



UPCOMING MEETING/ EVENTS

GENERAL MEMBERSHIP MEETING NOVEMBER 17, 2005

Speaker

John Armstrong, MD.,
AMA Board of Trustees

Subject: "Pay For Performance"

Royal Palm Yacht Club
2360 West First Street
Downtown Fort Myers
6:30 p.m. - Social Time
7:00 p.m. - Program

Reservations:

LCMS, P.O. Box 60041
Fort Myers, FL 33906-0041
Tel - 936-1645
Fax - 936-0533

4TH ANNUAL LEGAL-MEDICAL TENNIS TOURNAMENT

Saturday, October 15, 2005
8:00 AM Registraton
8:30 AM Start Time

Ace Tennis Club
4056 Princeton Street
(off Winkler Avenue)
Fort Myers, FL

Inserts

- 1 LEGAL/MEDICAL TENNIS
TOURNAMENT SIGN UP
- 2 ADVERTISEMENT
- 3 AMA 2005 INTERIM MEETING
- 4 AAPS REPORT

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RECAPING 2005 AND LOOKING FORWARD TO 2006

Francesca Plendl, J.D.

FMA Director of Governmental Affairs

The 2005 Legislative Session was filled with talk of amendment implementation and as usual, scope of practice infringements. As I've talked to physicians throughout the state there are still many questions about what happened. Following is a summary of 2005 and a look ahead to the 2006 Legislative Session. If you have any questions, please email the FMA at fplendl@medone.org or call 850-224-6496.

AMENDMENT EIGHT - THREE STRIKES

This new law interprets the amendment and helps to ensure due process for Florida physicians and predictability for physicians and their patients. The law helps to ensure a physician's due process by providing the following:

- The amendment will not be applied retroactively. Only incidents that occur after Nov. 2, 2004, can be considered for a strike.
- A single incident cannot count as more than one strike, regardless of the number of claimants or findings.
- Settlements in disciplinary cases and in civil cases cannot be considered a strike.
- The Board of Medicine will review judgments in civil cases. Only cases involving clear and convincing evidence of malpractice will be considered a strike.
- Out-of-state discipline does not count as a strike.

AMENDMENT SEVEN - PEER REVIEW

This new law sets limits as follows:

- The amendment only applies to records created or incidents occurring or actions arising after Nov. 2, 2004.
- The amendment only applies to records created within four years of the request.
- Only a patient of the health care facility or provider may request records, and only records pertaining to the same or substantially similar condition, treatment or diagnosis as that of the patient may be obtained.
- The hospital or physician will identify what records are to be included.
- The patient must pay the cost of providing the records, including the cost of redacting any patient identifying information from the records.
- Reiterates that Florida laws regarding peer review immunity and laws protecting those records against introduction in court are still in effect.

SCOPE OF PRACTICE BILLS

The bill allowing naturopaths to become licensed in the state was stopped by a 6-4 vote in the Senate Health Care Committee. We will need everyone's help to stop this bill in 2006. The bill allows inadequately trained persons to practice medicine, including diagnosing, treating, prescribing drugs and performing surgery. The bill allowing pharmacists to administer flu shots was also stopped in 2005, although the FMA had to fight it until the very last day of session. The ARNP prescribing bill was not heard in either the House or the Senate. The bills that would have allowed psychologists to order lab tests and acupuncturists to call themselves physicians were both stopped.

PROHIBITION ON SELF-INSURING

Thanks to the hard work of many physicians, the FMA was able to stop the bill filed by Senator Jones and Representative Farkas that would have taken away a physician's ability to self-insure. The Senate Committee debated the bill, but did not vote on the matter.

MEDICAID

In the final hours of the Legislative Session, the House and Senate sent a bill phasing in major changes to the Medicaid program to the Governor. Additionally, the legislature passed the budget that included changes to the current Medicaid system, particularly in the area of pharmaceuticals. The FMA is dedicating an extraordinary amount of time and effort to this issue, since changes could have far reaching effects. We are closely monitoring the implementation of "step therapy," which requires physicians to utilize cheaper drugs before prescribing more expensive pharmaceuticals. One important provision the FMA worked hard to defeat would have allowed the Agency for Health Care Administration to change a physician's Medicaid fee schedule without notice to the physician. The legislature recognized the unfair and outlandish language and removed it from the bill.

