

**MINUTES**  
**BOARD OF OSTEOPATHIC MEDICINE RETREAT**  
**May 18, 2008**

**The Florida Hotel and Conference Center**  
**1500 Sand Lake Road**  
**Orlando 32809**  
**(407) 859-1500**

**Sunday, May 18, 2008 @ 9:00 am**

The meeting was called to order by Dr. McCann, Chair, at 9:15 a.m. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Robert McCann, DO, Chair  
Ronald Burns, DO, Vice Chair  
Robert Fedor, DO  
Tom Najjar- Consumer Member  
Joel Rose, DO

**MEMBERS EXCUSED:**

Richard Rodriguez, DO

**COURT REPORTER:**

**BOARD STAFF PRESENT:**

Pamela King, Executive Director  
Ronda Bryan, Program Administrator  
Tiana Jackson, Compliance Officer

**BOARD COUNSEL:**

Deborah Loucks, Esquire

**DEPARTMENT OF HEALTH:**

Blake Hunter, Esquire

**TRAINING & PRESENTATIONS**

**Tab 1 - Annual Disciplinary and Sunshine Law Training**

- Blake Hunter and Deborah Loucks

Mr. Hunter reviewed with the board that disciplinary process and answer specific questions regarding types of cases.

Dr. McCann noted that the board had been having several respondents come back for changes to their final orders related to finance. He suggested that the board consider looking at guidelines for allowing financial extensions.

Ms. Loucks reviewed the Sunshine Law requirements with the board members and answer specific questions about personal contact between board members.

**Tab 2 - Compliance Management Unit Overview –**

- Tiana Jackson

Ms. Jackson provided a detailed overview of compliance maintenance responsibilities and answered questions regarding the process.

### **Tab 3 - FSMB Presentation**

- Lisa Robins and Tim Miller

Ms. Robins and Mr. Miller provided a detail overview of the FSMB member services. She noted that there may be opportunities to get grants for the purpose of educating our licensees.

### **2009 LEGISLATIVE ISSUES**

#### **Tab 4 - Legislative Liaison Update- Robert Fedor, DO**

Dr. Fedor summarized the boards concerns related to NICA and indicated that he had spoken with their offices in an attempt to get an osteopathic physician on the NICA board. Dr. Fedor suggested that having a board member attend the NICA board meetings may be helpful in educating the Board of Osteopathic Medicine on the work NICA is doing and visa versa.

**Action Taken:** After discussion, Dr. Fedor moved to send a member of the board to NICA meetings. The motion was seconded by Dr. Rose and carried unanimously.

#### **Tab 5 - Request from AOA Re: Changing Internship Language**

AOA First Year Training – Ms. King advised that the AOA had asked the board to consider working to change the verbiage in the practice act or rule where ever appropriate from “internship” to “AOA approved first year training”.

**Action Taken:** After discussion, the consensus of the board was to have a representative from AOA explain the need to changing the language as it currently stands.

### **POLICY INITIATIVES**

#### **Tab 10 - Pain Management Center Draft Language**

Mr. Flury advised that the ad hoc Pain Management Committee had met on Monday May 12 to finalize a draft rule on Pain Management Facilities for the Board to consider.

Dr. Walter B. Fleshner, III, D.O. was present and expressed concerns regarding the draft language on behalf of the Florida Osteopathic Medical Association and other osteopathic physicians in Florida. Dr. Fleshner read letters from Stephen Winn, Executive Director and Joel D. Stein, D.O. into the record.

**Action Taken:** After much discussion, Dr. Rose moved to hold a rule workshop on rule 64B5-14.0055 – Standards for Pain Management Specialists and Pain Management Centers and to invite interested parties to participate. The motion was seconded by Dr. Burns and carried unanimously.

#### **Tab 9 - Prescription Drug Diversion Discussion**

Ms. King provided the board with a copy of the letter sent to Governor Crist regarding a prescription monitoring program. She noted that there were several initiatives that the joint group had suggested as means for reducing the diversion of controlled substances.

