



Board of Medicine and Osteopathic Medicine's Physician Certification Pattern Review Panel

**Rosen Plaza Hotel
9700 International Drive
Orlando, FL 32819
407-996-1931**

November 16, 2018

MEETING MINUTES

8:05 am Roll call

Members Present:

Sandra Schwemmer, D.O., Vice Chair
Joel Rose, D.O.
Michelle Mendez, D.O.
Sarvam TerKonda, M.D.
Jorge Lopez, M.D.

Members Absent:

Steven Rosenberg, M.D., Chair
Nicholas Romanello, Consumer Member
Merle P. Stringer, M.D.

Staff Present:

Claudia Kemp, JD, Executive Director, Medicine
Donna McNulty, Board Counsel
Nancy Murphy, Certified Paralegal
Carol Taylor, Program Operations Administrator

Others Present:

H & R Court Reporting
Michelle Chandrasekhar
Mark Whitten
Louise St. Laurent
Courtney Coppola

Introductory Remarks:

Ms. Kemp provided an overview of the past meetings and the purpose of the instant meeting. Ms. Kemp noted the draft 2018 Annual Physician Certification Pattern Review Panel report is included in the public book. The report is due to the Florida Governor, President of the Senate, and Speaker of the House in January. Ms. Kemp noted that the panel has reviewed the report that is required by statute and today they will discuss the data in the report and prepare draft recommendations. Ms. Kemp provided a high-level overview of the data included in the report.

Ms. Kemp then introduced Michelle Chandrasekhar who oversees the medical marijuana data team. She and her team compiled the information for the report.

New Business:

1. Presentation of draft report for the 2018 Annual Physician Certification Pattern Review Panel report to the Florida Governor, President of the Senate, and Speaker of the House.

Ms. Kemp presented the draft report and informed the panel that any questions regarding the report should be addressed to Michelle Chandrasekhar. Ms. Chandrasekhar then fielded questions related to the draft annual report.

2. Discussion related to report data.

There was an observation that there is a direct correlation between the location where the largest number of orders are issued and the counties where there are the highest number of ordering certified physicians.

Ms. Chandrasekhar informed the panel that the orders reflect, that where there are a larger number of physicians, there are a larger number of orders. Regarding the percentage of orders issued in Miami-Dade, there was an inquiry whether there is a way to tabulate if there is a Miami-Dade issue or traveling physicians going throughout the state. Ms. Chandrasekhar reminded the panel that the addresses provided are those of the physician and not necessarily where the clinics are located. Ms. Chandrasekhar informed the panel that we do not have any data on the clinics. There was much discussion regarding the addresses that should be provided. Ms. Chandrasekhar informed the panel that the registry requires the addresses be provided. There was a concern that the data included in the report might be misleading regarding the county location where orders are issued.

Ms. McNulty clarified the concern. The concern is that while the primary address may be in Miami-Dade County, the address is not necessarily where the patient is located. Dr. Lopez interjected that there are some doctors who have focused their practice on medical marijuana only. It was noted that this is a first report, the panel is here looking for opportunities for improvement and this is not the forum to address this issue. Dr. Lopez expressed concern that the physicians might not have enough time to provide the proper examinations. Donna McNulty stated that if this is an issue, then it would go through the DOH complaint process. It was noted that it is too early to draw conclusions.

Dr. Mendez stated that it is important that we clarify the fact regarding the address. Dr. Mendez opined that there should be a disclaimer stating: "this is initial preliminary data please do not come to any conclusions" or "Dear Reader, this is simply raw data from a new data base, a new group of information." Dr. Schwemmer supported Dr. Mendez's recommendation of including a disclaimer or an overview of what information is included in the report. Ms. Chandrasekhar stated there are many variables that make a difference. It is very difficult to look at the data and know what is occurring. Conditions like cancer are very easy to recognize. Looking at supply and average dosage is that they are bundled across each certification. If a physician wishes to cover all the basis for a patient and the patient does not wish to keep returning to the physician for a charge, the physician can write the patient an order in each order period. The physician wants the option, but we don't know what the patients are getting or maintaining.

It was confirmed that the licensure data base has specialty information if the physicians provided the information. The data base has the conditions they submitted.

Courtney Coppola, informed the board that statute requires the physician to provide documentation for like kind conditions. Dr. Rose noted if we had a list of some of the conditions for which they are using as qualifying conditions, there might be some things that legislatively could be added without the cumbersome documentation burden every time a patient is certified. It was opined that to have the ability to collect data like that in the future would be beneficial. Ms. Coppola noted that the data collected is what is required by the statute. Dr. Mendez found it interesting that the number of orders for conditions similar to multiple sclerosis exceeds the number of actual cases of MS.

Ms. McNulty stated this is multiple certifications, which means the number will be a higher number than the number of patients.

Ms. Kemp provided the panel an update regarding the like/kind conditions information that the panel requested.

Dr. Lopez stated that the Osteopathic Board and the Board of Medicine are entrusted to ensure the patients are not harmed. From the board's perspective, medical marijuana can provide a benefit to a certain subset of patients. He further noted that marijuana is a product that can be abused.

Dr. Lopez commended Ms. Chandrasekhar for the work done in the report and noted that these are opportunities for improvement. Dr. Schwemmer agreed with Dr. Lopez and commended the unit.

Discussion ensued regarding the clinics and how they may be operating. The discussion included the fact, we do not have authority to collect information regarding the locations of practice. Dr. Mendez noted the information is needed. After discussion, Dr. Mendez suggested a recommendation be made to be able to better delineate where the orders are coming from.

Ms. St-Laurent stated there is a requirement to keep the practitioner profile up to date. She stated she was unsure if the physician is required to report every location and expressed a belief that reporting every location might be a barrier. Board counsel stated this report focuses on the type of conditions.

The discussion turned to the history of the legislation and the fact that legislators were concerned sufficiently with what is going to be going on with this, that there is an agency to monitor it. Concern was again voiced that the data will be mis-interpreted.

A recommendation was made that the report better delineate outliers. The recommendation was to input information as a statement, that the order issued might not have been dispensed in the county in which it is being attributed.

Dr. Rose stated this is a first report with data in it, we need to see how this will be used, how the legislature will slice and dice it and go from there.

The panel provided recommendation that the disclaimer be added to the report.

Dr. Schwemmer inquired whether the report included all physicians who are currently registered to order medical marijuana.

It was clarified that the report only includes physicians that were active in the time period. They may be qualified but never certified.

It was opined that there will be a flurry of questions until the report is refined and the panel moved forward with recommendations.

3. Discussion of recommendations from the Panel to be included in the report.

Ms. Kemp suggested as the panel goes forward into 2019, would the panel be interested in meeting throughout the year by teleconference calls. The panel agreed, to move forward with teleconference calls.

The next panel meeting is scheduled on Tuesday November 27, 2018 at noon, via teleconference call, for finalization of the recommendations.

The panel recommendations are:

- 1) Better delineation of the standard deviations across the mean in the report
- 2) Inclusion of a disclaimer that physicians address might not be the only location where they order and where it is ordered is not necessarily where it is dispensed. Also, general clarification statement at the beginning of the report that the data is initial data.
- 3) Use a standard deviation, which is not yet established, to allow better interpret the data moving forward.

Motion: by Dr. Lopez to approve recommendations
Second by Dr. Mendez
Motion carried

Old Business:

There was no old business.

Public Comment:

There was no public comment.

Motion: by Dr. Lopez to adjourn.
Second by Dr. Mendez
Motion carried

Meeting adjourned. 9:04 a.m.

Adjourn: