

To: The Governor of Florida, Charlie Crist
The United States Federal Bureau of Investigation
The Attorney General of the United States

Draft: 04/03/10

Re: The Pill-Mill Crisis in Florida

We seven people named below have consented by notarized statements to have our names affixed to this letter. We do so in response to the pill-mill crisis which has afflicted the State of Florida for the past decade. The toll from this crisis has repeatedly been documented in the Florida Department of Law Enforcement (F.D.L.E.) annual reports of *Drugs Identified in Deceased Persons by Florida Medical Examiners*, which continues to show a rising death count from prescribed medications, most originating from “pain management” pill-mills within our state.

Unfortunately, though thousands of Floridians have lost their lives to these inappropriately prescribed medications, neither the Florida Board of Medicine (M.D.), the Florida Board of Osteopathic Medicine (D.O.), the Florida Department of Health, the Florida Department of Law Enforcement, the Florida State Attorney General’s Office, nor Florida’s Office of the Governor under Jeb Bush or Charlie Crist have done anything effectual to stem this rising tide of death in our state. Their failure and the need for further immediate action has been highlighted in the *Interim Report of the Broward County Grand Jury - The Proliferation of Pain Clinics in South Florida (spring term A.D. 2009)*. We, therefore, in congruence with and in addition to the findings of this Grand Jury report do respectfully make the following six requests:

1. That Governor Charlie Crist shall immediately dissolve and disband both the Florida Board of Medicine (M.D.) and the Florida Board of Osteopathic Medicine (D.O.) for their continual failure during the past decade to fulfill their defined mission statement to “promote, protect and improve the health of all people in Florida.” Though they have had full knowledge of the death toll from our state’s pill-mill crisis as documented by the F.D.L.E. reports cited above, they have done nothing effectual to reverse this atrocity which has been promulgated predominantly by physicians who are licensed under their authority. They have, therefore, knowingly and negligently allowed licensed physicians to be the agents and means of mass-homicide in our state.
2. That, after fulfilling step one above, Governor Charlie Crist shall immediately appoint the seven persons named below to the Florida Board of Osteopathic Medicine (D.O.). We seven named below are committed to ending this pill-mill atrocity which stains both the medical profession and our state, and we will do what the current and prior boards have failed to do during the past decade in order to end this crisis.
3. That Governor Charlie Crist shall immediately appoint a new Florida Board of Medicine (M.D.) that is dedicated to eradicating allopathic (M.D.) participation in our state’s pill-mill crisis.
4. That Governor Charlie Crist shall immediately make a *Gubernatorial Declaration Of A State of Emergency in Florida*, and that he shall immediately sign an *Gubernatorial Executive*

Emergency Order which immediately enacts all of the following steps:

- A. ADVERTISING: Effective immediately, all medical practices (solo, group, physician-owned, non-physician-owned, free-standing, facility-based, etc.) which qualify for the “pain clinic” designation as specified in Florida Statutes for Osteopathic Medical Doctors (D.O.) Section 459.005 (3) through (5), must cease and desist from any forms of advertising (newspaper, radio, television, billboards, flyers, or otherwise). The only exceptions to this section of this emergency order are:
1. Physicians may hand their business card to other individuals on a one-on-one basis. No surrogates or proxy may stand in for a physician in this act.
 2. Pain clinics may post legally allowable advertisements in and/or on their internal and external physical premises.
- B. DISPENSING: Effective immediately, all medical practices (solo, group, physician-owned, non-physician-owned, free-standing, facility-based, etc.) which qualify for the “pain clinic” designation as specified in Florida Statutes for Osteopathic Medical Doctors (D.O.) Section 459.005 (3) through (5), must cease and desist from dispensing for sale or as free samples any United States Drug Enforcement Agency (D.E.A.) Schedule 2, 3, 4, and/or 5 medications as part of their pain management services.
- C. OUT-OF-STATE PATIENTS: Effective immediately, all medical practices (solo, group, physician-owned, non-physician-owned, free-standing, facility-based, etc.) which qualify for the “pain clinic” designation as specified in Florida Statutes for Osteopathic Medical Doctors (D.O.) Section 459.005 (3) through (5), must cease and desist from accepting any new, non-Florida residents as patients in their clinics for prescribed D.E.A. Schedule 2, 3, 4 and/or 5 medication pain management services.
- D. PATIENT VOLUME: Effective immediately, all medical practices (solo, group, physician-owned, non-physician-owned, free-standing, facility-based, etc.) which qualify for the “pain clinic” designation as specified in Florida Statutes for Osteopathic Medical Doctors (D.O.) Section 459.005 (3) through (5), must cease and desist from assigning any new patients needing prescribed D.E.A. Schedule 2, 3, 4 and/or 5 medication pain management services to a physician - M.D. or D.O. - in said pain clinic who is already providing such services to 100 (one hundred) or more active patients. This 100 patient limit shall be per each individual physician and not per work site(s), regardless of the number of sites at which a particular physician is employed. A patient shall be considered active and assigned to the prescribing physician - M.D. or

