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**Department of Health
Florida Board of Medicine Meeting
Meeting Minutes**

**Renaissance Orlando Hotel
5445 Forbes Place
Orlando, FL 32812
(407) 240-1000**

December 3-4, 2010

Friday, December 3, 2010

8:00 a.m. ROLL CALL

Members Present:

Onelia Lage, M.D., Chair
Michael Chizner, M.D., Vice Chair
George Thomas, M.D., 1st Vice Chair
Steven Rosenberg, M.D., 2nd Vice Chair
H. Frank Farmer, Jr., M.D.
Trina Espinola, M.D.
Donald Mullins, Consumer Member
Robert Nuss, M.D.
Fred Bearison, M.D.
Tully Patrowicz, M.D.
Jason Rosenberg, M.D.
Gary Winchester, M.D.
Brigitte Goersch, Consumer Member
Elisabeth Tucker, M.D.
Bradley Levine, Consumer Member

Staff Present:

Larry McPherson, Executive Director
Ed Tellechea, Board Counsel
Donna McNulty, Board Counsel
Nancy Murphy, Paralegal
Crystal Sanford, Administrator
Chandra Prine, Administrator
Whitney Bowen, Regulatory Specialist II
Eulinda Smith, Public Information Office

Prosecuting Attorneys Present:

Veronica Donnelly
David Pius

Members Absent:

Others Present:

Judy Rivenbark, M.D., Director,
PRN

American Court Reporting

American A/V

- 1 Shirley Bates
- 2 Elana Jones
- 3 Gavin Burgess
- 4 Robert Milne

5
 6 Mr. McPherson introduced Lucy Gee, Medical Quality Assurance Director, who was present in
 7 the audience. He then provided opening remarks and explained the various types of hearings
 8 scheduled for the day.

9
 10 Ms. Sanford called the Settlement Agreement List and determined which Settlement Agreement
 11 would be heard that day. The following Settlement Agreements were approved during the call of
 12 the list:

- 13 Dr. Granados
- 14 Dr. Castillo
- 15 Dr. Vincent
- 16 Dr. Foss
- 17 Ms. Neal
- 18 Dr. Meilman

19
 20 **LICENSURE ISSUES:**

21
 22 **Rajan Bhatt, M.D. – Request to Lift Conditions.....1**

23 Dr. Bhatt was present with Dr. Rivenbark. He was not represented by counsel.

24
 25 After discussion, a motion was made, seconded and carried with two opposed to life the
 26 licensure restrictions on Dr. Bhatt’s license.

27
 28 **Action taken:** restrictions lifted

29
 30 **Joel Morris, M.D. – Request for Reconsideration45**

31 Dr. Morris was present, but not represented by counsel.

32
 33 After discussion, a motion was made, seconded and carried with one opposed to lift the
 34 requirement for supervision from his license.

35
 36 **Action taken:** restrictions lifted

37
 38 **DISCIPLINARY CASE SCHEDULE:**

39
 40 **Thais Aleida Granados, M.D., Miami Beach, FL - Settlement Agreement4**

41 Dr. Farmer was recused due to participation on the probable cause panel.

42
 43 Allegations of the Administrative Complaint: Violation of Florida Statute s. 456.072(1)(q), FS
 44 (2009) - Violating a lawful order of the department or the board, or failing to comply with a
 45 lawfully issued subpoena of the department.

46

1 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

2
3 **Penalty imposed:** letter of concern, \$8,000 fine, costs, Laws and Rules course, 50 hours
4 community service, 5 hours CME in risk management

5
6 **Fausto P. Castillo, M.D., Lake Worth & Homestead, FL - Settlement Agreement ..11**

7 Dr. Espinola and Ms. Goersch were recused due to participation on the probable cause panel.

8
9 Allegations of the Administrative Complaint” Violation of Florida Statutes s. 458.331(1)(m), FS
10 (2004) - Failing to keep legible, as defined by department rule in consultation with the board,
11 medical records that identify the licensed physician or the physician extender and supervising
12 physician by name and professional title who is or are responsible for rendering, ordering,
13 supervising, or billing for each diagnostic or treatment procedure and that justify the course of
14 treatment of the patient, including, but not limited to, patient histories; examination results; test
15 results; records of drugs prescribed, dispensed, or administered; and reports of consultations and
16 hospitalizationsPrescribing, dispensing, administering, mixing, or otherwise preparing a legend
17 drug, including any controlled substance, other than in the course of the physician's professional
18 practice; s. 458.331(1)(q), FS (2004) - Prescribing, dispensing, administering, mixing, or
19 otherwise preparing a legend drug, including any controlled substance, other than in the course
20 of the physician's professional practice; and s. 458.331(1)(t), FS (2004) – Gross or repeated
21 malpractice or the failure to practice medicine with that level of care, skill, and treatment which
22 is recognized by a reasonably prudent similar physician as being acceptable under similar
23 conditions and circumstances.

24
25 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

26
27 **Penalty imposed:** letter of concern, \$10,000 fine, costs, Laws & Rules Course, FMA records
28 course, 100 hours community service, 5 hours CME in the treatment of neutropenia in
29 immunosuppressed patients; must provide proof of restitution to Florida Medicaid Program
30 (\$6,995.36)

31
32 **Carla Maureen Vincent, M.D., Jacksonville, FL - Settlement Agreement14**

33 Dr. Lage and Mr. Levine were recused due to participation on the probable cause panel. Dr.
34 Chizner chaired this tab.

35
36 Allegations of the Administrative Complaint: Violation of Florida Statute s. 458.331(1)(x)(2009)
37 – Violating a lawful order of the board or department previously entered in a disciplinary hearing
38 or failing to comply with a lawfully issued subpoena of the department.

39
40 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

41
42 **Penalty imposed:** letter of concern, \$5,000 fine, costs, Laws and Rules course

43
44 **Joseph Neville Foss, M.D., - Settlement Agreement 19**

45 Dr. Espinola and Ms. Goersch were recused due to participation on the probable cause panel.

46

1 Allegations of the Administrative Complaint: Violation of Florida statutes s. 458.331(1)(t), FS
2 (2005) – Notwithstanding s. 456.072(2) but as specified in s. 456.50(2): 1. Committing medical
3 malpractice as defined in s. 456.50. The board shall give great weight to the provisions of s.
4 766.102 when enforcing this paragraph. Medical malpractice shall not be construed to require
5 more than one instance, event, or act. 2. Committing gross medical malpractice. 3. Committing
6 repeated medical malpractice as defined in s. 456.50. A person found by the board to have
7 committed repeated medical malpractice based on s. 456.50 may not be licensed or continue to
8 be licensed by this state to provide health care services as a medical doctor in this state. Nothing
9 in this paragraph shall be construed to require that a physician be incompetent to practice
10 medicine in order to be disciplined pursuant to this paragraph. A recommended order by an
11 administrative law judge or a final order of the board finding a violation under this paragraph
12 shall specify whether the licensee was found to have committed "gross medical malpractice,"
13 "repeated medical malpractice," or "medical malpractice," or any combination thereof, and any
14 publication by the board must so specify and s. 458.331(1)(t), FS (2004) - Gross or repeated
15 malpractice or the failure to practice medicine with that level of care, skill, and treatment which
16 is recognized by a reasonably prudent similar physician as being acceptable under similar
17 conditions and circumstances.

18 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

19
20 **Penalty imposed:** letter of concern, \$5,000 fine, costs, 25 hours community service, 5 hours
21 CME in risk management
22

23 **Nancy E. Peritore-Neal, E.O., Clearwater, FL - Settlement Agreement 23**

24 Dr. Tucker and Mr. Mullins were recused due to participation on the probable cause panel.
25

26 Allegations of the Administrative Complaint: Violation of Florida Statute s. 478.52(1)(l), FS
27 (2007) – Failing to perform any statutory or legal obligation placed upon an electrologist.
28

29 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.
30

31 **Penalty imposed:** letter of concern, \$250 fine, costs, 25 hours community service, 5 hours CME
32 laws and rules course, must pay assessment within 30 days
33

34 **Jeffrey Gregory Meilman, M.D., Williamsville, NY - Settlement Agreement 31**

35 Mr. Levine was recused due to participation on the probable cause panel.
36

37 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(b), FS
38 (2009) – Having a license or the authority to practice medicine revoked, suspended, or otherwise
39 acted against, including the denial of licensure, by the licensing authority of any jurisdiction,
40 including its agencies or subdivisions; s. 458.331(1)(kk), FS (2009) – Failing to report to the
41 board, in writing, within 30 days if action as defined in paragraph (b) has been taken against
42 one's license to practice medicine in another state, territory, or country; and s. 456.072(1)(w)FS
43 (2009) – Failing to comply with the requirements for profiling and credentialing, including, but
44 not limited to, failing to provide initial information, failing to timely provide updated
45 information, or making misleading, untrue, deceptive, or fraudulent representations on a profile,
46 credentialing, or initial or renewal licensure application.

1
2 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

3
4 **Penalty imposed:** letter of concern, \$1,500 fine, costs, Laws and Rules course

5
6 **John R. Habib, M.D., Oakland Park, FL - Settlement Agreement 2**

7 Dr. Habib was not present however, he was represented by Kenneth Metzger, Esquire and also
8 present was his twin brother, Joseph Habib.

