



John D. Donaldson, M.D., Editor

## MAY MEETING

PROGRAM: DPR BOARD OF  
MEDICINE MR. JIM POTTER,  
REGIONAL MGR.

Please send any questions that you would like answered at the May 18th General Membership Meeting concerning the DPR to the Medical Society Office. This will give Mr. Potter adequate time to obtain answers to the more technical questions from the state office. ■

## MEDICAL SOCIETY MEETING

Royal Palm  
Yacht Club

Cocktails 6:30  
Dinner 7:00 PM

MAY 18, 1992

**SPEAKER:**  
**MR. JIM POTTER,**  
Regional Manager  
Local DPR Office

**TOPIC:**  
"Board of Medicine"

**DINNER BY  
RESERVATIONS ONLY**

### PLEASE

L.C.M.S. Members: All reservations must be made by Friday noon before the Meeting on Monday. Cancellations should be no later than noon on Monday. The Society must pay for all reservations made.

**NO  
MEETINGS  
UNTIL  
SEPTEMBER**

**HAVE  
A  
HAPPY  
SUMMER**



## PRESIDENT'S MESSAGE



**VALERIE C. MOORE, M.D.**  
**CLEAN AIR ACT**

The Clean Air Act has passed! I feel like it is a dream come true. It seems like such a simple thing to be able to go to public places and not be exposed to smoke. In order to get something like this passed it took a lot of work, passion and politics. For the past two years the bill has passed both houses of the legislature, but has not been signed into law.

Since the state government would not prohibit smoking, I felt that the local school district should be able to do something about tobacco in the schools. As chairman of the Health Advisory Committee for Lee County Schools I brought up the idea at a meeting last year. The idea of prohibiting tobacco in the schools was met with great enthusiasm by the committee, all dedicated to better health of the students, faculty and staff. The school board and Dr. Adams were approached with the idea of tobacco free schools. While they agreed with the committee, they said their hands were tied by contracts with the unions that allowed for a smoking area to be provided in the schools.

Even though the Clean Air Act was in the works, a task force led by Betty Harmon, director of Health Education, began work on a package of information to bring change to the schools. If the Clean Air Act had not passed, they were ready to do the job here in the Lee County Schools.

Since this change was so difficult to bring about you might think we are in the forefront of this movement. Not so, as 42 other states have already passed this type of law. The tobacco lobby must be stronger in this state than others.

A questionnaire was sent to students and employees of Lee County Schools by the task force. Both students (72%) and employees (75%) felt that they should not have to be exposed to smoke in their environment. The other figure that surprised me was that the percentage of smokers in the employees group was so small, 17%. The percentage of smokers of the students was 17% also.

(continued on page 2)

## OVERVIEW OF THE DPR DISCIPLINARY PROCESS

The following information is a brief overview of the disciplinary process and is not intended to be interpreted as a complete analysis.

The Department of Professional Regulation is directed by the Florida Legislature to investigate any complaint which is filed if the complaint is legally sufficient. Legal sufficiency is the articulation of enough ultimate facts to demonstrate a violation of applicable laws and rules.

**Gathering the facts:** Information about possible violations of the statutes and rules governing licensed professionals may be received by the department from many sources, such as patients, other licensees and the drug diversion and inspection programs. These reports or complaints are evaluated by analysts in the department to determine if there are grounds for further investigation.

If the initial information is sufficient to require more fact gathering the licensee involved will be notified by the department that an investigation will be conducted.

(continued on page 2)

## "DR. JOHN" Fathering

"Give me some tips on being a father," a young doctor said to me. He did this when I noticed he was dragging a key along the side of my car, so I wondered about his sincerity but overall felt flattered.

I had some OJT in this area, but little technical expertise. To be precise, I was a Board certified internist, a private pilot with an instrument rating, and I was responsible for four children without even an owner's manual. This situation cried out for Federal intervention.

The first step is to have a wife such as Alice, who will do a great job while realizing that figurehead status is about as far as I go. "If you don't want me to tell your father about that, just don't do it. Remember, we used to have a lot more children." They told me about that one later.

