



Rick Scott  
Governor

H. Frank Farmer, Jr., M.D., Ph.D.  
State Surgeon General

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**MINUTES**  
**PUBLIC PORTION OF THE**  
**NORTH PROBABLE CAUSE AGENDA**  
**BOARD OF MEDICINE**  
**SCHEDULED FOR June 24, 2011**

**Toll Free Number- 1-888-808-6959, Conference Code Number- 8180978700**

Dr. Georges El-Bahri, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:03 P.M. Those present for the meeting included the following:

**Members Present:**

Georges El-Bahri, M.D. – Chairperson  
Trina Espinola, M.D. – Panel Member  
Donald Mullins – Panel Member  
Jayne Mittan, P.A. – Panel Member

**Others Present included:**

Ed Tellechea, Esq., Assistant Attorney General & Board Counsel  
Shirley Bates, Attorney, Department of Health  
Veronica Donnelly, Attorney, Department of Health  
Carol Gregg, Attorney, Department of Health  
Mike San Fillipio, Attorney, Department of Health  
Diane Kiesling, Attorney, Department of Health  
Jenifer Friedberg, Attorney, Department of Health  
Sharmin Hibbert, 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. Bates stated 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:**

**Case No.**

**Action:**

**RN-01      Kenneth Rivera-Kolb, M.D.      2005-52744      Approved**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(m)(k)(t), F.S., involving failure to keep legible medical records that justify the course of treatment; making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine; and 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 previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department no longer having sufficient evidence to prosecute the allegations outlined in the Administrative Complaint after receiving new information regarding the case. 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 the dismiss the case

The panel adjourned at 2:09 p.m.