



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 November 12, 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
Fred Bearison, Panel Member
Brigitte Goersch, Panel Member
Jayne Mittan, 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
Kristen Griswold, Attorney, Department of Health
Robert Milne, Esq., Attorney, Department of Health
Gavin Burgess, Attorney, Department of Health
Carol Greg, Attorney, Department of Health
Susan Salamy, Attorney, Department of Health
Sharmin Hibbert, Attorney, Department of Health
Yolanda Green, 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

<u>Subject Name:</u>	<u>Case No.:</u>	<u>Action Taken:</u>
R-02 John Brodnan, M.D.	2008-27633	Dismissed

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g), F.S., involving to perform any statutory or legal obligation placed upon a licensed physician. 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 lack of clear and convincing evidence that Subject willfully and intentionally violated Section 458.331(1)(g), F.S. 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