9
10 Dr. Bearison and Mr. Levine were recused due to participation on the probable cause panel.

11
12 Ms. Jones represented the Department and presented the case to the Board. Allegations of the
13 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(s)(2009) - Being unable to
14 practice medicine with reasonable skill and safety to patients by reason of illness or use of
15 alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or
16 physical condition.

17
18 The Department objected to the Respondent's twin brother speaking on this matter.

19
20 A motion was made and seconded to accept the Settlement Agreement.

21
22 The Respondent's attorney requested an extension of time to pay the fine and he was advised to
23 address that issue with the Probation Committee.

24
25 The motion carried unanimously.

26
27 **Penalty imposed:** reprimand, \$5,000 fine, costs, Laws & Rules course, 100 hours community
28 service, suspended until appears and demonstrates his ability to practice with reasonable skill and
29 safety, including a PRN evaluation, board retains jurisdiction to impose additional terms at
30 reinstatement

31
32 **Walter Felipe Proano, M.D., Miramar, FL & McRae, GA - Determination of**
33 **Waiver 5**

34
35 Dr. Proano was not present nor was he represented by counsel.

36
37 Dr. Nuss and Mr. Mullins were recused due to participation on the probable cause panel.

38
39 Ms. Jones represented the Department and presented the case to the Board. Allegations of the
40 Administrative Complaint: Violation of Florida Statutes s. 456.072(1)(ii), FS (2009) – Being
41 convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony,
42 regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341,
43 s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program;
44 s. 458.331(1)(c), FS (2009) – Being convicted or found guilty of, or entering a plea of nolo
45 contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the
46 practice of medicine or to the ability to practice medicine; and s. 456.072(1)(II), FS (2009) –

1 Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or
2 felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.

3
4 A motion was made seconded and carried unanimously to find the Respondent waived his right
5 to a hearing.

6
7 A motion was made seconded and carried unanimously to adopt the Findings of Fact.

8
9 A motion was made seconded and carried unanimously to adopt the Conclusions of Law.

10
11 A motion was made seconded and carried unanimously to find the Respondent has violated
12 Florida Statutes as charged in the Administrative Complaint.

13
14 A motion was made, seconded and carried unanimously to revoke the Respondent's license.

15
16 A motion was made, seconded and carried unanimously to assess costs in the amount of
17 \$1,561.25.

18
19 **Penalty imposed:** revoked, costs

20
21
22 **Robert L. Ignasiak, Jr., M.D., Freeport, FL & Beaumont, TX - Determination of**
23 **Waiver 6**

24
25 Dr. Ignasiak was not present nor was he represented by counsel.

26
27 Dr. Winchester was recused due to participation on the probable cause panel.

28
29 Allegations of the Administrative Complaint: Violation of Florida Statute s. 458.331(1)(c), FS
30 (2009) – Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless
31 of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to
32 the ability to practice medicine.

33
34 The Department advised the Board Dr. Ignasiak had signed a voluntary relinquishment of
35 license.

36
37 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
38 of license.

39
40 **Penalty imposed:** voluntary relinquishment

41
42 **Layne R. Yonehiro, M.D., Pensacola, FL - Settlement Agreement 7**

43
44 Dr. Yonehiro was present and represented by Thomas F. Gonzalez, Esquire.

45
46 Mr. Levine was recused due to participation on the probable cause panel.

1
2 Mr. Burgess represented the Department and presented the case to the Board. Allegations of the
3 Administrative Complaint: Violation of Florida Statute s. 456.072(1)(cc), FS (2009) - Leaving a
4 foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other
5 paraphernalia commonly used in surgical, examination, or other diagnostic procedures.
6

7 Mr. Gonzalez presented a catheter/sheath as evidence for the record.
8

9 A motion was made, seconded and carried unanimously to reject the Settlement Agreement.
10

11 A motion was made and seconded to dismiss the Administrative Complaint.
12

13 The Respondent agreed to waive attorney fees and costs.
14

15 The motion carried unanimously.
16

17 **Action taken:** Administrative Complaint dismissed
18

19 **Shekhar Shantaram Desai, M.D., Satellite Beach, FL- Settlement Agreement 8**

20 Dr. Desai was present and represented by Allen Grossman, Esquire.
21

22 Ms. Goersch was recused due to participation on the probable cause panel.
23

24 Mr. Burgess represented the Department and presented the case to the Board. Allegations of the
25 Administrative Complaint: Violation of Florida Statute s. 456.072(1)(c), FS (2009) - Being
26 convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of
27 adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice,
28 a licensee's profession.
29

30 A motion was made, seconded and carried with two opposed to accept the Settlement
31 Agreement.
32

33 **Penalty imposed:** letter of concern, \$5,000 fine, costs, 100 hours community service, 5 hours
34 CME in ethics, 5 hours CME in risk management
35
36

37 **Benjamin Sanchez, M.D., Tampa, FL - Settlement Agreement 9**

38 Dr. Sanchez was present and represented by Robert McKee, Esquire. Dr. Rivenbark was also
39 present.
40

41 Mr. Levine was recused due to participation on the probable cause panel.
42

43 Ms. Jones represented the Department and presented the case to the Board. Allegations of the
44 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(c), FS (2009) - Being
45 convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication,
46 a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to

1 practice medicine.

2
3 Ms. Jones indicated that both parties agreed to a change in the suspension language in the
4 Settlement Agreement.

5
6 A motion was made and seconded to accept the amended Settlement Agreement.

7
8 Dr. Tucker asked if the Board should add language that the evidence must be approved to the
9 Board's satisfaction.

10
11 Dr. Bearison suggested language that the Board reserves the jurisdiction to add more terms at
12 reinstatement including additional evaluations.

13
14 Mr. Tellechea suggested language that would require the Respondent to appear before the Board
15 if he gets into non-compliance with PRN.

16
17 The motion to accept the Settlement Agreement was withdrawn.

18
19 A motion was made, seconded and carried unanimously to reject the Settlement Agreement.

20
21 A motion was made and seconded to offer a counter proposal to include a reprimand, \$2,500
22 fine, costs, suspension until he appears and demonstrates his ability to practice with reasonable
23 skill and safety including PRN and two independent evaluations that demonstrate he has been
24 stable for one year of treatment, license long PRN and the Board reserves jurisdiction to impose
25 additional terms at reinstatement.

26
27 An amendment was offered to require that any violation of his criminal requirements would be
28 considered a violation of this action. The amendment was accepted.

29
30 After additional discussion, the matter was tabled to allow both parties to agree on language in
31 the Settlement Agreement.

32
33 **Edward W. Braun, M.D., Tampa, FL - Settlement Agreement 10**

34 Dr. Braun was present and represented by Gregory Chaires, Esquire.

35
36 Dr. Espinola and Ms. Goersch were recused due to participation on the probable cause panel.

37
38 Mr. Pius represented the Department and presented the case to the Board. Allegations of the
39 Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(m), FS (2007-2008)(2004)
40 - Failing to keep legible, as defined by department rule in consultation with the board, medical
41 records that identify the licensed physician or the physician extender and supervising physician
42 by name and professional title who is or are responsible for rendering, ordering, supervising, or
43 billing for each diagnostic or treatment procedure and that justify the course of treatment of the
44 patient, including, but not limited to, patient histories; examination results; test results; records of
45 drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations;
46 s. 458.331(1)(q), FS (2007-2008)(2004) - Prescribing, dispensing, administering, mixing, or

1 otherwise preparing a legend drug, including any controlled substance, other than in the course
2 of the physician's professional practice; and s. 458.331(1)(t), FS (2004) – Gross or repeated
3 malpractice or the failure to practice medicine with that level of care, skill, and treatment which
4 is recognized by a reasonably prudent similar physician as being acceptable under similar
5 conditions and circumstances.

6
7 Both parties agreed the monitoring physician must be board certified in family practice or
8 internal medicine.

9
10 A motion was made, seconded and carried unanimously to accept the Settlement Agreement as
11 amended on the record.

12
13 **Penalty imposed:** reprimand, \$20,000 fine, costs, Laws and Rules course, UF drug course, FMA
14 records course, 50 hours community service, probation for one year with indirect supervision,
15 review records for all patients receiving controlled substances (schedule II and III), consult on all
16 cases involving patients receiving controlled substances, receive and review copies of scripts for
17 controlled substances, quarterly reports, first and last appearances

18
19 **Revisit Benjamin Sanchez, M.D., Tampa, FL - Settlement Agreement 9**

20
21 The parties presented new suspension language to the Board.

22
23 A motion was made, seconded and carried unanimously to adopt the amended Settlement
24 Agreement.

25
26 **Penalty imposed:** reprimand, \$2,500 fine, costs, indefinite suspension until he appears and
27 demonstrates his ability to practice with reasonable skill and safety, including evaluations from
28 two PRN approved providers that demonstrate at least one year of stability under treatment,
29 failure to comply will result in the Respondent being found in non-compliance, must comply
30 with criminal probation, Board retains jurisdiction to impose additional terms at reinstatement,

31
32 **Sergio Rodriguez, M.D., West Palm Beach, FL - Recommended Order 12**

33 Dr. Rodriguez was not present nor was he represented by counsel.

34
35 Dr. Bearison and Mr. Mullins were recused due to participation on the probable cause panel. Dr.
36 Steven Rosenberg recused himself because he was one of the physicians that originally reported
37 Dr. Rodriguez to the Department. Dr. Lage read the Recommended Order remarks and
38 confirmed all participating members had read the complete record.

