

PRESS RELEASE SECTION **BREAKING NEWS!!**

FLORIDA DEPARTMENT OF HEALTH | DIVISION OF MEDICAL QUALITY ASSURANCE

MQA Today

D I V I S I O N N E W S L E T T E R

May 28, 2010



Bring
**Unlicensed
Activity** INTO FOCUS

**2010
Annual
Association**
MEETING HIGHLIGHTS

> **ALSO** in this issue

OUR
PARTNERSHIPS
in battling **PILL MILLS**

Division of
Medical Quality Assurance

MQA
FLORIDA DEPARTMENT OF
HEALTH

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The logo for MQA, featuring the letters 'MQA' in a serif font, centered between two horizontal lines.

MESSAGE FROM THE DIRECTOR

LAST WEEK I WROTE ABOUT THE WORK

process restructuring we have had to undertake to battle serious threats posed by proliferation of “pill mills” and combating Medicaid and other forms of health care fraud. One common thread holds our efforts together -- partnerships. Partnerships with law enforcement and other state agencies have evolved and matured over the years through a process:

> **Creation of a vision of a transforming threat and a transforming solution:** Broward County and, increasingly, counties north of Broward, have been at the epicenter of a catastrophe – the unchecked proliferation of unscrupulous pain clinics that thrive at the cost of enormous human suffering. Broward is the receiver and in some cases the sender of the catastrophe as “unwelcome” pain clinics move north, but neither it, nor MQA’s disciplinary process could solve the problem alone. Through strong partnerships with state and Federal law enforcement agencies, we are seeing emergency orders and cease and desist orders at an unprecedented rate. **(see this issue of MQA Today for recent news releases about this topic.)**

> **Engagement of all “solution” holders:** To combat health care fraud from the health care practitioner licensure angle, we partner with the Office of the Attorney General’s Medicaid Fraud Control Unit, the Agency for Health Care Administration, county clerks, and multiple federal agencies, all with an interest/solution and all with the same objective in mind –stopping health care fraud that is estimated to cost taxpayers billions of dollars every year. Through strengthened partnerships we are exchanging data and information as never before and taking action the law requires against convicted licensees.

> **Use of good “science” to devise strategies that challenge long-held policy positions and lead to common ground:** To combat the “pill mill” problem in Florida, we looked internally at the all the resources available to us and devised ways to capitalize on what the law allowed us to do. For example, we looked to the Drugs, Devices and Cosmetics Program under Ch. 499, F.S., to look at drug pedigrees and adulterated drugs; the unlicensed activity pro-

gram to initiate and build the case for criminal prosecution; and the pharmacy inspection and dispensing practitioner programs to provide inspection criteria that could justify legal action. Respected inspectors and investigators in the regulatory and law enforcement world have proposed solutions that support our abatement efforts.

> **Respect for the inevitable fact that policy shifts and alliances require both patience and time to evolve:** It has taken years, and various methods, to build partnerships. One such partnership, which took a few years to build but has reaped major rewards for our state's health care licensees and health care consumers, is with the health care practitioner associations. The method? MQA meets annually with the associations to update them on what we are doing and gather feedback about how we can better serve our licensees. **Click here** for highlights from this year's meeting. This partnership also paved the way for passage this year of SB 2272, which contains broad reaching regulatory changes to regulate pain clinics. The Florida Medical Association (FMA) and the Governor's Office of Drug Control worked closely with MQA and other key stakeholders to craft amendments for Senator Fasano's bill that reflected creative thinking and the unique perspectives of each group.

In addition to sharing input into legislation important to the division and the Governor, like SB 2272, the associations provide a number of other partnership functions to assist MQA, our health care licensees, and the health care consumers of our state. Some of these functions include:

- Serving as a primary distribution point through membership emails for department and division news releases.
- Forwarding license renewal email reminders to members and non-members after the statutorily-mandated 90-day renewal notice requirement is met. These reminders reduce the delinquency rate, and more importantly, help positively impact one of the department's goals related to health care access! Practitioners who fail to timely renew cannot practice on a delinquent license.
- Providing valuable connections to practitioners willing to participate in MQA-sponsored focus groups for our online products and services. One result of these customer-driven enhancements to MQA's online services is an over 90% online license renewal rate.

