

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

**Marriott Tampa Airport**  
**Tampa International Airport**  
**Tampa, FL 33607**  
**(813) 879-5151**

**December 4, 2008**

Roll Call 4:00 p.m.

**Members Present:**

Steven Rosenberg, M.D., Chair  
Onelia Lage, M.D.  
George Thomas, M.D.  
Michael Chizner, M.D.

**Members Absent:**

None

**Staff Present:**

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

**Others Present:**

American Court Reporting

**Rules Discussion:**

**Tab 1 - Rules Report**

This report was provided for information only.

**Action:** None taken

**Tab 2 – Area of Critical Need**

The Credentials Committee referred s. 458.315, F.S. to this Committee to make a determination on whether an oral examination should be required of physicians that wish to practice in areas of critical need.

After discussion, a motion was made, seconded and carried unanimously to ask Ms. Prine and Ms. Sanford to conduct additional research into examination opportunities at the university level and to ask Mr. Tellechea to draft legislative language that revises this statute to include additional requirements for licensure.

**Action taken:** Recommend additional research regarding oral examinations and to draft legislative language to impose additional requirements for licensure for this avenue.

**Tab 3 - Rule 64B8-8.0011, FAC – Standard Terms Applicable to Orders (re: investigators & revised language from October meeting)**

The Committee reviewed draft language that would grant the Department Investigators authority to review medical records previously reviewed by a monitoring supervisor to ensure compliance.

It was noted that the language under direct supervision stated the monitor should be in the same office as the probationer instead of on the premises. It was agreed the language would be revised to be consistent with the indirect supervision language.

Allen Grossman, Esquire, addressed the Committee and suggested the Committee would need to ensure the monitor understood he/she was required to maintain a log of the files reviewed by the monitor so the investigator would know what files were reviewed.

Jon Pellett, Esquire, addressed the Committee and advised there might be a confidentiality issue with this type of requirement as well if investigators reviewed charts.

A motion was made, seconded and carried unanimously to recommend approval of the language provided and to amend the language regarding direct supervision.

A motion was made, seconded and carried unanimously to state this rule would have an effect on small businesses and therefore, a statement of estimated regulatory costs (SERC) would be required.

**Action taken:** draft language approved; amend language regarding direct supervision; SERC required

**Tab 4 - Rule 64B8-8.0012, FAC – Probation Variables (re: investigators & revised language from October meeting)**

This rule was amended in the same fashion as the previous tab.

A motion was made, seconded and carried unanimously to recommend approval of the language provided and to ask Mr. Tellechea to draft additional language regarding the monitor maintaining a log of the records he/she reviews, which will be presented at the next meeting.

A motion was made, seconded and carried unanimously to state this rule would have a negligible effect on small businesses and therefore, a statement of estimated regulatory costs (SERC) would be required.

**Action taken:** draft language approved; add language to require monitors to maintain a log of the records reviewed; SERC required

**Tab 5 - Rule 64B8-8.004, FAC – Permanent Revocation (technical change)**

This matter was for information only. The statutory citation of this rule was corrected.

**Action:** None taken

### **Approval of Statement of Estimated Regulatory Costs (SERC)**

#### **Tab 6 - Rule 64B8-8.001, FAC – Disciplinary Guidelines**

This rule was amended at the last meeting to include community service and CME requirements and to correct statutory citations. Mr. Tellechea advised he had made additional changes to the rule to remove duplicative language. The Committee was asked to review and approve the draft SERC.

A motion was made, seconded and carried unanimously to recommend approving the draft rule language.

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

**Action taken:** draft rule language approved; SERC approved

#### **Tab 7 - Rule 64B8-10.003, FAC – Costs for Reproducing Medical Records**

This rule was amended at the last meeting to increase the costs for reproduction of medical records for all entities except the patient and governmental entities. The Committee was asked to review and approve the draft SERC.

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

**Action taken:** SERC approved

#### **Tab 8 - Rule 64B8-52.004, FAC - Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction**

This rule was amended at the last meeting to change the number of years of post-certification experience needed to teach laser and light-based hair removal. The Committee was asked to review and approve the draft SERC.

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

**Action taken:** SERC approved

#### **Supplemental - Rule 64B8-51.001, FAC – Manner of Application (Electrology Rule)**

This matter was on the agenda for review and approval of changes to the application for licensure to meet new ADA provisions and to make a determination of whether a SERC was necessary.

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

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

**Action taken:** application approved; no SERC required

**Supplemental - Rule 64B8-42,001, FAC – Licensure by Endorsement (Dietetics & Nutrition Rule)**

This matter was on the agenda for review and approval of changes to the application for licensure to meet new ADA provisions and to make a determination of whether a SERC was necessary.

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

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

**Action taken:** application approved; no SERC required

**New Business**

**HB 33**

This bill relates to childhood vaccinations and requires health care providers to disclose information about childhood vaccinations to the parent/legal guardian before vaccinating the child.

After discussion, a motion was made, seconded and carried unanimously to recommend opposing this bill as written because there are national guidelines already in place regarding vaccinations and this law would be onerous and discouraging to pediatricians.

**Action taken:** oppose bill

**SB 70**

This bill would require school nurses to maintain supplies of pre-filled epinephrine auto-injectors at schools and outlines the requirements for the prescription.

A motion was made, seconded and carried unanimously to recommend approving the concept, but opposing the bill as written because it contradicts other statutory requirements related to the writing of prescriptions.

**Action taken:** approve concept, oppose bill as written due to statutory conflicts

The meeting adjourned at 5:05 p.m.