I recall the four stages of childhood: crawling, standing, walking and high school. There was probably some more stuff in the middle, but I was pretty busy then. You could check with Alice about that.

I was in charge of taking pictures. I was really pretty good at that. Erma Bombeck wrote that her last child had his christening and graduation pictures on the same roll of film, but I was a lot better. I took lots of model plane pictures, so I used film faster.

My other job was to threaten doom on car trips, in exchange for thirty seconds of silence. Car trips always were more enjoyable in planning than in practice. Our best family purchase was a station wagon with three seats and seat belts; now they couldn't reach each other, but I couldn't reach half of them. That led to a rotator cuff tear, eventually.

Time being inexorable, all of our children grew up. They are all nice

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## DPR FOR POLITICIANS

The Department of Professional Regulation (DPR) has been empowered to license and regulate most professional activities in this state. This bureaucratic nightmare has taken up the regulatory challenge with vehemence, and it appears that only two endeavors, breeding and politics, are exempted from their scrutiny. We are unlikely to dare to venture into the reproductive habits of Floridians, but we should give serious thought to licensing and regulating politicians.

To implement this program we must first define a politician. My suggestion is that we include all candidates for public office, and all appointees to boards that spend public money. I would include under DPR authority all carpetbaggers like candidates in the federal primary elections, presidential candidates in November and federal commission appointees within the state.

Most professions have minimum standards to be met by candidates for licensure. If we are to make politicians professionals, we must first establish those qualities we demand in our political leaders and candidates. While democratically elected officials by definition should be of diverse backgrounds, we certainly can agree on a few requirements to obtain and hold a state political license. Educational background cannot be criteria as many of the brightest, most practical and most productive individuals in society have little formal education and secondly, most present politicians are attorneys. Nonetheless we would be able to agree on three points.

Intelligence can be measured in many ways, IQ being one of the most popular and standardized. Tests can even be administered to the handicapped. I think we must expect a minimum standard greater than dull

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## DATES TO MARK ON YOUR CALENDAR

- |                    |   |
|--------------------|---|
| May 27-31, 1992    | - FMA Annual Meeting and Scientific Sessions<br>Orlando World Marriott Center |
| November 5-6, 1992 | - Media Medicine Conference<br>Orlando Omni and Centroplex                    |
| December 14, 1992  | - HOLIDAY PARTY<br>Veranda  |



LEE COUNTY MEDICAL  
SOCIETY BULLETIN3805 Fowler Street  
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Phone (813)936-1645

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The Editor welcomes contributions from the members. Opinions expressed in the Bulletin are those of the individual authors and do not necessarily reflect policies of the Society.

## PRESIDENT'S MESSAGE

(continued from page 1)

Was this work all wasted because the Clean Air act passed? I think not, because it focused interest on the issue. I think more people wrote their legislators. All I can do is speculate, but the optimistic outlook is that the time was right for our voices to be heard and they were.

Now the next step will be to do some preventative medicine, to offer the smokers cessation programs, if they so choose. That will make the Clean Air Act really successful, if it will assist some smokers to quit. I wonder if there really will be a time in the future that high school kids won't sneak a smoke in the restroom? ■

## "DR. JOHN"

(continued from page 1)

folks, and you would be pleased to have any of them over for dinner, without a thought to counting the silver afterwards. People assume I should be given some credit for this, and I have mastered the unassuming smile as the best response to any comment. The children will publicly acknowledge me as their father, so I must have done something right. How's that for a criterion?

But I can't emphasize too much: if you don't have a wife like Alice, you should just raise gerbils. Gerbil owners never tear their rotator cuff. ■

John R. Agnew, M.D.

No Meetings Until September  
Have a Happy Summer!

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## APRIL MINI INTERNSHIP PROGRAM



INTERNS: Larry Kraft, United Way of Lee County; Dennis Stone, Regional Manager, Rogers Benefit Group; Robert McCurdy, Esq., Lee Memorial Hospital. FACULTY: Joseph F. Mazza, M.D.; David G. Gaar, M.D.; Richard A. Chazal, M.D.; Not Pictured: Michael Katin, M.D. ■

## 8TH ANNUAL VIDEO HEALTH FAIR

Our "special thank you" to Dr. Joseph Fiore for coordinating this event and to WINK TV and its staff for working with us to provide health awareness to our community. Plaques were presented to Dr. Fiore and to Mr. Joe Schwartzel, General Manager, WINK TV at our April Meeting.