ONE COMMON THREAD HOLDS OUR
EFFORTS TOGETHER -- **PARTNERSHIPS**

Lucy Gee, M.S.
Director, Medical Quality Assurance

We never assume that our partners know our practice acts, which leads to the last step in our partnership process.

> **Recognition that sustainability requires constant work:** We are embarking on an educational campaign by requesting invitations to speak to the Florida Sheriff's Association, Florida Prosecution Attorney Association, Florida Chiefs of Police, Florida Judge Association, and other partnership groups. We don't think that we can measure the return on investment of so complex an undertaking as pill mills and health care fraud. We just know that without them the costs are catastrophic. All of these steps in our process couldn't succeed without this final step.

To all of our partners, thank you for everything you do to help us achieve our mission to promote, protect and improve the health of all people in Florida.

Regards,



2010

HIGHLIGHTS

MQA ASSOCIATION LONG RANGE PLANNING MEETING

MQA HOSTED ITS 9TH ANNUAL Association Long Range Planning Meeting on May 25th in Tallahassee. Topics of discussion included MQA's 5-year Long Range Strategic Plan, the Enforcement Eight Strategic Priorities (Paradigm Shift), the Prescription Drug Monitoring Program, and the MQA Trust Fund. There was also discussion about the impact of recent legislation, including HB 5311, proposing to reorganize DOH and the scheduled move of the Drugs, Devices, and Cosmetics program to the Department of Business and Professional Regulation in October, 2011; and SB 2272, providing the department with tools to regulate pain clinics in Florida. There was also a presentation on the new online licensure application, online disciplinary search results, administrative complaints posting, and other website enhancements.

For more information regarding our online services please visit our website at www.flhealthsource.com.

RRFAKING NEWS

MQA'S UNLICENSED ACTIVITY EFFORTS CONTINUE TO REAP RESULTS

ON MAY 20, FORMAL CEASE AND DESIST ORDERS WERE ISSUED TO FRANK LOPEZ, JR., Marco Beltran aka "Marcos" Beltran, and Tampa Bay Wellness Centre. The State Surgeon General issued these orders in response to the alleged illegal and unlicensed activity pertaining to registered pain management clinics and the practice of medicine, Chapter 458 and/or the practice of osteopathic medicine, Chapter 459, Florida Statutes; a third degree felony and punishable by up to five years in prison and/or a fine up to \$5000.

For more information about this, emergency suspension orders recently issued against pain management clinics, and other news releases, please visit the **MQA Press Release Section**.

The Florida Department of Health's (DOH) unlicensed activity program protects Florida residents and visitors from the potentially serious and dangerous consequences of receiving medical and health care services from an unlicensed person. The Division of Medical Quality Assurance (MQA) investigates and refers for prosecution all unlicensed health care activity complaints and allegations. The unlicensed activity unit works in conjunction with law enforcement and the state attorney's offices to prosecute individuals practicing without a license. In many instances, unlicensed activity is a felony level criminal offense. More importantly, receiving health care from unlicensed people is dangerous and could result in further injury, disease or even death.

FLORIDA DEPARTMENT OF HEALTH INVESTIGATION **LEADS TO CEASE & DESIST ORDERS IN TAMPA**

TALLAHASSEE— The Florida Department of Health (DOH) Tampa office of the Unlicensed Activity (ULA) Unit today announced that formal Cease and Desist orders were issued on May 20, 2010 to: Frank Lopez, Jr., Marco Beltran aka "Marcos" Beltran, and Tampa Bay Wellness Centre. The State Surgeon General issued these orders in response to the alleged illegal and unlicensed activity pertaining to registered pain management clinics and the practice of medicine, Chapter 458 and/or the

practice of osteopathic medicine, Chapter 459, Florida Statutes; a third degree felony and punishable by up to five years in prison and/or a fine up to \$5000.

DOH was alerted to possible unlicensed practice at the Tampa Bay Wellness Centre when it received information from the Williamsburg Kentucky Police Department. The Department immediately began its investigation on the facility and personnel working at the pain management clinic. Tampa Bay Wellness Centre, located at 2137 W. Dr. Martin Luther King Blvd., Tampa, FL 33607 failed to register the facility with DOH as a pain management clinic as required under Sections

458.309(4) and 459.005(3) Florida Statutes. This failure constitutes a violation for unlicensed activity under Section 456.065 Florida Statutes.

