



**MINUTES**  
**PUBLIC PORTION OF THE**  
**SOUTH PROBABLE CAUSE AGENDA**  
**BOARD OF MEDICINE**  
**SCHEDULED FOR December 16, 2010**

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

Gustavo Leon, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:09 P.M. Those present for the meeting included the following:

**Members Present:**

Gustavo Leon, M.D. – Chairperson  
Onelia Lage, Panel Member  
Brigitte Goersch, Panel Member  
Deborah Gerbert, P.A. – Panel Member

**Others Present included:**

Ed Tellechea, Esq. - Assistant Attorney General & Board Counsel  
Elana Jones, Department of Health  
Shirley Bates, Department of Health  
Kristen Griswald, Department of Health  
Robert Bobek, Department of Health  
Robert Milne, Department of Health  
Susan Salamy, Department of Health  
Gavin Burgess, Department of Health  
Laura Glenn, Department of Health  
Yolanda Green, Department of Health  
Sharmin Hibbert, Department of Health  
David Pius, 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.

## **RECONSIDERATIONS**

**Subject Name:**

**Case No.:**

**Action Taken:**

**R-01**

**Alex Villacastin, M.D.**

**2005-56613**

**Dismissed**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(m), F.S., involving committing medical malpractice and by failing to keep legible medical records that justify the course of treatment. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal due to new information provided to the Department's expert who changed his initial opinion of a failure to meet the standard of care after consideration of the new information. The panel discussed the circumstances of the case and dismissal.

Following discussion by the panel, a motion was made and seconded to dismiss the case. The panel voted to dismiss the case.

**Action taken:** the panel voted to dismiss the case

**R-02**

**~~Raiz Baqir, M.D.~~**

**~~2008-00314~~**

**~~WITHDRAWN~~**

**R-03**

**Manuel Martinez, M.D.**

**2007-35474**

**Dismissed**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(b)(kk), F.S., involving Having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction and Failing to report to the board, in writing, within 30 days if action has been taken against one's license to practice medicine in another state. 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 fact that the Kentucky Board issued an unrestricted license upon Subject's payment of the fine. The panel discussed the circumstances of the case and dismissal.

Following discussion by the panel, a motion was made and seconded to dismiss the case. The panel voted to dismiss the case.

**Action taken:** the panel voted to dismiss the case

**R-05**

**Thomas Katta, M.D.**

**2003-20080**

**Dismissed**

This case was previously brought before the probable cause panel on December 8, 2006 as a two count Administrative Complaint (AC) that was approved by the panel for an alleged violation of 458.331(1)(t)(m), F.S., involving gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent-similar physician as being acceptable under similar conditions and circumstances and failing to keep legible medical records justify the course of treatment of the patient. It was brought back to the panel due to having not filed an expert opinion in support of his position that, he had not violated any statutory provisions regulating the practice of medicine. Subsequently, Respondent filed an expert opinion and requested that the panel reconsider this complaint in light of his expert's opinion. The Department agreed to place the case on the panel's agenda as a reconsideration in light of the Respondent's expert opinion. The panel discussed the circumstances of the case and reconsideration of the Administrative Complaint.

After discussion, a motion was made, seconded and carried unanimously to uphold the previous finding of probable cause and move forward with an Administrative Complaint.

**Action taken:** the panel voted to uphold the previous finding of probable cause and move forward with an Administrative Complaint.

The public portion of the meeting adjourned at 2:19 p.m.