NEXT SESSION

The FMA's House of Delegates will review recommendations from the Board of Governors regarding legislative priorities for next year. The Board is recommending that expert witness legislation be a top priority for the coming year. The bill will address the lack of regulation of experts who come from out of state and testify in Florida cases without fear of consequences for false or fraudulent testimony. We will also have to continue to oppose legislation that will take away a physician's ability to self insure or that will make it more difficult for a physician to meet the financial responsibility requirements for licensure. We will continue to oppose all scope of practice expansions for non-M.D.s and non-D.O.s including naturopaths, ARNPs, pharmacists, optometrists and psychologists. The Board of Governors is also recommending that we work to increase physician reimbursement in the areas of managed care, Medicaid, workers' compensation and PIP. Additional issues that we will be working on are as follows: physician supervision of nurses; hospital issues including ability to seek injunctive relief and empowerment of medical staffs; Doctor of Nursing issue; foreign physician licensure; tort liability issues relating to physicians who treat pregnant women; patient safety and pay for performance issues.

The President's Message will return in the November 2005 Bulletin.

As I Recall...

Roger D. Scott, M.D.

A NEW ROAD

Perhaps by now most of you are aware that I am closing my office for the practice of surgery on October the 31st 2005 and beginning travel on A NEW ROAD.

The old road began July 1, 1958 upon completion of my surgical residency and opening my first office in Fort Myers for the practice of General Surgery. There was very little office space available in Fort Myers at that time but I was fortunate enough to sublet Dr. Jack C. Warnock's office in the old Crescent Building (the old Fort Myers Junior High School building) at the corner of Royal Palm and Second Streets. (In retrospect, it was a dinky little office.) The beginning of that road was truly a difficult path, as I had no concept of the operation of a private practice. Questions such as: What equipment do I need? What bank will lend me the money to open the practice? Will we stay here? What fees do I charge? Will I make enough to feed and clothe my family? Will I be a success, and will my health endure? And so on. Well I guess all of these questions are now answered as I have endured the past 47 years with what most would consider a successful career. There have been so many changes in medicine over these 47 years that it is difficult to believe it's the same profession. Many changes have been beneficial and quite a few have been detrimental to medicine, but life goes on.

I would like to express my heartfelt thanks to all those past and present who have been instrumental in making my life a joy, both personally and professionally. Much credit is due my current staff Marcia Zimmerlee (28 years) and Sandy Williams (18 years), and former staff members Myrtle Miller (41 years) and Laura Burke (16 years) for keeping me in line and being so good to all the patients. I do so appreciate the faith that many of you have placed in me by allowing me the care of your patients -- I believe this to be one of the great joys of medicine.

I have been fortunate to have health enough to continue the practice of surgery for all these years, and I thank God for this even though there has been some pain through the years. I know that I was born to be a surgeon because He has led me through the many trials and tribulations of both the practice of medicine and life in general. He has given me the power to be an instrument to save lives and cure diseases, but not without some failures.

Over the past 10 to 15 years, many patients have asked, "Are you ever going to retire?" The answer has always been that I hadn't planned to, but I would know when it was time. Now is the time to travel A New Road that will still allow me to practice medicine. I have been very fortunate to be allowed a part-time position with Hope Hospice, and to have an excellent, knowledgeable, chief and teacher, Dr. Mary Stegman. This position will allow me to care for those so in need of compassion and love that I will feel I am continuing to be of service to humanity.