39
40 Mr. Milne represented the Department and presented the case to the Board. Allegations of the
41 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(nn), FS (2007) – Violating
42 any provision of this chapter or chapter 456, or any rules adopted pursuant thereto; s.
43 458.331(1)(t), FS (2007) – Notwithstanding s. 456.072(2) but as specified in s. 456.50(2):
44 1. Committing medical malpractice as defined in s. 456.50. The board shall give great weight to
45 the provisions of s. 766.102 when enforcing this paragraph. Medical malpractice shall not be
46 construed to require more than one instance, event, or act. 2. Committing gross medical

1 malpractice. 3. Committing repeated medical malpractice as defined in s. 456.50. A person found
2 by the board to have committed repeated medical malpractice based on s. 456.50 may not be
3 licensed or continue to be licensed by this state to provide health care services as a medical
4 doctor in this state. Nothing in this paragraph shall be construed to require that a physician be
5 incompetent to practice medicine in order to be disciplined pursuant to this paragraph. A
6 recommended order by an administrative law judge or a final order of the board finding a
7 violation under this paragraph shall specify whether the licensee was found to have committed
8 "gross medical malpractice," "repeated medical malpractice," or "medical malpractice," or any
9 combination thereof, and any publication by the board must so specify.

10 s. 458.331(1)(m), FS (2007) – Failing to keep legible, as defined by department rule in
11 consultation with the board, medical records that identify the licensed physician or the physician
12 extender and supervising physician by name and professional title who is or are responsible for
13 rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that
14 justify the course of treatment of the patient, including, but not limited to, patient histories;
15 examination results; test results; records of drugs prescribed, dispensed, or administered; and
16 reports of consultations and hospitalizations; s. 458.331(1)(q), FS (2007) – Prescribing,
17 dispensing, administering, mixing, or otherwise preparing a legend drug, including any
18 controlled substance, other than in the course of the physician's professional practice; and s.
19 458.331(1)(ff), FS (2007) – Prescribing, ordering, dispensing, administering, supplying, selling,
20 or giving amygdalin (laetrile) to any person.

21
22 A motion was made, seconded and carried unanimously to approve the Petitioner's Exception
23 one on the basis of the Department's presentation.

24
25 A motion was made, seconded and carried unanimously to approve the Petitioner's Exception
26 two on the basis of the Department's presentation and on the advice of Board Counsel.

27
28 A motion made, seconded and carried unanimously to adopt the Findings of Fact as amended.

29
30 A motion made, seconded and carried unanimously to adopt the Conclusions of Law as
31 amended.

32
33 The Department requested the maximum fine of \$50,000 be imposed since the Board found the
34 Respondent violation s. 458.331(1)(t), F.S.

35
36 A motion was made, seconded and carried unanimously to adopt the Recommended Order.

37
38 A motion was made, seconded and carried unanimously to assess costs in the amount of
39 \$17,670.63.

40
41 **Penalty imposed:** revocation, \$40,000 fine

42
43 **Christopher William Conavay, M.D., - Recommended Order 13**

44 Dr. Conavay was not present nor was he represented by counsel.

45
46 Dr. Tucker and Mr. Mullins were recused due to participation on the probable cause panel. Dr.

1 Lage read the Recommended Order remarks and confirmed all participating members had read
2 the complete record.

3
4 The Department presented the case to the Board. Allegations of the Administrative Complaint:
5 Violation of Florida Statutes s. 458.331(1)(nn), FS (2008) – Violating any provision of this
6 chapter or chapter 456, or any rules adopted pursuant thereto; s. 458.331(1)(q), FS (2008) –
7 Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including
8 any controlled substance, other than in the course of the physician's professional practice; and s.
9 458.331(1)(g), FS (2008) – Failing to perform any statutory or legal obligation placed upon a
10 licensed physician.

11
12 A motion made, seconded and carried unanimously to adopt the Findings of Fact and
13 Conclusions of Law.

14
15 A motion was made, seconded and carried unanimously to adopt the Recommended Order.

16
17 A motion was made, seconded and carried unanimously to assess costs in the amount of
18 \$11,187.75.

19
20 **Penalty imposed:** revocation, costs

21
22 **Shirin H. Thobhani, M.D., Coral Springs, FL - Settlement Agreement**
23 **(Case #2008-14306)15**

24 Dr. Thobhani was present, but not represented by counsel.

25
26 Dr. Bearison and Mr. Levine were recused due to participation on the probable cause panel.

27
28 Mr. Burgess represented the Department and presented the case to the Board. Allegations of the
29 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(x), FS (2008) – Violating a
30 lawful order of the board or department previously entered in a disciplinary hearing or failing to
31 comply with a lawfully issued subpoena of the department.

32
33 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

34
35 **Penalty imposed:** reprimand, \$5,000 fine, costs, 100 hours community service, comply with
36 previous Final Order within 6 months.

37
38 **Shirin H. Thobhani, M.D., Coral Springs, FL - Settlement Agreement**
39 **(Case #2008-16440)16**

40 Dr. Thobhani was present, but not represented by counsel.

41
42 Dr. Bearison and Mr. Levine were recused due to participation on the probable cause panel.

43
44 Mr. Burgess represented the Department and presented the case to the Board. Allegations of the
45 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(x), FS (2006) – Violating a

1 lawful order of the board or department previously entered in a disciplinary hearing or failing to
2 comply with a lawfully issued subpoena of the department

3
4 A motion was made, seconded and carried with one opposed to accept the Settlement
5 Agreement.

6
7 **Penalty imposed:** reprimand, \$5,000 fine, costs, 100 hours community service, comply with
8 previous Final Order within 6 months

9
10
11 **Michael Patrick Graham, M.D., Orlando, FL - Settlement Agreement17**

12 Dr. Graham was present and represented by Gregory Chaires, Esquire.

13
14 Dr. Thomas and Mr. Levine were recused due to participation on the probable cause panel.

15
16 Ms. Bates represented the Department and presented the case to the Board. Allegations of the
17 Administrative Complaint: Violation of Florida Statutes s. 456.072(1)(bb)(2008) – Performing or
18 attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong
19 procedure, or an unauthorized procedure or a procedure that is medically unnecessary or
20 otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this
21 paragraph, performing or attempting to perform health care services includes the preparation of
22 the patient; and s. 458.331(1)(t)(2008) - s. 456.072(2) but as specified in s. 456.50(2):

23 1. Committing medical malpractice as defined in s. 456.50. The board shall give great weight to
24 the provisions of s. 766.102 when enforcing this paragraph. Medical malpractice shall not be
25 construed to require more than one instance, event, or act. 2. Committing gross medical
26 malpractice. 3. Committing repeated medical malpractice as defined in s. 456.50. A person
27 found by the board to have committed repeated medical malpractice based on s. 456.50 may not
28 be licensed or continue to be licensed by this state to provide health care services as a medical
29 doctor in this state. Nothing in this paragraph shall be construed to require that a physician be
30 incompetent to practice medicine in order to be disciplined pursuant to this paragraph. A
31 recommended order by an administrative law judge or a final order of the board finding a
32 violation under this paragraph shall specify whether the licensee was found to have committed
33 "gross medical malpractice," "repeated medical malpractice," or "medical malpractice," or any
34 combination thereof, and any publication by the board must so specify.

35 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

36 Penalty imposed: letter of concern, \$7500 fine, costs, 50 hours community service, 5 hours CME
37 in risk management, 1 hour lecture

38
39 **Laura M. Kelly-Hartery, E.O. Portland, ME – Determination of Waiver21**

40 Ms. Kelley-Hartery was not present nor was she represented by counsel.

41
42 Dr. Espinola was recused due to participation on the probable cause panel.

1 Mr. Pius represented the Department and presented the case to the Board. Allegations of the
2 Administrative Complaint: Violation of Florida Statute s. 478.52(1)(1), FS (2007) – Failing to
3 perform any statutory or legal obligation placed upon an electrologist.
4

5 A motion was made, seconded and carried unanimously to find the Respondent waived her right
6 to a hearing.
7

8 A motion was made, seconded and carried unanimously to adopt the Findings of Fact.
9

10 A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.
11

12 A motion was made, seconded and carried unanimously to find the Respondent has violated
13 Florida Statutes as charged in the Administrative Complaint.
14

15 A motion was made and seconded to impose a letter of concern, \$250 fine, 25 hours community
16 service and required to pay the assessment.
17

18 An amendment was offered to remove the community service requirement. The amendment was
19 accepted.
20

21 The amended motion carried unanimously.
22

23 A motion was made, seconded and carried unanimously to assess costs in the amount of \$483.20.
24

25 A motion was made, seconded and carried unanimously to allow six months for payment of the
26 fines and costs.
27

28 **Penalty imposed:** letter of concern, \$250 fine, \$483.20 costs, required to pay assessment
29

30 **Colleen Z. Alcantara-Slocombe, E.O., Deerfield Beach, FL - Determination of**
31 **Waiver22**

32 Ms. Alcantara-Slocombe was not present nor was she represented by counsel.
33

34 Dr. Nuss and Mr. Mullins were recused due to participation on the probable cause panel.
35

36 Mr. Pius represented the Department and presented the case to the Board. Allegations of the
37 Administrative Complaint: Violation of Florida Statute s. 478.52(1)(1), FS (2008) – Failing to
38 perform any statutory or legal obligation placed upon an electrologist.
39

40 A motion was made, seconded and carried unanimously to find the Respondent waived her right
41 to a hearing.
42

43 A motion was made, seconded and carried unanimously to adopt the Findings of Fact.
44

45 A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.
46

1 A motion was made, seconded and carried unanimously to find the Respondent has violated
2 Florida Statutes as charged in the Administrative Complaint.

