

KATHLEEN PASSIDOMO

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PAUL RENNER

Speaker



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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

July 21, 2023

Mr. Christopher Dierlam
Senior Assistant Attorney General
Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399-1050

**RE: Department of Health: Board of Medicine
Emergency Rule 64B8ER23-8**

Dear Mr. Dierlam:

I have reviewed the above-referenced emergency rule, which was effective on July 5, 2023, and advertised in the Florida Administrative Register on July 7, 2023. I have the following comments.

64B8ER23-8: The board may want to consider citing section 458.331(1)(v) as rulemaking authority and as a law implemented.

64B8ER23-8(1)(a): DH5082-MQA, Feminizing Medications for Patients with Gender Dysphoria, Patient Information and Informed Consent
Page 3: Please explain the board's statutory authority for requiring that adults receiving these medications "to undergo a thorough psychological and social evaluation performed by a Florida licensed board-certified psychiatrist or a Florida licensed psychologist" before beginning HRT and every two years thereafter. *See* § 120.52(8)(c), Fla. Stat.

Also, please explain why this informed consent contains substantive requirements for adults to receive hormone replacement therapy. Section 456.52(2) requires the consent form to provide information regarding the nature and risks of the prescription and an acknowledgment from the patient. It appears that substantive requirements for hormone replacement therapy should be in the rule text, not in the informed consent form. *See* § 120.52(8)(c), Fla. Stat.

Mr. Christopher Dierlam

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64B8ER23-8(1)(b): DH5083-MQA, Masculinizing Medications for Patients with Gender Dysphoria, Patient Information and Informed Consent
See comments to 64B8ER23-8(1)(a) regarding form DH5082.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Marjorie C. Holladay". The signature is fluid and cursive, with the first name being the most prominent.

Marjorie C. Holladay
Chief Attorney

cc: Mr. Edward A. Tellechea, Chief Assistant Attorney General

MCH:df #190463

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Ms. Donna McNulty
Special Counsel
Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399-1050

**RE: Department of Health: Board of Osteopathic Medicine
Emergency Rule 64B15ER23-10**

Dear Ms. McNulty:

I have reviewed the above-referenced emergency rule, which was effective on July 5, 2023, and advertised in the Florida Administrative Register on July 7, 2023. I have the following comments.

64B15ER23-10: The board may want to consider citing section 459.015(1)(z) as rulemaking authority and as a law implemented.

64B15ER23-10(1)(a): DH5082-MQA, Feminizing Medications for Patients with Gender Dysphoria, Patient Information and Informed Consent
Page 3: Please explain the board's statutory authority for requiring that adults receiving these medications "to undergo a thorough psychological and social evaluation performed by a Florida licensed board-certified psychiatrist or a Florida licensed psychologist" before beginning HRT and every two years thereafter. *See* § 120.52(8)(c), Fla. Stat.

Also, please explain why this informed consent contains substantive requirements for adults to receive hormone replacement therapy. Section 456.52(2) requires the consent form to provide information regarding the nature and risks of the prescription and an acknowledgment from the patient. It appears that substantive requirements for hormone replacement therapy should be in the rule

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text, not in the informed consent form. *See* § 120.52(8)(c), Fla. Stat.

64B15ER23-10(1)(b): DH5083-MQA, Masculinizing Medications for Patients with Gender Dysphoria, Patient Information and Informed Consent
See comments to 64B15ER23-10(1)(a) regarding form DH5082.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Marjorie C. Holladay". The signature is written in a cursive, flowing style.

Marjorie C. Holladay
Chief Attorney

cc: Mr. Edward A. Tellechea, Chief Assistant Attorney General

MCH:df #190465