People have asked me how I feel about giving up surgery, and I must say that being a surgeon was something very, very special in my life. There is a certain amount of bonding that occurs between surgeons and their patients that goes beyond simple medicine. I believe that this has been achieved in my practice, and many fellowships and love have occurred. I will

Continued on Page 2

LEE COUNTY MEDICAL SOCIETY
BULLETIN

P.O. Box 60041
Fort Myers, Florida 33906-0041
Phone: (239) 936-1645
Fax: (239) 936-0533
E-Mail: awilke@lcmsfl.org
LCMS: www.leeccountymedicalsociety.org
FMA: www.fmaonline.org
AMA: www.ama-assn.org
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PRINTERS

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MEMBERSHIP ACTIVITY

NEW PRACTICE

James Conrad, M.D.
Robert Grohowski, M.D.
Steven Lee, M.D.
Joast Cardiology
6281 Bass Road, Suite 304
Fort Myers, FL 33908
Phone: (239) 343-9933
Fax: (239) 343-9920

NAME CHANGE

Southwest Florida Heart Group to
The Heart Group

RELOCATING

Milia Murray, M.D. will be
transferring to the Collier County
Medical Society.

Brian Hanlon, M.D. has joined
Florida Heart Associates
550 Barkley Circle
Fort Myers, FL 33907
Phone: (239) 938-2000
Fax: (239) 278-0404

Richard H. Davis, M.D. has joined

Cardiology Consultants of SW FL
4171 Metropolis Avenue, Suite 101
Fort Myers, FL 33912
Phone: (239) 415-4900
Fax: (239) 337-4901

NEW MEMBERS

David J. O. Bailey, M.D. - Cardiology
Leith M. Benbenisty, M.D. - Dermatology
Latie Drake, D.O. - Family Practice
Hannon Greer, D.O. - Family Practice
Douglas Hughes, D.O. - Family Practice
Sarah Krauss, M.D. - Obstetrics/Gynecology
Cresce Taylor, M.D. - Family Practice

RETIRED

Roger Scott, M.D.

LCMS

is proud to announce
that

STEVEN R. WEST, M.D.

was elected

FMA Secretary and

AMA Delegate

at the Annual Meeting
in Boca Raton.

LEE COUNTY MEDICAL SOCIETY
ALLIANCE & FOUNDATION NEWS

Tami Traiger, President

The Race Continues - Take the Membership Challenge!

This year one of the Alliance goals is to increase membership to 250 members. We currently have 225 members and have the largest membership in the whole state of Florida! The Alliance is very proud that we have so many spouses continually dedicated to supporting all the facets of the organization and their strong commitment to the medical family of our community. When we compare our numbers to the Lee County Medical Society membership numbers, we do not even meet 50% of the LCMS membership. We are working hard to change that!

The membership challenge is simple. If you are NOT currently a member of the Alliance, send a check for \$105 payable to the LCMSA to Ann Wilke prior to October 15th and you will be entered in a drawing to win a \$100 gift certificate to the Sanibel Resort Spa to be drawn at our Breast Cancer Event on Oct 26th. If you ARE CURRENTLY an Alliance member, pay your dues by December 31st, and you will be entered in a separate drawing for a \$100 gift certificate to the Sanibel Resort Spa to be drawn on Jan 11th.

FMAA Annual Meeting in Boca

Once again the Lee County Medical Society Alliance was well represented in the House of Delegates and enjoyed a wonderful awards luncheon with other county Alliances around the state. Representing Lee County were Nancy Barrow, Jennifer Kim, Ann Shah, Tami Traiger, and Michele Tyson. Lee County was presented with the following awards:

Community Education Program-1st Place - Lee County-Buckle Bear Youth Oriented Program-1st Place-Lee County-Stride Right: A Fitness for Life Program

County Fundraiser-2nd Place-Lee County-"Dining Under the Stars" Newsletter Contest Winners-Over 100 Membership Category-1st Place-Lee County Membership Awards-For Membership 150 and over-1st Place-Lee County FC/PRN Awards-Overall- Lee County \$22,351 For Membership from 150-300-1st Place-Lee County

Peggy Wilcox Award-Nancy Barrow

Jill Edison Legislative Award-Individual-Cheri O'Mailia

Congratulations to all of our members whose hard work earned these honors for our Alliance!

Alliance Upcoming Events

Potluck in Paradise at the home of Dr. Michael and Mrs. Karen Weiss is Saturday October 15th. Committee Chairs Nancy Burton and Amy Markovich will be throwing a great party for the medical community.

