



THE FLORIDA BOARD OF MEDICINE MESSAGE FROM THE CHAIR

May 2012

Greetings

In this month's edition of *Message from the Chair*, we will be providing you with an update from the 2012 Legislative Session. We also have news regarding the appointment of a new State Surgeon General, as well as some highlights from the recent meetings of the Board of Medicine and the Federation of State Medical Boards.



*Dr. Jason J. Rosenberg,
MD, FACS*

Plus, from the Department of Health we have some Testimonials and Awards to pass along, as well as a warning regarding a recent issue with fraudulent DOH correspondence being distributed with an improperly forged letterhead.

We'll begin with the update from the Legislative Session.

Legislative Update:

A number of bills passed during the 2012 Legislative Session have been signed into law by Governor Scott and may affect your medical license/practice. Some of those bills are highlighted below. A review of the full text of the bills can be accessed at the links provided and will better assist you with understanding changes in the law that might impact your medical license/practice.

Enrolled CS/CS/HB 787, Engrossed 1 - Controlled Substance Prescribing and Pain Management Clinics

Section 31 of this bill amends section 456.44, Florida Statutes (F.S.), the registration and standard of practice requirements for health care practitioners who prescribe controlled substances for the treatment of chronic

nonmalignant pain. Sections 32 and 33 of the bill amend sections 458.3265 and 459.0137, F.S., with regard to Pain Management Clinics. The provisions of this bill become effective July 1, 2012.

The complete text of this bill can be accessed at: www.flsenate.gov/Session/Bill/2012/0787

Enrolled CS/CS/CS/HB 1263 - Liposuction

Sections 94 and 95 of this bill amend sections 458.309 and 459.005, F.S., with regard to the performance of certain liposuction procedures. This requirement is effective January 3, 2013.

The complete text of this bill can be accessed at: www.flsenate.gov/Session/Bill/2012/1263

Below Are Links To Other Bills That Were Passed That May Be Of Interest:

Enrolled CS/CS/HB119, Engrossed 3 - Personal Injury Protection

<http://www.flsenate.gov/Session/Bill/2012/0119>

Enrolled CS/CS/CS/HB 363, Engrossed 1 - Physician Assistants

<http://www.flsenate.gov/Session/Bill/2012/0363>

Enrolled CS/CS/HB 653 - Health Care Fraud

<http://www.flsenate.gov/Session/Bill/2012/0653>

Enrolled CS/CS/CS/HB 1355, Engrossed 2 - Expert Witness Testimony

<http://www.flsenate.gov/Session/Bill/2012/1355>

Enrolled HB 7035 - Physician Workforce Surveys

<http://www.flsenate.gov/Session/Bill/2012/7035>

To access additional information regarding health care practitioner regulation visit our website at: www.flhealthsource.com.

Sincerely,

Jason J. Rosenberg, MD, FACS

Chairman, Florida Board of Medicine

Governor Scott Appoints New State Surgeon General

On April 27, 2012, Governor Rick Scott appointed Dr. John H. Armstrong, MD to serve as Florida's State Surgeon General and Secretary of the Florida Department of Health, relieving Interim State



State Surgeon General, Dr. John H. Armstrong, MD

Surgeon General Dr. Steven L. Harris, MD, M.Sc from the duty. The previous State Surgeon General, Dr. Frank H. Farmer, MD, announced his resignation in March, which became effective immediately following the 2012 legislative session.

"Dr. Armstrong is recognized as a national expert in medical team training and public health preparedness for disasters, and his leadership will be a great asset to the citizens of Florida," Governor Scott stated.

After receiving a Bachelor's Degree in Economics from Princeton University, Dr. Armstrong continued on with his education at the University of Virginia School of Medicine to obtain his Medical Degree. He completed his General Surgery Residency at Tripler Army Medical Center in Hawaii and his Fellowship in Trauma/Surgical Critical Care at the University of Miami/Jackson Memorial Medical Center. He also completed the Master Educators of Medical Education program at the University of Florida.

In December of 2010 at the University of South Florida (USF), Dr. Armstrong became the Chief Medical Officer of the Center for Advanced Medical Learning and Simulation (CAMLs); additionally, he was named as an Associate Professor of Surgery with the USF Morsani College of Medicine. Prior to his service at USF, he served as a member of the Council on Public Health with the Florida Medical Association.

