

**PAM BONDI**  
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**STATE OF FLORIDA**

OFFICE OF THE ATTORNEY GENERAL  
Administrative Law

MEDICINE BOARD

2011 MAY -5 PM 3:06

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**M E M O R A N D U M**

**TO:** Joy A. Tootle, Executive Director, Board of Medicine  
**FROM:** Nancy A. Murphy, CP, FRP, Operations & Management Consultant I  
**RE:** Rule 64B8-9.0131 (Training Requirements)  
**DATE:** May 4, 2011

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The above-referenced rule was filed for final adoption with the Secretary of State on April 27, 2011. Attached is a copy for your records. Please be advised that the rule becomes effective on May 17, 2011.

Please contact me if you have any questions regarding the rule.

attachment

cc: Office of the General Counsel, DOH

CERTIFICATE OF  
BOARD OF MEDICINE ADMINISTRATIVE RULES  
FILED WITH THE DEPARTMENT OF STATE

2011 APR 27 PM 2:52  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including the days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

64B8-9.0131

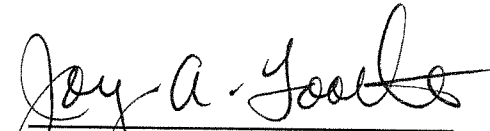
Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_

(Month)

(Day)

(Year)

  
\_\_\_\_\_  
Signature, Person Authorized  
To Certify Rules

Executive Director  
Title

2  
Number of Pages Certified

DEPARTMENT OF HEALTH

BOARD OF MEDICINE

ADDITIONAL STATEMENT TO THE SECRETARY OF STATE

RULE TITLE:

RULE NO.:

Training Requirements for Physicians Practicing in  
Pain Management Clinics

64B8-9.0131

SUMMARY: The rule sets forth the training requirements for those physicians who practice in pain management clinics.

SUMMARY OF THE HEARING ON THE RULE:

No timely request for a hearing was received and no hearing was held.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE PROPOSAL:

The proposed rule is necessary to comply with the legislative mandate set forth in subsection 458.3265(4)(d), Florida Statutes, requiring the Board to set forth the training requirements for physicians who practice in pain management clinics.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0131 Training Requirements for Physicians Practicing in Pain Management Clinics. Effective July 1, 2012, physicians who have not met the qualifications set forth in subsections (1) through (6), below, shall have successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or a pain medicine residency that is accredited by ACGME. Prior to July 1, 2012, physicians prescribing or dispensing controlled substance medications in pain-management clinics registered pursuant to Section 458.3265, Florida Statutes, must meet one of the following qualifications:

(1) Board certification by a specialty board recognized by the American Board of Medical Specialties (ABMS) and holds a sub-specialty certification in pain medicine;

(2) Board certification in pain medicine by the American Board of Pain Medicine (ABPM);

(3) Successful completion of a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or a pain medicine residency that is accredited by the ACGME;

(4) (a) Successful completion of a residency program in physical medicine and rehabilitation, anesthesiology, neurology, neurosurgery, family practice, internal medicine, orthopedics or psychiatry approved by the ACGME; or

(b) Sub-specialty certification in hospice and palliative medicine or geriatric medicine recognized by ABMS;

(5) Current staff privileges at a Florida-licensed hospital to practice pain medicine or perform pain medicine procedures;

(6) Three (3) years of documented full-time practice, which is defined as an average of 20 hours per week each year, in pain-management and within six months of the effective date of this rule, attendance and successful completion of 40 hours of in-person, live-participatory AMA Category I CME courses in pain management that address all the following subject areas:

(a) The goals of treating both short term and ongoing pain treatment;

(b) Controlled substance prescribing rules, including controlled substances agreements;

(c) Drug screening or testing, including usefulness and limitations;

(d) The use of controlled substances in treating short-term and ongoing pain syndromes, including usefulness and limitations;

(e) Evidenced-based non-controlled pharmacological pain treatments;

(f) Evidenced-based non-pharmacological pain treatments;

(g) A complete pain medicine history and a physical examination;

(h) Appropriate progress note keeping;

(i) Comorbidities with pain disorders, including psychiatric and addictive disorders;

(j) Drug abuse and diversion, and prevention of same;

(k) Risk management; and

(l) Medical ethics.

In addition to the CME set forth in subsection (6) above, physicians must be able to document hospital privileges at a Florida-licensed hospital; practice under the direct supervision of a physician who is qualified in subsection (1) through (4) above; or have the practice reviewed by a Florida-licensed risk manager and document compliance with all recommendations of the risk management review.

(7) Upon completion of the 40 hours of CME set forth above, physicians qualifying under (6) above, must also document the completion of 15 hours of live lecture format, Category I CME in pain management for every year the physician is practicing pain management.

Rulemaking Authority: 458.3265 (4)(d) FS.

Law Implemented: 458.3265 (4)(d) FS.

History: New – \_\_\_\_\_.