

BEFORE THE BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CHARLES CURTIS, D.O.,

Respondent.

PL 22 - 1/11/88

DPR CASE NO. 0054578

**FILED**

Department of Professional Regulation  
AGENCY CLERK

CLERK Melinda H. Wagner

DATE 1/11/88

FINAL ORDER

Respondent, Charles E. Curtis, is a licensed osteopathic physician in Florida having been issued license no. OS 0003593. Petitioner has filed an Administrative Complaint seeking suspension, revocation, or other disciplinary action against the licensee.

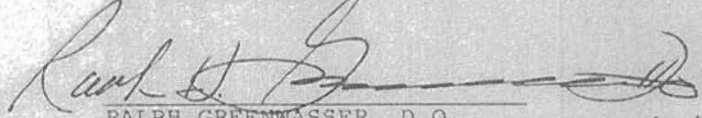
Petitioner and Respondent have agreed to a stipulation in settlement of this cause; the Stipulation and the Administrative Complaint are attached to and made a part of this Final Order. Petitioner was represented by Leslie Brookmeyer, Esquire; Respondent was present and represented by Larry Chandler, Esquire.

The Board of Osteopathic Medical Examiners met on December 5, 1987, in Tallahassee, Florida to take final agency action. The Board **ADOPTS** the stipulation as presented.

Wherefore it is hereby **ORDERED** that Respondent shall be governed by all terms of the stipulation. This order takes effect upon filing.

DONE and ORDERED this 21 day of Dec, 1987.

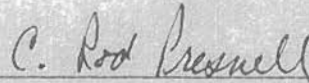
BOARD OF OSTEOPATHIC  
MEDICAL EXAMINERS



RALPH GREENWASSER, D.O.,  
ACTING CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished by hand to Leslie Brookmeyer, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, by Certified Mail to Charles E. Curtis, D.O., 310 U.S. Highway #1, Lake Park, Florida 33403 and by U.S. Mail to Larry Chandler, Esquire, Citizens Building, Suite 800, 105 South Narcissus Avenue, West Palm Beach, Florida 33401, this 11<sup>th</sup> day of January, 1988.



STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

DOAH CASE NO. 87-4041  
DPR CASE NO. 0054578

vs.

CHARLES E. CURTIS, D.O.,

Respondent.

STIPULATION

Charles E. Curtis, D.O., hereinafter referred to as "Respondent", and the Department of Professional Regulation, hereinafter referred to as "Department", hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Osteopathic Medical Examiners, hereinafter referred to as "Board", incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent herein Respondent was a licensed osteopathic medical doctor in the State of Florida, having been issued license number OS 0003593.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 459, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto and made a part hereof by reference thereto as Exhibit A.

3. For purposes of this Stipulation Petitioner voluntarily dismisses the allegations contained in Count Three.

4. Respondent neither admits nor denies the matters of fact alleged in the Administrative Complaint as amended.

#### STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed osteopathic medical doctor, admits that in such capacity he is subject to the provisions of Chapter 455 and 459, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the foregoing Stipulated Facts constitute violations of Chapter 459, Florida Statutes as alleged in the Administrative Complaint as amended.

#### STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455, 459, or 393, Florida Statutes, or the rules promulgated pursuant thereto or any other state or federal law.

2. Respondent is hereby reprimanded.

3. The Respondent shall pay a fine of \$1,000.00, which shall be paid by the Respondent to the Executive Director of the Board of Osteopathic Medical Examiners within sixty (60) days of the filing of the Board's Final Order in this cause.

4. Respondent agrees to refrain from engaging in any detoxification or maintenance treatment of any drug dependent person.

5. Respondent's license shall be placed on probation for a period of one year subject to the following terms of probation:

a. Respondent shall not violate the provisions of Chapters 455, 459, or 893, Florida Statutes.

b. Respondent shall submit quarterly reports to the Board by affidavit [the contents of which are sworn and subscribed to by Respondent before a notary public as being true and correct] summarizing his practice activities. Such reports shall contain the following:

- 1) Current practice address.
- 2) Current practice setting(s).
- 3) Prescribing activities.
- 4) Hospital admitting activities
- 5) Direct response to the specific violations which resulted in the licensee being placed on probation.
- 6) Specific statement addressing compliance with all other terms and conditions of the Final Order placing the licensee on probation, together with required supporting documentation, such as CME certificates.

