



**Florida Board of Medicine  
Rules/Legislative Committee Meeting**

**Meet-Me-Number: 888-585-9008  
Conference Room Number: 432-162-565**

**Thursday, October 1, 2020**

**MINTUES**

Roll call 3:15 pm

**Members Present:**

Sarvam TerKonda, M.D., Chair  
Shailesh Gupta, M.D., Vice Chair  
Kevin Cairns, M.D.  
Hector Vila, M.D.  
Nicholas Romanello, Consumer Member  
Zachariah P. Zachariah, M.D.  
Eleonore Pimentel, M.D.

**Members Absent:**

**Staff Present:**

Claudia Kemp, JD, Executive Director  
Edward Tellechea, Board Counsel  
Donna McNulty, Board Counsel  
Donna McNulty, Certified Paralegal  
Crystal Sanford, Program Operations Administrator  
Rebecca Hewett, Regulatory Specialist III  
Shaila Washington, Regulatory Supervisor

**Others Present:**

For the Record

**Rules Discussion:**

**September 2020 Rules Report ..... 1**

This report, which outlines the current status of various rules, was provided to the members for their information.

No action necessary.

**Board of Medicine Annual Regulatory Plan ..... 2**

Mr. Tellechea explained the Board is required to submit their Annual Regulatory Plan to the Office of Fiscal Accountability and Regulatory Reform (OFARR) by October 1, 2020. The Board previously granted the Chair authority to approve the draft plan so it could be submitted on time. The plan was brought to the Committee for formal approval.

A motion was made, seconded and carried unanimously to recommend formal approval of the Annual Regulatory Plan.

**Action taken:** Annual Regulatory Plan approved

**Dietetics and Nutrition Practice Council Rules: ..... 3**

Rule 64B8-42.001, F.A.C. – Licensure by Endorsement  
Rule 64B8-42.002, F.A.C. – Licensure by Examination

Diane Guillemette, Counsel for the Dietetic and Nutrition Council, addressed the Board. She said the Board of Medicine approved amended health history questions during an earlier meeting. She asked the Committee to consider approving the applications using the amended questions approved by the Board.

Mr. Tellechea read the preamble in the new language into the record:

*The board and the department, as part of its responsibility to protect the health, safety and welfare of the public, must assess whether an applicant manifests any physical, mental health or substance use issue that impairs the applicant's ability to meet the eligibility requirements for a health care practitioner as defined in Chapter 456, Florida Statutes, and the applicable statutory practice acts.*

*The board and the department support applicants seeking treatment and views effective treatment by a licensed professional as enhancing the applicant's ability to meet the eligibility requirements to practice a health care profession.*

*Seeking assistance with stress, mild anxiety, situational depression, family or marital issues will not adversely affect the outcome of a Florida health care practitioner application. The board and the department do not request that applicants disclose such assistance.*

A motion was made, seconded and carried unanimously to recommend approving the draft rule language and both applications with the amended language approved by the Board during the Joint Board of Medicine and Osteopathic Medicine Health History Questions Meeting.

Will the proposed rule amendments have an adverse impact on small business? Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments?

A motion was made, seconded and carried unanimously to recommend the rule amendment will not cause an adverse impact or increase regulatory costs.

Will this rule amendment create an offense that would constitute a minor violation under the rule?

A motion was made, seconded and carried unanimously to recommend the rule amendment will not create a minor violation.

Does the Board/Committee want to impose the sunset provision for this rule or rule amendment?

A motion was made, seconded and carried unanimously to recommend not sunsetting the rule.

**Action taken:** applications approved with amended questions; rule language approved, no Statement of Estimated Regulatory Costs (SERC).

#### Rule 64B8-45.002, F.A.C. – Continuing Education Approval

Ms. Guillemette advised the Committee she made a mistake in her memo. She said the rule being presented were the disciplinary guidelines.

#### Rule 64B8-44.003, F.A.C. – Disciplinary Guidelines

Ms. Guillemette advised the rule was substantially rewritten including, but not limited to, putting the guidelines in boxes and adding guidelines for telehealth violations. She advised the language does not include guidelines for emotional support dogs since it did not apply to this profession.

A motion was made, seconded and carried unanimously to recommend approval of the proposed language.

The members were asked the following questions:

Will the proposed rule amendments have an adverse impact on small business? Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments?

A motion was made, seconded and carried unanimously to recommend the rule amendment will not cause an adverse impact or increase regulatory costs.

Will this rule amendment create an offense that would constitute a minor violation under the rule?

A motion was made, seconded and carried unanimously to recommend the rule amendment will not create a minor violation.

Does the Board/Committee want to impose the sunset provision for this rule or rule amendment?

A motion was made, seconded and carried unanimously to recommend not sunsetting the rule.

**Action taken:** language approved, no SERC required

**Request for Rulemaking from Peter Malick ..... 4**

Mr. Malick was present and explained to the Committee the reason for his request for rule making. He requested the Committee draft a rule that requires physicians to do urine tests for patients with catheters to prevent infections.

Dr. TerKonda said the tests are required every seven days. He explained this was a standard of care issue and asked Mr. Tellechea if the Board had rule making authority to set standard of care.

Mr. Tellechea advised Mr. Malick did not have standing to bring the petition because he was not an interested party such as a physician. He also said the Board has authority to set standards for practice in certain practice settings, but not standard of care.

A motion was made, seconded and carried unanimously to recommend denial of the request for rule making.

Dr. TerKonda thanked Mr. Malick for attending the meeting and presenting his request.

**Action taken:** request denied due to petitioner not having standing

**ADDENDUM**

**Request to Repeal Rule 64B8-13.008, F.A.C. - Requirement for Continuing Education Course on Prescribing Controlled Substances ..... 5**

Mr. Tellechea explained JAPC contacted him and said the approved providers for the required controlled substance course do not have to be in rule. He confirmed with staff the information could be placed on the Board's web page.

A motion was made, seconded and carried unanimously to recommend repealing the rule.

The Committee was asked the following questions:

Will the proposed rule amendments have an adverse impact on small business? Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after implementation of the rule amendments?

A motion was made, seconded and carried unanimously to recommend the rule amendment will not cause an adverse impact or increase in regulatory costs.

Will this rule amendment create an offense that would constitute a minor violation under the rule?

A motion was made, seconded and carried unanimously to recommend the rule amendment will not create a minor violation.

Mr. Tellechea explained that the rule was being repealed so there was no need to sunset.

**Action taken:** Repeal rule; no SERC

**Old Business:**

No old business to discuss.

**New Business:**

No new business to discuss.

The meeting adjourned at 3:53.