

**Department of Health
Florida Board of Medicine
Expert Witness Committee
Agenda**

**Wyndham Tampa Westshore
700 N Westshore Blvd
Tampa, FL 33609
(813) 289-8200**

September 29, 2011

The meeting was called to order at 6:10 p.m.

Roll Call.

MEMBERS PRESENT:

Robert Nuss, M.D., Chairman
Elisabeth Tucker, M.D.
James Orr, M.D.
Merle Stringer, M.D.
Trina Espinola, M.D.

STAFF PRESENT:

Joy A. Tootle, Executive Director
Ed Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Paralegal
Whitney Bowen, Board Staff

MEMBERS EXCUSED:

Jason Rosenberg, M.D.

Expert Witness Applications:

Tab 1 – Mark Munro, M.D. (Orthopedic Surgeon)

Dr. Nuss introduced the tab and asked the Committee if they had any issues with the application. The Committee answered in the negative.

A motion was made, seconded and carried unanimously to approve the application to become a Department expert witness.

Action taken: the Committee voted to approve the application to become a Department expert witness.

Tab 2 – Jeffrey Meustadt, M.D. (Pediatric Orthopedic Surgeon)

Dr. Nuss introduced the tab and asked the Committee if they had any issues with the application. The Committee answered in the negative.

A motion was made, seconded and carried unanimously to approve the application to become a Department expert witness.

Action taken: the Committee voted to approve the application to become a Department expert witness.

Updated: 9-14-2011 WB

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Tab 3 – Stacy Seikel, M.D. (Anesthesiologist)

Dr. Nuss introduced the tab and asked the Committee if they had any issues with the application. The Committee answered in the negative.

A motion was made, seconded and carried unanimously to approve the application to become a Department expert witness.

Action taken: the Committee voted to approve the application to become a Department expert witness.

Tab 4 – Enrique Fernandez, M.D. (Plastic Surgeon)

Dr. Nuss introduced the tab and asked the Committee if they had any issues with the application. Dr. Espinola raised concerns that the applicant is not currently practicing medicine and wondered how that would effect the Department. Diane Kiesling, from the Department of Health, was recognized. Ms. Kiesling stated that the Department would prefer not to use inactive physicians. Dr. Tucker made a motion to deny the application to become a Department expert witness on the basis that the applicant is not currently practicing medicine. The motion was seconded and carried unanimously.

Action taken: the Committee voted to deny the application to become a Department expert witness

Referral from Full Board: Review of Experts

Tab 5 – John Busowski, M.D. – Expert for Case No. 2008-14406 presented at August 2011 Full Board

Dr. Nuss introduced the tab and raised issues with the expert's opinion. Dr. Tucker explained her concerns regarding the expert's testimony at formal hearing versus the original opinion. Dr. Tucker made a motion to remove the expert witness from the expert witness list. The motion was seconded and carried unanimously.

Action taken: the Committee voted to remove Dr. Busowski from the Department's expert witness list.

Committee Discussion:

Tab 6 – Appointment and Continuation Process

Dr. Nuss introduced the tab. He stated that he had submitted a request for information to the Department regarding the number of expert witnesses the Department had currently retained, categorized by specialty

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area; the number of times each expert was used; the number experts removed; etc. He stated that there seemed to be no policy in the area of expert witness appointment. He requested that at the next Expert Witness Committee meeting the committee discuss development of a process using the information the Department will provide. Diane Kiesling was recognized. She stated that the committee would definitely be provided with any information they requested in advance of the next meeting.

Ms. Kiesling also stated that the Department did not always wait for the committee to remove experts from the list that they did not believe would be effective. She mentioned that each expert was contracted on an annual basis with the hourly rate increasing over time at each renewal. However, the Department is not obligated to renew that contract.

Action taken: no action was taken

New Business:

No new business was discussed.

The meeting adjourned at 6:34 p.m.