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

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

September 29, 2011

Roll call 5:42 p.m.

Members Present:

Robert Nuss, M.D., Acting Chair
Z.P. Zachariah, M.D.
James Orr, M.D.
Donald Mullins, Consumer Member

Members Absent:

Fred Bearison, M.D., Chair
Jason Rosenberg, M.D.

Staff Present:

Joy A. Tootle, J.D., Executive Director
Ed Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Paralegal
Crystal A. Sanford, CPM, Program Operations Administrator

Others Present:

Argus Bay Reporting and Legal

Rules Discussion:

Rules Report1

This report was provided for information.

Rule 64B8-9.0131, FAC – Training Requirements for Physicians Practicing in Pain

Management Clinics2

Mr. Tellechea explained this rule outlines several avenues of training for physicians to qualify to practice in a pain-management clinic. He explained he has received calls concerning subsection (6) which requires a 40 hour course to be completed within 6 months of the effective date of the rule, May 17, 2011. The callers have indicated the course is not available.

Dr. Nuss asked if the courses were available. Without that information, he said it would be difficult to determine the length of time to extend the requirement.

Mr. Tellechea reminded the Committee that physicians can file a petition for waiver or variance of the rule.

Allen Grossman, Esquire addressed the Committee and stated the law goes into effect July 1, 2012, but the rule is already effective. He suggested extending the requirement to July 1, 2012. He said there are good pain physicians that fit this category of the rule that did not realize how quickly the due date would approach. He also said he was aware of one possible course.

Report prepared by Crystal Sanford

1
2 Dr. Nuss stated it was reasonable to extend the due date to July of 2012.

3
4 Mr. Tellechea stated leaving the rule as currently written did not conflict with the statute.

5
6 A motion was made to extend the due date to July 1, 2012 with a request to communicate the need for
7 the course with the universities.

8
9 Mr. Mullins expressed concern about the perception of watering down this requirement. He reminded
10 the Committee this was not the only avenue to practice in a pain-management clinic.

11
12 Dr. Nuss stated the course was not going to be easy to accomplish – an intense CME course.

13
14 No action taken.

15
16 **Rule 64B8-13.055, FAC – Continuing Education for Biennial Renewal3**

17 Mr. Tellechea advised this rule requires the Board, every two years, to determine the five most
18 misdiagnosed medical conditions in the previous two years. These medical conditions then become part
19 of the required course content for the prevention of medical errors course required for renewal.

20
21 Ms. Sanford explained her process for developing the list. She advised that she had looked at other
22 methods for collecting this data without success, but would continue to work on this over the next two
23 years.

24
25 Mr. Tellechea explained, if the Committee approved the list, he would draft the rule and bring it back for
26 approval at the next Committee meeting. He asked them to notice the rule for development as well.

27
28 A motion was made, seconded and carried unanimously to recommend approving the list of the five
29 most misdiagnosed medical conditions and to authorize Mr. Tellechea to notice the rule for
30 development.

31
32 The list includes:

- 33 1. Diagnosis of cancer
34 2. Diagnosis of surgical complications
35 3. Diagnosis of acute abdomen related conditions
36 4. Diagnosis of pregnancy related conditions
37 5. Diagnosis of neurological conditions

38
39 **Action taken:** list approved, notice for rule development

40
41 **New Business No tab**

42
43 Ms. Tootle summarized presentations by Lucy Gee, Division Director, before committee and
44 subcommittees of the Legislature regarding HB 7095 implementation.

45
46 She explained Session will be in January and February in 2012 and bills are already coming in. She
47 asked the Committee to start thinking about how they would like her to keep them updated on the bills.
48 She suggested either her working directly with the Chair of the Committee or holding weekly
49 conference calls.

- 1 Dr. Zachariah suggested Ms. Tootle work directly with the Chair of the Committee.
- 2
- 3 The meeting adjourned at 6:06 p.m.