3
4 A motion was made and seconded to impose a letter of concern, \$250 fine, and required to pay
5 the assessment.

6
7 A motion was made, seconded and carried unanimously to assess costs in the amount of
8 \$1,066.46 and to allow six months to pay the fines and costs.

9
10 **Penalty imposed:** letter of concern, \$250 fine, costs, required to pay the assessment

11
12 **Molly Zubin, E.O., Boca Raton, FL - Determination of Waiver24**
13 Ms. Zubin was not present nor was she represented by counsel.

14
15 Mr. Pius, for the Department, withdrew this case from the agenda because he could not find
16 sufficient evidence in the record to demonstrate Ms. Zubin received proper notice of this
17 Administrative Complaint and her rights.

18
19 **Action taken:** case withdrawn

20
21 **Clara Patricia Botero-Carney, E.O., Little Torch Key, FL - Hearing Not Involving**
22 **Disputed Issues of Material Fact25**
23 Ms. Botero-Carney was not present nor was she represented by counsel.

24
25 Dr. Tucker and Mr. Mullins were recused due to participation on the probable cause panel.

26
27 Mr. Pius represented the Department and presented the case to the Board. Allegations of the
28 Administrative Complaint: Violation of Florida Statute s. 478.52(1)(1), FS (2007) – Failing to
29 perform any statutory or legal obligation placed upon an electrologist.

30
31 A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

32
33 A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

34
35 A motion was made, seconded and carried unanimously to find the Respondent has violated
36 Florida Statutes as charged in the Administrative Complaint.

37
38 A motion was made and seconded to impose revoke the Respondent’s license.

39
40 Mr. Pius advised the Department withdraws its Motion for Costs.

41
42 **Penalty imposed:** revoked

43
44 **J. Franceen Bianco, E.O., Orlando, FL - Hearing Not Involving Disputed Issues of Material**
45 **Fact26**
46 Ms. Bianco was not present nor was she represented by counsel.

1
2 Mr. Pius represented the Department and presented the case to the Board. Allegations of the
3 Administrative Complaint: Violation of Florida Statute s. 478.52(1)(1), FS (2007) – Failing to
4 perform any statutory or legal obligation placed upon an electrologist.

5
6 A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

7
8 A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

9
10 A motion was made, seconded and carried unanimously to find the Respondent has violated
11 Florida Statutes as charged in the Administrative Complaint.

12
13 A motion was made and seconded to impose a letter of concern, \$250 fine and assessment within
14 six months.

15
16 A motion was made, seconded and carried unanimously to assess costs in the amount of \$126.52.

17
18 **Penalty imposed:** letter of concern, \$250 fine, costs, required to pay the assessment

19
20 **Martin M. Pinto, M.D., Ontario, Canada - Settlement Agreement27**

21 Dr. Pinto was not present nor was he represented by counsel.

22
23 Ms. Sanford advised the Board Office received a telephone call the previous day from Dr. Pinto
24 and a US Customs Department representative. His visa had expired and he was being detained.

25
26 A motion was made, seconded and carried unanimously to table this hearing until the February
27 Board Meeting and to advise Dr. Pinto his appearance will not be waived.

28
29 **Action taken:** tabled until February Board meeting, appearance is not waived

30
31 **James Douglas Gay, M.D., - Hearing Not Involving Disputed Issues of Material**
32 **Fact28**

33 Dr. Gay was not present nor was he represented by counsel.

34
35 Dr. Chizner and Mr. Levine were recused due to participation on the probable cause panel.

36
37 Ms. Bates represented the Department and presented the case to the Board. Allegations of the
38 Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(b), FS (2009) – Having a
39 license or the authority to practice medicine revoked, suspended, or otherwise acted against,
40 including the denial of licensure, by the licensing authority of any jurisdiction, including its
41 agencies or subdivisions; and s. 458.331(1)(kk), FS (2009) – Failing to report to the board, in
42 writing, within 30 days if action as defined in paragraph (b) has been taken against one's license
43 to practice medicine in another state, territory, or country.

44
45 Ms. Bates advised the Board Dr. Gay had signed a Settlement Agreement provided to the Board
46 in their supplemental package.

1
2 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

3
4 **Penalty imposed:** \$2,000 fine, costs, Laws and Rules course, 5 hours CME in risk management,
5 suspended until appears and demonstrates all licenses are unencumbered, Board retained
6 jurisdiction to impose additional terms at reinstatement

7
8
9 **Bruce H. Marko, M.D., - Hearing Not Involving Disputed Issues of Material Fact..29**

10 Dr. Marko was not present nor was he represented by counsel.

11
12 Dr. Bearison and Mr. Levine were recused due to participation on the probable cause panel.

13
14 Ms. Bates represented the Department and presented the case to the Board. Allegations of the
15 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(b), FS (2009) - Having a
16 license or the authority to practice medicine revoked, suspended, or otherwise acted against,
17 including the denial of licensure, by the licensing authority of any jurisdiction, including its
18 agencies or subdivisions.

19
20 A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

21
22 A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

23
24 A motion was made, seconded and carried unanimously to find the Respondent has violated
25 Florida Statutes as charged in the Administrative Complaint.

26
27 A motion was made and seconded to impose a reprimand, \$5,000 fine, Laws and Rules course, a
28 suspension until appears and demonstrates all licenses are unencumbered. The motion carried
29 unanimously.

30
31 A motion was made, seconded and carried unanimously to assess costs in the amount of \$820.35.

32
33 **Penalty imposed:** a reprimand, \$5,000 fine, Laws and Rules course, a suspension until appears
34 and demonstrates all licenses are unencumbered, costs

35
36 **William David Honeycutt, M.D., Maitland, FL - Settlement Agreement52**

37 Dr. Honeycutt was present and represented by Michael Estes, Esquire.

38
39 Dr. Chizner and Mr. Levine were recused due to participation on the probable cause panel.

40
41 Mr. Burgess represented the Department and presented the case to the Board. Allegations of the
42 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(t), FS (2004) - Gross or
43 repeated malpractice or the failure to practice medicine with that level of care, skill, and
44 treatment which is recognized by a reasonably prudent similar physician as being acceptable
45 under similar conditions and circumstances.

1 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

2
3 **Penalty imposed:** letter of concern, \$5,000 fine, costs, Laws & Rules course, 25 hours
4 community service

5
6 **Revisit James Douglas Gay, M.D., - Hearing Not Involving Disputed Issues of Material**
7 **Fact28**

8
9 A motion was made, seconded and carried unanimously to vacate the previous action to accept
10 the Settlement Agreement and to remand the matter back to the Department for further
11 reconsideration.

12
13 **Action taken:** Settlement Agreement imposed earlier vacated, remanded back to the Department

14
15 **LICENSURE ISSUES:**

16
17 **Oscar I. Castro, M.D. – Request to remove conditions46**

18 Dr. Castro was present and represented by Gregory Chaires, Esquire. Dr. Rivenbark also
19 addressed the Board.

20
21 A motion was made, seconded and carried unanimously to remove the licensure conditions from
22 Dr. Castro’s license.

23
24 **Action taken:** licensure conditions lifted

25
26 **CLOSED SESSION**

27 The Board held a closed session in order for Board Counsel to discuss attorney/client privileged
28 information.

29
30 **DISCUSSION/CONSIDERATION OF SHARPE VS. BOARD OF MEDICINE RULE**
31 **CHALLENGE**

32
33 Action taken: none

34
35 **VOLUNTARY RELINQUISHMENTS:**

36
37 **Douglas W. Halliday, M.D., East Syracuse, NY.....33**

38 Dr. Halliday was not present nor was he represented by counsel.

39
40 Dr. Bearison and Mr. Levine were recused due to participation on the probable cause panel.

41
42 Allegations of the Administrative Complaint: Violation of Florida Statute s. 458.331(1)(b), FS
43 (2008) - Having a license or the authority to practice medicine revoked, suspended, or otherwise
44 acted against, including the denial of licensure, by the licensing authority of any jurisdiction,
45 including its agencies or subdivisions.

46

1 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
2 of license.

3

4 **Penalty imposed:** license relinquished

5

6 **Ann M. Drobach, N.C., Deland, FL34**

7 Ms. Drobach was not present nor was she represented by counsel.

8

9 Probable cause was waived in this case.

10

11 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 468.518(1)(d), FS
12 (2009) – Having a license to practice dietetics and nutrition or nutrition counseling revoked,
13 suspended, or otherwise acted against, including the denial of licensure by the licensing authority
14 of another state, district, territory, or country and s. 468.518(1)(c), FS (2009) – Attempting to
15 procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud
16 or material misrepresentation of material fact.

