



Boards of Medicine and Osteopathic Medicine's Joint Health History Workgroup

**Telephone Conference Call
Meet Me #: 1 (888) 670-3525
Participation Code: 125-528-7056**

July 12, 2018

Meeting Report

Meeting came to order at 12 p.m.
Roll was called by Ms. Kemp.

Members Present:

Sandra Schwemmer, D.O.
Steven Rosenberg, M.D.
Bridget Bellingar, D.O.
Stephanie Haridopolos, M.D.

Staff Present:

Claudia Kemp, J.D., Executive Director
Kama Monroe, Executive Director
Edward Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Certified Paralegal
Carol Taylor, Program Operations Administrator
Shaila Washington, Board staff
Rebecca Hewett, Board staff
Stephanie Loughmiller, Board staff

Introductory Remarks:

Ms. Kemp, Executive Director of the Board of Medicine, introduced herself and identified the name of the workgroup. Additionally, she provided introductory procedural remarks and called the roll. Members of the public were provided the opportunity to identify themselves if they wished.

Ms. Monroe, Executive Director of the Board of Osteopathic Medicine, provided a brief overview of the workgroup. She further noted that the goal of the workgroup is to make recommendations to the Department for a new set of health history questions or to provide the

Department with guidance for drafting new health history questions, while still remembering the purpose of licensure is to ensure the health, safety and welfare of the public.

At the March 2, 2018 meeting, the workgroup settled on model questions from the American Psychological Association as a starting point and instructed the Department to prepare a draft based on that model and the comments of the workgroup members.

The draft is the first item in the meeting materials. Also, included in the meeting materials were: a copy of the current health history questions, a copy of the Federation of State Medical Boards Physician Wellness and Burnout Policy, and copies of the meeting materials from the March 2, 2018 meeting.

Public Comments:

Kama Monroe inquired if there were any comments on the draft questions before the meeting started. Board counsel, Donna McNulty identified a possible issue with question two. She stated that the question asks if the applicant is suffering from any condition that would impair their judgment. She questioned how they were going to answer that question if their judgement was impaired. It is her belief that question two requires work.

Board counsel, Ed Tellechea addressed the revised follow up question language; noting that the language needs to be defined, where the applicant is requested to provide a letter from a health care practitioner. Health care practitioner covers a broad range. Claudia Kemp stated that the follow up questions were provided to determine whether the workgroup wanted to include them. Kama Monroe stated the current language requires a current prognosis and sufficient documentation. She stated a belief that this should not be a requirement. Claudia Kemp acknowledged the point and stated the language requires either revision or deletion.

Ed Tellechea asked PRN Director, Dr. Brown, what the likelihood that an applicant, who is impaired due to drugs, alcohol, or physical impairment, if presented with the question whether they were suffering from any condition that would impair their judgment, would respond in the affirmative. Dr. Brown noted a desire to believe the applicants would respond truthfully; however, she stated it is unlikely that they would, and there is no documentation.

The question was then posed; why ask a question when it is known a truthful response will not be provided.

Bob Watson, Faculty Member of FSU, stated that this is where dependence on a criminal background check occurs. He added that if behavior is criminal then it will be picked up. He continued by noting the purpose is to try to change the focus so that it will be recognized as a disease and that failure to report could place the person or his/her colleagues in danger. Mr. Watson also stated a need to specify what type condition exists, including an addiction problem, to ensure an expert in that area is required to handle.

Discussion continued with Ed Tellechea providing the Department of Justice's position when dealing with different states and regulatory agencies for such questions. Several comments were made regarding how much potential for bad behavior the board wants to capture. Bob Watson provided an example of questions on the Massachusetts' sample for consideration. Kama Monroe stated it was a separate issue for each profession to address and noted that these questions need to be generalized questions that would apply to all professions.

Ed Tellechea stated that work would have to be done on the board side and opined the example Mr. Watson provided was the type questions that need to be added.

Kama Monroe brought the conversation back to question one and asked the workgroup's feelings regarding the draft question. It was noted that it is a good question but requires follow up questions.

Discussion then proceeded to question two. The difference between option a and option b was provided. Various scenarios were provided which showed a possibility for issues with responses. It was determined that Option A would be better due to the need for the question to apply to all professions.

After discussion, which included ensuring the language would not inhibit board counsel's ability to defend the board's position, the workgroup agreed that question 2, option a should read; "Do you have any condition that impairs your ability to practice your profession with reasonable skill and safety?"

Discussion returned to question one. The intent was to ensure the proposed language included language already in existence. The language agreed upon is: "Are you using narcotics, drugs or intoxicating chemicals to such an extent that it would impair your ability to practice your profession with reasonable skill and safety."

Kama Monroe stated she believed there was agreement that the current follow up question is not where it should be. A request for suggestions to replace the current follow up question was made. Dr. Schwemmer suggested removing the language requiring the applicant provide documentation. Bob Watson stated the expert must be someone who is knowledgeable about the problem. Claudia Kemp built upon Mr. Watson's statement. She expressed a desire for something more specific, noting some healthcare professionals are not the appropriate part to provide follow up.

The Department will create proposed language and circulate to the workgroup. Claudia Kemp welcomed suggestions from anyone on the call who wished to provide any.

There was much public participation during this workgroup.

Terry Meeks on behalf of the council for the medical schools thanked the workgroup for their hard work.

It was noted this is a worthwhile subject and the workgroup is making progress.

The workgroup then adjourned at 1:02 p.m.