The Breast Cancer Event and Fashion show will take place on October 26th at the Crown Colony Country Club. Dr. Susanna Beshai will be speaking about current trends in breast cancer treatment. Afterwards, see some of your favorite Alliance members modeling the latest fashions provided by Eva's. Co-chairs Betty Rubenstein and Tammy Sadighi will have lots of important information on hand.

Please join us to make these events successful!

I-75 EXPANSION

Ten lanes would make it easier for large numbers of Southwest Floridians who are required to evacuate in case of a disaster. All of you that are interested in the I-75 expansion to include 10 lanes instead of 8 lanes please contact our representatives in Washington

Senator Mel Martinez (R)

United States Senate

Washington, DC 20510

(202) 224-3041

<http://martinez.senate.gov/transition>

Senator Bill Nelson (D)

U.S. Senate

Washington, DC 20510

(202) 224-5274

<http://billnelson.senate.gov>

Representative Connie Mack (R-14)

317 Cannon House Ofc Bldg

Washington, DC 20515-0913

(202) 202-225-2536

<http://www.house.gov/mack>

GOVERNOR BUSH ANNOUNCES DR. RONY FRANCOIS AS
NEW DEPARTMENT OF HEALTH SECRETARY

Florida welcomes first Haitian-American to head health initiatives

TALLAHASSEE--Governor Jeb Bush today announced the appointment of Dr. M. Rony Francois, M.D., M.S.P.H., Ph.D., as Secretary of the Florida Department of Health. Dr. Francois is the first Haitian-American to head Florida's principal public health agency. He replaces Dr. John Agwunobi who was recently tapped by President George W. Bush as the U.S. Department of Health and Human Services' Assistant Secretary for Health.

"Dr. Francois has a depth of knowledge about public health policy and will be a strong advocate for providing quality health services for Floridians," Governor Bush said. "After considering several outstanding candidates for this position, I am certain Dr. Francois is the right person to guide our state on a wide array of public health issues."

Dr. Francois, 47, has a long academic career and a wealth of experience in public health policy, research and environmental toxicology. He currently serves as an Assistant Professor at the University of South Florida's College of Public Health where he directs the public health practice program and is the CHD Meridian Medical Director at Citigroup. Dr. Francois has also taught mathematics and French at both high school and college levels.

"I am honored to be a part of Governor Bush's team and look forward to building on the significant achievements of Dr. Agwunobi," said Dr. Francois. "This is a tremendous opportunity for continuing the progress this administration has made in strengthening community partnerships, advancing healthcare for children and minorities and reducing the incidence of chronic disease in our state."

Dr. Francois, who is fluent in French and Creole, was born in Port-au-Prince, Haiti and emigrated to Florida in 1979 to pursue his education, which began at Tallahassee Community College. He attended medical school at the University of South Florida. In addition to his medical degree, Francois holds an MA in Exercise Physiology from the University of Central Florida, along with an MS in Public Health and a Ph.D. in Toxicology from the University of South Florida. He is an accomplished athlete and currently resides in Tampa with his wife, Joelle, and their three children: Rony Andre, Patrick George, and Joelle Anne.

"I am grateful for the support and love of my family, which has afforded me the opportunity to devote my professional and academic career to the development of public health in Florida," said Dr. Francois.

Dr. Francois began his new role as Secretary of the Florida Department of Health on September 19, 2005.

ODDS & ENDS

IMPROPER EXPERT TESTIMONY

The FMA will seek to pass legislation during the 2006 session that would provide accountability for out-of-state expert witnesses. To be successful, we need to have very specific examples of the problem. If you are willing to share examples of improper expert testimony given by an out-of-state physician, please send a copy of the transcript of that testimony along with an explanation of why the testimony was improper to Jeff Scott at the FMA, 123 S. Adams St., Tallahassee, FL 32301.

