MQA
Lola Pouncey, Bureau Chief, Operations
Cassandra Pasley, Bureau Chief, Healthcare Practitioner Regulation
Donna Brown, Regulatory Program Administrator

The meeting was called to order at 6:55 p.m.

Mr. Mullins introduced the purpose of the meeting.

Tab 1 – Prosecution Services Presentation:

- a. Emergency Action Process Improvement Report
- b. Working Business Process Map

Ms. Renee Alsobrook introduced Ms. Donna Brown as the supervisor of the Prosecution Services Administrative Unit.

Prosecution Services Unit (PSU) presented their medical section report. They also presented a working business process map of the entire enforcement process from complaint to final order.

Mr. Mullins raised the issue of the PSU medical attorney staff making up 36% of PSU's total attorney staff and that the budget reflects that the medical section makes up 53% of PSU's total budget. Ms. Alsobrook indicated there were many factors possibly unaccounted for that would

need to be looked into and she agreed to work with Ms. Whitney Bowen to look further into the allocation.

Mr. Mullins stated several goals:

1. Develop a process to forecast the number of cases presented to the Board each board meeting. He believed this would help to determine if a meeting required two days or only one.
2. To examine opportunities for communication with the Board and the Department since the elimination of the Board's July Retreat.
3. Examine opportunities to cut costs so that renewal fees don't have to be increased.

The Chair recognized Lucy Gee who clarified that PSU's process map also included the processes of Consumer Services and Investigative Services Units.

Tab 2 – Discussion of Year-Old Case Report (explanation of 2003 case)

- a. Year-Old Case Report
 - Cost Summary Report Examples
- b. Explanation of 2003 case (PSU)

Mr. Mullins mentioned a case that was dismissed during probable cause due to statute of limitations. He asked the Department if something was being done to address the issue. Ms. Alsobrook responded that the process for dealing with older cases was currently being looked at. She also stated that many of the cases may not have needed an Administrative Complaint to begin with. She stated that when the Year-Old Case Report is presented to the Probable Cause Panel, that a discussion should be had to determine if the panel wants to continue to use the board's resources to prosecute the cases on the report.

Dr. Winchester suggested that more "seasoned" attorneys work on the old cases and get them removed. He also believed it would be best to call past board members and solicit their assistance in reviewing these cases for sufficiency. Those found insufficient to prosecute should then be dismissed.

Mr. Mullins asked the Department if they could give an estimated time to come back to the Committee to give an update. Ms. Alsobrook suggested updating the Committee every other meeting to start. She estimated the next update could possibly be in December 2011.

Dr. Nabil El Sanadi asked how the Year-Old Case Report was tabulated. Ms. Alsobrook gave an explanation for why cases may stay on the report. She listed reasons such as leaving concerning cases open that the Department wants to watch.

Dr. El Sanadi endorsed Dr. Winchester's suggestion to use "seasoned" attorneys and past board members to work through old cases and clear them out.

Mr. Mullins read s.456.073(4), F.S. and asked the Department if the approval of the Year-Old Case Report by the Probable Cause Panel was to satisfy the statute. Ms. Alsobrook affirmed that it was, but that panel had not been previously asked to help develop a plan to move the cases

on the report. Rather the approval of the report was to approve the Department to continue to move the cases.

Dr. El Sanadi asked if the cases were categorized by type of delay. Ms. Alsobrook replied that categorizing was already being done. She also stated that prosecuting the case was more than processing the file itself, but that more training was needed.

Mr. Mullins stated that there needed to be better communication between the Department and the Board about what is happening with the older cases. Ms. Alsobrook agreed to report to the board what was happening, even if the report was negative.

Dr. El Sanadi requested the Department create a list of how the board could work better with them. Ms. Alsobrook agreed to bring a list back. She believed that PSU was moving in the right direction towards becoming more efficient.

Mr. Mullins discussed costs caps. He recommended that the Department raise its cost cap formula to close the gap between the actual and estimated costs. Ms. Alsobrook replied that they were looking at that and thought it could be done.

The Chair recognized Ms. Gee. She addressed other areas where money was lost but was trying to be recouped.

Dr. Rosenberg raised two process issues. First, regarded Settlement Agreements. He commended the Department for the settlement agreements presented at the June 2011 meeting, to which most were accepted and he asked the Department to continue to work towards that goal. Secondly, he asked that the Department and Attorney General staff continue meeting together before the board meeting to confer with one another about the entire agenda to identify any issues in advance.

Ms. Veronica Donnelly stated that she hold meetings with the PSU attorney staff the Tuesday following each board meeting to discuss issues raised at or by the Board.

Tab 3 – Processes & Finance

- **Renewal Fee Discussion**
 - **a. Expenditures by Function**
 - **b. Renewal Fee Scenario Report**
 - **c. Projected Savings Report (Bureau of Operations)**
 - **d. PSU Trend Report**
 - **e. Charges to MQA Trustfund**

Mr. Mullins asked Ms. Lola Pouncey if the FY 11/12 projection report could be provided at the next committee meeting. Ms. Pouncey explained that the Board of Medicine is close to moving to online licensure applications and the projected savings the implementation would bring, even if only at 65%.

Mr. Mullins asked Ms. Gee to explain the Division and Department's cost allocation methodology. He also asked if there should be more dialog with the boards about expenditures

and the usefulness of the money spent. Ms. Gee stated that she wasn't, at that time, prepared to address these issues but that she would be happy to bring something back to the Committee. She explained that there was a governance committee that reviewed major purchases and analyzed its return on investment.

Mr. Mullins suggested more transparency in the Division and Department's financial processes.

- **Image API Contract Discussion**
 - **Paperless Process Revamp**

Mr. Mullins explained the need to reduce the Board's expenditures by \$2.7 million in order to avoid raising renewal fees in 2016. He believed the Image API contract was a large expense and should be looked at. He requested that the Committee support the use of board and Bureau of Operations staff to look at the potential use of other solutions.

Dr. Rosenberg moved Mr. Mullins request, which was seconded and carried unanimously.

Action taken: the Committee voted to support the use of board and Bureau of Operations staff to look at the potential use of other solutions

- **Board Computers Discussion**
 - **Email from Lola Pouncey, Bureau Chief, Bureau of Operations**

Mr. Mullins stated that he spoke with Bonny Allen of Information Technology, to discuss board members' use of personal laptops for board business. Ms. Allen agreed to discuss this option. Mr. Mullins believed it would be more cost effective and did not threaten security of confidential information.

Dr. Rosenberg made a motion to support the discussion of board members' use of personal computers for board business. The motion was seconded and carried unanimously.

Action taken: the Committee voted to support the discussion of board members' use of personal computers for board business

The meeting adjourned at 8:12 p.m.