

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

**Renaissance Orlando
5445 Forbes Place
Orlando, FL 32812
(407) 240-1000**

August 14, 2008

Roll Call: 4:56 p.m.

Members Present:

Steven Rosenberg, M.D., Chair
Laurie Davies, M.D.
Onelia Lage, M.D.
Michael Chizner, M.D.

Members Absent:

George Thomas, M.D.

Staff Present:

Larry McPherson, Jr., J.D., Executive Director
Ed Tellechea, J.D., Senior Assistant Attorney General
Donna McNulty, J.D., Assistant Attorney General
Nancy Murphy, Paralegal
Crystal Sanford, CPM, Program Operations Administrator

Rules Discussion:

Tab 1 - Rules Report

The July and August rules reports was provided for information only.

Action taken: no action necessary

Tab 2 - 64B8-3.003, FAC – Renewal Fees

At the last meeting, the Committee made a recommendation to approve draft language that would charge a licensee an increased renewal fee if the licensee renews in paper format in lieu of electronic renewal. After consultation with the Department of Health, it was determined the Department's business process would not allow for two (2) different fees for renewal.

Mr. McPherson explained the Department had a new postcard renewal process in place that would be utilized for the first time with the upcoming medical renewal. He explained a postcard

would be sent instead of the renewal form and this would encourage physicians to renew online. He suggested waiting to see how this process works before making any additional changes.

After discussion, the Committee made a motion to recommend tabling this matter.

Action taken: tabled

Tab 3 - Rule 64B8-8.001, FAC – Disciplinary Guidelines

This rule was placed on the agenda for review of draft proposed language. The changes include the addition of CME, community service, changes to the fines and citing to the correct statutory sites.

After discussion, a motion was made, seconded and carried unanimously to recommend adoption of the proposed language.

Mr. Tellechea asked the Committee if this rule would cause an economic impact on small businesses. The Committee determined that it would and a statement of regulatory costs would be necessary.

A motion was made, seconded and carried unanimously to recommend that no SERC is required.

The Committee then discussed the \$10,000 fine cap. It was noted that New York's fines were in excess of \$100,000. Staff was directed to conduct research into the fine caps of other large states.

A motion was made, seconded and carried unanimously to recommend drafting legislative language that would increase the fine caps from \$10,000 to \$25,000.

Action taken: draft rule language approved; staff to conduct research on other state fine caps; draft legislative language to increase our fine caps to \$25,000; no SERC required

Tab 4 - Rule 64B8-13.005, FAC – Continuing Education for Biennial Renewal

This rule was placed on the agenda for review of draft proposed language which would grant five (5) hours CME in ethics for attending a full day of disciplinary hearings.

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

Mr. Tellechea asked the Committee if this rule would impose an economic impact on small businesses. The Committee determined that it would not.

A motion was made, seconded and carried unanimously to recommend that no SERC is required.

Action taken: draft language approved; SERC not necessary

Tab 5 - Rule 64B8-10.003, FAC – Costs for Reproducing Medical Records & Tab 8 - Kevin Levan regarding cost of medical records

This rule was placed on the agenda for review of draft proposed language which changes the costs for reproduction of medical records.

Mr. Tellechea asked the Committee if they wanted the preamble to stay in the rule and it was determined it should stay.

Mr. Levan gave a presentation regarding this matter.

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

Mr. Tellechea asked the Committee if this rule would impose an economic impact on small businesses. The Committee determined that it would have an impact.

A motion was made, seconded and carried unanimously to recommend drafting a SERC for this rule.

Action taken: draft language approved; SERC required

Tab 6 - Electrology Rules

Jon Pellet, Esquire, representing LaserDerm Med Spa and Bector Institute of Beauty and Electrolysis, addressed the Committee regarding several electrolysis rules.

Mr. Pellet first discussed the equipment required in electrolysis facilities. He explained the rule requires all facilities, even those using lasers, to have electrolysis equipment. He explained that many facilities only use lasers and refer patients who need electrolysis to other facilities. It was noted the Electrolysis Council addressed this rule and had elected not to make any changes.

After discussion, a motion was made, seconded and carried unanimously to recommend taking no action on this rule.

Mr. Pellet then discussed the rule that requires laser instructors to have two (2) years of post certification experience prior to being able to instruction in the use of lasers. He explained the Commission for Independent Education only requires the instructors have one (1) year of experience and a license.

It was noted that the Council had wanted to keep it at two (2) years and to impose additional requirements.

A motion was made, seconded and carried unanimously to recommend requiring only one (1) year of post certification experience.

Mr. Pellet then discussed the training curriculum. Currently the rule requires 120 hours of classroom study and 200 hours of clinical practice. He suggested that the 30 hour laser training course be incorporated into the current curriculum requirements.

It was noted the Committee had previously voted to pursue legislative changes to add the laser training to the curriculum and increase the number of required hours, but also to allow those schools that did not wish to include laser training, to follow the current curriculum guidelines.

Staff was directed to conduct research into laser and electrology training requirements in other states. Mr. Tellechea advised Ms. Sanford to check with the Board of Nursing in Maryland.

Mr. McPherson reminded the Committee that representatives from the Federation of State Medical Boards would be giving a presentation on Saturday and this would be a good project for FSMB to look into on behalf of the Board.

Ms. Sanford was asked to ensure that the legislative language regarding the training curriculum be added to the Board's legislative package.

A motion was made, seconded and carried unanimously to refer the remaining matters to the Council.

Action taken: require only one (1) year of post certification training for laser instructors; pursue legislative changes to the curriculum; conduct research on what other states require for the training programs

Tab 7 - Approval of Revised Meeting Report for June 5, 2008 Meeting

A motion was made, seconded and carried unanimously to recommend approval of the revised meeting minutes.

Action taken: revised minutes approved

The meeting adjourned at 6:15 p.m.