

Quarterly Management Report

Florida DOH Calls For Experts To Assist With Review Of Pain Management Clinic Cases

The Florida Department of Health (DOH) is seeking Florida licensed pharmacologists, osteopathic physicians, medical doctors and addictionologists to serve as expert reviewers for pain management clinic cases. Interested licensees are encouraged to email MQA_PSU_Experts@doh.state.fl.us or call 1-888-240-9931 for more information.

“While the Florida Department of Health is making inroads into addressing the unscrupulous pain management clinics in our state, we realize there is much more work ahead,” said State Surgeon General Ana Viamonte Ros, M.D., M.P.H. “To ensure continued success, we must utilize all available resources, and there is none better than the fine health professionals in our state that serve as expert reviewers. I encourage all the pharmacologists, osteopathic physicians, medical doctors and addictionologists wishing to assist our efforts to apply today.”

Experts review investigative files on complaints and then submit a written opinion used by the department’s attorneys as the basis for

whether to continue disciplinary proceedings against the clinic. They must hold a current Florida license and be actively practicing in the State of Florida, shall not have ever been the subject of any disciplinary action by the medical licensing authority of any state or jurisdiction, and is currently and shall remain in good standing with the respective health care profession for which their services are required. Experts are compensated \$125 per hour for case review and opinion, and between \$125 and \$160 per hour for deposition and trial services.

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 eight 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.

Florida Department Of Health Filed Emergency Suspension Orders On The Registration of Seven Pain Management Clinics

State Surgeon General Ana M. Viamonte Ros, M.D., M.P.H., took a strong step in addressing the inappropriate and excessive prescribing of controlled substances by issuing seven Emergency Suspension Orders (ESOs) against registered pain management clinics on Friday May 5, 2010 and Monday May 7, 2010. Recent changes in the Florida Statutes allowing for the regulation of pain management clinics, made this action possible for Dr. Viamonte Ros.

Mercy Wellness and Recovery Center was operating out of a facility located at 2001 NE 48th Street, Ft. Lauderdale FL 33308. On April 30, 2010 the Florida Department of Health (DOH), alongside the Fort Lauderdale Police Department and the Fort Lauderdale Building Department, conducted an inspection and found that the facility had been in operation without a “designated physician” or medical director responsible for the pain management clinic’s safe operation since April 2, 2010. This is a violation of Section 458.309(4), Florida Statutes (2009).

Additionally, the April 30th inspection found that the facility had employed an unlicensed pharmacist to manage and fill controlled substance prescriptions without review and oversight by a licensed pharmacist or physician. Moreover, the controlled substances were not secured from tampering, theft or other access by patients or staff as they were kept in an open safe in an unsecured room and were legally adulterated when they left the possession of the previous designated physician. This constitutes possession of contraband prescription drugs under Section 400.003(12), Florida Statutes (2009) and is also a violation of Section 456.072(1)(j), Florida Statutes (2009) for employing an unlicensed pharmacist.

Pompano Pain Management, A Pain Relief Prescription Center and Premier Neurological Treatment Centers were operating out of a facility located at 605 E. Atlantic Boulevard, Pompano Beach FL 33063. The ESOs arise out of the pain management clinic failing to maintain a “designated physician” or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous medical director, Dr. Steven Barry Brown had his license to practice medicine suspended on May 5, 2010 for, in part, trafficking in controlled substances and inappropriately and excessively prescribing controlled substances to an individual in exchange for receiving approximately half of the prescribed controlled substances for Brown’s personal use. This suspension made Brown ineligible to serve as the clinic’s medical director or “designated physician.”

Broward Chronic Pain and Recovery Center was operating out of a facility located at 5601 North Powerline Road, Suite 303, Ft. Lauderdale FL 33309. The ESO arises out of the pain management clinic failing to maintain a “designated physician” or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous “designated physician”, Dr. Alfred Boyce had his license to practice medicine suspended on April 28, 2010 for, in part, inappropriately and excessively prescribing controlled substances to six patients that were not in the best interest of the patients or in the course of his professional practice. This suspension made Boyce ineligible to serve as the clinic’s medical director or “designated physician.”