Charlotte, Collier and Lee Physicians (150) took over 3,000 calls. We wish to acknowledge the LCMS Auxiliary for their valued support in calling the physicians and making the project run smooth at Cypress Lake High School. We also wish to express our appreciation to Cypress Lake High School faculty and students.

Accolades to all the physicians for taking time to participate in the community project. ■



Session on Health Issues with the students at Cypress Lake High. ■

## DPR FOR POLITICIANS (continued from page 1)

normal. Because we have never had a minimum standard, the expression "political flunky" grew up representing a dull normal politician easily manipulated by backroomers and "developers". Institution of this minimum standard would be enough to decimate our incumbent county crowd.

A knowledge of ethics is my second requirement. Candidates would be required to attend courses on ethical behavior in politics, and be examined prior to the granting of their licenses. This approach has served well in real estate sales licensing where the candidate must present a course attendance certificate before sitting the examination. Passing the test provides written proof the candidate is cognizant of what constitutes ethical behavior and that breeches will not be tolerated. This will clean out most of our surviving local politicians and should make great reading in the DPR Newsletter.

Finally, we need a certification of honesty and require a bond be posted. Again, like the ethics requirement, the candidate will need to demonstrate a knowledge of what constitutes honesty on written examination. Failure to comply after the issuing of a license would mean forfeiture of both license and bond.

As I see it, my system has advantages for both the state and the politicians. Foremost, the state will gain a significant source of revenue. Unquestionably the license fee should be equal to or greater than that for physicians after submitting an application processing fee comparable to that required for medical licensing. Additionally, bond forfeiture undoubtedly will be an important source of revenue for a while until we weed out the bad eggs. In a wink the Governor can suggest mandatory surtaxes on political license fees as they have done to physicians. These would be similar to the Birth Injuries thing and the proposed Medicaid support fee. Suggestions for funds supported by politicians in this category would include the Brain Dead Politicians Related Injury Reimbursement Fund to repay members of the public for losses due to misconduct by those only-too-happy to participate politicians and their uninvolved colleagues.

Ultimately, those surviving politicians may actually be capable of restoring some public confidence in our governmental system in Florida. By implementing this licensure and regulation we may actually see a politician becoming something more than a world that conjures up the same sensation as sneezing in your hand when a handkerchief is not available. ■

John D. Donaldson, M.D.

## Photographer to be at May Meeting, Last Call for Picture!

PBS studio will be at the May General Membership meeting to take your picture for the next Pictorial Directory. Please stop and have your picture made before coming upstairs for the meeting. Please dress accordingly. You will be financially responsible to PBS Studio in the amount of \$21.20 for one picture for the Directory.

If you want to make an appointment at the Studio, call Linda at 936-8600. Address: 3817 Kelly Street, across from K-Mart, US 41. We need a wallet size (2 1/4" x 2 1/4") photo in black & white. ■

OPINIONS - EDITORIALS  
LETTERS TO THE EDITOR

John W. Snead, M.D.

"WHERE DO YOU THINK  
HEALTH CARE REFORM  
SHOULD BEGIN?"

"While there are multiple issues of importance certainly one of the most is access to care. Many individuals find it difficult to access either primary or secondary medical care except through hospital emergency rooms where either crisis intervention or treatment of a far advanced process is necessary." Robert E. Arnall, M.D., LMH, Medical Director



"Health care payment reform must begin with a group of physicians, businessmen, community leaders and courageous legislators willing to discuss and implement the difficult choices that will be necessary for a successful plan."

Thomas E. Kowalsky, M.D., Vascular and General Surgery



"A Broad based State funded minimal health insurance with a means test." Larry P. Garrett, M.D., Anesthesiology

## NEXT MONTH'S QUESTION

"How will new OSHA requirements affect your patients and your practice?"

Send your comments to the Medical Society.

