

Top Ten Ways to Avoid License Disciplinary Action

by Kathryn L. Kasprzak, Esquire*
Fowler White Boggs Banker P.A.



As the former Chief Medical Attorney for the Boards of Medicine and Osteopathic Medicine in Florida, now defending physicians before these same Boards, I have seen many physicians needlessly jeopardize their reputations and livelihood by not knowing the laws and rules that govern their practice, or by engaging in prohibited practices or behaviors that could have been easily corrected. Over the next three issues, I will outline my Physicians' Top Ten Ways to Avoid License Disciplinary Action:

1. Keep yourself updated and informed about the legal requirements on the practice of medicine. Just as you keep your clinical knowledge current, so should you keep your knowledge of the legal and regulatory requirements on your practice updated. My recommendations to clients: (a) Frequently visit the Board of Medicine or the Board of Osteopathic Medicine website at www.doh.state.fl.us/mqa (Click on the pulldown to select the appropriate Board.). These Boards regularly place practice updates and new rules online for practitioners' information and use; (b) Become a member of the Florida Medical Association (www.medone.org) or the Florida Osteopathic Medical Association (FOMA) (www.foma.org), both of which regularly update their membership on new requirements and legislative enactments that impact their practice; (c) Take the FMA-sponsored course: "Legal & Ethical Implications in Medicine: A Physician's Survival Guide-Laws & Rules; and (d) Attend a meeting of your licensing Board when it comes to your area of the state. The Boards' meeting places and agendas are posted online. Not only can you arrange to earn CME for attendance, but it may be the most eye-opening learning experience you will have about the regulation of your profession.

2. Create and maintain complete patient charts/medical records: The Board of Medicine Rule 64B8-9.003, F.A.C., regarding Standards for Adequacy of Medical Records, cites as one of four reasons to maintain medical records: "To assist in protecting the legal interest of ... the practitioner responsible for the patient." Your notations in a patient's chart are your first line of defense to malpractice claims and license disciplinary actions. A complete, truthful and well-documented patient chart will demonstrate the physician's conformance with legal requirements (informed consent, for example), the standard of care (through detailed operative reports, for example) and provide the justification for the course of treatment of the patient.. The extra 30 seconds to a minute taken to make a patient chart more complete can save two or three years of aggravation, stress, expense and heartache defending medical malpractice and disciplinary actions.

3. Pay Scrupulous Attention to Prescribing Laws and Practices: No other area of medical practice is so regulated as the physician's ability to prescribe or dispense drugs. Cavalier or sloppy prescribing practices invite the scrutiny of the regulators and law enforcement. Such practices often result in severe limitations or conditions being placed on a physician's ability to prescribe. Pharmacists are required under their practice act to report any irregularities in prescribing by licensed practitioners, and often their reportage is the event that initiates Department of Health investigatory scrutiny and subsequent law enforcement attention.

While there is simply no one course of action that can ensure avoidance of investigations by the Department of Health and disciplined the Board of Medicine or Osteopathic Medicine, careful attention to the above areas, and seeking outside professional assistance in doing so, can certainly reduce that likelihood.

*Please email your confidential questions to
kkasprzak@fowlerwhite.com or call 407-406-5500.*

Reprinted with permission from Today's Physicians