

TOP 10 Laws and Rules Every Physician Should Know

The following information is being provided as a resource to remind you of important laws and rules that affect your medical practice. It is still your responsibility to read and become familiar with the laws and rules of the State of Florida.

Law and/or Rule with cite	Description
<p>1. You must update your Practitioner Profile within <u>15</u> days</p> <p>s. 456.042, F.S.</p>	<p>This includes changes in –</p> <ul style="list-style-type: none"> • Address • Staff privileges • Medical malpractice history • Financial responsibility • Board certification • Education • Disciplinary/criminal history
<p>2. Before you move to a new practice, notify the Board</p> <p>s. 456.035, F.S.; s. 458.319(3), F.S.; s. 458.327(2)(e), F.S.</p>	<p>No current address on file? Here is what can happen:</p> <ul style="list-style-type: none"> • crisis at renewal time • late renewal may mean practicing on an inactive license • practice on inactive license = criminal offense
<p>3. Do not pre-sign prescriptions</p> <p>s. 458.331(1)(aa), F.S.</p>	<p>Board of Medicine Disciplinary Guidelines provide a maximum penalty of -</p> <ul style="list-style-type: none"> • Reprimand • \$5,000 fine • 2 years probation
<p>4. At license renewal, read the fine print before you renew</p> <p>s. 458.319, F.S.</p>	<ul style="list-style-type: none"> • It is your license on the line, not your office manager's! • CME and Financial Responsibility requirements are audited • Maintain copies of your CME certificates for at least 2 biennium • DIDN'T RECEIVE YOUR RENEWAL POSTCARD? Call (850) 488-0595 extension #3 • RENEW ONLINE at www.doh.state.fl.us/mqaservices • The Preventing of Medical Errors course has specific requirements including a study of root cause analysis, error reduction, prevention and patient safety, and the 5 most mis-diagnosed medical conditions in Florida during the previous biennium and those conditions are:

	<ul style="list-style-type: none"> • cancer • cardiac • acute abdomen • timely diagnosis of surgical complications • stroke and related cranial conditions <ul style="list-style-type: none"> • CME providers may be located on the Internet by typing “continuing medical education” in the search field, or by contacting the American Medical Association at (312) 464-4952.
<p>5. You must keep charts on the family, employees and friends that you treat</p> <p>s. 458.331(1)(r), F.S. and s. 458.331(1)(m), F.S.</p>	<ul style="list-style-type: none"> • A prescription creates the physician/patient relationship • Records are required even for family • Spouses/friends may become adverse parties • Cannot self-prescribe controlled substances
<p>6. Patient Boundaries</p> <p>S. 458.329, F.S. and s. 458.331(1)(j), F.S.</p>	<p>Board of Medicine has a zero tolerance policy on physician/patient sexual misconduct</p> <ul style="list-style-type: none"> • Typical penalty is suspension/revocation • Remember: A prescription creates a physician/patient relationship
<p>7. Pause before you make the incision on the correct site of the correct patient</p> <p>s. 458.331(1)(t), F.S.; s. 456.072, F.S.; and Rule 64B8-9.007, F.A.C.</p>	<ul style="list-style-type: none"> • The “pause” before the procedure must be in the patient chart • If you make the mistake, inform the patient and/or the patient’s representative and document it or the Board will increase the penalty. • Read the rule at <u>64B8-9.007 Standards of Practice</u>.
<p>8. Internet Prescribing</p> <p>s. 458.331(1)(t), F.S. and Rule 64B8-9.014, FAC</p>	<ul style="list-style-type: none"> • Prescribing without a history and physical is both a standard of care violation and a violation of Board rule • Physician have been disciplined for this with penalties ranging from revocation to suspension, reprimands and fines • DO NOT JEOPARDIZE YOUR LICENSE – DON’T PRESCRIBE ON THE INTERNET!

<p>9. Relocating Practice?</p> <p>Rule 64B8-10.002, FAC</p>	<p>You are responsible to:</p> <ul style="list-style-type: none"> • hold patient records for 5 years • notify patients in letters or by sign as to where to pick up records • place a notice in newspapers and notify the Board of Medicine 30 days <u>before</u> you move • complete your hospital charts if leaving the area!
<p>10. Help for impaired practitioners</p> <p>s. 456.076, F.S.</p>	<p>Do you know a colleague with drug, alcohol, or psychiatric problems?</p> <ul style="list-style-type: none"> • You can get them help without subjecting them to disciplinary action • The Board has an excellent evaluation and rehabilitation program that is a phone call away: Professional Resource Network (PRN) – 1-800-888-8776 • For most practitioners, this is and remains a confidential process that offers help to those willing to change • This program was recently expanded to include medical students as well

Want the details on these Top 10? Accessing the laws and Rules

Laws: <http://www.leg.state.fl.us/statutes/index.cfm>

s. 458, Florida Statutes – Medical Practice Act

s. 456, Florida Statutes – General Provisions Applicable to All Health Care Practitioners

Rules: <https://www.flrules.org/Default.asp>

Chapter 64B8, Florida Administrative Code