RETIRED STATUS

In 2005 the Florida legislature added new language to Section 456.036, Florida Statutes, which allows any Florida health care practitioner, including MDs and DOs, to convert their license to "retired" status. This allows a physician to keep his or her Florida license, but not actively practice. Under this status, a physician does not have to meet the requirement of active practice, does not have to pay biennial fees and does not have to take the required continuing medical education. They may not practice (this includes writing prescriptions) but will be able to retain their Florida license. A physician requesting to come off of retired status and return to active practice will have to pay renewal fees and take CME hours and will also have to demonstrate competency to return to practice if they have been retired more than five years. A physician can remain in retired status indefinitely. To learn more about changing your license to retired status, contact the Florida Board of Medicine at 850-245-4131.

WGCU-FM'S RADIO READING SERVICE

WGCU-FM's Radio Reading Service offers readings of newspapers and other print media to about 1,200 visually impaired listeners who have a special radio receiver that "turns print into sound." The service is aired 24 hours a day, seven days a week, throughout Southwest Florida.

Every day, the service broadcasts readings of articles and advertisements from The News-Press, Naples Daily News and other local papers as well as the Wall Street Journal. The station also features an entertainment calendar and announcements for job openings. Ninety volunteer readers provide most of the on-air talent.

The service was founded 22 years ago by Radio Reading Service Manager Glenn Sabatka, who became blind at the age of 30 after contracting encephalitis. Sabatka plays harmonica and guitar and enjoys bike riding on a tandem cycle.

WGCU Public Media is Southwest Florida's source for NPR and PBS. The reading service is aired on a side-band frequency of WGCU's main radio frequency, 90.1 FM.

If you know someone who might benefit from the Radio Reading Service, or who might like to volunteer for the RRS, please call Glenn at (239) 590-2530.

MEDICARE OCTOBER UPDATE TO 2005
PHYSICIAN FEE SCHEDULE DATABASE

Physicians should be aware of changes made to the Medicare Physician Fee Schedule Database. The changes amend payment files issued to Medicare carriers and intermediaries, and involve numerous CPT and HCPCS codes. Many of these changes are retroactive to Jan. 1, 2005; however, the carrier will not reprocess claims already processed unless you request them to do so. For complete details of these changes to the October update, see CR 4031 which can be viewed by going to www.cms.hhs.gov/transmittals/com_date_dsc.asp.

As I Recall... Cont. from page 1.

certainly miss doing the procedures of surgery and having the patients for follow up, but it is time to travel *A New Road*, and so I say "Adieu" to all friends in medicine and to my patients. I wish you all the best in the future. Please wish me success in my new travels.

I will also continue an old tradition of writing As I Recall articles for the Bulletin as long as I may do so, and as long as you enjoy them.

Editors' Note: Deepest thanks to Dr. Scott for his dedicated service to our patients, our community, and our profession. May your travels on your new road show you new vistas and be as rewarding as the old.

CYANOBACTERIA IN THE CALOOSAHATCHEE

by Michael Barnaby, Lee County Health Department

As of mid-August, a twenty-mile stretch of blue-green algae (cyanobacteria) defaces the waters of the Caloosahatchee River. The bloom, said to be one of the largest ever seen locally, originates with the rapid multiplication of the algae over a short period of time. This multiplication, although at times spontaneous, is often associated with changes in nutrient content, such as that now occurring as water managers empty vast amounts of phosphorous-laden water from Lake Okeechobee into the Caloosahatchee.

Of the two thousand blue-green species known to exist, forty have been identified as toxic. The present bloom has been shown to contain *Microcystis aeruginosa*, a potential source of hepatotoxin.

The 2001 Report to the Florida Harmful Algae Bloom Taskforce from the National Institute of Environmental Health Sciences (NIEHS) Marine and Freshwater Biomedical Sciences Center at the University of Miami stated in response to the question, "What are the health effects of the blue-green algae toxins":

There have been case reports through the years of people and animals becoming acutely ill after drinking untreated water found to be contaminated with blue-green algae toxins. Their health complaints have ranged from skin irritation or rash, to flu-like stomach ailments, particularly diarrhea. There have been many reports of animals dying after drinking untreated scummy pond or lake water with blue-green algae overgrowth. Liver abnormalities have been found in laboratory animals exposed to blue-green algae toxins, and also in humans who became ill after drinking water later found to be contaminated with blue-green algae toxins. Personshaving recreational and/or occupational exposure to blue-green algae blooms have reported hay fever-like symptoms including itchy, watery eyes, and/or asthma. These symptoms usually clear up in several days to weeks, with treatment only for symptoms.