D.O. - for the entire duration of time for which any and all of the patient's D.E.A. Schedule 2, 3, 4 and/or 5 pain and/or D.E.A. Schedule 2, 3, 4 and/or 5 pain-treatment-related medications are prescribed by that physician.

- E. PENALTIES: Effective immediately, if a physician licensed by the Florida Osteopathic Board of Medicine (D.O.) is associated in any capacity (physician, employer, employee, medical director, administrator, consultant, owner, investor, or otherwise) with an office or facility which qualifies for the "pain clinic" designation as specified in Florida Statutes for Osteopathic Medical Doctors (D.O.) Section 459.005 (3) through (5), and that pain clinic and/or physician is in violation of any of the sections or subsections of "A" through "D" above in this emergency order, then said physician shall have their Florida Osteopathic Medical License immediately and fully suspended. Each such suspension under this emergency order shall remain fully in effective for as long as the Florida Board of Osteopathic Medicine (D.O.) deems necessary to perform a complete and thorough review of each suspension - including the possibility of further board action - on a one-by-one case basis.
 - F. DURATION OF EMERGENCY ORDER: Effective immediately, this emergency order and all of its sections and subsections shall remain fully in effect for as long as the Florida Board of Osteopathic Medicine (D.O.) deems necessary to "promote, protect and improve the health of all people in Florida."
 - G. FLORIDA BOARD OF MEDICINE (M.D.): Effective immediately, the Florida Board of Medicine (M.D.) shall immediately adopt and implement fully and comprehensively equivalent policies to those written in "A" through "F" above in this emergency order, for the purpose of regulating M.D. practitioners in Florida.
5. That Governor Charlie Crist shall immediately instruct state and local police forces to create their own independent task forces that are mandated to monitor and inspect all medical practices (solo, group, physician-owned, non-physician-owned, free-standing, facility-based, etc.) which qualify for the "pain clinic" designation as specified either in the Florida Statutes for Osteopathic Medical Doctors (D.O.) Section 459.005 (3) through (5), or in the equivalent Florida Statutes for Medical Doctors (M.D.). The purpose of this monitoring and inspection shall be to uncover any pain clinics and/or physicians associated with these clinics which may be operating in violation of the above gubernatorial executive emergency order. This monitoring and inspections shall be implemented and continue where, when, and for as long as any local and/or state police deem necessary, and they shall cease only when the above gubernatorial executive emergency order is rescinded.
6. That the United States Federal Bureau of Investigation and United States Attorney General's Office open immediate and coordinated probes into the governing bodies within the State of

Florida which have failed to stop this pill-mill crisis from exploding during the past decade. This investigation should pursue criminal prosecution where warranted. This investigation should at least cover from 2000 to 2010 and include but not be limited to the following components of Florida State government:

- I. The Florida State Governor's Office.
- II. The Florida Department of Health.
- III. The Florida Board of Medicine (M.D.).
- IV. The Florida Board of Osteopathic Medicine (D.O.).
- V. The Florida State Attorney General's Office.
- VI. The Florida Department of Law Enforcement.

Given that any one of these components of Florida State government had the power to end this needless slaughter but failed to do so, it would be inappropriate to allow Florida State officials to conduct such investigations.

As concerned citizens acting in good faith to protect the health and welfare of all persons residing in the State of Florida, we seven named below do submit this to the Governor of Florida, Charlie Crist, the United States Federal Bureau of Investigation, and the Attorney General of the United States on this, the _____ day of _____, 2010.

1. Dr. Robert Ben Mitchell, D.O., age 51.*
2. _____, D.O., age __.
3. _____, D.O., age __.
4. _____, D.O., age __.
5. _____, D.O., age __.
6. _____, Lay Person, age __.
7. _____, Lay Person, age __.

* Note - Florida State Law requires that at least one member of the Florida Board of Osteopathic Medicine be at least 60 years of age.