17

18 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
19 of license.

20

21 **Penalty imposed:** license relinquished

22

23 **Jay Paul Jacobs, M.D., Wellington, FL.....35**

24 Dr. Jacobs was not present nor was he represented by counsel.

25

26 Probable cause was waived in this case.

27

28 Allegations of the Administrative Complaint: Violation of Florida Statute s. 458.331(1)(q), FS
29 (2009) - Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug,
30 including any controlled substance, other than in the course of the physician's professional
31 practice.

32

33 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
34 of license.

35

36 **Penalty imposed:** license relinquished

37

38 **Carl Francis Dennison, M.D., Ft. Lauderdale, FL36**

39 Dr. Dennison was not present nor was he represented by counsel.

40

41 Probable cause was waived in this case.

42

43 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(g), FS –
44 Failing to perform any statutory or legal obligation placed upon a licensed physician and s.
45 458.331(1)(nn), FS – Violating any provision of this chapter or chapter 456, or any rules adopted
pursuant thereto.

1 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
2 of license.

3
4 **Penalty imposed:** license relinquished

5
6 **Gustavo M. Perez, M.D., Tampa, FL37**

7 Dr. Perez was not present nor was he represented by counsel.

8
9 Dr. Chizer and Mr. Levine were recused due to participation on the probable cause panel.

10 Allegations of the Administrative Complaint: Violation of Florida Statute s. 458.331(1)(g), FS –
11 Failing to perform any statutory or legal obligation placed upon a licensed physician.

12 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
13 of license.

14
15 **Penalty imposed:** license relinquished

16
17 **Edmund Janes Doering, III, M.D., Jupiter, FL38**

18 Dr. Doering was not present nor was he represented by counsel.

19
20 Probable cause was waived in this case.

21
22 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(p), FS
23 (2008-2009) – Performing professional services which have not been duly authorized by the
24 patient or client, or his or her legal representative, except as provided in s. 743.064, s. 766.103, or
25 s. 768.13.; s. 456.072(1)(q), FS (2009) – Violating a lawful order of the department or the board,
26 or failing to comply with a lawfully issued subpoena of the department; and s. 458.331(1)(q), FS
27 (2009) – Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug,
28 including any controlled substance, other than in the course of the physician's professional
29 practice.

30
31 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
32 of license.

33
34 **Penalty imposed:** license relinquished

35
36 **Ranga Rao Venkat Gummadaput, M.D., Selma, AL39**

37 Dr. Gummadaput was not present nor was he represented by counsel.

38
39 Dr. Chizner and Mr. Mullins were recused due to participation on the probable case panel.

40
41 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(b), FS
42 (2008) – Having a license or the authority to practice medicine revoked, suspended, or otherwise
43 acted against, including the denial of licensure, by the licensing authority of any jurisdiction,
44 including its agencies or subdivisions; and s. 458.331(1)(kk), FS (2008) – Failing to report to the

1 board, in writing, within 30 days if action as defined in paragraph (b) has been taken against
2 one's license to practice medicine in another state, territory, or country.

3
4 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
5 of license.

6
7 **Penalty imposed:** license relinquished

8
9 **Nancy Pauline Pruitt, N.C., Altamonte Springs, FL.....40**

10 Ms. Pruitt was not present nor was she represented by counsel.

11
12 Probable cause was waived in this matter.

13
14 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 468.518(1)(d), FS
15 (2009) – Having a license to practice dietetics and nutrition or nutrition counseling revoked,
16 suspended, or otherwise acted against, including the denial of licensure by the licensing authority
17 of another state, district, territory, or country; and s. 468.518(1)(c), FS (2009) – Attempting to
18 procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud
19 or material misrepresentation of material fact.

20
21 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
22 of license.

23
24 **Penalty imposed:** license relinquished

25
26 **Iraida C. Avila, N.C., Miami, FL.....41**

27 Ms. Avila was not present nor was she represented by counsel.

28
29 Probable cause was waived in this matter.

30
31 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 468.518(1)(d), FS
32 (2009) – Having a license to practice dietetics and nutrition or nutrition counseling revoked,
33 suspended, or otherwise acted against, including the denial of licensure by the licensing authority
34 of another state, district, territory, or country; and s. 468.518(1)(c), FS (2009) – Attempting to
35 procure or procuring a license to practice dietetics and nutrition or nutrition counseling by fraud
36 or material misrepresentation of material fact.

37
38 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
39 of license.

40
41 **Penalty imposed:** license relinquished

42
43 **Lisa Renee Clark, E.O., Cocoa, FL42**

44 Ms. Clark was not present nor was she represented by counsel.

45
46 Dr. Tucker and Mr. Mullins were recused due to participation on the probable cause panel.

1
2 Allegations of the Administrative Complaint: Violation of Florida Statute s. 478.52(1)(l), FS
3 (2007) – Failing to perform any statutory or legal obligation placed upon an electrologist.

4
5 A motion was made, seconded and carried unanimously to accept the voluntary relinquishment
6 of license.

7
8 **Penalty imposed:** license relinquished

9
10 **Vera N. Ivanov, E.O., Boca Raton, FL43**

11 Ms. Ivanov was not present nor was she represented by counsel.

12
13 Ms. Ivanov withdrew her voluntary relinquishment and this matter was withdrawn prior to the
14 meeting.

15
16 **Action taken:** Respondent withdrew her voluntary relinquishment

17
18 **Joseph C. Cauthen, M.D., Gainesville, FL44**

19 Dr. Cauthen was not present nor was he represented by counsel.

20
21 Probable cause was waived in this matter.

22
23 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 456.072(1)(bb), FS
24 (2009) – Performing or attempting to perform health care services on the wrong patient, a wrong-
25 site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically
26 unnecessary or otherwise unrelated to the patient's diagnosis or medical condition; and s.
27 458.331(1)(t), FS (2009) – t) Notwithstanding s. 456.072(2) but as specified in s. 456.50(2):
28 1. Committing medical malpractice as defined in s. 456.50. The board shall give great weight to
29 the provisions of s. 766.102 when enforcing this paragraph. Medical malpractice shall not be
30 construed to require more than one instance, event, or act. 2. Committing gross medical
31 malpractice. 3. Committing repeated medical malpractice as defined in s. 456.50. A person
32 found by the board to have committed repeated medical malpractice based on s. 456.50 may not
33 be licensed or continue to be licensed by this state to provide health care services as a medical
34 doctor in this state. Nothing in this paragraph shall be construed to require that a physician be
35 incompetent to practice medicine in order to be disciplined pursuant to this paragraph. A
36 recommended order by an administrative law judge or a final order of the board finding a
37 violation under this paragraph shall specify whether the licensee was found to have committed
38 "gross medical malpractice," "repeated medical malpractice," or "medical malpractice," or any
39 combination thereof, and any publication by the board must so specify.

40
41 The Department advised the Board an amended voluntary relinquishment was in their
42 supplemental package and this contained the language that the Respondent agrees to never
43 reapply for licensure in Florida.

44
45 A motion was made, seconded and carried unanimously to accept the amended voluntary
46 relinquishment of license.

1
2 **Penalty imposed:** license relinquished

3
4 **FINAL ORDER COMPLIANCE ISSUES:**

5
6 **Clara Rodriguez-Iznaga, M.D. – Request for reinstatement47**

7 Dr. Rodriguez-Iznaga was not present nor was she represented by counsel.

8
9 A motion was made, seconded and carried unanimously to deny her request for reinstatement.

10
11 **Action taken:** request denied

12
13 **Mark Holder, M.D. – Petition for reinstatement64**

14 Dr. Holder was present and represented by Allen Grossman, Esquire. Dr. Rivenbark also
15 addressed the Board.

16
17 A motion was made, seconded and carried unanimously to reinstatement Dr. Holder’s license
18 and to place it on probation for five years with the ability to request probation be lifted after three
19 years; first year under direct supervision, monitor to review all controlled substance
20 prescriptions, 25% review of charts, quarterly appearances and reports.

21
22 **Action taken:** reinstated on probation for five years with the ability to request probation be lifted
23 after three years; first year under direct supervision, monitor to review all controlled substance
24 prescriptions, 25% review of charts, quarterly appearances and reports

25
26 **David Brzostowicki, M.D. – Request for reconsideration64**

27 Dr. Brzostowicki was present, but not represented by counsel.

28
29 After discussion, a motion was made, seconded and carried unanimously to deny his request for
30 reconsideration.

31
32 **Action taken:** request denied

33
34 **PETITION FOR DECLARATORY STATEMENT:**

35
36 **Broward Health re: s. 458.305, F.S.48**

37 Christina Goldberg, Esquire, addressed the Board regarding the application of Rule 64B8-
38 10.003, FAC – Costs for Reproduction of Medical Records. The rule currently states that
39 patients pay \$1 per page for the first 25 pages, then \$0.25 per page thereafter. For all others, the
40 fee is \$1 per page. She attempted to obtain a copy of her client’s medical records and was
41 charged the higher rate and wanted clarification from the Board as to whether, in her particular
42 circumstance, she should have been charged the higher rate.