Bulletin deadline is the 15th of each month . . . we want to see you in the print media! ■

## OVERVIEW (continued from page 1)

The investigator may request further information and documents about the alleged incident or conduct interviews with the professional and others involved. The investigative report and all other documentation will then be presented to the Probable Cause Panel of the professional board.

**Full and fair due process:** If the panel finds probable cause to believe a violation has been committed, an administrative complaint will be issued to the subject of the investigation detailing the allegations and asking for an election of rights. In an election of rights, the licensee may agree to a stipulated settlement, an informal hearing, or an adversarial hearing before a state-appointed hearing officer.

In all cases, the board alone will determine the final disposition of a case and the disciplinary action to be imposed on a practitioner, if any. After receiving the final order, the disciplined licensee may appeal the case to district court.

All aspects of filing and investigating complaints and of prosecuting and imposing disciplinary actions are strictly governed by statute and rule, and the involved practitioner may expect full and fair due process throughout the entire procedure. Reprint of Nursing Record. ■

## NEW MEMBER APPLICANTS

## Application For Membership

Active members are requested to express to the Board of Censors or Board of Governors any information or opinions they may have concerning the eligibility of the applicants.

## FRED A. LIEBOWITZ, M.D.

Dr. Liebowitz was born in Brooklyn, New York. He received his medical degree at New York Medical College in Valhalla, New York. He completed his internship at Long Island Jewish Medical Center in New Hyde Park, New York and his residency at SUNY Health Science Center in Brooklyn, New York.

Dr. Liebowitz is practicing Anesthesiology at 1520 Lee Boulevard, East Pointe Hospital. ■



## JOSEPH M. BRYAN, M.D.

Dr. Bryan was born in Vineland, New Jersey. He received his medical degree at Ohio State University in Columbus. He completed his internship at Riverside Methodist Hospital also in Columbus and his residency at the University of South Florida in Tampa.

Dr. Joseph M. Bryan will be practicing Anesthesiology at 2472 Congress Street with Medical Anesthesia - Garrett & Associates. ■



## CHAIM J. MARGOLIN, M.D.

Dr. Margolin was born in Vineland, New Jersey. He received his medical degree at UMDNJ - New Jersey Medical School in Newark. He completed his internship at Thomas Jefferson University Medical School in Philadelphia, Pennsylvania and his residency at Beth Israel Hospital/Harvard Medical School in Boston, Massachusetts. Dr. Margolin attended a fellowship at Massachusetts General Hospital/Harvard Medical School in Magnetic Resonance Imaging in Boston.

Dr. Chaim J. Margolin will be practicing Diagnostic Radiology at 3680 Broadway with Radiology Regional Center. ■



## CITATION AUTHORITY RULES

## Board of Medicine

Information on the rule 21M-20.017 referred to as "Citation Authority". The rule sets forth the procedure for the issuance of citations, as well as the violations and the penalty for each violation. Authorization for the Board's action comes from Section 453.224, Florida Statutes. Section 453.224 allows the Board by rule to set forth a procedure whereby the Board may rule specifically on violations and penalties for which the Department of Professional Regulations may issue a citation and, if the licensee accepts the citation, the investigation, the investigative and disciplinary process may be shortened.

The citations and penalties are for violations in which there is no "substantial" or "potential" threat to the "public health, safety, and welfare". In addition to the penalty imposed the Respondent may be required to pay the costs of investigation.

The rule lists the following violations and the amounts of the penalties that may be disposed of by citation: CME Violations (Sections 458.321, 458.331(1)(X)): 1. Failure to document required HIV/AIDS CME - \$500. 2. Failure to document required risk management CME - \$1000. 3. Failure to document required HIV/AIDS and risk management - \$1500. 4. Documentation of some, but not all, 40 hours of required CME for license renewal - \$50.00 for each hour not documented.

Obtaining License Renewal by Fraud or Misrepresentation (Section 458.331(1)(a)); failure to document any of the 40 hours required CME for license renewal (Section 458.321, 458.331(1)(x) - \$5,000 written reprimand.

