

Florida Board of Medicine
Surgical Care & Quality Assurance
Committee Meeting



Peabody Orlando
9801 International Drive
Orlando, FL 32819
(407) 352-4000

November 29, 2012

MEETING REPORT

1 Roll call 4:30 pm

2

3 **Members Present:**

4 James Orr, Jr., M.D., Chairman

5 Fred Bearison, M.D.

6 Robert Nuss, M.D.

7 Brigitte Goersch, Consumer Member

8 Nabil El Sanadi, M.D.

9 Magdalena Averhoff, M.D.

10 Richard Shugarman, M.D.

11

12 **Staff Present:**

13 Allison M. Dudley, J.D., Executive Director

14 Ed Tellechea, Board Counsel

15 Donna McNulty, Board Counsel

16 Nancy Murphy, Paralegal

17 Crystal A. Sanford, CPM, Program Operations Administrator

18

19 **Public Hearing:**

20 **Rule 64B8-9.007(2)(a), FAC – Standards of Care (definition of surgery)1**

21 Julio Gonzalez, M.D. representing the Sarasota County Medical Society and Brian Ziegler,
22 M.D., representing the Florida Orthopaedic Society both requested rule hearings regarding
23 proposed changes to the definition of surgery/procedure as it is used in this rule.
24

24

25 Mr. Tellechea presented proposed language changes to this rule related to confirmation of the
26 patient's identity.
27

27

28 Chris Nuland, Esquire, representing the American College of Plastic Surgeons addressed the
29 Committee. He advised he had no objections to the changes to subsection (b) of the rule.
30

30

31 Dr. Gonzalez addressed the Committee and advised he had no objections other than adding a
32 comma after the chapter citation in the first sentence.
33

33

Members Absent:

Others Present:

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1 Dr. Ziegler addressed the Committee and also had no objections.

2
3 A motion was made, seconded and carried unanimously to approve the proposed language.

4
5 A motion was made, seconded and carried unanimously to find the proposed changes would not
6 have an adverse impact on small business nor would the changes be likely to directly or
7 indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida
8 within one year after implementation of these changes.

9
10 **Action taken:** language approved; no SERC

11
12 **Additional Public Hearing:**
13 **Rule 64B8-9.007(2)(b), FAC – Standards of Care (pause).....2**

14 Julio Gonzalez, M.D. representing the Sarasota County Medical Society had previously
15 requested a hearing regarding proposed changes to this rule.

16
17 Mr. Tellechea presented additional proposed changes to this rule. These changes were related to
18 the types of procedures proposed in the rule which are not considered minor procedures for the
19 purposes of this rule.

20
21 Dr. Gonzalez addressed the Committee and advised he was opposed to the language because it
22 was arbitrary and capricious. He said there was no scientific basis for the particular procedures
23 listed. He had a review conducted of the CPT manual and found over 50 procedures that were
24 considered minor procedures that are not listed in the rule. He felt this proposed change was not
25 necessary.

26
27 It was pointed out that MOHS, as listed in the rule, was incorrect and should be spelled Mohs.

28
29 Dr. Ziegler advised the Board that arthrocentesis should not be on the list as a minor procedure.

30
31 After discussion, a motion was made, seconded and carried with one opposed to approve the
32 proposed language, but to strike arthrocentesis.

33

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1 Dr. Gonzalez stated he would send the list of over 50 minor procedures to Ms. Dudley.

2
3 Dr. Orr asked staff to bring the list to the next meeting for review and consideration.

4
5 A motion was made, seconded and carried unanimously to find the proposed changes would not
6 have an adverse impact on small business nor would the changes be likely to directly or
7 indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida
8 within one year after implementation of these changes.

9
10 **Action taken:** language approved with the exception of arthrocentesis; no SERC

11
12 **Rules Discussion:**

13 **Rule 64B8-9.009, FAC – Standards of Practice for Office Surgery (transfer agreements &**
14 **physician notifications) & Rule 64B8-9.0091, FAC – Requirement for Physician Office**
15 **Registration; Inspection or Accreditation3**

16 At the last meeting, the Committee reviewed correspondence from Cynthia Tunicliff, Esquire
17 and Brian Newman, Esquire with concerns regarding registering of physicians for the office
18 surgery program and issues involving transfer agreements as required by the rule. The
19 Committee proposed language to be reviewed at this meeting related to the transfer agreements
20 and also reviewed the proposed form entitled, “Notification of Registration Change Form”.

21
22 Mr. Tellechea presented language that would allow facilities to have a transfer agreement or the
23 physician to have staff privileges.

24
25 Brian Newman, Esquire addressed the Committee and said he approved the proposed language.

26
27 Chris Nuland, Esquire, representing the Florida Society of Plastic Surgery, also approved the
28 language because it protects the safety of the patients.

29
30 A motion was made, seconded and carried unanimously to accept the proposed language.

31
32 A motion was made, seconded and carried unanimously to find the proposed changes would not
33 have an adverse impact on small business nor would the changes be likely to directly or

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1 indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida
2 within one year after implementation of these changes.

3
4 **Action taken:** language approved; no SERC

5
6 Mr. Tellechea then presented proposed language for Rule 64B8-9.0091, FAC.

7
8 Mr. Newman addressed the Committee and said the Board did not have the authority to register
9 physicians.

10
11 Ms. Sanford presented the form called Notification of Change of Registration Information. She
12 said this form could be used to update the Board of any changes to the facility, including
13 physicians.

14
15 Mr. Tellechea presented proposed language submitted by Mr. Newman.

16
17 A motion was made, seconded and carried with one opposed to approve the language submitted
18 by Mr. Newman in (f) and the language presented by Mr. Tellechea for subsection (e).

19
20 A motion was made, seconded and carried unanimously to find the proposed changes would not
21 have an adverse impact on small business nor would the changes be likely to directly or
22 indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate in Florida
23 within one year after implementation of these changes.

24
25 **Action taken:** language approved; no SERC

26
27 **Rule 64B8-9.003, FAC – Standards for Adequacy of Medical Records4**

28 The Committee received correspondence from John Lanza, M.D., Medical Director of the
29 Escambia County Health Department, concerning the lack of rules regarding medical record
30 documentation requirements for administration of medications such as epidural, joint, intraocular
31 or cardioplegic applications to patients.

32

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- 1 The Florida Medical Association, at the request of the State Surgeon General, provided a
2 comprehensive review of documentation requirements concerning epidural steroid injections.
3 Holly Miller, Esquire, addressed the Committee. She said FMA could put the information on
4 their web site.
5
6 After discussion, the Committee decided to refer the matter to the Communication, Education
7 and Information Committee (CEIC) to develop an informational article for the web page that
8 refers physicians to the FMA web site for more information on this topic.
9
10 **Action taken:** referred to CEIC
11
12 The meeting adjourned at 6:20 p.m.