

Quarterly Management Report

The Florida Department of Health

SECOND QUARTER | Fiscal Year 2010-2011

STANDARDS OF PRACTICE RULES FOR PHYSICIANS PRACTICING IN PAIN MANAGEMENT CLINICS ADOPTED

The standards of practice rules for physicians practicing in pain management clinics have been adopted. The requirement to create these rules was part of legislation in 2009 and 2010 signed into law by Governor Crist. The Board of Osteopathic Medicine rules went into effect on November 8, 2010, and the Board of Medicine rules will be in effect on November 28, 2010.

Fred Bearison, M.D, Chair of the Boards' joint committee created to recommend the standards, stated, "This set of model standards created to tackle prescription drug abuse has been a pioneering effort that greatly benefited from the participation of patients, practitioners, health care organizations, and the legal and administrative staff of both boards."

The rules are located at: www.flhealthsource.com. By selecting "Citizen/Consumer," then "Board of Medicine" from the pull down menu, you can review and print out the rules from the "Pain Clinic Registration and Inspection" tab.

Other rules impacting pain management clinics are still in the rulemaking process. These rules will address the following:

- How national organizations can be approved to accredit clinics. The law allows clinics to have such accreditation in lieu of an annual Department inspection,

- The maximum number of prescriptions for Schedule II or Schedule III controlled substances or the controlled substance Alprazolam, which may be written at any one registered pain-management clinic during any 24-hour period, and

- The training requirements for medical doctors (M.D.) practicing at pain management clinics. The training requirements for osteopathic doctors (D.O.) are included in the rules that went into effect on November 8, 2010.

The Florida Department of Health is now inspecting pain management clinics for compliance with the provisions of the new pain management statute that went into effect on October 1, 2010. Inspections will be expanded to check for compliance with these new rules starting in 2011.

The mission of the Department of Health and MQA is to promote, protect and improve the health of all people in Florida. Working in conjunction with 22 boards and six councils, MQA regulates six types of facilities and more than 40 health care professions. MQA evaluates the credentials of all applicants for licensure, issues licenses, analyzes and investigates complaints, inspects facilities, assists in prosecuting practice act violations, combats unlicensed activity and provides credential and discipline history about licensees to the public. Visit <http://www.doh.state.fl.us/mqa/> for additional information about MQA.

Board & Council Appointments October 1, 2010 - December 31, 2010

NAME	BOARD OR COUNCIL
Amy Sutton	Certified Nursing Assistants
Linda Gammon	Dietetics/Nutrition Practice
Mir Islam	Dietetics/Nutrition Practice
James Scott	Electrolysis
Michael Chizner	Medicine
George Thomas	Medicine
Michael Butler	Nursing Home Administrators
Harold Wishna	Nursing Home Administrators
Luis Orta	Psychology

Department Of Health Joint Investigation Leads To Arrest In MIAMI-DADE County

The Florida Department of Health (DOH) South Florida Unlicensed Activity Unit (ULA) and Miami Investigative Services Unit (Miami-ISU) announced today that they have assisted the United States Drug Enforcement Administration, Diversion Task Force (USDEA-DTF) and the City of Miami Police Department (MPD) with the December 28, 2010 arrest of Doctor David L. Packer in connection with operating a unlicensed pain management clinic.

On November 2, 2010, an anonymous telephone complainant contacted the Florida Agency for Healthcare Administration (AHCA) alleging that Liberty Wellness Center, located at 6116 NW 7th Avenue in Miami, was operating as an unregistered pain management clinic. This complaint was forwarded to the DOH. The investigation conducted by the DOH units developed information, which indicated that Liberty Wellness was in fact operating as an unlicensed Pain Management Clinic.

On December 28, 2010, representatives from all of the agencies involved conducted a joint inspection at Liberty Wellness Center. During the inspection, a Notice to Cease and Desist (a formal order from the State Surgeon General) from the unlicensed activity of acting as a Pain Management Clinic was served to Liberty's owner and sole medical practitioner, Dr. David L. Packer. At the conclusion of the on-site investigation, Dr. Packer was taken into physical custody by an agent from the USDEA-TF and charged in connection with operating an unlicensed pain management clinic, a third degree felony. Dr. Packer is licensed by the State of Florida as a Medical Doctor.