The question of the long term, chronic effects of exposure to small quantities of blue-green algae toxins is still under study. In the mid-1980's, studies were done in China, where people were drinking untreated water contaminated with blue-green algae toxins. It was found that drinking contaminated pond and ditch water was associated with high rates of liver cancer. When the quality of drinking water sources was improved in these areas, the rate of liver cancer decreased. Subsequent studies in mice have shown that some blue-green algae toxins cause pre-cancerous damage to both the liver and the bowel. These toxins may be a special risk to people with liver disease, such as hepatitis. How many cases of cancer can be attributed to blue-green algae toxins in the US (where drinking water is of high quality) remains unknown.

In January 2004, during an algal bloom, the Florida Department of Health tested both raw and finished water from Lee County Utilities' Olga Water Treatment Plant for algal toxins, specifically for microcystins, anatoxin, and cylindrospermopsin. Based upon the best guidelines available at that time, both the raw and the finished water at the Olga Water Plant were considered safe with respect to algal toxins.

The Lee County Health Department, Florida Department of Health, and the Florida Department of Environmental Protection, among other agencies, are actively monitoring the present bloom and sampling for toxins.

The NIEHS report also points out that most people will avoid a blue-green algae bloom automatically, because the blooms that rise to the surface tend to be icky-looking and smelly. Sometimes, however, pets and children will not have the good sense to stay away. *It is critical that pets and children are kept from getting into blue-green algae blooms and the surrounding water.* There are numerous cases dating back to the 1800's of pets and livestock dying after drinking blue-green algae contaminated water. Children also are more vulnerable, generally, to environmental toxins than adults. *Swimming in water that is visibly rich in blue-green algae is a bad idea.* Swimmers have reported rashes, hay fever-like symptoms and even pneumonia associated with blue-green algae blooms and their toxins. Abdominal cramps, nausea, diarrhea, and vomiting may occur if the swimmer swallows the untreated water. Even water-skiing, showering or cleaning with this water may make people sick because the toxins may be absorbed from water breathed into the nose. Unfortunately, boiling water does not remove or destroy these toxins.

And finally, patients who show concern regarding the present bloom may benefit from the following suggestions:

Ways To Limit Your Contact With Blue-Green Algae Toxins

- 1) Do not drink, cook or shower with untreated water from lakes, ponds or streams.
- 2) Do not allow pets or livestock to swim in or drink scummy water.
- 3) If you or your animals accidentally get into a blue-green algae bloom, wash with fresh water and soap after skin contact, and avoid swallowing or inhaling water. Wash animals' fur thoroughly before they start to groom themselves.
- 4) Avoid exposure to irrigation water drawn from untreated sources.
- 5) Notify the health department's Environmental Engineering department at 939-4245 if you notice unusual changes in the taste or smell of your tap water.

NOTE: People who have liver problems (such as cirrhosis or hepatitis) may be at increased risk of harm from blue-green algae toxins, and pregnant women should avoid contact since the effects of toxins on a fetus are unknown.

More information about blue-green algae can be found at the Florida Marine Research Institute Website (<http://www.Floridamarine.org/>).



2005 DELEGATES

1st Row Left to right: Dr. James H. Fuller, Dr. Dean Traiger, Dr. Steven West, and Dr. Howard Barrow.
2nd Row Left to right: Dr. Larry Hobbs, Dr. Stuart Bobman, Dr. Julio Rodriguez, Dr. Ralph Gregg, Dr. James Rubenstein, and Dr. Douglas Stevens.

HIGHLIGHTS OF THE FMA ANNUAL MEETING

Boca Raton Resort
September 1-4 2005

Steve West, M.D.

During the FMA Annual meeting, we were informed that for the first time in many years membership in the FMA has increased. The organization is debt free. Being debt free is rather amazing in light of raising and spending over eight million dollars for Amendment 3. FLAMPAC was honored by the AMPAC, winning all the awards as the PAC with the most members, the most increase in membership, and the PAC that has raised the most money for AMPAC. We discussed the challenges that face our practices, such as replacing Sustainable Growth Rate and preventing the 5% reduction in Medicare physician reimbursement and Pay for Performance.

