



Rick Scott
Governor

MINUTES
PUBLIC PORTION OF THE
SOUTH PROBABLE CAUSE AGENDA
BOARD OF MEDICINE
SCHEDULED FOR May 13, 2011

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 2:02 P.M. Those present for the meeting included the following:

Members Present:

Gustavo Leon, M.D., Chairperson
Fred Bearison, M.D., Panel Member
Bradley Levine, Panel Member
Deborah Gerbert, P.A., Panel Member

Others Present included:

Ed Tellechea, Esq. - Assistant Attorney General & Board Counsel
Elana Jones, Attorney, Department of Health
Laura Glenn, Attorney, Department of Health
Sharmin Hibbert, Attorney, Department of Health
Diane Kiesling, Attorney, Department of Health
Greg Marr, Attorney, Department of Health
Carol Gregg, Attorney, Department of Health
Geoffrey Rice, Attorney, Department of Health
David Pius, 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. Shirley Bates 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.

RECONSIDERATIONS

	<u>Subject Name:</u>	<u>Case No.:</u>	<u>Action Taken:</u>
RN-01	Scott E. Dean, M.D.	2003-29304	Dismissed

This case was previously brought before the Probable Cause South Panel in February 2007 as a one count Administrative Complaint alleging a violation of 458.331(1)(t), F.S., involving failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. This case was brought back before the panel for reconsideration based upon the fact that the Respondent was not provided a copy of the investigative file pursuant to his request under 456.073(10), F.S. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted to dismiss the case

RN-02	Dhiraj Warman, M.D.	2007-23740	Dismissed
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Prosecution Services presented this case involving an alleged violation of 458.331(1)(nn)(g)(w), F.S., involving violating any provision of Chapter 458 or Chapter 456, or any rules pursuant thereto; failing to perform any statutory or legal obligation placed upon a licenses physician; and for delegating professional responsibilities to a person when Respondent knows or has reason to know that such a person is not qualified by training; experience, or licensure to perform them. This case was previously brought before the panel as an AC and has been brought back as a reconsideration for dismissal based upon subsequent information provided to the Department that showed that the Respondent did not violate s.458.331(1)(nn)(g) or (w), F.S. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted to dismiss the case

RN-03	Jeanette Perry, M.D.	2010-00616	Approved
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This case was previously brought before the Probable Cause South Panel on August 20, 2010 as a 2 count Administrative Complaint alleging violations of 458.331(1)(b)(kk), F.S., involving having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state; and failing to report to the Board of Medicine, in writing within thirty (30) days. This case was brought back before the panel for reconsideration to amend the original Administrative Complaint by removing one count for violation of 458.331(1)(kk), F.S. based upon the Respondent providing proof to the Department that she did in fact timely notify the Florida Board of Medicine of the discipline in New York. The panel discussed the circumstances of the case and amendment of the Administrative Complaint.

After discussion, a motion was made, seconded and carried unanimously to amend the Administrative Complaint as outlined by the Department

