



President's Message

Mitchell J. Freed MD, President

FSPMR Summary of 2011 Pain Legislation HB 7095



It will be important for each FSPMR member practicing any form of pain management to review the summary and links below. We need additional feedback from FSPMR members as well as participation in further discussions as will occur at the FAPM/FSPMR meeting in August. Additional FSPMR position papers can then be created after this feedback.



Thank You
Millennium Laboratories
for Support of this Newsletter

(More information about the meeting at the end of this summary and further in this newsletter.)

<http://www.flsenate.gov/Session/Bill/2011/7095/BillText/er/HTML>
<http://www.flsenate.gov/Committees/BillSummaries/2011/html/7095HR>

After much debate and politics on many fronts, the legislature passed and the Governor signed HB 7095 attempting to address the "pill mill" issue. FSPMR has been following and participating in many aspects along with the FMA, FAPM amongst others. I will refer you to the above Bill and summary by the Health Regulation Committee. FAPM has also produced a summary that you may have seen and want to reference. A paraphrasing of these in a summary as it relates to PMR is as follows:

Physicians Generally:

Effective January 1, 2012, with exception below, each medical physician, osteopathic physician, podiatrist, or dentist who prescribes controlled substances for the treatment of chronic nonmalignant pain (defined as pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery) must designate on his or her practitioner profile that he or she is a controlled substance prescribing practitioner.

**It however "does not apply to a board-certified anesthesiologist, PHYSIATRIST, or neurologist, or to a board-certified physician who has surgical privileges at a hospital or ambulatory surgery center and primarily provides surgical services. Also not to a board-certified medical specialist who has also completed a fellowship in pain medicine approved by the ACGME or AOA, and perform interventional pain procedures of the type routinely billed using surgical codes".

The standards of practice for non-exempt practitioners is included in the bill as well as penalties for violating the controlled substances laws. These standards of practice "do not supersede the level of care, skill, and treatment recognized in general law". It is likely that although psychiatrists are exempt, all physicians will be held to these standards at a minimum. You are referred to the actual law and subsequent manuals/care work to review these.

[\(Read More\)](#)

Save the Date!

August 18-20

2011 Annual Meeting

Conference and Trade Show

The Breakers, Palm Beach



May 20-22, 2011 FMA Meeting

The FMA Board of Governors met this last weekend in St. Petersburg. The Board reviewed the FMA's success in this year's legislative session, particularly the passing of HB 479, the medical malpractice reform bill which holds expert witnesses accountable for their testimony. The Medicaid reform bill set caps on non-economic damages at \$200,000 for Medicaid providers, improved access to care for Medicaid recipients through Provider Service Networks (PSNs) and Accountable Care Organizations (ACOs). SB 1676 and HB 395 provide sovereign immunity to the State's medical schools and related hospital/healthcare systems.

The FMA also spent great effort on Pain Clinic Legislation but the final outcome remained out their control. The FMA will continue to work on amendments to improve the current law.

The FMA was successful in helping to defeat scope of practice expansion legislation filed by chiropractors, ARNPs who wanted to be able to sign death certificates and prescribe controlled substances, as well as optometrists who wanted to prescribe oral meds. Of note - the Physician Assistant Association Representative reinforced their commitment to support the Physician supervision team approach during the Board of Governors meeting.

I spoke with the Florida's new Surgeon General, Dr. Frank Farmer, who serves as both Florida's Chief Medical Officer and as Secretary of the Department of Health (DOH). He stated that his first two priorities are to work on improving morale in the Department of Health and to expedite the process of dealing with bad doctors. He singled out the Pill Mills as the health care crisis of the decade in Florida.

[\(Read More\)](#)

Attention all FSPMR members - Florida Psychiatrists!

Don't miss the Earlybird Registration !! FSPMR members \$399

The Florida Society of Physical Medicine and Rehabilitation Annual Meeting will be Saturday, August 19, 2011, at The Breakers, Palm Beach. It will be a dinner meeting sponsored by FL Doctors Insurance Company/Danna Gracey. Spouses/guests invited.

RSVP to Lorry Davis, Lorry4@comcast.net, or 904 221 9171 by July 18.

Our meeting is in conjunction with the Florida Academy of Pain Medicine meeting, Thursday - Sunday, August 17 - 20, program/registration brochure attached.

Here is the PMR Track Saturday afternoon (PM):

- 1:15 - 2:00 - Use of Musculoskeletal Ultrasound as an Extension of the History and Physical Examination in PM&R
Robert Irwin, MD
- 2:00 - 2:45 - Neurotoxin: An update - Experience with New Indications and New Molecules.
Carolyn Geis, MD
- 3:15 - 3:45 - Implications of older workers remaining in the Workforce
Jesse Lipnick, MD
- 3:45 - 4:15 - Sports Concussions: Role of the Psychiatrist in Assessment and Treatment.
Mark Rubenstein, MD
- 4:15 - 4:45 - Use of Multidisciplinary Rehabilitation Programs to Treat Chronic Non-Malignant Pain Syndromes and Disability - Evidence Basis
Fernando Branco, MD
- 4:45- 5:15 - Shape of PM&R Past, Present & Future: Effect on Current Psychiatrists
Andrew Sherman, MD

Please go ahead and register for both the conference and the hotel.

Deadline for the hotel for the \$189 rate is July 18.
Call 1-888-BREAKERS (273-2537) and tell them you are with the Florida Academy of Pain Medicine.

If problems, contact
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FSPMR Board of Directors
(for full contact information, go to
<http://fspmr.org/officers.htm>)

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FSPMR.org