Snyder Family Medicine was operating out of a facility located at 1042 Belcher Road, Largo FL 33771. The ESO arises out of the pain

DOH Joint Investigation Leads To Arrest In Miami-Dade County

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The Florida Department of Health's (DOH) South Florida Unlicensed Activity (ULA) Unit announced today that their joint investigation with the Miami Dade Police Department's Medical Crimes Unit (MDPD-MCU) has led to the June 24, 2010 arrest of Larry De Jesus in connection with the unlicensed practice of a health care profession (Electrology) resulting in a serious bodily injury. This charge is a second degree felony, punishable by up to fifteen years in prison.

On August 5, 2009, De Jesus allegedly performed an underarm laser hair removal procedure on a patient/victim in a med-spa located at 3621 SW 107th Avenue in Miami, Florida. The patient/victim sustained multiple first, second, and third degree burns under both arms.

On February 16, 2010, while responding to another matter, De Jesus admitted to performing the August 5, 2009 underarm laser hair removal procedure on the patient/victim in written correspondence to the Florida Department of Health. De Jesus is not licensed as a physician nor as an electrologist in Florida.

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 to have a form mailed to you.

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. DOH's 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 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.

management clinic failing to maintain a "designated physician" or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous "designated physician," Dr. Michelle Lee Snyder had her license to practice medicine suspended on April 09, 2010 for, in part, inappropriately and excessively prescribing controlled substances to five patients that were not in the best interest of the patients or in the course of her professional practice. This suspension made Snyder ineligible to serve as the clinic's medical director or "designated physician."

Lauderhill Medical Clinic was operating out of a facility located at 2762 W. Oakland Park Boulevard, Oakland Park FL 33311. The ESO arises out of the pain management clinic failing to maintain a "designated physician" or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous "designated physician", Dr. Michael Shook had his license to practice medicine suspended on February 10, 2010 for, in part, inappropriately and excessively prescribing controlled substances to three patients that were not in the best interest of the patients or in the course of his professional practice. This suspension made Boyce ineligible to serve as the clinic's medical director or "designated physician."

A proceeding seeking formal discipline of the registrations of each of the previously named entities to practice as a pain management clinic will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2009).

FOURTH QUARTER

ULA Statistics

COMPLAINTS RECEIVED	273
REFERRED FOR INVESTIGATION	219
INVESTIGATIONS COMPLETED	123
CEASE AND DESISTS ISSUED	47
REFERRALS TO LAW ENFORCEMENT	64
ARRESTS	4

