



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., MPH
State Surgeon General

MINUTES
PUBLIC PORTION OF THE
SOUTH PROBABLE CAUSE AGENDA
BOARD OF MEDICINE
SCHEDULED FOR February 19, 2010

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

Fuad Ashkar, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:00 P.M. Those present for the meeting included the following:

Members Present:

Fuad Ashkar, M.D. – Chairperson
Bradley Levine – Panel Member
Jeffrey Hulley, P.A. – Panel Member

Others Present included:

Debra Loucks, Esq., Assistant Attorney General & Board Counsel
Yolanda Green, Attorney, Department of Health
Ephraim Livingston, Attorney, Department of Health
Patricia Draper, Attorney, Department of Health
Carol Gregg, Attorney, Department of Health
Grace Kim, Attorney, Department of Health
Elana Jones, Attorney, Department of Health
Michael Billmeyer, Attorney, Department of Health
Susan Salamy, Attorney, Department of Health

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

Opening Remarks:

Ms. Loucks, 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. Ms. Loucks 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. Ms. Loucks 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.

Ms. Loucks asked that this statement be supplied with any request for copies of transcripts. Ms. Loucks concluded the opening remarks of the public portion of the meeting. Ms. Loucks asked

that this statement be supplied with any request for copies of transcripts. Ms. Loucks concluded the opening remarks for the public and confidential portions of the meeting.

RECONSIDERATIONS

Subject Name

Case No.

RN-01 Ara Deukmedjian, M.D.

2008-19128

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g)(t), involving failure to perform any statutory or legal obligation placed upon a licensed physician and failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure and breaches of 64B8.009(1)(c)(2)(i)U(I)(4)(b)3, 6(b)(1) and (6)(b)(3) FAC, arising from an office surgery inspection by the Department of Health. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a Reconsideration for dismissal based upon the fact that the compliance issues overall were technical and there was absolutely no threat to patient welfare and bearing in mind the immediate and professional steps undertaken by the Subject to bring the Deuk Spine Institute into swift compliance. 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 Bhart Patel, M.D.

2008-19129

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g)(t), involving failure to perform any statutory or legal obligation placed upon a licensed physician and failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure and breaches of 64B8.009(1)(c)(2)(i)U(I)(4)(b)3, 6(b)(1) and (6)(b)(3) FAC, arising from an office surgery inspection by the Department of Health. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a Reconsideration for dismissal based upon the fact that the compliance issues overall were technical and there was absolutely no threat to patient welfare and bearing in mind the immediate and professional steps undertaken by the Dr. Deukmedjian to bring the Deuk Spine Institute into swift compliance. 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 2:10p