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*Specializing in
'Difficult-to-treat' Conditions*

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Financial Impact Estimating Conference

re: Use of Marijuana for Certain Medical Conditions 13-02

To the committee,

I am writing to you to provide information that may be useful in estimating the cost of this proposed constitutional amendment. I am a Florida-licensed family physician who has knowledge of pharmacology but also of the laws and rules that govern the practice of medicine in the state of Florida.

1. Marijuana, containing tetrahydrocannabinols (THC), is a Schedule I controlled substance, listed in both the Federal and Florida Controlled Substance Abuse and Prevention and Control Acts. Specifically, s. 893.03(1)(c)7. and 37., Florida Statutes, lists Cannabis and THC respectively, as Schedule I substances.
2. Physicians including Medical Doctors (M.D.), Osteopathic Physicians (D.O), Podiatrists (D.P.M), Optometrists (O.D.), Dentists (D.P.M. and D.D.S.), Physician Assistants (PA-C), Advanced Registered Nurse Practitioners (ARNP), as well as Pharmacists (R.Ph.) and Veterinarians (D.V.M.) get zero training in their graduate schools or post-graduate training on the appropriate prescribing of Schedule I drugs. Just like we have not learned how to safely prescribe Heroin (s. 893.03(1)(b)11., F.S.), we have not had any instruction on how to safely prescribe Marijuana, Cannabis, or THC containing drugs.
3. For other "highly abused drugs" such as Buprenorphine (Suboxone), the Drug Enforcement Agency (DEA) requires physicians wishing to prescribe these novel agents to get a special "X number". In order to get such an "X number", a physician would have to comply with the Drug Addiction Treatment Act of 2000 (DATA 2000) <http://www.buprenorphine.samhsa.gov/fulllaw.html>, In order to get an "X number", a physician would have to "become qualified" by completing 8 additional hours of "authorized training".
4. In addition, for physicians who wish to prescribe Buprenorphine, they are restricted, in their first year of prescribing, to prescribe this drug to no more than 30 patients at any one time. Following treating patients for 1 year, physicians must send a second Notice of Intent to SAMHSA and agree to treat no more than 100 patients at any given time. <http://www.suboxone.com/hcp/certification/faqs.aspx>
5. Florida's laws prohibit unlicensed persons from employing Chiropractors (s. 460.417, F.S.), optometrists (s. 463.014, F.S.), or dentists (s. 466.0285, F.S.), but there is no such prohibition against unlicensed persons from employing physicians to work in "Health Care Clinics".
6. In addition, the Agency for Health Care Administration (AHCA) interprets the Health Care Clinic Act (ss 400.990 - 400.995) to NOT APPLY TO CLINICS THAT TAKE ONLY CASH (i.e. - they do not accept insurance reimbursement). Please see s. 400.9905(4), F.S. and/or contact Arlene Mayo-Davis, Field Office Manager, Delray Beach Field Office, 5150 Linton Blvd, Suite 500, Delray Beach, FL 33484, Phone 561-381-5480 or Elizabeth Dudek, Secretary of AHCA.

Chronic Fatigue Syndrome | Fibromyalgia | Weight Management

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7. Florida also has a plethora of retired/semi-retired physicians who maintain valid Florida licenses, but are very willing to "answer an advertisement off of Craigslist" to work in Pain Clinics, Anabolic Steroid/HGH Clinics, Diet Clinics, etc. - with little to no training, allowing the clinic to use their medical license and DEA numbers to overprescribe drugs inappropriately. <http://miami.craigslist.org/hea/>. One such advertisement is listed here (the physician doesn't even have to see the patient, they just review an e-mailed chart mailed to them, and then sign off on the prescriptions that get e-mailed to the pharmacy that does out these controlled drugs):

kg9r-4146413205@job.craigslist.org ^[2]
flag ^[2]: [miscategorized prohibited spam best of](#)
Posted: 2013-10-23, 9:27AM EDT

MD/DO (lake worth)

We are a growing medical facility ,currently looking for doctor with a valid M.D. or D.O. license in state of Florida, who can review laboratory blood tests, medical history information, and medical examinations, and must also be able to work in a fast pace environment. We can be flexible with the time of day worked, as long as you can meet our requirements within each 24 hour period. Our programs include nutrition, weight loss treatments, pain management, and minor surgeries.

- Location: lake worth
- Compensation: based upon experience. 401K is offered.
- This is a contract job.
- Principals only. Recruiters, please don't contact this job poster.
- Please do not contact job poster about other services, products or commercial interests.

Posting ID: 4146413205
Posted: 2013-10-23, 9:27AM EDT
Updated: 2013-10-23, 9:27AM EDT

8. Due to Florida's unfortunate experience with Pain Clinics, in order to implement this constitutional amendment as written, the following steps would need to occur:

- Florida's Legislature would have to rewrite the Health Care Clinic Act to change the word "reimbursement" to "remuneration, either directly from the patient, in cash or in kind, or through a third party, such as an insurance company."
 - Florida would have to require each physician wishing to prescribe Marijuana, Cannabis, or THC, to become qualified by undertaking an 8-hour course of "authorized training "approved by the
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Florida Boards of Medicine and Osteopathic Medicine. To date, I know of no specific course anywhere in the United States that currently teaches physicians how to safely prescribe Marijuana, Cannabis, THC, or any Schedule I controlled substance.

- Florida would have to establish a system similar to an "X number" (perhaps a "Y number"?) to ensure that only qualified physicians are prescribing these drugs.
- Florida would have to establish limits of 30 patients/year for the first year of prescribing, and 100 patients/year for successive years of prescribing, for each physician, otherwise, one physician could very easily respond to a Craigslist advertisement such as the one listed above, receive e-mailed copies of patient demographics, and sign off on "Medical Marijuana Cards" on thousands of patients without ever seeing them in person.
- In addition, the Florida Legislature would have to allow the Florida Prescription Drug Monitoring Program (PDMP) to be used to identify overprescribing by rogue physicians, and authorize the use of HIPAA-protected patient information to prosecute these rogue physicians and the clinics they work for.

9. All of the above, from setting up an approved training course, to ensuring physicians took such a course, to setting up a special "Y number" for the prescription of Medical Marijuana, to monitoring the PDMP, and changing the statutes regarding Health Care Clinics, the PDMP, and the Florida Comprehensive Drug Abuse Prevention and Control Act - would take a significant amount of financial resources.

10. I hope you take this information into consideration at your next meeting on October 28th.

Best of health,

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