



Rick Scott
Governor

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

MINUTES
PUBLIC PORTION OF THE
NORTH PROBABLE CAUSE AGENDA
BOARD OF MEDICINE
SCHEDULED FOR August 26, 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 2:05 P.M. Those present for the meeting included the following:

Members Present:

Georges El-Bahri, M.D. – Chairperson
Robert Nuss, 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
Sharmin Hibbert, Attorney, Department of Health
David Pius, Attorney, Department of Health
Laura Glenn, Attorney, Department of Health
Jonathan Zachem, Attorney, Department of Health
Gavin Burgess, Attorney, Department of Health
Grace Kim, Attorney, Department of Health
Carla Schell, Attorney, Department of Health
Diane Kiesling, Attorney, Department of Health
Michael San Fillippo, 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

<u>Subject:</u>	<u>Case No.</u>	<u>Action Taken:</u>	
RN-01	Jacob Goldberger, M.D.	2007-39411	Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t), F.S., by failing to practice medicine in accordance with the level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon additional information provided by the Respondent 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 the dismiss the case

RN-02	Yusuf Rajabalee, M.D.	2005-64908	Dismissed
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Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(m), F.S., by failing to practice medicine with that level of care, skill and treatment that is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances; and by 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 Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department no longer having sufficient evidence to support the prosecution of the allegations contained 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 the dismiss the case

RN-03	William Frazier, M.D.	2006-11973	Dismissed
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Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(m)(w), F.S., by committing medical malpractice; by failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician and that justify the course of treatment of the patient; and by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them. 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 support the prosecution of the allegations contained 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 the dismiss the case

RN-04 Wilford Jorge, M.D. 2005-62613 Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(m)(q)(t), F.S., by failing to keep adequate, legible medical records justifying the course of treatment for 9 patients; 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 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 Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department no longer having sufficient evidence to support the prosecution of the allegations contained 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 the dismiss the case

RN-05 Fenando Rivera, M.D. 2008-19891 Approved

This case was previously brought before the Probable Cause North Panel on July 24, 2009 as a one count Administrative Complaint (AC) alleging a violation of 458.331(1)(t), F.S., involving committing medical malpractice. This case was brought back before the panel for reconsideration based upon the panel having not had to the opportunity to review the Respondent's response to the investigative file prior to finding probable cause and to ensure that the Respondent received due process. The panel discussed the circumstances of the case and the additional information.

After discussion, a motion was made, seconded and carried unanimously to move forward with the original AC.

Action taken: the panel voted to move forward with the original AC.

RN-06 Emiliano Morillo, M.D. 2002-29015 Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(m)(q)(aa), F.S., by failing to practice medicine with that level of care, skill and treatment that is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances; failing to keep legible medical records that justify the course of treatment of the patient; 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 constitutes grounds for discipline by the Board of Medicine. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, inappropriately or in excessive or inappropriate quantities; and by pre-signing a blank prescription form. 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 support the prosecution of the allegations contained 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 the dismiss the case

RN-07 Peter Gleason, M.D. 2009-18280 Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(c)(b), F.S., by being convicted of a crime related to the practice of medicine; and by having a license or authority to practice medicine acted against by another jurisdiction. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal on the basis that the Respondent is now deceased. 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

~~**RN-08 Myles Samotin, M.D. 2010-01741 Withdrawn**~~

This case was withdrawn.

RN-09 Roger Gordon, M.D. 2004-27950 Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t), F.S., by committing gross or repeated malpractice. 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 support the prosecution of the allegations contained 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 the dismiss the case

RN-10 Roger Gordon, M.D. 2004-14039 Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t), F.S., by committing gross or repeated malpractice. 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 support the prosecution of the allegations contained 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 the dismiss the case

The meeting adjourned at 2:30 p.m.