**Action Taken:** After much discussion, Dr. Rose moved to support the following initiatives:

- Supporting legislation that would institute a prescription monitoring program that would not compromise appropriate pain management care.
- Review of require continuing education in appropriate prescribing and dispensing of controlled substances, appropriate treatment of pain management, and/or issues related to prescription drug diversion.
- Sending letters to the two osteopathic medical schools. These letters would focus on the positive long term impacts of additional baseline education in appropriate pain management care and prescribing of controlled substances.
- The joining with the FSMB to distribute copies of the newly release publication “Responsible Opioid Prescribing – A Physician’s Guide” to all licensed physicians in Florida.

The motion was seconded by Dr. Fedor and carried unanimously.

### **Tab 7 - Supervision of Physician Extenders**

Ms. King noted that the board had had several questions regarding the supervision of physician extenders and that the board had wanted to look into this issue further.

**Action Taken:** After much discussion, Dr. Rose moved to draft legislation that clarifies the supervision and responsibility for medical assistants as they related to osteopathic physicians. The motion was seconded by Dr. Burns and carried unanimously.

**Action Taken:** After additional discussion, Dr. Rose moved to review the board’s rules and statutory authority for rules related to osteopathic physician supervision of physicians extenders.

### **Tab 8 - Review of Mandatory Continuing Education Requirements**

Dr. Rose outlined his recommendation for updating the current continuing education requirements. He noted that it would be beneficial for licensees if the board review the educational requirements every biennium to ensure that the most current educational needs are being met.

**Action Taken:** After much discussion, Dr. Rose moved to notice rule 64B15-13.001 for rule development and replace the current risk management continuing education requirement with a professional and medical ethics requirement effective with the next biennium. The motion was seconded by Dr. Fedor and carried unanimously.

**Action Taken:** After additional discussion, Dr. Rose moved to also change the continuing education prescribing course requirement from “one hour on the laws regarding the use and abuses of controlled substances” to one hour on “laws and rules related to prescribing controlled substances”.

**Action Taken:** After further discussion, Dr. Fedor moved to modify the continuing education rule to exempt active duty military personnel from taking the board mandated continuing education in a live format. The motion was seconded by Dr. Burns and carried unanimously.

### **Tab 12- Review of Office Surgery Registration Rules**

Ms. King advised the board that the board of medicine's office surgery rules had been modified extensively over the last several years and that these differences do cause confusion for offices where osteopathic and allopathic physicians work together.

**Action Taken:** After discussion, Dr. Fedor moved to table discussion of the issue until the next meeting of the board. The motion was seconded by Dr. Burns and carried unanimously.

### **Tab 6 - 2008-2009 Strategic Plan Overview**

Ms. King provided an overview of the current strategic plan and asked the board for input on changes. The board made the following recommendations/suggestions for updating the plan:

- Adding the Board Counsel's rule report to the website
- Add NSU's program to our competency program partners
- Remove those items that have been completed
- Get clarification as to when the physician workforce survey results will be available
- Work on clarifying what monitors can be used by osteopathic physicians on probation in Florida

### **Tab 11 - Discussion Re: DOH Volunteer Services and Community Service Imposed as Discipline**

Ms. King updated the board on her discussions with the County Health Departments (CHD), Health Volunteer Services, and the Department of Health General Counsel's office regarding the use of disciplined physicians as volunteers in a CHD. She noted that there were several legal issues that prohibit certain physicians from working in a CHD. However, the Department of Health has agreed to develop a list of not-for-profit organizations that offer health care services where these physicians can possibly provide volunteer services. This list will be provided to the compliance officer.

### **NEW BUSINESS**

Ms. King read a letter from Tully Patrowicz, M.D. thanking the Board for their support in assisting him in getting re-elected to the Federation of State Medical Board, Board of Directors.

### **ADJOURNMENT**

There being no further business the Board adjourned at 2:30 p.m.