



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., MPH
State Surgeon General

MINUTES
PUBLIC PORTION OF THE
SOUTH PROBABLE CAUSE AGENDA
BOARD OF MEDICINE
SCHEDULED FOR October 15, 2010

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

Fuad Ashkar, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:00 P.M. Those present for the meeting included the following:

Members Present:

Fuad Ashkar, M.D. – Chairperson
Brigitte Goersch, Panel Member
Jeffrey Hulley, P.A. – Panel Member

Others Present included:

Ed Tellechea, Esq. - Assistant Attorney General & Board Counsel
Elana J. Jones, Esq. – Assistant General Counsel, Department of Health
David Pius, Esq., Attorney, Department of Health
Jennifer Friedberg, Esq., Attorney, Department of Health
Kristen Griswold, Attorney, Department of Health
Robert Milne, Esq., Attorney, Department of Health
Gavin Burgess, Attorney, Department of Health
Grace Kim, Attorney, Department of Health
Carol Gregg, 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. 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.: Action:

R-01 Erel Laufer, M.D. 2008-09988 Dismissed

This case was previously brought before the probable cause panel on July 9, 2010 as a two count Administrative Complaint (AC) that was approved by the panel for an alleged violation of 458.331(1)(m)(p), F.S., involving failure to maintain adequate medical records and performing professional services which were not duly authorized by the patient or client, or her legal representative. It was brought back to the panel due to the Respondent not being given the opportunity to respond to the complaint prior to the July 9, 2010 panel meeting. In addition, the Department proposed to amend the AC to remove the (p) count based on an additional expert witness who stated that he could not support the allegations in the charge. The panel discussed the circumstances of the case and amendment of the AC. After discussion, the panel determined that the case should be dismissed. A motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted to dismiss the case

R-02 Hector Corzo, M.D. 2006-32754 Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(q), F.S., involving committing medical malpractice; and inappropriately prescribing controlled substances. 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 Department's expert no longer being able to testify that the Subject violated the standard of care. The Department determined that there is insufficient evidence to support the prosecution of the alleged violations in the Administrative Complaint. 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: the panel voted to dismiss the case

R-03 Michael Graham, M.D. 2009-11965 Approved

This case was previously brought before the probable cause panel on April 23, 2010 as a two count Administrative Complaint (AC) that was approved by the panel for alleged violations of 458.331(1)(t) & 456.072(1)(bb), involving failure to meet the standard of care, and performing a wrong procedure. The Department proposed to amend the AC by removing the (t) count based on the count being added in error. The panel discussed the circumstances of the case and amendment of the AC. After discussion, a motion was made, seconded and carried unanimously to amend the AC.

Action Taken: the panel voted to amend the AC

The meeting adjourned at 2:36 p.m.