



MINUTES
PUBLIC PORTION OF THE
SOUTH PROBABLE CAUSE AGENDA
BOARD OF MEDICINE
SCHEDULED FOR January 15, 2010

Toll Free Number- 1-888-808-6959, Conference Code Number- 2454131.

Gustavo Leon, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:01 P.M. Those present for the meeting included the following:

Members Present:

Fuad Ashkar, M.D. – Chairperson
Michael Chizner, M.D. – Panel Member
Donald Mullins – Panel Member
Jeffrey Hulley, P.A. – Panel Member

Others Present included:

Ed Tellechea, Esq., Assistant Attorney General & Board Counsel
Elana Jones, Assistant General Counsel
Sharmin Hibbert, Attorney, Department of Health
Patricia Draper, Attorney Department of Health
Ephraim Livingston, Attorney, Department of Health
Thomas Morton, Attorney, Department of Health
Yolanda Green, Attorney, Department of Health
Susan Salamy, Attorney, Department of Health
Diane Kiesling, Attorney, Department of Health

Court Reporter: For the Record (850) 222-5491; FAX (850) 224-5316

Opening Remarks:

Mr. Tellechea, Assistant Attorney General, advised the panel if they have questions concerning the medical Practice Act, Chapter 458, Chapter 456, Florida Statutes or Rules of the Board to direct those questions to him. If the panel members have questions regarding the investigation and the facts of the investigation or how the investigation was handled, those questions should be directed to the prosecuting attorney. Mr. Tellechea asked the panel what material they have been provided. Ms. Elana Jones stated that the entire investigative files have been made available to the panel members and Counsel to the Board and other documents that are pertinent to the file including draft proposed administrative complaints and closing orders. Mr. Tellechea asked the panel members if they had received the materials and had sufficient time to review the materials on the agenda prior to now. The panel members answered in the affirmative.

Mr. Tellechea asked that this statement be supplied with any request for copies of transcripts. Mr. Tellechea concluded the opening remarks of the public portion of the meeting. Mr. Tellechea asked that this statement be supplied with any request for copies of transcripts. Mr. Tellechea concluded the opening remarks for the public and confidential portions of the meeting.

RECONSIDERATIONS

Subject Name

Case No.

RN-01 Fouad Shami, M.D.

2007-20976

Prosecution Services presented this case involving an alleged violation of 456.072(1)(bb), F.S., involving performance of or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a Reconsideration for dismissal due to insufficient evidence. The panel discussed the circumstances of the case and dismissal.

Following discussion by the panel, a motion was made and seconded to dismiss the case. The panel voted to dismiss the case.

RN-02 De Nguyen, M.D.

2008-18483

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g), F.S., involving failure to perform any statutory obligation by failing to report disciplinary action against his license in another jurisdiction. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a Reconsideration for dismissal due to the fact that Subject's license was suspended in Pennsylvania solely as a result of the allegations against Subject in Florida. The panel discussed the circumstances of the case and dismissal.

Following discussion by the panel, a motion was made and seconded to dismiss the case. The panel voted to dismiss the case.

RN-03 Richard Carino, M.D.

2006-35988

Prosecution Services presented this case involving an alleged violation of 458.331(1)(n), F.S., involving inability to practice medicine with reasonable skill and safety after being terminated from a treatment program for impaired practitioners. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a Reconsideration for dismissal based upon a Final Order filed by the Board of Medicine revoking Subject's license to practice medicine in the state of Florida; therefore, the Department no longer has jurisdiction to proceed against Subject in this matter. The panel discussed the circumstances of the case and dismissal.

Following discussion by the panel, a motion was made and seconded to dismiss the case. The panel voted to dismiss the case.

RN-04 Richard Carino, M.D.

2005-54045

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t), F.S., involving committing gross or repeated malpractice or failing to practice medicine with that level of care, skill, and treatment, which is recognized by a reasonable similar physician as being acceptable under similar conditions. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a Reconsideration for dismissal based

upon a Final Order filed by the Board of Medicine revoking Subject's license to practice medicine in the state of Florida; therefore, the Department no longer has jurisdiction to proceed against Subject in this matter. The panel discussed the circumstances of the case and dismissal.

Following discussion by the panel, a motion was made and seconded to dismiss the case. The panel voted to dismiss the case.

The public portion of the meeting concluded at 2:12p