43
44 Mr. Tellechea advised by law, Ms. Goldberg did not have standing to bring a petition for
45 declaratory statement before the Board because she is not a physician nor is she representing a

1 physician. He advised Ms. Goldberg to look at the record for the period of time when the
2 Rules/Legislative Committee revised the rule because the answer to her question is in the record.

3
4 A motion made, seconded and carried with five opposed to deny the petition for declaratory
5 statement.

6
7 **Action taken:** petition denied

8
9 **COMMITTEE REPORTS:**

10
11 **Rules/Legislative Committee Meeting No tab**

12 Dr. J. Rosenberg provided the report for the meeting held December 2, 2010.

13
14 A motion was made, seconded and carried unanimously to accept the report.

15
16 **Action taken:** report accepted

17
18 **Surgical Care/Quality Assurance Committee Meeting No tab**

19 Dr. Espinola provided the report for the meeting held December 2, 2010. She thanked Ms.
20 Sanford for gathering the data.

21
22 A motion was made, seconded and carried unanimously to accept the report.

23
24 **Action taken:** report accepted

25
26 **Finance & Statistics Committee Meeting No tab**

27 Mr. Mullins provided the report for the meeting held December 2, 2010.

28
29 A motion was made, seconded and carried unanimously to accept the report.

30
31 **Action taken:** report accepted

32
33 **Expert Witness Committee Meeting No tab**

34 Dr. Tucker provided the report for the meeting held December 2, 2010.

35
36 A motion was made, seconded and carried unanimously to accept the report.

37
38 **Action taken:** report accepted

39
40 **Probation Committee Meeting70**

41 Dr. Winchester provided the report for the meeting held November 5, 2010.

42
43 A motion was made, seconded and carried unanimously to accept the report.

44
45 **Action taken:** report accepted

1 **Issue regarding lectures No tab**

2
3 Action taken: none

4
5 **Dietetics/Nutrition & Electrolysis Committee Meeting**

6 Mr. Levine clarified that he was Chair of this Committee since the report listed Dr. Tucker. He
7 went on to provide the report for the meeting held December 2, 2010.

8
9 A motion was made, seconded and carried unanimously to accept the amended report.

10
11 **Action taken:** amended report accepted

12
13 Dr. Lage thanked all the members who served on the committees, in particular those that served
14 as committee chairs/

15
16 **BOARD DIRECTOR’S REMARKS**

17 Mr. McPherson advised the Board that the University of South Florida would no longer be
18 holding the “USF Drug Course”. However, the course would now be offered through the
19 University of Florida.

20
21 Martha Brown, M.D., Assistant Medical Director of PRN and also with the University of Florida
22 addressed the Board. She advised she teaches the course and had recently accepted a position
23 with PRN and UF. As a result the course is still being offered but at her new university.

24
25 A motion was made, seconded and carried unanimously to advise the Compliance Officer to
26 send any Respondent’s required to take the USF Drug Course to the Chair of the Probation
27 Committee and he will approve the change to the UF Drug Course. Staff was also advised to put
28 this information on the web page.

29
30 **COMMITTEE REPORTS CONTINUED:**

31
32 **Pain Clinic Standards of Practice Joint CommitteeTab 55**

33 Dr. Bearison provided the report for the meeting held October 14, 2010. He advised the
34 Osteopathic Medicine’s rule went into effect on November 8, 2010 and ours did not.

35
36 A motion was made, seconded and carried unanimously to accept the report.

37
38 **Action taken:** report accepted

39
40 **APPROVAL OF MEETING MINUTES:**

41
42 **August 6-7, 2010 Meeting56**

43 **October 1-2, 2010 Meeting57**

44 **November 3, 2010 Conference Call71**

1 A motion was made, seconded and carried unanimously to approve the minutes for all three
2 meetings listed.

3
4 **Action taken:** minutes approved

5
6 **RATIFICATION OF APPLICANTS PURSUANT TO CHAPTER 458, F.S.59**

7
8 A motion was made, seconded and carried unanimously to ratify the provided lists of licensees.

9
10 **Action taken:** licenses ratified

11
12 **BOARD COUNSEL’S REMARKS**

13
14 **HB 1565.....68, CD**

15 Mr. Tellechea explained the changes in rulemaking resulting from implementation of HB 1565
16 which would require an expanded statement of estimated regulatory costs (SERC) if changes to a
17 rule or implementation of a new rule met certain financial thresholds. Rules that meet the
18 threshold must undergo an expanded SERC and the SERC must be presented to the Legislature
19 during regular session for ratification. He stated the Board would be conducting conference calls
20 in January in order to meet the deadline of February 4, 2011.

21
22 **DEPARTMENT REMARKS:**

23 Ms. Donnelly addressed the Board regarding vacancies in the medical legal section of the
24 Department. She then asked the Board if they would allow attorneys to waive probable cause in
25 wrong site surgery cases.

26
27 Mr. Tellechea stated he had this discussion with the Department and the only type of cases that
28 could waive probable cause involved voluntary relinquishments.

29
30 Ms. Lanfri, Esquire with the First Professional Insurance Company addressed the Board in
31 support of Ms. Donnelley’s request. She said she believed it was her client’s right to waive
32 probable cause and it saves money and is in her client’s best interest.

33
34 Mr. Tellechea disagreed and said the authority to waive probable cause belongs to the Board’s
35 probable cause panels and was not a right of the Respondent. Mr. Tellechea stated it was up to
36 the Board if they wanted to allow waiver of probable cause in wrong site surgery cases.

37
38 Mr. Mullins advised it was difficult for him as a consumer member on the probable cause panel
39 with only one other physician in attendance. He said he relies on the physician member’s insight
40 in these types of cases. He suggested utilizing an alternate on the probable cause panels.

41
42 Dr. Farmer concurred and stated it was imperative to have the two medical doctors and the one
43 consumer member on the panel.

44
45 Ms. Goersch also agreed.

1 Mr. Tellechea stated he could do a memo to the panels bringing them up to date on Board
2 activities.

3
4 The Board members continued to discuss ways to improve the probable cause system. Ms.
5 Sanford advised she and Ms. Bowen would revise the 2011 PCP list to include an alternate for
6 each meeting.

7
8 **BOARD CHAIR’S RECOGNITION AWARD:**

9
10 **Ashley Curry, - University of Central Florida67**

11 Ms. Curry received the Chair’s Recognition Award for her professionalism, moral character,
12 compassion and intellect essential to future leaders of the medical profession.

13
14 **FEDERATION OF STATE MEDICAL BOARDS (FSMB):**

15
16 **Call for Resolutions.....53**

17
18 No action taken.

19
20 **Call for Award Nominations54**

21
22 No action taken.

23
24 **Maintenance of Licensure (MOL).....69**

25 Dr. Patrowicz introduced this matter to the Board. He asked them to carefully consider the
26 comments in the report from the FSMB regarding MOL because it represents a vast change in
27 medical licensure. He asked the Board to specifically consider the first seven pages of the report.
28 He asked for the Board to provide him with input the following day.

29
30 Dr. Lage expressed her desire to send out a survey to collect data regarding Florida physician’s
31 knowledge of and thoughts on MOL.

32
33 The meeting adjourned at 5:00 p.m.
34

1 **Saturday, December 4, 2010**

2
3 **8:00 a.m. ROLL CALL**

4
5 **Members Present:**

6 Onelia Lage, M.D., Chair
7 Michael Chizner, M.D., Vice Chair
8 George Thomas, M.D., 1st Vice Chair
9 Steven Rosenberg, M.D., 2nd Vice Chair
10 H. Frank Farmer, Jr., M.D.
11 Trina Espinola, M.D.
12 Donald Mullins, Consumer Member
13 Robert Nuss, M.D.
14 Fred Bearison, M.D.
15 Tully Patrowicz, M.D.
16 Jason Rosenberg, M.D.
17 Gary Winchester, M.D.
18 Brigitte Goersch, Consumer Member
19 Elisabeth Tucker, M.D.
20 Bradley Levine, Consumer Member

21
22 **Staff Present:**

23 Larry McPherson, Executive Director
24 Ed Tellechea, Board Counsel
25 Donna McNulty, Board Counsel
26 Nancy Murphy, Paralegal
27 Crystal Sanford, Administrator
28 Chandra Prine, Administrator
29 Whitney Bowen, Regulatory Specialist II
30 Eulinda Smith, Public Information Office

31
32 **Prosecuting Attorneys Present:**

33 Veronica Donnelly
34 Shirley Bates
35 Diane Kiesling

36
37 Dr. Rivenbark addressed the Board and provided Dr. Winchester with an award for his
38 outstanding contributions to PRN.

39
40 Mr. McPherson, on behalf of the Board, recognized the following individuals for their work:

41 Whitney Bowen
42 Eulinda Smith
43 George Johnson
44 JoAnne Trexler
45 Michelle Shiver
46 Gloria Nelson

Members Absent:

21
22 **Others Present:**

Judy Rivenbark, M.D., Director,
PRN

American Court Reporting

American A/V

1 Deborah English
2 Connie Clayton

3
4 **ELECTIONS:**

5
6 A motion was made, seconded and carried unanimously to nominate and elect Dr. Jason
7 Rosenberg to serve as second vice chair in 2011.

8
9 A motion was made, seconded and carried unanimously to nominate and elect Dr. Steven
10 Rosenberg to serve as first vice chair in 2011.