Frank Lopez, Jr., registered agent and president of the clinic and Marco (aka "Marcos") Beltran, vice president, are involved individually, due to their affiliation with Tampa Health Care Center, Inc., which is allegedly the parent-company of Tampa Bay Wellness Centre.

Consumers are encouraged to contact DOH with any questions about the license status of Tampa Bay Wellness Centre, if the clinic reopens for business. Any further operation or advertisement by the facility as a pain management clinic are health care crimes and are referred to local law enforcement for prompt prosecution by the State Attorney's Office. (F.S. 456.066) Additionally, consumers can visit DOH's Web site www.flhealthsource.com where they can conveniently view the license information on any health care practitioner or facility that is regulated by DOH. Complaints may be filed anonymously by completing and mailing the complaint form on the DOH Web site or calling 1-877-HALT-ULA to have a form mailed to you.

The mission of DOH and MQA is to promote, protect and improve the health of all people in Florida. Working in conjunction with 22 boards and six councils, MQA regulates eight types of facilities and 200-plus license types in more than 40 healthcare professions. MQA evaluates the credentials of all applicants for licensure, issues licenses, analyzes and investigates complaints, inspects facilities, assists in prosecuting practice act violations, combats unlicensed activity and provides credential and discipline history about licensees to the public.

Visit <http://www.flhealthsource.com> for additional information about MQA.

**DOH WAS
ALERTED TO
POSSIBLE
UNLICENSED
PRACTICE AT
THE TAMPA
BAY WELLNESS
CENTRE WHEN
IT RECEIVED
INFORMATION
FROM THE
WILLIAMSBURG
KENTUCKY
POLICE
DEPARTMENT**

DOH FILED EMERGENCY SUSPENSION ORDERS **ON THE REGISTRATION OF SEVEN PAIN MANAGEMENT CLINICS**

TALLAHASSEE— State Surgeon General Ana M. Viamonte Ros, M.D., M.P.H., took a strong step in addressing the inappropriate and excessive prescribing of controlled substances by issuing seven Emergency Suspension Orders (ESOs) against registered pain management clinics on Friday May 5, 2010 and Monday May 7, 2010. Recent changes in the Florida Statutes allowing for the regulation of pain management clinics, made this action possible for Dr. Viamonte Ros.

Mercy Wellness and Recovery Center was operating out of a facility located at 2001 NE 48th Street, Ft. Lauderdale FL 33308. On April 30, 2010 the Florida Department of Health (DOH), alongside the Fort Lauderdale Police Department and the Fort Lauderdale Building Department, conducted an inspection and found that the facility had been in operation without a “designated physician” or medical director responsible for the pain management clinic’s safe operation since April 2, 2010. This is a violation of Section 458.309(4), Florida Statutes (2009).

Additionally, the April 30th inspection found that the facility had employed an unlicensed pharmacist to manage and fill controlled substance prescriptions without review and oversight by a licensed pharmacist or physician. Moreover, the controlled substances were not secured from tampering, theft or other access by patients or staff as they were kept in an open safe in an unsecured room and were legally adulterated when they left the possession of the previous designated physician. This constitutes possession of contraband prescription drugs under Section 400.003(12), Florida Statutes (2009) and is also a violation of Section 456.072(1)(j), Florida Statutes (2009) for employing an unlicensed pharmacist.

Pompano Pain Management, A Pain Relief Prescription Center and Premier Neurological Treatment Centers were operating out of a facility located at 605 E. Atlantic Boulevard, Pompano Beach FL 33063. The ESOs arise out of the pain management clinic failing to maintain a “designated physician” or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous medical director, Dr. Steven Barry Brown had his license to practice medicine suspended on May 5, 2010 for, in part, trafficking in controlled substances and inappropriately and excessively prescribing controlled substances to an individual in exchange for receiving approximately half of the prescribed controlled substances for Brown’s personal use. This suspension made Brown ineligible to serve as the clinic’s medical director or “designated physician.”