DOH has several resources to combat unlicensed activity:

- Consumers are encouraged to use DOH's Web site www.flhealthsource.com where they can conveniently view the license information of their health care practitioner.

- Complaints may be filed anonymously by completing and mailing the complaint form on the DOH Web site or calling 1-877-HALT-ULA or 1-877-425-8852 (Option #3).

The Florida Department of Health's (DOH) unlicensed activity program protects Florida residents and visitors from the potentially serious and dangerous consequences of receiving medical and health care services from an unlicensed person. The Division of Medical Quality Assurance (MQA) investigates and refers for prosecution all unlicensed health care activity complaints and allegations. The unlicensed activity unit works in conjunction with law enforcement and the state attorney's offices to prosecute individuals practicing without a license. In many instances, unlicensed activity is a felony level criminal offense. More importantly, receiving health care from unlicensed people is dangerous and could result in further injury, disease or even death.

The mission of DOH and MQA is to promote, protect and improve the health of all people in Florida. Working in conjunction with 22 boards and six councils, MQA regulates seven types of facilities and 200-plus license types in more than 40 healthcare professions. MQA evaluates the credentials of all applicants for licensure, issues licenses, analyzes and investigates complaints, inspects facilities, assists in prosecuting practice act violations, combats unlicensed activity and provides credential and discipline history about licensees to the public. Visit <http://www.flhealthsource.com> for additional information about MQA.

SECOND QUARTER

ULA Statistics

COMPLAINTS RECEIVED	215
REFERRED FOR INVESTIGATION	174
INVESTIGATIONS COMPLETED	210
CEASE AND DESISTS ISSUED	48
REFERRALS TO LAW ENFORCEMENT	109
ARRESTS	8

ULA Finances

July 1, 2010 - December 31, 2010

BEGINNING CASH BALANCE	\$ 7,361,544
REVENUES	\$ 1765,932
EXPENDITURES	\$ 734,285
ENDING CASH BALANCE	\$ 7,393,191

To Report Unlicensed Activity call:
1-877-HALT-ULA

Practitioner Regulation Quarterly Summary

October 1, 2010 - December 31, 2010

BOARD	COMPLAINTS RECEIVED	LEGALLY SUFFICIENT	INVESTIGATIONS COMPLETED	CITATIONS ISSUED	DISMISSED BY PANEL	PC FOUND	PC FOUND DISMISSED	FINAL ORDERS	ULA COMPLAINTS	CONSUMER SERVICES	INVESTIGATIVE SERVICES	PROSECUTION SERVICES	TOTAL SERVICES
ACUPUNCTURE	54	47	10	32	0	0	0	2	3	28	7	22	57
ANESTHESIOLOGY ASSISTANTS	0	0	0	0	0	0	0	0	0	0	0	0	0
ATHLETIC TRAINERS	13	8	0	4	0	0	0	0	0	6	0	7	13
CERTIFIED NURSING ASST	538	232	163	3	65	75	0	104	2	348	85	358	791
CERTIFIED SOCIAL WORKERS	0	0	0	0	0	0	0	0	0	0	0	0	0
CHIROPRACTIC MEDICINE	108	55	31	3	18	20	4	13	4	75	35	125	235
CLINICAL LABORATORY PERSONNEL	6	1	2	0	0	0	0	4	0	4	0	12	16
CLINICAL SOCIAL WORKERS	28	9	5	0	6	1	0	1	0	10	6	19	35
DENTAL HYGIENISTS	9	1	2	3	5	0	1	0	0	10	4	6	20
DENTAL LABORATORIES	3	3	1	0	0	0	0	0	2	1	7	5	13
DENTISTRY	286	90	93	2	82	15	11	16	17	140	108	275	523
DIETETICS AND NUTRITION	5	2	1	4	4	1	0	7	15	4	11	13	28
DRUGS, DEVICES & COSMETICS	73	57	59	0	1	0	0	3	0	9	69	343	421
ELECTROLYSIS	6	4	1	0	12	13	8	8	0	3	3	32	38
ELECTROLYSIS FACILITIES	0	0	1	0	4	0	0	0	2	0	3	2	5
EMERGENCY MEDICAL TECHNICIAN	40	12	14	0	3	2	1	4	0	17	7	170	194
HEARING AID SPECIALISTS	13	5	6	1	0	0	0	0	1	20	0	29	49
MARRIAGE & FAMILY THERAPISTS	6	2	0	0	3	0	0	0	0	4	3	6	13
MASSAGE ESTABLISHMENTS	47	41	18	16	5	7	1	6	38	37	47	73	157
MASSAGE THERAPY	95	112	92	4	15	30	1	25	44	68	87	233	388
MEDICAL PHYSICISTS	0	1	1	0	0	0	0	0	0	0	0	2	2
MEDICINE	1593	546	340	165	269	119	10	71	29	830	437	1361	2,628
MENTAL HEALTH COUNSELING	31	13	7	0	7	3	0	4	11	13	22	44	79
MIDWIFERY	5	2	6	0	3	1	1	0	0	10	2	22	34
NATUROPATHIC MEDICINE	0	0	0	0	0	0	0	0	0	0	0	0	0

