

**MINUTES**  
**PUBLIC PORTION OF THE**  
**NORTH PROBABLE CAUSE AGENDA**  
**BOARD OF MEDICINE**  
**SCHEDULED FOR September 24, 2010**

**Toll Free Number- 1-888-808-6959, Conference Code Number- 2454131.**

Dr. Georges El-Bahri, 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:**

Georges El-Bahri, M.D. – Chairperson  
Jason J. Rosenberg, M.D. – Panel Member  
Brigitte Goersch – Panel Member  
Jayne Mittan, P.A. – Panel Member

**Others Present included:**

Ed Tellechea, Esq., Assistant Attorney General & Board Counsel  
Shirley Bates, Esq., Assistant General Counsel  
Veronica Donnelly, Esq., Attorney, Department of Health  
Jennifer Friedberg, Esq., Attorney, Department of Health  
Robert Bobek, Esq., Attorney, Department of Health  
Michael San Fillipo, Esq., Attorney, Department of Health  
Susan Salamy, Esq., Attorney, Department of Health  
David Pius, Esq., Attorney, Department of Health  
Yolonda Green, Esq., Attorney, Department of Health  
Kristin Griswold, Esq., 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. Mr. Marr 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 Name**

### **Case No.**

**RN-01      Scott Lee Geller, M.D.**

**2008-01332      Dismiss**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(k), 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; and making a deceptive or untrue representation in the practice of medicine. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon a second expert opinion which stated that the Subject's treatment of the patient did not fall below the standard of care. 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      Christopher Rush, M.D.**

**2003-18648      Dismiss**

Prosecution Services presented this case involving an alleged violation of 456.072(1)(aa), F.S., involving performing a wrong site surgery. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal due to insufficient evidence. 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      David Webb, M.D.**

**2009-20483      Dismiss**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(c), F.S., involving conviction of a crime related to the practice of medicine. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal due to the Respondent relinquishing his license to practice medicine in Florida and the Department no longer having jurisdiction to proceed in this case. 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      Roger Gordon, M.D.**

**2009-12818      Approved**

This case was previously brought before the probable cause panel as a one count Administrative Complaint (AC) that was approved by that panel for an alleged violation of 456.072(1)(m), F.S., involving making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the