11
12 A motion was made, seconded and carried unanimously to nominate and elect Dr. Thomas to
13 serve as vice chair in 2011.

14
15 A motion was made, seconded and carried unanimously to nominate and elect Dr. Chizner to
16 serve as second chair in 2011.

17
18 **DISCIPLINARY CASE SCHEDULE CONTINUED:**

19
20 Mr. McPherson provided opening remarks and explained the various types of hearings scheduled
21 for the day.

22
23 Ms. Sanford called the Settlement Agreement List and determined which Settlement Agreement
24 would be heard that day. The following Settlement Agreements were approved during the call of
25 the list:

26 Dr. Ramirez
27 Dr. Monuszko

28
29 **Ignacio Alfredo Ramirez, M.D., - Settlement Agreement30**

30 Dr. Farmer was recused due to participation on the probable cause panel.

31
32 Allegations of the Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(s), FS
33 (2008) – Being unable to practice medicine with reasonable skill and safety to patients by reason
34 of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a
35 result of any mental or physical condition; and s. 458.331(1)(j), FS (2008) – Exercising influence
36 within a patient-physician relationship for purposes of engaging a patient in sexual activity. A
37 patient shall be presumed to be incapable of giving free, full, and informed consent to sexual
38 activity with his or her physician.

39
40 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

41
42 **Penalty imposed:** reprimand, \$15,000 fine, costs, 100 hours community service, suspended until
43 appears and demonstrates his ability to practice with reasonable skill and safety, including a PRN
44 evaluation which shall specifically address whether he can treat female patients or not; Board
45 retains jurisdiction to impose probation and other terms at reinstatement

46

1 **Eileen A. Monuszko, M.D., - Settlement AgreementCD**

2 Probable cause was waived in this matter.

3
4 Allegations of the Administrative Complaint: Violation of Florida Statute s. 456.072(1)(bb), FS
5 (2009) - Performing or attempting to perform health care services on the wrong patient, a wrong-
6 site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically
7 unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.

8
9 A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

10
11 **Penalty imposed:** letter of concern, \$5,000 fine, costs, 50 hours community service, 5 hours
12 CME in risk management, 1-hour lecture

13
14 **Jonathan Marc Frantz, M.D., Fort Myers, FL - Settlement Agreement49**

15 Dr. Frantz was present and represented by Bruce Stanley, Sr., Esquire.

16
17 Dr. Nuss and Mr. Mullins were recused due to participation on the probable cause panel.

18
19 Ms. Kiesling represented the Department and presented the case to the Board. Allegations of the
20 Administrative Complaint: Violation of Florida Statute s. 456.072(1)(bb), FS (2007) -
21 Performing or attempting to perform health care services on the wrong patient, a wrong-site
22 procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically
23 unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.

24
25 A motion was made and seconded to reject the Settlement Agreement. The motion failed 4-9.

26
27 A motion was made and seconded to accept the Settlement Agreement. The motion carried
28 unanimously.

29
30 **Penalty imposed:** letter of concern, \$2,500 fine, costs, 25 hours community service, 5 hours
31 CME in risk management

32
33 **Chirag N. Amin, M.D., Corona, CA - Settlement Agreement50**

34 Dr. Amin was present but not represented by counsel.

35
36 Dr. Bearison and Mr. Levine were recused due to participation on the probable cause panel.

37
38 Ms. Kiesling represented the Department and presented the case to the Board. Allegations of the
39 Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(b)(2009) – Having a
40 license or the authority to practice medicine revoked, suspended, or otherwise acted against,
41 including the denial of licensure, by the licensing authority of any jurisdiction, including its
42 agencies or subdivisions and s. 458.331(1)(kk)(2009) – Failing to report to the board, in writing,
43 within 30 days if action as defined in paragraph (b) has been taken against one's license to
44 practice medicine in another state, territory, or country.

45
46 A motion was made and seconded to accept the Settlement Agreement. The motion passed 7-6.

1
2 A motion was made and seconded to reconsider the previous motion. This motion carried 8-5.

3
4 A motion was made, seconded and carried 10-3 to reject the Settlement Agreement.

5
6 A motion was made and seconded to offer a counter proposal to impose a \$5,000 fine, costs,
7 letter of concern, Laws and Rules course, and a suspension until he appears and demonstrates
8 that all licenses are unencumbered at that time; Board reserved jurisdiction to impose additional
9 terms.

10
11 A motion was made to table this matter. The motion was seconded and carried unanimously.

12
13 **Action taken:** Settlement Agreement rejected; tabled

14
15 **Thomas Anthony DiGeronimo, M.D., Plant City, FL - Settlement Agreement51**

16 Dr. DiGeronimo was present and represented by Randolph Collette, Esquire. The patient and his
17 nephew also addressed the Board.

18
19 Dr. S. Rosenberg and Mr. Levine were recused due to participation on the probable cause panel.

20 Ms. Bates represented the Department and presented the case to the Board. Allegations of the
21 Administrative Complaint: Violation of Florida Statute s. 458.331(1)(t), FS (2005) -
22 Notwithstanding s. 456.072(2) but as specified in s. 456.50(2): 1. Committing medical
23 malpractice as defined in s. 456.50. The board shall give great weight to the provisions of s.
24 766.102 when enforcing this paragraph. Medical malpractice shall not be construed to require
25 more than one instance, event, or act. 2. Committing gross medical malpractice. 3. Committing
26 repeated medical malpractice as defined in s. 456.50. A person found by the board to have
27 committed repeated medical malpractice based on s. 456.50 may not be licensed or continue to
28 be licensed by this state to provide health care services as a medical doctor in this state. Nothing
29 in this paragraph shall be construed to require that a physician be incompetent to practice
30 medicine in order to be disciplined pursuant to this paragraph. A recommended order by an
31 administrative law judge or a final order of the board finding a violation under this paragraph
32 shall specify whether the licensee was found to have committed "gross medical malpractice,"
33 "repeated medical malpractice," or "medical malpractice," or any combination thereof, and any
34 publication by the board must so specify.

35 A motion was made, seconded and carried unanimously to reject the Settlement Agreement.

36
37 A motion was made and seconded to offer a counter proposal to impose a letter of concern,
38 \$10,000 fine, costs, 100 hours community service, 5 hours CME in risk management and 5 hours
39 CME in ethics.

40
41 An amendment was offered to require 200 hours of community service. The amendment was
42 accepted.

1 Another amendment was offered to require a course on patient/physician
2 relationships/communication. This amendment was also accepted.

3
4 The motion carried unanimously. The Respondent took 7 days to accept or reject the counter
5 offer.

6
7 **Action taken:** Settlement Agreement rejected; counter offer to impose letter of concern,
8 \$10,000 fine, costs, 200 hours community service, 5 hours CME in risk management, 5 hours
9 CME in ethics, course in patient/physician relationships/communication

10
11 **Eric Osvaldo Pantaleon, M.D., Miami Lakes, FL - Settlement Agreement3**

12 Dr. Pantaleon was present and represented by Allen Grossman, Esquire.

13
14 Dr. Bearison, Mr. Levine and Dr. Thomas were recused due to participation on the probable
15 cause panel.

16
17 Ms. Keisling represented the Department and presented the case to the Board. Allegations of the
18 Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(t), FS (2003-2004) –
19 Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and
20 treatment which is recognized by a reasonably prudent similar physician as being acceptable
21 under similar conditions and circumstances; s. 458.331(1)(q), FS (2003-2004) – Prescribing,
22 dispensing, administering, mixing, or otherwise preparing a legend drug, including any
23 controlled substance, other than in the course of the physician's professional practice; and s.
24 458.331(1)(m), FS (2003-2004) – Failing to keep legible, as defined by department rule in
25 consultation with the board, medical records that identify the licensed physician or the physician
26 extender and supervising physician by name and professional title who is or are responsible for
27 rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that
28 justify the course of treatment of the patient, including, but not limited to, patient histories;
29 examination results; test results; records of drugs prescribed, dispensed, or administered; and
30 reports of consultations and hospitalizations.

31
32 A motion was made and seconded to accept the Settlement Agreement. After discussion, this
33 motion was withdrawn.

34
35 A motion was made and seconded to reject the Settlement Agreement. This motion passed
36 unanimously.

37
38 A motion was made and seconded to offer a counter proposal to impose the same terms in the
39 original Settlement Agreement, but to require the supervisor be a board approved HIV specialist.
40 The motion carried with one opposed. The counter offer was accepted.