The FMA is committed to passing state legislation that will require expert medical witnesses to be licensed to practice medicine in Florida before being allowed to provide expert testimony in a Florida court. On a personal note, I want to thank you the members of the Lee County Medical Society and especially Ann and her staff.

Because of the LCMS support and help, I was reelected FMA Secretary and AMA Delegate.

Julio Rodriguez, M.D.

As a Delegate to the FMA, there were two hot topics during the meeting that I think will get a lot of attention in the near future: 1) Pay for Performance – we have a system now that pays for procedures; very unfair for PCP, where a good Doctor and one who is inept are reimbursed on the same level. 2) Physicians Assistants and Nurse Practitioners Scope of Practice's at Specialist Office – some of them are performing procedures usually done by Specialists without supervision. In General it was an outstanding meeting and a good learning experience.

Larry Hobbs, M.D.

This past September I had the privilege to serve as a Councilor and as one of the Lee County Medical Society's representatives to the Florida Medical Association's Annual Meeting. Essentially, proposals from all over the State were evaluated by the Council to determine the FMA's future structure and legislative agenda for the upcoming year. As a councilor, I was able to voice my opinion on some good and some not so good resolutions. We all felt that we had a say as representatives of Lee County in helping shape the future of the practice of medicine in Florida. It was truly a valuable experience.

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a new practice?

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64B-9.014 STANDARDS FOR TELEMEDICINE PRESCRIBING PRACTICE

- (1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of a physician's professional practice.
- (2) Physicians and physician assistants shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:
- (a) A documented patient evaluation, including history and physical examination to establish the diagnosis for which any legend drug is prescribed.
 - (b) Discussion between the physician or the physician assistant and the patient regarding treatment options and the risks and benefits of treatment.
 - (c) Maintenance of contemporaneous medical records meeting the requirements of Rule 64B8-9.003, F.A.C. - 312
- (3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician or physician assistant determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician or physician assistant to comply with the provision of this rule prior to providing such prescription.
- (4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.
- (5) For purposes of this rule, the term "telemedicine" shall include, but is not limited to, prescribing legend drugs to patients through the following modes of communication:
- (a) Internet;
 - (b) Telephone; and
 - (c) Facsimile.

**LEE COUNTY MEDICAL SOCIETY & ALLIANCE JOINT MEETING
CELEBRATING THE MEDICAL MARRIAGE
SEPTEMBER 15, 2005**



**NEW MEMBER APPLICANTS
Application for Membership**



ELIZABETH COSMAI-CINTRÓN, M.D. – CARDIOLOGY
Medical School: University of Florida, Gainesville, FL (1995-99)
Internship/Residency: Jackson Memorial Hospital, Miami, FL (1999-2002)
Fellowship: University of Connecticut, Hartford, CT (2002-05)
 Dr. Cosmai is with Florida Heart Associates at 1550 Barkley Circle, Fort Myers, FL 33907.



JANETTE GAW, M.D. – COLORECTAL SURGERY
Medical School: Yale University, New Haven, CT (1993-97)
Internship/Residency: New Haven Hospital New Haven, CT (1997-2003)
Post Graduate: Mayo Clinic, Rochester, MN (2003-2004)
Fellowship: Georgia Colon & Rectal Surgery Clinic, Atlanta, GA (2004-05)
 Dr. Gaw is with The Colorectal Institute at 2675 Winkler Avenue Ste 130, Fort Myers, FL 33901.



BARRETT R. GINSBERG, M.D. – OPHTHALMOLOGY
Medical School: University of South Florida, Tampa, FL (1996-2000)
Internship: Kaiser Permanente/Stanford Teaching Hosp, Santa Clara, CA (2000-01)
Residency: University of Florida, Gainesville, FL (2001-2004)
Fellowship: University of California, Davis, CA (2004-2005)
 Dr. Ginsberg is with Eye Centers of Florida at 4101 Evans Avenue, Fort Myers, FL 33901.

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