

**MINUTES OF THE MEETING
OF THE PROBATIONERS COMMITTEE
FLORIDA BOARD OF MEDICINE**

**Renaissance Orlando Hotel
Orlando, Florida 32812
9:00 am
Friday, November 5, 2010**

The meeting of the Probationers Committee, Florida Board of Medicine was called to order by Dr. Gary Winchester, the Committee Chair, at 9:00 a.m. on Friday, November 5, 2010.

Members Present:

Gary Winchester, M.D., Chair
H. Frank Farmer, M.D.
Robert Nuss, MD
George Thomas, M.D.
Elisabeth Tucker, M.D.

Others Present:

Ed Tellechea, Esquire, Board Counsel, Attorney General's Office
Shaila Washington, Compliance Officer, Compliance Management
Elisa Floyd, Regulatory Program Administrator, Compliance Management
Veronica Donnelly, Esquire, Prosecution Services Unit, Medical Section Manager
Debbie Troup, representing the Professionals' Resource Network
Cindy Green, Court Reporter

Approval of May 1, 2010 Meeting Minutes-

A motion was made, seconded and carried that approved the May 1, 2010 minutes from the Probation Committee.

Approval of August 27, 2010 Meeting Minutes-

A motion was made, seconded and carried that approved the August 27, 2010 minutes be approved with a correction that Dr. Tucker and Dr. Thomas be excused from the Probation Committee.

Licensure Cases

Lawrence Wilson, M.D.

Dr. Wilson appeared before the Probation Committee with his temporarily approved monitor, Dr. Ashit Vijapura and Ms. Troupe representing PRN. There was discussion concern Dr. Wilson request to have his monitoring conditions changed from urology to Addiction Fellowship. Ms. Troupe representing PRN reported, Dr. Wilson has been in PRN since January of 2007 and is doing very well.

A motion was made, seconded and carried to refer Dr. Wilson request to the credentials committee for consideration, then to the Board for action.

A motion was made, seconded and carried that Dr. Vijapura be approved as Dr. Wilson's indirect supervisor.

First Appearance

Tab 1 – Yves Jean-Baptiste, M.D.

Dr. Jean-Baptiste appeared before the Probation Committee for his first appearance along with his temporarily approved monitor, Dr. Bernstein and attorney, Jon Pellet. Dr. Bernstein was questioned about his practice, relationship with Dr. Jean-Baptiste and if he has read the final order. Dr. Bernstein stated that he has reviewed part if the fine and his responsibilities as a monitor. Mr. Pellett stated the Dr. Bernstein has the allegations that were filed against Dr. Jean-Baptiste; he does not have the full Final Order in his possession. Due to the size of the Final Order he was unable to download the file.

A motion was made, seconded and carried that Dr. Bernstein be approved as of Dr. Jean-Baptiste's monitor.

Tab 2 – Valentine Duruibe, M.D.

Dr. Duruibe did not make his quarterly appearance before the Probation Committee nor did he request to be excused.

Tab 3 – Sanjeev Groover, M.D.

Dr. Groover did not make his quarterly appearance before the Probation Committee nor did he request to be excused. He called during the meeting stating that his car broke down and was unable to make it.

Tab 4 – Mary Stegman, M.D.

Dr. Stegman appeared before the Probation Committee for her first appearance along with her temporarily approved monitor, Dr. Rafael V. Climaco. Dr. Climaco was questioned about his practice, relationship with Dr. Stegman and if he has read the final order. Dr. Climaco stated that he has read the final order. Dr. Climaco had few questions concerning his requirements as a monitor. Dr. Climaco requested information on how to submit a supervisor's report.

A motion was made, seconded and carried that Dr. Climaco be approved as Dr. Stegman monitor.

Addendum I – Ismael Labrador, M.D.

Case Pulled

Quarterly Appearances

Tab 5 – Matthew Kachinas, M.D.

Dr. Kachinas appeared before the Probation Committee for his quarterly appearance. There was discussion concerning Dr. Kachinas' compliance with the terms of the Final Order. Dr. Kachinas stated that office that he is working for are utilizing his services and he there a couple days a week. He lives in Sarasota and the offices he is currently covering are located in Jacksonville and Gainesville. Dr. Kachinas stated that at the offices he covers, they provide termination services, family planning and GYN. There was discussion concerning the terms of his appeal.

No other motions were made; probation continues. Committee requested information regarding the details of Dr. Kachinas appeal.

Tab 6 – Mario Diaz, M.D.

Dr. Diaz made his quarterly appearance before the Probation Committee along with his temporarily approved alternate monitor, Dr. Tong Duong. Dr. Diaz introduced Dr. Duong as his alternate monitor; he is Board certified plastic surgeon he is one of the many physicians he works with at the surgery center. Dr. Duong was questioned about his practice, relationship with Dr. Diaz and if he has read the final order. Dr. Duong stating the he and Dr. Diaz work together in the operating room. Dr. Duong has reviewed the Final Order and understands his responsibilities as a monitor.