Practitioner Regulation Quarterly Summary *(cont'd)*

BOARD	COMPLAINTS RECEIVED	LEGALLY SUFFICIENT	INVESTIGATIONS COMPLETED	CITATIONS ISSUED	DISMISSED BY PANEL	PC FOUND	PC FOUND DISMISSED	FINAL ORDERS	ULA COMPLAINTS	CONSUMER SERVICES	INVESTIGATIVE SERVICES	PROSECUTION SERVICES	TOTAL SERVICES
NURSING - ARNP	68	25	19	1	11	9	0	8	0	41	14	46	101
NURSING - LPN	277	225	136	8	37	80	3	50	3	195	53	329	577
NURSING - RN	532	385	225	1	50	149	4	127	0	414	117	609	1,140
NURSING HOME ADMINISTRATORS	33	7	10	0	9	0	0	0	0	35	6	11	52
OCCUPATIONAL THERAPY	8	3	3	0	3	1	1	2	0	6	5	16	27
OPTICAL ESTABLISHMENTS	2	1	2	1	0	0	0	0	3	1	4	5	10
OPTICIANRY	15	10	6	0	0	0	0	0	1	8	8	12	28
OPTOMETRY	12	4	3	0	10	2	3	1	1	7	3	15	25
OPTOMETRY BRANCH OFFICES	0	0	0	0	0	0	0	0	0	1	0	0	1
ORTHOTISTS & PROSTHETISTS	4	2	1	3	0	0	0	2	0	2	3	17	22
OSTEOPATHIC MEDICINE	231	64	45	0	22	8	1	8	1	99	42	223	364
PAIN MANAGEMENT CLINICS	40	14	14	0	0	0	0	1	13	9	42	37	88
PARAMEDICS	26	12	14	0	2	3	3	8	0	22	7	244	273
PHARMACIES	115	63	41	0	31	1	1	9	1	44	69	165	278
PHARMACISTS	81	63	63	1	29	23	1	8	2	57	73	283	413
PHARMACY TECHNICIANS	15	12	16	0	4	11	0	0	0	0	0	0	0
PHYSICAL THERAPY	30	20	15	10	14	6	1	4	3	17	17	41	75
PHYSICIAN ASSISTANTS	292	179	28	36	20	9	0	2	0	205	15	71	291
PODIATRIC MEDICINE	37	18	9	0	13	2	0	3	0	12	7	21	40
PSYCHOLOGY	29	5	5	0	3	2	1	6	1	12	14	35	61
RADIOLOGIC TECHNOLOGY	20	14	10	0	0	1	0	1	0	19	5	72	96
RESPIRATORY CARE	20	16	14	2	2	34	0	8	0	13	1	73	87
SCHOOL PSYCHOLOGY	2	1	0	0	0	0	0	0	1	6	0	2	8
SPEECH-LANGUAGE PATH/AUDIO	31	11	13	17	12	3	0	6	0	18	2	30	50
TOTAL FOR ALL BOARDS	4,879	2,397	1,545	317	774	631	57	522	199	2,880	1,450	5,516	9,846