

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

**Orlando Airport Marriott
7499 Augusta National Drive
Orlando, FL 32822
(407) 851-9000**

November 29, 2007

Members Present:

Onelia Lage, M.D., Chair
Gary Winchester, M.D.
Steven Rosenberg, M.D.
Carmel Barrau, M.D.
Michael Chizner, M.D.

Members Absent:

Staff Present:

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

Others Present:

Cindy Green – American Court
Reporting

The meeting was called to order at 5:30 p.m.

Rules Discussion:

Tab 1 - Approval of Revised Meeting Minutes

A motion was made, seconded and carried unanimously to approve the revised meeting minutes.

Tab 2 - Rules Report

This report was provided for information only.

Tab 3 - Rule 64B8-10.10.003 – Costs for Reproducing Medical Records

The Committee discussed various issues with raising the costs for reproducing medical records including its impact on the Department, patients and other entities. The Committee also reviewed suggestions to look at what other professionals charge as well

as the possibility of charging a flat fee. Mr. McPherson presented the impact of a \$1.00 per page cost for records would have on the Department's regulatory responsibilities. The Committee also discussed the impact of electronic medical records.

Barbara Devane, representing the Florida Alliance for Retired Americans, addressed the Committee and opposed the increase of costs.

Chris Nuland, representing the American College of Physicians, addressed the Committee and suggested having a rational basis for increasing the costs.

A motion was made, seconded and carried with one (1) opposed to increase the costs to \$1.00 per page, and a maximum fee of \$25 per record for the Department of Health and to include a preamble in the rule suggesting that providing the patient with a copy of his/her medical record free of charge should be an important consideration for the practitioner.

Mr. Tellechea will draft the revised rule and present the language at the next meeting.

Tab 4 - Rule 64B8-3.004, FAC - Fees

Ms. Sanford reminded the Committee of the decrease in licensure renewal to \$360. She asked the Committee if it was the Board's intent to reduce the delinquent and inactive fees from \$385 to \$360 as well. She advised that Mr. Beebe stated the change would not reflect a huge reduction in revenues to the Board.

A motion was made, seconded and carried unanimously to reduce the delinquent and inactive fee to \$360.

Mr. Tellechea will draft the revised rule and present the language at the next meeting.

Tab 5 - Rule 64B8-4.024, FAC – Restricted License for Areas of Critical Need

Ms. Sanford explained that s. 458.315, Florida Statutes, states that physicians with a restricted license practicing in an area of critical need may practice at correctional facilities. She stated the rule was considered by some facilities to be vague and it was not clear whether all correctional and detention facilities are included in the rule.

A motion was made, seconded and carried unanimously to include all governmental correctional and detention facilities in the rule.

Mr. Tellechea will draft the revised rule and present the language at the next meeting.

Tab 6 - Rule 64B8-4.025, FAC – Licensure Under Supervision

Deborah Loucks, Counsel to the Board's Credentials Committee addressed the Committee regarding this proposed rule. She explained that the Credentials Committee

periodically grants licensure to applicants under a probationary status and the Committee would like the proposed monitors to be reviewed and approved by the Chair of the Probation Committee.

A motion was made, seconded and carried unanimously to approve the proposed language.

Tab 7 - Rule 64B8-5.001, FAC – Examinations

Ms. Loucks addressed the Committee regarding changes to this rule. She explained that Board had previously discussed the addition of the following language to the rule:

Any applicant who passed Step 2 of the USMLE prior to June 2004 is not required to complete the Clinical Skills portion of Step 2.

A motion was made, seconded and carried unanimously to approve the proposed language.

Legislative Discussion:

Tab 8 - Proposal for s. 458.3138, F.S – Temporary Licensure for Activities Involving Professional Services

Dr. Rosenberg presented proposed legislative language designed to require limited licensure for physicians who come to Florida to provide professional services, teach, demonstrate medical and/or surgical techniques, assist in procedures and/or consult.

The Committee discussed various issues with the proposal such as requiring a fee to cover administrative functions and whether this language would cover physicians who come to Florida to harvest organs.

Ms. Prine reminded the Committee there is a teaching certificate that is available for physicians who come to a teaching facility in Florida.

Mr. Nuland suggested including language that covered physicians who are no longer in a training program.

A motion was made, seconded and carried unanimously to authorize Mr. Tellechea to research this issue further and to draft language for presentation at the next meeting.

Other Business:

Tab 9 - FSMB Pandemic Planning

Mr. McPherson presented a report from the Federation of State Medical Boards (FSMB). The FSMB is drafting a policy regarding the suspension of the USMLE examination in the event of a pandemic and was asking for input from the Board.

After discussion, a motion was made, seconded and carried unanimously to advise the FSMB that the Governor, through an Executive Order, would meet the needs of the State of Florida and that no substitute for the USMLE is needed in the event of a pandemic.

Tab 10 – Correspondence from Lawrence Gonzalez, Esquire

The Committee reviewed correspondence from Mr. Gonzalez who represents the Electrolysis Society of Florida. He was advising the Board that the Society in the near future the Society will be presenting to the Electrolysis a proposal to repeal the rule that requires Electrologists to carry not less than \$100,000 in professional liability coverage if using laser and light-based devices and to consider imposing disciplinary guidelines for violations of Board rules applicable to training programs.

Judy Adams, Legislative Liaison with the Electrolysis Society of Florida, addressed the Committee on the issue..

Mr. Tellechea suggested the organization look into why the Council would want to discipline a training program.

The Committee thanked Ms. Adams for presenting the issue and attending the Committee meeting.

No action taken.

New Business

Mr. McPherson presented SB 510 which would require all students to undergo a comprehensive eye examination by an optometrist prior to beginning school. The Committee indicated concern that uninsured students would not be able to obtain the examination and therefore would not be allowed to go to school.

Dr. Patrowicz asked Board staff to ensure the Society of Ophthalmology are aware of this bill.

Dr. Lage indicated she could provide back up data on the subject as well.

A motion was made, seconded and carried unanimously to present this to the Board with the recommendation to oppose the bill.

The meeting adjourned at 6:35 p.m.