Broward Chronic Pain and Recovery Center was operating out of a facility located at 5601 North Powerline Road, Suite 303, Ft. Lauderdale FL 33309. The ESO arises out of the pain management clinic failing to maintain a “designated physician” or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous “designated physician”, Dr. Alfred Boyce had his license to practice medicine suspended on April 28, 2010 for, in part, inappropriately and excessively prescribing controlled substances to six patients that were not in the best interest of the patients or in the course of his professional practice. This suspension made Boyce ineligible to serve as the clinic’s medical director or “designated physician.”

Snyder Family Medicine was operating out of a facility located at 1042 Belcher Road, Largo FL 33771. The ESO arises out of the pain management clinic failing to maintain a “designated physician” or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous “designated physician,” Dr. Michelle Lee Snyder had her license to practice medicine suspended on April 09,

Continued on page 10



UPCOMING BOARD MEETINGS

BOARD OF MEDICINE

WHEN: 6/3/2010 - 6/6/2010
8:00AM - 6:00PM

WHERE: Ft. Lauderdale

[CLICK FOR DETAILS](#)

BOARD OF PHARMACY

WHEN: 6/8/2010 - 6/9/2010
10:00AM - 5:00PM

WHERE: Tampa

[CLICK FOR DETAILS](#)

BOARD OF NURSING

WHEN: 6/9/2010 - 6/11/2010
8:00AM - 5:00PM

WHERE: Jacksonville

[CLICK FOR DETAILS](#)

SPEECH LANGUAGE PATHOLOGY & AUDIOLOGY

WHEN: 6/10/2010
9:00AM - 5:00PM

WHERE: Tampa

[CLICK FOR DETAILS](#)

BOARD OF ACUPUNCTURE

WHEN: 6/11/2010
9:00AM - 5:00PM

WHERE: Tampa

[CLICK FOR DETAILS](#)

BOARD OF DENTISTRY

WHEN: 6/18/2010
7:30AM - 5:00PM

WHERE: Jacksonville

[CLICK FOR DETAILS](#)

BOARD OF CHIROPRACTIC MEDICINE

WHEN: 6/25/2010
8:30AM - 7:00PM

WHERE: Orlando

[CLICK FOR DETAILS](#)

MQA Today

Take our online survey and tell us what you think about **MQA Today**.

CUSTOMER CONCERNS & SUGGESTION SURVEY

Are you unable to find information on our website? Do you have a complaint or a suggestion about how we can improve our services? If the answer to any of these questions is yes, please complete our **Customer Concerns and Suggestion Survey**.

RENEWAL CORNER

APPROACHING CURRENT LICENSE EXPIRATIONS

> Electrologist	5/31
> Electrolysis Facility	5/31
> Advanced Registered Nurse Practitioner	7/31
> Registered Nurse	7/31
> Clinical Nurse Specialist	7/31
> Psychologist	5/31
> Limited License Psychologist	5/31
> Radiologic Technology	4/30-6/30

Continued from page 8

2010 for, in part, inappropriately and excessively prescribing controlled substances to five patients that were not in the best interest of the patients or in the course of her professional practice. This suspension made Snyder ineligible to serve as the clinic's medical director or "designated physician."

Lauderhill Medical Clinic was operating out of a facility located at 2762 W. Oakland Park Boulevard, Oakland Park FL 33311. The ESO arises out of the pain management clinic failing to maintain a "designated physician" or medical director which practices at its facility. This is a violation of Section 458.309(4), Florida Statutes (2009). The previous "designated physician", Dr. Michael Shook had his license to practice medicine suspended on February 10, 2010 for, in part, inappropriately and excessively prescribing controlled substances to three patients that were not in the best interest of the patients or in the course of his professional practice. This suspension made Boyce ineligible to serve as the clinic's medical director or "designated physician."

A proceeding seeking formal discipline of the registrations of each of the previously named entities to practice as a pain management clinic will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2009).

Consumers are encouraged to contact DOH with any questions about the license status of any of the previously named entities if the clinic reopens for business. Any

further operation or advertisement by the facility as a pain management clinic are health care crimes and will be referred to local law enforcement for prompt prosecution. (F.S. 456.066) Additionally, consumers can visit DOH's Web site www.flhealthsource.com where they can conveniently view the license information on any health care practitioner or facility that is regulated by DOH. Complaints may be filed anonymously by completing and mailing the complaint form on the DOH Web site or calling 1-877-HALT-ULA to have a form mailed to you.

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www.doh.state.fl.us/mqa

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