



MINUTES
PUBLIC PORTION OF THE
SOUTH PROBABLE CAUSE AGENDA
BOARD OF MEDICINE
SCHEDULED FOR April 23, 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 2:04 P.M. Those present for the meeting included the following:

Members Present:

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

Others Present included:

Ed Tellechea, Esq., Assistant Attorney General & Board Counsel
Greg Marr, Esq., Assistant General Counsel, Department of Health
Edrene Johnson, Attorney, Department of Health
Robert Milne, Attorney, Department of Health
Carol Gregg, Attorney, Department of Health
Grace Kim, Attorney, Department of Health
Sharmin Hibbert, Attorney, Department of Health
Susan Salamy, 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

Allamm Morales, M.D.

2005-60617

Dismissal

Prosecution Services presented this case involving an alleged violation of 456.072(1)(u) & 458.331(1)(j), F.S., involving engaging or attempting to engage in sexual misconduct and exercising influence within a patient physician relationship for purposes of engaging at patient in sexual activity. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon lack of sufficient evidence that proves the Respondent violated the Florida Practice Act. 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.

Action taken: case dismissed

RN-02

Robin Baker, M.D.

2004-07801

Dismissal

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(m), F.S., involving failure to meet the minimum standard of practice and failure to keep legible medical records that justify the course of treatment. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon new information provided in the Respondent's response and the totality of the patient's circumstances. 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.

Action taken: case dismissed

RN-03

Ara Deukmedjian, M.D.

2007-37378

Dismissal

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t), F.S., involving failure to practice medicine in accordance with the level of care skill and treatment recognized in general law related to healthcare licensure. 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 investigation and review of the case which found that no violation of the Practice Act could be substantiated. 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.

Action taken: case dismissed

RN-04

Jesse Greenblum, M.D.

2005-03689

Dismissal

Prosecution Services presented this case involving an alleged violation of 456.072(1)(cc), F.S., involving leaving a foreign body in a patient. 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 investigation and review of the case which found that no violation of the Practice Act could be substantiated. 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.

Action taken: case dismissed

RN-05 Robert Henderson, M.D. 2008-16612 Denied/PC Stands

This case was brought before the Probable Cause Panel on September 11, 2010 and probable cause found for violation 456.072(1)(cc), involving leaving a foreign body in a patient. Following the filing of the Administrative Complaint the Respondent retained counsel who made an argument that the Board of Medicine has not historically charged physicians with this violation where nursing staff erroneously reported counts as correct to the surgeon. The Department forwarded the argument to the Probable Cause Panel for consideration. The panel discussed the circumstances of the case.

Following discussion by the panel, a motion was made and seconded to deny the request for reconsideration. The panel voted to deny the request for reconsideration.

Action taken: request denied; probable cause stands

RN-06 Donna Saatman, M.D. 2008-22863 Dismissal

This case was presented the Probable Cause Panel on August 21, 2009 and probable cause was found for violation 456.072(1)(bb) and 458.331(1)(m) involving performing a wrong site procedure or a procedure that was medically unnecessary or otherwise unrelated to a patient's diagnosis or medical condition and for failure to keep legible medical records that justify the course of treatment of the patient. The Respondent alleged that they were not afforded an opportunity to respond to the investigation prior to submission of the Administrative Complaint to the Probable Cause Panel. The Department forwarded the Respondent's concerns to the Probable Cause Panel for consideration. 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.

Action taken: case dismissed

RN-07 Fred Turner, M.D. 2009-10900 Dismissal

This case was presented to the Probable Cause Panel on November 13, 2009 and probable cause was found for violation 456.072(1)(q) involving violating a lawful order of the board. After the filing of the Administrative Complaint the Respondent provided verification that he timely paid the costs and fines of the non-disciplinary citation and completed the required CMEs, though not timely. The Department forwarded the new information to the Probable Cause Panel for consideration. 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.

Action taken: case dismissed

RN-08 Cesar Abiera, M.D. 2007-11048 Dismissal

Prosecution Services presented this case involving an alleged violation of 458.331(1)(r)(nn), F.S., involving prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893, F.S., by the physician himself, except one, which was prescribed, dispensed, or administered by another practitioner authorized to prescribe, dispense, or administer medicinal drugs; and by violating any provision of chapter 458 or 456 or any rules adopted pursuant thereto. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a Reconsideration for dismissal based upon insufficient evidence and the unavailability of a key witness. 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.

Action taken: case dismissed

RN-09 Prakashchandra Chaudhari, M.D. 2009-18964 Dismissal

Prosecution Services presented this case involving an alleged violation of 458.331(1)(b)(kk), F.S., involving having a license to practice medicine acted against by the licensing authority of another jurisdiction and failing to report to the board, in writing, within 30 days, action taken against the license by the licensing authority of another jurisdiction; and failing to perform a statutory or legal obligation placed upon a licensed physician. 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 Department concluding that there was insufficient substantial competent evidence to establish a violation of the Florida Practice Act. 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.

Action taken: case dismissed

The meeting adjourned at 2:49 p.m.