

# Florida Society of Physical Medicine & Rehabilitation

# FSPMR

Issue 3

NEWSLETTER

Dec. 2010



*President's Message*  
*Synopsis FMA Legislative Council*  
*2/4/2011, Tampa, FL*  
*Mitchell J. Freed MD, President*



**Thank You**  
**Millennium Laboratories**  
**for Support of this Newsletter**

Top priorities and positions on major issues were discussed:

The top priority identified was medical liability reform. This effort was for creation of an expert witness certificate requirement for out of state experts. This certificate, through the Board of Medicine, takes 5 days maximum to obtain, and it gives authority to discipline for deceptive, markedly false or fraudulent testimony. It can be revoked. There would be requirement of active practice, with at least 5 years experience, and complete review of medical records. It would remove immunity from liability for expert testimony. Along with it would be equal access to witnesses for both parties and change standard of proof to clear and convincing evidence from preponderance of evidence. Legislation would also pursue allowing for insurance companies to sell policies which give physicians, rather than insurance companies, authority to make decisions to proceed with trial and not settle. Lastly, a provision would be included to remove hospital liability for independent contractors.

Medicaid reform was discussed with effort to fight mandatory physician participation in Medicaid HMOs. A push for sovereign immunity for Medicaid providers was deferred in lieu of caps to awards.

There is a probable effort by Governor Scott for Department of Health reorganization and push is for keeping physician in charge with direct access to Governor.

A PIP reform effort is coming and automobile insurers want attorney fee regulated but this is not supported.

A Bill for standardizing Youth Athlete return to play after Head Injury was discussed with support offered.

A discussion of proposed plans by Quest diagnostics to release results of diagnostic tests directly to patients' electronic devices with mixed views generally opposing release prior to a week after testing to allow physician response and follow up.

Now to Pain legislation, which has many different facets from numerous groups:

A new Bill HB 497 wants to prohibit pain clinics from dispensing narcotics or owning pharmacies within 10 miles. This Bill was opposed.

Prescription Drug Monitoring Program which was passed into law prior was discussed and emphasis placed on its key role as an electronic database in limiting narcotic diversion. Unfortunately, it is non-operational due to various issues with bidding, lack of funding authorized by State and release of funds already designated. There is support for its use and doing what is necessary to develop this program including private funding and its use.

Correctional and clarification Bills for SB 2272 are currently in progress though Senator Fasano who created the original bill as well as through Senator Bogdanoff. The Attorney General also has proposals that are forthcoming.

# **Save the Date!** **August 19-21** **2011 Annual Meeting** **Conference and Trade Show**

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*Justine L. Vaughen MD,  
FSPMR Past President.*

*For physician Justine Vaughen, the complex beauty of nature fuels  
her passion for photography.*

*And her photography supports her dedication to*

*Altrusa House*

*By Diana Tonnessen*

*Gainesville Magazine*

Justine Vaughen has long been fascinated with the beauty of form and function. The physician's interest in the inner architecture of the human body led her to her medical specialty, physical medicine and rehabilitation, more than 50 years ago.

[\(Read more\)](#)

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## ***Lobbying for Physicians ONLY*** ***in Electrodiagnostics***

### **FSPMR Lobby Fund Update** **Thank You**

to these members who have paid their lobby assessment:

Venerando Batas MD, Kenneth Botwin MD, Amy Clunn MD, Frank Collier Jr MD, Oscar De Paz MD, Roberto Dominguez MD, Rodolfo Eichberg MD, Josephine Estampador-Tan MD, Mitchell Freed MD, Dagoberto Garcia MD, Marc Gerber MD, Veronica Gipps MD, Patrick Gonzalez MD, Erick Grana MD, Robert Gruber DO, Melinda Hayes MD, Lewis Herzbrun MD, Matthew Imfeld MD, Ariel Inocentes MD, Marc Kallins MD, Vidya Kini MD, Paul Kornberg MD, Christopher Leber MD, Craig Lichtblau MD, Jimmy Lockhart MD, Jay Mendolsohn MD, Enrique Monasterio MD, Wilda Murphy MD, Geeta Narula MD, Rigoberto Puente-Guzman MD, Victoria Rabe-Tagala MD, Marc Reiskind MD, Mark Rubenstein MD, Peter Schreiber MD, Andrew Sherman MD, Jodi Shields MD, Paulette Smart-Mackey MD, Ronald Snyder MD, Sarala Srimvasa MD, Scott Tannenbaum MD, David Tsai MD, Jeffrey Zipper MD, and Colleen Zittel MD

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**WE'RE ON THE WEB!**

**FSPMR.ORG**

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