ULA Finances

July 1, 2009 - June 30, 2010

BEGINNING CASH BALANCE	\$6,356,261
REVENUES	\$2,261,984
EXPENDITURES	\$1,256,704
ENDING CASH BALANCE	\$7,361,542

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

Practitioner Regulation Quarterly Summary

April 1, 2010 - June 30, 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	13	4	1	0	6	0	0	1	0	8	8	9	25
ANESTHESIOLOGY ASSISTANTS	0	0	0	0	0	0	0	0	0	0	0	0	0
ATHLETIC TRAINERS	1	0	0	0	1	6	0	0	0	0	0	7	7
CERTIFIED NURSING ASST	497	246	166	3	54	80	8	66	2	220	88	348	656
CERTIFIED SOCIAL WORKERS	0	0	0	0	0	0	0	0	0	0	0	0	0
CHIROPRACTIC MEDICINE	73	43	34	7	15	11	1	12	15	48	53	146	247
CLINICAL LAB PERSONNEL	15	3	9	0	0	5	0	5	1	13	0	26	39
CLINICAL SOCIAL WORKERS	26	4	6	0	5	3	0	1	1	8	2	19	29
DENTAL HYGIENISTS	17	15	1	0	4	1	0	0	2	15	6	6	27
DENTAL LABORATORIES	12	4	3	0	0	2	0	0	6	1	6	4	11
DENTISTRY	295	84	93	0	101	29	6	14	14	136	91	275	502
DIETETICS AND NUTRITION	108	108	10	74	0	2	0	0	5	43	5	10	58
DRUGS, DEVICES & COSMETICS	80	68	61	0	0	0	0	0	0	8	80	249	337
ELECTROLYSIS	7	2	9	0	3	0	1	12	0	3	4	71	78
ELECTROLYSIS FACILITIES	1	0	0	0	0	0	0	0	0	1	3	4	8
EMERGENCY MEDICAL TECH	51	22	26	0	0	5	1	1	0	43	8	123	174
HEARING AID SPECIALISTS	57	8	8	0	0	0	0	0	2	41	8	27	76
MARRIAGE & FAMILY THERAPISTS	4	4	5	0	0	0	1	1	1	1	6	8	15
MASSAGE ESTABLISHMENTS	39	25	23	7	10	18	3	15	58	27	71	77	175
MASSAGE THERAPY	134	102	50	76	26	59	2	34	54	107	111	162	380
MEDICAL PHYSICISTS	2	1	0	1	0	1	0	1	0	1	0	0	1
MEDICINE	1,942	479	321	16	299	71	19	56	19	908	434	1,218	2,560
MENTAL HEALTH COUNSELORS	33	16	10	2	6	5	1	2	4	20	15	41	76
MIDWIFERY	4	2	3	0	3	0	1	2	1	3	2	14	19

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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
NATUROPATHIC MEDICINE	0	0	0	0	0	0	0	0	0	0	0	0	0
NURSING - ARNP	77	23	17	0	15	8	0	5	0	47	12	43	102
NURSING - LPN	423	351	125	182	51	51	4	42	2	195	63	293	551
NURSING - RN	585	301	271	145	86	109	4	92	8	331	121	595	1,047
NURSING HOME ADMINISTRATORS	37	3	2	0	0	3	0	1	0	23	4	11	38
OCCUPATIONAL THERAPY	5	3	11	0	3	3	1	3	0	8	4	20	32
OPTICAL ESTABLISHMENTS	2	1	0	0	1	0	0	0	7	1	10	1	12
OPTICIANRY	12	7	6	0	0	0	0	0	7	6	9	11	26
OPTOMETRY	12	7	9	3	5	1	1	3	0	5	4	20	29
OPTOMETRY BRANCH OFFICES	0	0	0	0	0	0	0	0	0	1	0	0	1
ORTHOTISTS & PROSTHETISTS	95	70	1	25	7	2	0	0	0	53	1	11	65
OSTEOPATHIC MEDICINE	172	63	38	0	29	16	4	14	3	82	41	187	310
PAIN MANAGEMENT CLINICS	69	29	17	0	0	8	0	0	31	14	44	0	58
PARAMEDICS	46	24	24	0	6	9	5	1	0	33	10	222	265
PHARMACIES	143	88	55	1	27	11	0	23	9	24	92	167	283
PHARMACISTS	241	119	84	67	26	13	2	34	5	61	106	237	404
PHYSICAL THERAPY	74	56	6	4	13	4	0	9	0	67	12	33	112
PHYSICIAN ASSISTANTS	123	90	24	10	7	5	0	5	1	47	24	62	133
PODIATRIC MEDICINE	25	11	4	0	5	3	3	7	0	9	9	24	42
PSYCHOLOGY	21	3	7	0	4	3	0	2	4	15	8	44	67
RADIOLOGIC TECHNOLOGY	32	20	14	0	0	15	0	6	0	29	3	58	90
RESPIRATORY CARE	32	28	22	22	4	14	1	7	0	37	10	46	93
SCHOOL PSYCHOLOGY	1	0	0	0	0	0	0	0	0	0	0	2	2
SPEECH-LANGUAGE PATH/AUDIO	101	71	5	10	1	5	0	0	0	84	9	15	108
TOTAL FOR ALL BOARDS	5,739	2,608	1,581	655	823	581	69	477	262	2,827	1,597	4,946	9,370