

MINUTES

**Expert Witness Committee
Florida Board of Medicine
Renaissance Orlando Hotel
5445 Forbes Place
Orlando, FL 32812
(407) 240-1000**

December 2, 2010

This meeting began at the conclusion of the Finance & Statistics Committee.

The meeting was called to order at 6:43 p.m.

Roll Call.

MEMBERS PRESENT:

Elisabeth Tucker, M.D., Chairman
Trina Espinola, M.D.
Jason Rosenberg, M.D.
H. Frank Farmer, M.D.
Fred Bearison, M.D.

STAFF PRESENT:

Larry McPherson, Executive Director
Ed Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Paralegal
Whitney Bowen, Board Staff

Expert Witness Applications:

Dr. Tucker introduced tabs 1-7 and asked the Committee if anyone had issues with any of the applications. Dr. Farmer had a question regarding tab 6: Howard W. Sharf, M.D.

Dr. Farmer raised concerns, regarding approving applications of physicians who have malpractice cases against them. Mr. Pius, of the Prosecution Services Unit, commented that malpractice did not prohibit the use of a witness, but that the witness may be questioned about the cases by defense during a deposition, which could be use to establish credibility or lack thereof. Mr. Tellechea reminded the Committee that the approval of expert witness applications only increases the pool of available experts, but that it did not guarantee that the expert would be used.

Dr. Nuss citing the specific malpractice cases, made a motion to reject Dr.Sharf’s application to become a Department expert witness. The motion was seconded, which carried unanimously.

Action taken: the Committee voted the reject the application of Dr. Howard W. Sharf to become a Department Expert Witness

A motion was made, seconded and carried unanimously to accept the following applications to become Department expert witnesses:

Stanley Dennison, Jr., M.D., M.B.A.....Tab 1

Robert J. Friedman, M.D.....	Tab 2
Robert Guskiewicz, M.D.....	Tab 3
Raul A. Monzon, M.D.....	Tab 4
Jose Pico, M.D.....	Tab 5
LeRoy A. Smith, M.D.....	Tab 7

Action taken: the Committee voted to approve tabs 1-7, with the exclusion of tab 6 to become Department expert witnesses.

Staff Topics

Proposed Physician Assistant Expert Witness Application.....	Tab 8
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Ms. Bowen gave a summary of the decisions made by the committee at its last meeting to approve an application process for Physician Assistant seeking to become Department Expert Witnesses and presented the revised proposed application. Mr. Jeffrey Hulley, of the PA Council, made the following suggestions to the Committee regarding the proposed application: (1) add a question that address whether or not the PA is prescribing, (2) remove the words “any other” from the first question, and (3) to add Office-based Surgery as a facility option.

A motion was made, seconded and carried unanimously to approve the application as amended.

Action taken: the Committee voted to approve the proposed PA expert witness application as amended

New Business

No new business was discussed.

The meeting adjourned at 6:57 p.m.