

CERTIFICATION OF  
BOARD OF OSTEOPATHIC MEDICINE EMERGENCY RULE  
FILED WITH THE DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with subsection 120.54(4), Florida Statutes. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No.

64B15ER20-18

Under the provision of subparagraph 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing is set out below:

Effective: \_\_\_\_\_  
(Month) (Day) (Year)



Signature, Person Authorized  
To Certify Rules

Executive Director for Joel Rose, D.O., Chair  
Title

\_\_\_\_\_  
Number of Pages Certified

FILED  
2020 MAR 13 PM 1:37  
TALLAHASSEE, FLORIDA

DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION  
CERTIFICATION

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

Rules covered by this certification:

Rule No(s).

64B15ER20-18



Signature of Agency Head

Executive Director for Joel Rose, D.O., Chair  
Title

FILED  
2020 MAR 13 PM 1:37  
TALLAHASSEE, FLORIDA

NOTICE OF EMERGENCY RULE

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE:

RULE NO.:

Continuing Medical Education for 2018-2020 Biennial Renewal

64B15ER20-18

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR

WELFARE: The Board of Osteopathic Medicine (hereinafter the "Board") is statutorily mandated to adopt rules establishing a procedure for the biennial renewal of licenses. The Board is authorized to condition such renewal upon the completion of continuing education courses. Pursuant to this authority, the Board has promulgated rules setting forth the requirements for continuing education as a predicate for licensure renewal and outlining the standards for said continuing education credits.

Rule 64B15-13.001, Florida Administrative Code, states that every person licensed pursuant to chapter 459, Florida Statutes, except those licensed as physician assistants pursuant to section 459.022, Florida Statutes, is required to complete forty (40) hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial reviewal period. Subsection (1)(a) requires that for each biennial renewal, a licensee is required to complete a one hour continuing medical education course in Florida Laws and Rules/Professional and Medical Ethics, and a two-hour course in the Prevention of Medical Errors. Subsection (3)(a) requires that those specified courses are to be obtained by the completion of live, participatory attendance courses. The biennium for licensure renewal for all of Florida's licensed osteopathic physicians ends on March 31, 2020.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency pursuant to the spread of the Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of March 13, 2020, there are 42 confirmed cases of COVID-19 in the State of Florida. The Center for Disease Control ("CDC") recommends mitigation measures to combat the spread of COVID-19 such as staying home when sick,

FILED  
2020 MAR 13 PM 1:37  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential air travel and to avoid crowds as much as possible.

Since the issuance of the Executive Orders and declaration of a public health emergency by the State Health Officer and Surgeon General Dr. Rivkees, the Board office has received numerous calls and emails from licensees concerned about the dangers of travel related to COVID-19 and inquiries as to whether there is an alternative method by which they can obtain those specific continuing medical education courses. Some licensees are concerned about the dangers of being in large groups of people, others are concerned about the travel itself, and others state they are in the high-risk groups identified by the CDC. Some licensees located in other states report that their employers have forbidden travel during this time. In addition, the Board staff is aware of at least one live course being offered on March 21, 2020, which has more than 250 enrolled individuals, and the Board office has been receiving multiple calls from licensees concerned about travel and attendance for the course.

Ensuring that Florida's osteopathic physicians are not unnecessarily put at risk is essential during this healthcare emergency. Given this emergency, osteopathic physicians have an increased likelihood of being exposed to COVID-19 due to the number of patients they come in close contact with during a given day. Considering the spread of COVID-19, requiring large numbers of osteopathic physicians to engage in nonessential travel for the purpose of taking continuing medical education in person with lots of other people unnecessarily increases the risk of exposure of these physicians and their future patients to COVID-19. Further, given the current situation involving COVID-19, allowing osteopathic physicians to complete the Florida Laws and Rules/Professional and Medical Ethics, and the two-hour course in the Prevention of Medical Errors in a distance learning format for the 2018-2020 biennial renewal is consistent with the intent of the continuing education requirements in Rule 64B15-13.001, F.A.C. Accordingly, the Board, by emergency rule, waives the requirement for the 2018-2020 biennial renewal that the one hour continuing medical education course in Florida Laws and Rules/Professional and Medical Ethics, and the two-hour course in the Prevention of Medical Errors be obtained by the completion of live, participatory attendance and permits licensees to complete those courses in a distance learning format. The Board finds that these actions are a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 and to protect the patients of osteopathic physicians and the physicians themselves from exposure to COVID-19.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:**

Given the recently declared emergency in the State of Florida and the recent guidance from the CDC, the fact that the 2018-2020 biennial renewal for licensure ends March 31, 2020, and that some physicians would be required to travel to complete certain continuing medical education, the Board finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. Notice of this emergency meeting was published in the Florida Administrative Register on March 12, 2020. In addition, notice of the Board's emergency meeting was posted on the Board's official website.

**SUMMARY:** The proposed emergency rule waives the requirement for the 2018-2020 biennial renewal that the one-hour continuing medical education course in Florida Laws and Rules/Professional and Medical Ethics, and the two-hour course in the Prevention of Medical Errors be obtained by live participatory attendance and permits licensees to complete those specified courses in a distance learning format.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Kama Monroe, J.D.,  
Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin # C-06 Tallahassee, Florida  
32399-3256.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B15ER20-18 Continuing Medical Education for the 2018-2020 Biennial Renewal. For the 2018-2020 biennial renewal period, licensees are permitted to obtain continuing medical education credit for one hour of Florida Laws and Rules/Professional and Medical Ethics and two hours of Prevention of Medical Errors in a distance learning format.

Rulemaking Authority: 456.013(6), (7), 459.005, 459.008(4), FS. Law Implemented: 456.013(6), (7), 459.008(4),

FS. History—New.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE  
UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

FILED  
2020 MAR 13 PM 1:37  
TALLAHASSEE, FLORIDA