41
42 **Penalty imposed:** letter of concern, \$15,000 fine, costs, Laws and Rules course, FMA's
43 recordkeeping course, 50 hours community service, 5 hours CME in the treatment of HIV
44 patients and the treatment of HIV/AIDS related conditions; restricted from treating HIV/AIDS
45 patients unless they are being co-managed by an HIV specialist, probation for one year under

1 indirect supervision with 25% HIV/AIDS chart review, quarterly reports, first and last
2 appearances

3
4 Mr. McPherson introduced the following individuals who were present in the audience:
5 Ana Maria Viamonte Ros, M.D., Department of Health, State Surgeon General
6 Lucy Gee, Medical Quality Assurance, Director
7 Kim Berfield, Department of Health, Deputy Secretary
8 Renee Alsobrook, Department of Health, Acting General Counsel
9

10 Dr. Lage presented Mr. McPherson with a plaque on behalf of the entire Board for his years of
11 patience, diligence, and hard work. The Board wished him well on his upcoming retirement.
12

13 **Eddy Lewis Echols, Jr., M.D., Brandon, FL - Settlement Agreement.....18**

14 Dr. Echols was present, but not represented by counsel.
15

16 Dr. Thomas and Mr. Levine were recused due to participation on the probable cause panel.
17

18 Ms. Bates represented the Department and presented the case to the Board. Allegations of the
19 Administrative Complaint: Violation of Florida Statutes s. 458.331(1)(nn), FS (2007) – Violating
20 any provision of this chapter or chapter 456, or any rules adopted pursuant thereto and s.
21 456.072(1)(cc), FS (2007) – Leaving a foreign body in a patient, such as a sponge, clamp,
22 forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other
23 diagnostic procedures.
24

25 Ms. Sanford advised the Board Dr. Echols had representation and he was not yet present.
26

27 A motion was made, seconded and carried unanimously to table this matter until Dr. Echols
28 attorney could arrive.
29

30 **Carlos Albert Cohen, M.D., - Recommended Order20**

31 Dr. Cohen was present and represented by Rosemarie Antonacci, Esquire.
32

33 Dr. J. Rosenberg and Mr. Mullins were recused due to participation on the probable cause panel.
34

35 Dr. Lage read the Recommended Order remarks and confirmed all participating members had
36 read the complete record.

37 Ms. Kiesling represented the Department and presented the case to the Board. Allegations of the
38 Amended Administrative Complaint: Violation of Florida Statutes s. 456.072(1)(v), FS (2009) –
39 Engaging or attempting to engage in sexual misconduct as defined and prohibited in s.
40 456.063(1); s. 458.331(1)(j), FS (2009) – Exercising influence within a patient-physician
41 relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to
42 be incapable of giving free, full, and informed consent to sexual activity with his or her
43 physician; and s. 458.331(1)(nn), FS (2009) – Violating any provision of this chapter or chapter
44 456, or any rules adopted pursuant thereto.
45

1 A motion was made, seconded and carried unanimously to reject the Respondent's first and
2 second exceptions to paragraph 15 of the Recommended Order on the basis there is evidence to
3 support the findings of the Administrative Law Judge (ALJ) and on the basis of PSU's
4 presentation.

5
6 A motion was made, seconded and carried unanimously to reject the Respondent's third
7 exception to paragraph 16 of the Recommended Order on the basis there is evidence to support
8 the findings of the Administrative Law Judge and on the basis of PSU's presentation.

9
10 A motion was made, seconded and carried unanimously to reject the Respondent's fourth and
11 fifth exceptions to paragraphs 14-17 of the Recommended Order on the basis the ALJ can make
12 reasonable judgments based on the evidence presented.

13
14 A motion was made, seconded and carried unanimously to reject the Respondent's sixth and
15 seventh exceptions to paragraph 31, 32, and 33 of the Recommended Order on the basis of the
16 Department's presentation.

17
18 A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

19
20 A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

21
22 A motion was made, seconded and carried unanimously to reject the Respondent's eighth
23 exception to paragraph 36 of the Recommended Order related to the penalty.

24
25 The Department objected to the Respondent's remarks that were outside of the record.

26
27 The Respondent's attorney objected to the use of the phrase "sexually assault".

28
29 A motion was made, seconded and carried unanimously to adopt the Recommended Order.

30
31 The Respondent's attorney requested a stay of the penalty through the 30 day period within
32 which he can appeal the Final Order to allow him to make arrangements for his patients.

33
34 A motion was made, seconded and carried unanimously to deny the request for a stay.

35
36 A motion was made, seconded and carried unanimously to reserve jurisdiction to impose
37 probationary terms at reinstatement.

38
39 A motion was made, seconded and carried unanimously to allow one year to complete
40 community service, six months from reinstatement to pay the fine.

41
42 Mr. Tellechea advised staff to ensure this matter is brought before the Probation Committee prior
43 to the termination of the suspension to have the probationary terms set.

44
45 A motion was made, seconded and carried unanimously to assess costs in the amount of
46 \$24,422.11.

1
2 **Penalty imposed:** suspension for 1 year followed by two years of probation, CME in risk
3 management, reprimand, 100 hours community service, \$5,000 fine, jurisdiction retained to
4 impose additional terms at reinstatement; request for stay denied

5
6 **Revisit Eddy Lewis Echols, Jr., M.D., Brandon, FL - Settlement Agreement18**

7 Dr. Echols attorney, Mark McLoughlin was now present with Dr. Echols.

8
9 A motion was made, seconded and carried unanimously to reject the Settlement Agreement.

10
11 A motion was made and seconded to dismiss the Administrative Complaint.

12
13 The Respondent agreed to waive attorney fees and costs if the complaint was dismissed.

14
15 The motion carried unanimously.

16
17 **Action taken:** Administrative Complaint dismissed

18
19 **AGENCY FOR HEALTH CARE ADMINISTRATION (AHCA) EXEMPTION:**

20
21 **Derrell Thomas, PA66**

22 Mr. Tellechea explained that by law licensees with certain types of convictions are not permitted
23 to work in specific health care facilities and he referred the Board to Chapter 435, FS.

24
25 Dr. Nuss recused himself since he is the employer of record for Mr. Thomas.

26
27 After discussion, a motion was made, seconded and carried unanimously to grant the exemption.

28
29 **Action taken:** exemption granted

30
31 **FINAL ORDER COMPLIANCE ISSUES CONTINUED:**

32
33 **Moulton Keane, M.D. – Request for Modification of the Final Order63**

34 Dr. Keane was present and represented by Steve Ballinger, Esquire.

35
36 After discussion, a motion was made, seconded and carried with one opposed to modify the Final
37 Order.

38
39 **Action taken:** request granted

40
41 **COMMITTEE REPORTS CONTINUED:**

42
43 **Revisited Rules/Legislative Committee Meeting:**

44 Mr. McPherson advised the report for the meeting held December 2, 2010, previously approved
45 by the Board, had been revised. He referred the members to the revised language on page six of
46 the report.

1
2 A motion was made, seconded and carried unanimously to accept the revised report.

3
4 **Action taken:** revised report accepted

5
6 **COUNCIL ON PHYSICIAN ASSISTANTS:**

7 Dr. S. Rosenberg provided the report for the meeting held December 2, 2010.

8
9 A motion was made, seconded and carried unanimously to accept the report.

10
11 **Action taken:** report accepted

12
13 **Credentials Committee Meeting No tab**

14 Dr. Thomas provided the report for the meeting held December 2, 2010.

15
16 A motion was made, seconded and carried unanimously to accept the report.

17
18 He specifically addressed the issue regarding Lawrence Wilson, M.D. A motion was made,
19 seconded and carried unanimously to approve Dr. Vijapura as Dr. Wilson's monitor and to
20 change his monitoring conditions from urology to Addiction Fellowship.

21
22 Dr. Thomas then reviewed statistical data regarding licensure in Florida and advised that it takes
23 on average, 84 days to become licensed in Florida.

24
25 Dr. Thomas then thanked the members of the Credentials Committee, staff, Ms. McNulty and
26 Ms. Bowen.

27
28 **Action taken:** report accepted, Dr. Vijapura approved to serve as monitor in Addiction
29 Fellowship

30
31 Dr. Lage thanked Dr. Thomas for leading the Credentials Committee.

32
33 **FEDERATION OF STATE MEDICAL BOARDS (FSMB) CONTINUED:**

34 Dr. introduced the topic of maintenance of licensure (MOL) and asked for comments from
35 fellow Board Members.

36
37 Dr. Lage stated she would like for her survey to be sent out to Florida physicians to help serve as
38 a guide through the process.

39
40 Dr. Patrowicz asked if Dr. Lage would be willing to send a letter to the FSMB indicating that
41 Florida is in the beginning stages of MOL and will be polling our licensees for data and she
42 agreed.

43
44 Mr. Tellechea advised that it will take legislative action in order to implement MOL in Florida.
45

1 Dr. J. Rosenberg suggested sending thoughts to Mr. McPherson who can then share them with
2 Dr. Patrowicz.

3

4 **OTHER BUSINESS:**

5

6 Mr. McPherson thanked Dr. Lage for her leadership and advised her plaque was coming in
7 February 2011. He thanked her for her compassion, professionalism and diplomacy.

8

9 Dr. Chizner, on behalf of the new appointees, thanked Dr. Lage for her show of friendship and
10 support and told her it was an honor to serve under her leadership. He said as he looks around at
11 past Chairs, he knows the new appointees have big shoes to follow. He thanked Dr. Lage again
12 and applauded a job well done.

13

14 Dr. Lage thanked everyone for this experience and stated she has made friends and learned
15 much. She thanked PSU, the collaborative efforts with the State Surgeon General, Ms. Gee for
16 assisting with issues and staff for all their help. She officially transferred the gavel to Dr.
17 Chizner.

18

19 Dr. Chizner called Dr. Viamonte Ros forward and she addressed the Board about upcoming
20 changes in the Department of Health. She advised she would keep them abreast and stated she
21 looked forward to continuing to work with the Board.

22

23 The meeting adjourned at 12:50 p.m.