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Chronic Pain Management Program

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To: A.C.L.U. of Florida
4500 Biscayne Boulevard, Suite #340
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08/04/05

Re: Pain Management and the Florida Medical Boards' Failure to Protect the Public's Safety
Supportive data regarding my letter of 07/31/05

To whom it may concern,

In my letter to you dated 07/31/05, I requested that you bring suit against the Florida Board of Medicine and the Florida Board of Osteopathic Medicine because of their failure to protect the public's safety with regards to the way physicians practice pain management in Florida.

I would like to present the following data in support of my petition.

On August 4th, 2000, the Florida Board of Medicine was presented data from the preceding five months that showed 20 adverse outcomes in Florida, including 5 deaths, from office based surgeries. In response to this, the board issued Emergency Rule 64B8ER00-1*. This emergency rule became effective six days later, on August 10th, 2000, and it placed a statewide moratorium on all level III office surgery (surgeries involving general anesthesia).

If the Florida Board of Medicine places a statewide moratorium into effect when 5 people die, how can they not be liable for neglect to protect the public's safety when in 2003 and 2004 the FDLE has given them data which proves nearly 4000 people have died from commonly prescribed pain medications, **and they have done nothing?**

Sincerely,

Dr. Robert Ben Mitchell, D.O.

* *Florida Administrative Weekly*, Volume 26, Number 34, August 25, 2000, section IV - emergency rules, page 3896-3897 (companion emergency rules include 64B8ER00-3 and 64B8ER00-4).