



Rick Scott  
Governor

**MINUTES**  
**PUBLIC PORTION OF THE**  
**SOUTH PROBABLE CAUSE AGENDA**  
**BOARD OF MEDICINE**  
**SCHEDULED FOR August 19, 2011**

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

Gustavo Leon, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:06 P.M. Those present for the meeting included the following:

**Members Present:**

Gustavo Leon, M.D., Chairperson  
Nabil El Sanadi, M.D., Panel Member  
Brigitte Goersch, Panel Member  
Deborah Gerbert, P.A., Panel Member

**Others Present included:**

Khai Patterson, Esq. - Assistant Attorney General & Board Counsel  
Sharmin Hibbert, Assistant General Counsel  
Ian Brown, Attorney, Department of Health  
Mike San Fillippo, Attorney, Department of Health  
Geoffrey Rice, Attorney, Department of Health  
Robert Milne, Attorney, Department of Health  
Laura Glenn, Attorney, Department of Health  
Diane Kiesling, Attorney, Department of Health  
Jenifer Friedberg, Attorney, Department of Health  
Yolonda Green, Attorney, Department of Health  
Elana Jones, Attorney, Department of Health  
Susan Salamy, Attorney, Department of Health  
Carol Gregg, Attorney, Department of Health

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

**Opening Remarks:**

Ms. Patterson, 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 her. 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. Patterson asked the panel what material they have been provided. Ms. Hibbert 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. Patterson 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. Patterson asked that this statement be supplied with any request for copies of transcripts. Ms. Patterson concluded the opening remarks of the public portion of the meeting.



**RN-05 Jennifer Vesper, M.D. 2009-21341 Dismissed**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t), F.S., involving committing medical malpractice. This case was previously brought before the panel as an AC and has been brought back as a reconsideration for dismissal based upon additional information provided to the Department, the Department lacked evidence to prove by clear and convincing evidence that Respondent violated the standard of care. 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-06 Odest Cannon, M.D. 2010-05953 Withdrawn**~~

This case has been withdrawn.

**RN-07 Safraz Mirza, M.D. 2003-18740 Dismissed**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g)(m)(q)(t), F.S., by failing to perform any statutory or legal obligation placed upon a licensed physician; by failing to keep legible medical records; by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice; and by failing 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 AC and has been brought back as a reconsideration for dismissal based upon the Respondent no longer having a license to practice medicine in Florida by voluntarily relinquishing his license. 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-08 Martin Bastuba, M.D. 2009-20764 Dismissed**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g), F.S., by failing to perform any legal or statutory obligation placed upon a physician licensed by the Board and/or Department. This case was previously brought before the panel as an AC and has been brought back as a reconsideration for dismissal in the interest of judicial economy and efficiency since the Respondent did complete the CME requirement, although not timely. 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-09 Allan Wolpowitz, M.D. 2008-26126 Dismissed**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g), F.S., by failing to perform any legal or statutory obligation placed upon a physician licensed by the Board and/or Department. This case was previously brought before the panel as an AC and has

been brought back as a reconsideration for dismissal in the interest of judicial economy and efficiency since the Respondent did complete the CME requirement, although not timely. 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-10      Freddie McRae, M.D.      2004-34408      Dismissed**  
Prosecution Services presented this case involving an alleged violation of 458.331(1)(m)(t), F.S., by failing to keep legible medical records that justify the course of treatment of the patient; and by failing 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 AC and has been brought back as a reconsideration for dismissal based upon subsequent developments in 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 to dismiss the case

**RN-11      Laszlo Szollas, M.D.      2009-00906      Dismissed**  
Prosecution Services presented this case involving an alleged violation of 456.072(1)(bb) & 458.331(1)(m), F.S., by performing an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition; and failing to keep legible medical records that justify the course of treatment of the patient. This case was previously brought before the panel as an AC and has been brought back as a reconsideration for dismissal based upon additional information provided to the Department. 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-12      Sharon Frith, P.A.      2011-04115      Dismissed**  
Prosecution Services presented this case involving an alleged violation of 456.072(1)(j), F.S., by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this Chapter, the Chapter regulating the profession, or the rules of the Department or the Board. This case was previously brought before the panel as an AC and has been brought back as a reconsideration for dismissal based upon the Department no longer having clear and convincing evidence to support the charges in the Administrative Complaint. 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

The meeting adjourned at 3:20 p.m.