Practice on an inactive license (Sections 458.327(1)(a), 458.331(1)(x)) 1. For a period of nine months - Letter of Guidance; 2. For a period of nine months to twelve months - \$100 for each month or part.

Failure to notify department of change of practice address (Sections 458.319(5), 458.331(1)(g)) - \$250.

Failure to provide medical records of only one patient (Section 455.241, 455.331(1)(g)) - \$100.

Failure to post notice on the form of a sign informing patients that the physician does not have malpractice coverage (Sections 458.320 (1) 458.320 (5)(f) and (g), 458.331 (1)(x)) - \$1000.

These penalties apply ONLY for an initial offense. Subsequent violation(s) of the same rule or statute require Section 455.225, Florida Statute, to be followed. Also should an initial offense for which a citation could be issued occur in conjunction with other violations, then Section 455.225 is followed. ■ Philip H. Gilbert

## Medicare Physician Payment Reform: The Physicians' Guide

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## BRIAN JAMES WILSON

1980 - 1992

The city is saddened.

The neighborhood is in a state of shock.

Those who tried to rescue him grieve because it was too late.

The close friends are heart-broken.

The family is devastated.

They were just two boys having a good time. They were playing together like they had done almost every day for years. It all happened so fast.

Who was Brian Wilson?

The description given most about Brian was that he was A NEAT KID.

He was a kid's kid. -- A buddy's buddy.

He was full of life.

He was enthusiastic about life.

He was a hero. He saved a neighborhood child from drowning.

He was both a big brother and a little brother at the same time.

He was a great son, and a loving grandson.

He was a boyfriend.

He was a best friend.

He was a classmate.

He loved to fish.

He loved to ski.

He loved to dive and swim.

He loved to just play.

He was a friend to everyone.

So Brian's life has touched each one of us

His Family -- Tuck, Jane, Eric and Robin.

His grandparents.

His buddies.

His girlfriends.

His classmates.

His neighbors.

Excerpts from a Tribute given by Claude I. Allen, Jr., April 18, 1992.

The Medical Community extends our sympathy to the Family and Friends of Brian, who have requested any donations be sent to Lee Memorial Hospital's Pediatrics. ■

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**DUES INCREASE — FMA**

At its March meeting the FMA Board of Governors reviewed a detailed analysis on the scope of activities and financial resources of the Association, as outlined in the attached report.

The Board has recommended to the House of Delegates that dues for FMA active members be increased by \$50, effective January 1, 1993. The complete text of the Board action in respect to the dues increase is contained in the Board Summary which will be included in the April issue of *FMA Today*.

Please express your views concerning the above to your Delegates before the May 27th meeting. ■

**EMPLOYER SIGNAGE REQUIREMENTS**

Did you know that, as an employer, a physician must post certain notices in a conspicuous place? Signs must be posted notifying employees regarding the Federal Minimum Wage Laws, the Employee Polygraph Protection Act, Equal Employment Opportunity Laws, and Job Safety and Health Protection provisions. Some commercial businesses will supply these notices in a convenient form. Otherwise, you may obtain them as follows:

- Federal Minimum Wage and Employee Polygraph Protection Act: United States Department of Labor, Wage and Hour Division, 227 North Bronough Street, Room 5034, Tallahassee, Florida 32301, (904) 681-7160.

- Equal Employment Opportunity information: Equal Employment Opportunity Commission, Metro Mall, 1 Northeast First Street, 6th Floor, Miami, Florida 33132, (305) 536-4491.

- Job Safety and Health Protection: United States Department of Labor, Suite 303, 3100 University Blvd. South, Jacksonville, Florida 32216, (904) 791-2895. ■

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Classified Ads are only for Physician Members of the Society's use.

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**PHYSICIANS IN THE NEWS**

Nick Sharma, M.D. has successfully completed the American Board of Gastroenterology. ■

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**MEDICAL SOCIETY  
MEETING**

Royal Palm  
Yacht Club

Cocktails 6:30  
Dinner 7:00 PM

MAY 18, 1992

**SPEAKER:**  
MR. JIM POTTER,  
Regional Manager  
Local DPR Office

**TOPIC:**  
"Board of Medicine"

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