A motion was made, seconded and carried that Dr. Duong be approved as one of Dr. Diaz's monitor.

Tab 7 – Moulton Keane, M.D.

Dr. Keane made his quarterly appearance before the Probation Committee. Dr. Diaz stated his secondary monitor was supposed to make an appearance with him; however the monitor has decided not to serve as monitor. Dr. Keane stated that he has not reviewed the report provided by Affiliated Monitors. There was discussion concerning information outlined in the report prepared by Dr. Rosenblatt. Dr. Keane stated that the deficiencies outlined in the report have not been brought to his attention. The clinic he currently works at is registered as a pain clinic, however they are not currently doing pain management. He asked the owner to withdraw the registration. He has two patients for which he does pain management. He current evaluates patients with vehicles accident. There was discussion concern the frequency of the patient records review and compliance with the terms of the Final Order.

A motion was made, seconded and carried to have the monitor appear at the next meeting and have an investigator visit the clinic; probation continues.

Tab 8 – William Leach, M.D.

Dr. Leach made his quarterly appearance before the Probation Committee with his temporarily approved monitor, Dr. Chester Miltenberger and his attorney, Jon Pellett. Dr. Miltenberger was questioned about his practice, relationship with Dr. Leach and if he has read the final order. Dr. Miltenberger stated that he met Dr. Leach through a friend, pharmaceutical rep. He

A motion was made, seconded and carried that Dr. Miltenberger be approved as one of Dr. Leach's monitor.

Tab 9 - Val Manocchio, M.D.

Dr. Manocchio made his quarterly appearance before the Probation Committee along with Ms. Troupe representing PRN. Ms. Troupe reported that he is doing well.

No other motions were made; probation continues.

Tab 10 – Harold Smith, M.D.

Dr. Smith did not make his quarterly appearance before the Probation Committee nor did he request to be excused.

Tab 11 – Robert Lentz, P.A.

Dr. Lentz made his quarterly appearance before the Probation Committee. Dr. Lentz stated that he is doing well. There was discussion concerning his request for a payment plan. Compliance will review his file for request previously submitted. There was discussion concerning Dr. Lentz leasing space from his monitor. Board counsel requested that he provide documentation concerning his business relationship with the monitor.

No other motions were made; probation continues.

Tab 12 – James Fulton, M.D.

Dr. Fulton did not make his quarterly appearance before the Probation Committee nor did he request to be excused.

Tab 13 – Tammy Tadam, M.D.

Dr. Tadam made her quarterly appearance before the Probation Committee along with Ms. Troupe representing PRN. Dr. Tadam stated that she is doing well. Ms. Troupe reported that she is doing very well. There was discussion concerning a chiropractor serving as her monitor. The Committee advised she could not be supervised by a chiropractor.

No other motions were made; probation continues.

Tab 14 – Samuel Adams, M.D.

Dr. Adams' did not make his quarterly appearance before the Probation Committee. Ms. Troupe was at the meeting and stated that Dr. Adams' broke his hip in July and continues to be monitored by PRN. He is has been marginally compliance with PRN. The Committee asked that Ms. Troupe explain "marginal compliance", she stated that PRN has had to strongly encourage him to go back to attending his PRN meetings. Compliance stated that he does not have a monitor at this time; the monitor's office was closed. Compliance spoke with the monitor and his office remains open.

A motion was made, seconded and carried to excuse Dr. Adams' appearance. Probation continues.

Tab 15 – Timothy Eastburn, P.A.

Mr. Eastburn made is quarterly appearance before the Probation Committee. He stated that things are going well. Ms. Troupe report that Mr. Eastburn is doing well and has agreed to stay with PRN until he completes the probation with the Board. Mr. Eastburn requested that the enforcement alert be removed from his license. Board counsel advised that the alert should be removed. There was discussion concerning his failure to appear at the August 27, 2010 meeting. Mr. Eastburn stated there was no excuse; the meetings for the last three years have always been on Saturday. He immediately contacted the Compliance Unit the morning of the meeting.

A motion was made, seconded and carried to excuse Dr. Eastburn's appearance. Probation continues.

FINAL APPEARANCE

Tab 16 – Philip Bagenski, M.D.

Dr. Bagenski made his final appearance before the Probation Committee. Dr. Bagenski stated that things are going well. He is currently has a primary care in internal medicine practice. He plans to set for the internal medicine Boards next summer pending termination of his probation. He has two years left with the DEA with a restricted agreement for schedules IV and V with intentions to submit amendment for early termination or reinstatement of schedules II and III so that he may apply for hospital privileges. He is considering applying to the University of Florida Addiction Medicine Fellowship. Ms. Troupe reported that he is doing very well. He signed his contract October of 2007.

No other motions were made, probation will terminate.

QA Reviews/CARES Evaluations and PRN

Addendum I - Yves Jean Baptiste, M.D.

Dr. Jean-Baptiste made an appearance before the Probation Committee along with his attorney, Jon Pellet to request approval of his Quality Assurance Review.

A motion was made, seconded and carried unanimously to approve Dr. Jean-Baptiste's Quality Assurance Review.

Tab 13 – Mark Cuffe, M.D.

Case Pulled

Community Service Plans

Tab 19 – Mark Cuffe, M.D.

Dr. Cuffe was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Cuffe's community service plan.

Tab 20 – Hugo De Ayala, M.D.

Dr. De Ayala was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. De Ayala's community service plan.

Tab 21 – Moulton Keane, M.D.

Dr. Keane was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Keane's community service plan.

Tab 22 – Richard Maloney, M.D.

Dr. Maloney was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Maloney's community service plan.

Tab 23 – Carlo Oller, M.D.

Dr. Oller was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Oller's community service plan.

Tab 24 – Peter Orobello, M.D.

Dr. Orobello was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Orobello's community service plan.

Tab 25 – Joseph Parise, M.D.

Dr. Parise was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Parise's community service plan.

Tab 26 – J. Rao Rayavarapu, M.D.

Dr. Rayavarapu was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Rayavarapu's community service plan.

Tab 27- Victor Roberts, M.D.

Dr. Roberts was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Roberts's community service plan.

Tab 28- Margarida Soares, M.D.

Dr. Soares was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Soares' community service plan.

Tab 29 – Fernando Serra, M.D.

Dr. Serra was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Serra's community service plan.

Tab Addendum V – Eliyahu Shemesh, M.D.

Dr. Shemesh was not required to attend this Probation Committee meeting at which his community service plan was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Shemesh's community service plan.

Lecture Outlines

Tab 30 – Naja Baddoura, M.D.

Dr. Baddoura was not required to attend this Probation Committee meeting at which his lecture outline was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Baddoura's lecture outline.

Tab 31 – Carlo Oller, M.D.

Dr. Oller was not required to attend this Probation Committee meeting at which his lecture outline was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Oller's lecture outline.

Tab 32 – Peter Orobello, M.D.

Dr. Orobello was not required to attend this Probation Committee meeting at which his lecture outline was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Orobello's lecture outline.

Tab 33 – Richard Maloney, M.D.

Dr. Maloney was not required to attend this Probation Committee meeting at which his lecture outline was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Maloney's lecture outline.

Tab 34 - Yale Smith, M.D.

Dr. Smith was not required to attend this Probation Committee meeting at which his lecture outline was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Smith's lecture outline.

Tab 35 – Jeffery Starling, M.D.

Dr. Starling was not required to attend this Probation Committee meeting at which his lecture outline was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Starling's lecture outline.

Payment Plan Extensions

Tab 36 – Yves Jean-Baptiste, M.D.

Dr. Jean-Baptiste was not required to attend this Probation Committee meeting at which her payment plan was presented for consideration. His plan is as follows, upon returning to practice he will pay \$500.00 per month for the first six (6) months. As the practice regains strength and with an anticipated increase in volume of patients, he would double or triple the amount for the next six (6)

months. After the 1st 12 months, the payments will increase to \$3,000.00 per month. Prior to the completion of the 24 months allowed for payment, if he still has a balance, he would apply for a business loan from the bank to cover the remaining balance before the 24 months period would end.

A motion was made, second, and carried unanimously to approve Jean-Baptiste's payment plan.

Addendum II – Michael Zarilla, P.A.

Mr. Zarilla was not required to attend this Probation Committee meeting at which his payment extension was presented for consideration.

A motion was made, second, and carried unanimously to approve Mr. Zarilla's payment extension for one year. His final payment will be due on October 15, 2011.

Extension Requests

Tab 37 – Fernando Serra, M.D.

Dr. Serra was not required to attend this Probation Committee meeting at which her extension of time to perform the Laws and Rules course sponsored by the Florida Medical Association was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Serra's extension of time to perform the Laws and Rules course.

Addendum III – Thomas Federico, M.D.

Dr. Federico was not required to attend this Probation Committee meeting at which his community service extension request was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Federico's community service extension request.

Continuing Medical Education Requests

Tab 38 – Irvin Keller, M.D.

Dr. Keller was not required to attend this Probation Committee meeting at which his request for pre-approval of a continuing medical education course was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Keller's continuing medical education course.

Tab 39 – Jennifer Kitzel, M.D.

Dr. Kitzel was not required to attend this Probation Committee meeting at which her request for pre-approval of a continuing medical education course was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Kitzel's continuing medical education course.

Tab 40 – Peter Orobello, M.D.

Dr. Orobello was not required to attend this Probation Committee meeting at which his request for pre-approval of a continuing medical education course was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Orobello's continuing medical education course.

Addendum IV – Robert Bowles, M.D.

Dr. Bowles was not required to attend this Probation Committee meeting at which his request for pre-approval of a continuing medical education course was presented for consideration.

A motion was made, second, and carried unanimously to approve Dr. Bowles' continuing medical education course.

Other Business

The meeting adjourned until the next meeting in February 2011.