He is also currently a member of the Board of Governors for the American College of Surgeons and the National Residency Review Committee for Surgery.

Dr. Armstrong is also a 17-year veteran of the United States Army Medical Corps, graduating from the U.S. Army Command and General Staff College and working his way up to the ranking of Colonel. During his service, he developed and implemented an award-winning two-week training program in trauma care for military medical units deploying to Iraq and Afghanistan.

"I am honored by the opportunity to serve as Florida's State Surgeon General and look forward to advancing the department's mission to make Florida the place to live, work, and play by ensuring the health and well-being of Floridians," Dr. Armstrong announced, following his appointment.

Dr. Armstrong's service as State Surgeon General is set to begin on May 23, 2012.

Did you know?

It has come to the attention of the Board that some medical practices are asking patients to sign documents wherein the patient agrees to "waive standards of care" established in the Board rules or elsewhere. The signing of such a document does not relieve the treating physician from complying with all Florida laws. Such a legal obligation would include compliance with all standards of care whether set forth in statute, rule or general law.

-Discussion from April 4, 2012 Surgical Care Committee



Federation of State Medical Boards Holds 100th Annual Meeting

Board of Medicine members, James W. Orr, Jr. MD, FACOG, FACS, Robert Nuss, MD and Mr. Bradley M. Levine represented Florida at The Federation of State Medical Boards' (FSMB) 100th Annual Meeting, held on April 26 – 28, 2012 in Ft. Worth, Texas. National experts in the field of medical licensure and discipline were in attendance to present and discuss a wide range of subjects relevant to medical regulators including but not limited to updates in medical licensing examinations, maintenance of licensure, national licensure, graduate medical education, social networking, pain management, telementoring and physician reentry. Dr. Regina Benjamin, MD, MBA, Surgeon General of the United States, delivered the welcoming remarks and was honored with the FSMBs' Lifetime Achievement Award.

One hotly debated topic at the annual meeting was the Proposal for a Platinum Standard for Medical Licensure



Dr. James W. Orr, Jr. (left) with U.S. Surgeon General Dr. Regina Benjamin (right)

which involves the creation of a new standard of medical licensure intended to make rapid licensing available to the highest caliber of licensed physicians across the country.

Another important topic discussed was the FSMB's Maintenance of Licensure (MOL) initiative which supports a system of continuous professional development for physicians as a condition of license renewal. The FSMB is developing pilot projects with several states to test implementation of the MOL concept, including having physicians who are already engaged in Maintenance of Certification (MOC) recognized as being substantially in compliance with any state's

MOL program. For those physicians not specialty-board certified or not engaged in MOC for whatever reason, MOL could be achieved through completion of a wide range of activities, including CME, that many physicians already complete. You can find out more information about MOL on the FSMB website at: <http://www.fsmb.org/mol.html>.

Florida would not be able to adopt either the Platinum Standard or MOL without significant statutory changes; however, these are topics that the Florida Board of Medicine will continue to monitor.

ALERT: Florida DOH Warns of Fraudulent Correspondence

It has been brought to our attention that an unknown party has been sending out fraudulent letters to pharmacies claiming to be from the Department of Health's Investigative Services. These forgeries are of poor quality and should be easy to detect; however, to better help you identify them, we have placed an example of one of the fraudulent letters on the Board of Medicine website, on the front page under "Hot Topics."

Indicators of Forgery

- Letterhead is incorrect, footer is missing entirely
- Significant number of grammatical errors, misspellings, poor choice of words
- No return address
- Phone number for questions incorrect, not Board office number

If you suspect that any correspondence you receive from the Department of Health may be fraudulent, you may verify its authenticity by contacting the board office at the numbers listed below.

Department of Health: **(850) 245-4444**

Division of Medical Quality Assurance: **(850) 488-0595**

April 2012 Board Meeting Highlights

The April 2012 Board of Medicine Meeting was held at the Hyatt Regency Hotel on the Jacksonville Riverfront on April 13th and 14th. The Board heard 49 disciplinary cases against both physicians and physician assistants; below is a breakdown of each type of disciplinary action that was imposed:

Penalty	Number imposed	Penalty	Number imposed
<p>Revocation – These practitioners are not permitted to practice in Florida; Violations for these cases include: Prescribing violations, standard of care violations, failure to adhere to Florida laws and rules and being found guilty (or entering a plea) of a crime related to the practice of medicine</p>	2	<p>Probation - This practitioner may practice his/her profession under the probationary terms outlined in the Final Order</p>	0
<p>Suspension – These practitioners may not practice their profession for a specified period of time as outlined in the Final Order and often until the practitioner appears before the Board and demonstrates their current ability to practice with reasonable skill and safety; Violations for these cases include: Prescribing violations, standard of care violations, failure to adhere to Florida laws and rules, medical record violations, having had action on license in another jurisdiction, failing to report action in another jurisdiction, interfering with an investigation, being unable to practice due to impairment, and violating a Final Order of the Board</p>	4	<p>Obligations – These practitioners may practice their profession under the conditions specified in the Final Order and which may include paying fines and costs, completing additional CME, giving a lecture, obtaining a quality assurance review of the practice and/or restrictions on the practice; Violations for these cases include: Wrong site/person/procedure surgeries, standard of care, medical records, failure to adhere to Florida laws and rules, having had action on license in another jurisdiction, failing to report action on license in another jurisdiction, failure to perform statutory/legal obligation, failure to update practitioner profile, and leaving a foreign body in the patient</p>	26
<p>Relinquished – These practitioners relinquished their license in lieu of further prosecution; Violations for these cases include: Standard of care, prescribing violations, failure to adhere to Florida laws and rules, medical records violations, exercising influence in the physician-patient relationship, having had action taken against license in another jurisdiction, failing to report action taken against license in another jurisdiction, being unable to practice due to impairment, making deceptive, untrue and/or fraudulent representations in the practice of medicine, advertising self as board certified in violation of law or rule</p>	10	<p>Dismissed – In these cases, the Board reviews the case materials and interviews the physician. Based on the individual circumstances and evidence presented, the Board dismissed the cases; Allegations for these cases include: Standard of care and medical record violations</p>	2
		<p>Pending cases – These are cases where the Board rejected the Settlement Agreement proposed and offered a counter proposal that is still pending the Respondent’s acceptance or the hearing was tabled for another reason; Allegations for these cases include: Standard of care, medical records, prescribing issues, failure to adhere to Florida laws and rules, having had action on license in another jurisdiction, and being found guilty (or entering a plea) of a crime related to the practice of medicine</p>	5

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At this meeting, several of the Board's committees met to carry out their business and include the following:

- Credentials Committee
- Council on Physician Assistants
- Probation Committee
- Finance & Process Accountability Committee
- Communication, Education and Information Committee
- Surgical Care/Quality Assurance Committee
- Rules/Legislative Committee

Minutes and the audio from all of these meetings are available online at www.doh.state.fl.us/mqa/medical.

As with all Board Meetings, physicians can attend one of the two days of disciplinary hearings (Friday or Saturday) and receive five (5) hours of CME credit in ethics or risk management. Dates and locations for these meetings are available on our web site. Be sure to sign in with Board Staff upon arrival at the meeting.

Testimonials and Awards

The staff in the Board of Medicine office strives every day to make processes easier and more efficient. Sometimes we receive compliments on jobs well done and sometimes we win awards. We want to share a few of those with you.

Testimonials:

One physician, after going through the licensure process, wrote the following:

I understand that you are the program administrator for medical licensure in Florida. I wanted to take a quick minute to let you know how much I appreciated the

helpfulness and thoroughness of your department with particular thanks and praise for Carmen Gilley. She has worked with me on a few occasions over the last couple of months while I was applying for licensure. She was always polite, friendly and very helpful. I have been working with becoming licensed in several states over the past few years and she stands out as an all star! Thanks so much.

A licensure coordinator had this to say:

Thank you for giving me the opportunity to respond to Wendy Alls' customer service e-mail. When I have a question or concern regarding any of my physician application packets, Wendy is always eager to answer any question and process my physician's application in the utmost professional manner. I appreciate exceptional service and Wendy demonstrates astute values.

Awards:



Ms. Donna Brown with Chairman Jason J. Rosenberg, MD, FACS

Donna Brown was recognized by the Board at the April Board Meeting for her thirty-five years of service to the State of Florida. She is retiring from her position as a Program Operations Administrator in the Prosecuting Services Unit of the Department of Health. She was instrumental in developing and monitoring processes and for overseeing the legal administrative staff.

Good work and congratulations to the staff!

Contacting the Chair or Board Office



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Division of
Medical Quality Assurance