c. In the event the Respondent should leave Florida to reside or practice outside of Florida for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Florida will not apply to the reduction of the Respondent's probationary period. The Respondent shall advise the Board of any change in his residence and/or office address.

d. Respondent will appear before the Board at their first meeting after his is placed on probation, the last meeting before his probation terminates and at such other times as directed by the Board and shall answer questions, under oath, as posed to him by the Board members, counsel for the Board, and counsel for the Petitioner.

e. Respondent understands that during his period of probation, semi-annual investigative reports may be compiled by the Department concerning his compliance with the terms and conditions of probation and the rules and statutes regulating the practice of osteopathic medicine. Respondent hereby waives confidentially with regard to these reports as to the Board only, thus permitting the Board to review the investigative reports notwithstanding any statutory or rule provisions to the contrary. Respondent agrees to pay all reasonable costs of compiling and preparing these investigative reports, including the time spent by investigators to gather necessary information for said reports.

f. Respondent may prescribe Schedule II controlled substances with the restrictions set forth below:

- (1) Respondent shall utilize duplicate prescriptions for the prescriptions for controlled substances.
- (2) Respondent shall provide one copy of each prescription for Schedule II controlled substances to the Board office with his quarterly reports.

g. During the next 12 months, Respondent shall successfully complete 20 hours of continuing medical education in prescription drug abuse.

6. Respondent agrees to abide by all terms and conditions of this Stipulation. It is expressly understood that a violation of the terms of this Stipulation shall be considered a violation of Chapter 459, Florida Statutes, for which disciplinary action may be initiated.

7. Respondent shall be present at the time of the Board's consideration of this Stipulation and shall, under oath, answer any questions posed by Board Members, counsel for the Board and counsel for Petitioner.

8. It is expressly understood that this Stipulation is subject to approval of the Board and the Department and has no force and effect unless an order adopting it is entered by the Board.

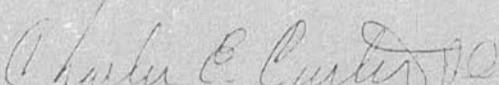
9. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this case. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. In the event that the Board

fails to approve this joint Stipulation and a proceeding pursuant to Section 120.57, Florida Statutes, is held resulting in a finding that Respondent is guilty of the alleged charges, Respondent hereby waives any defense to entry of a Final Order by the Board based upon the Board's consideration of this joint Stipulation.

10. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A, issued in this cause.

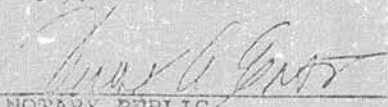
11. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

SIGNED this 13<sup>th</sup> day of Nov, 1987.

  
Charles S. Curtis, D.O.



Sworn to and subscribed  
before me this 13th day  
of November, 1987.

  
\_\_\_\_\_  
NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA  
BY COMMISSION EXPIRES 11-23-1991.  
DEPARTMENT OF STATE, TALLAHASSEE, FLORIDA

My Commission Expires:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

Tom Gallagher, Secretary

\_\_\_\_\_  
By: Bruce D. Lamb  
Chief Medical Attorney

LB/sac  
02/31/87

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CASE NO: 0054578

CHARLES S. CURTIS, D.O.,

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, the Department of Professional Regulation, hereinafter referred to as the "Petitioner", and files this Administrative Complaint before the Board of Osteopathic Medical Examiners, against Charles S. Curtis, D.O., hereinafter referred to as the "Respondent", and alleges:

1. Petitioner, the Department of Professional Regulation, is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 459, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed osteopathic physician in the State of Florida, having been issued license number OS 0003592. Respondent's last known address is 310 U.S. Highway #1, Lake Park, Florida 33403.

COUNT ONE

3. Respondent began treating patient J.D. in October of 1983. At a subsequent visit to Respondent, in July of 1984, patient J.D. requested that Respondent help J.D. with a drug dependency problem.

4. Since July, 1984, Respondent has prescribed Dilaudid to J.D. on a regular basis in an attempt to maintain patient J.D. while decreasing the dependence on Dilaudid. Dilaudid is a controlled narcotic drug under Chapter 893, Florida Statutes (1983).

5. Under the provisions of 21 C.F.R. 1306.07(a), any practitioner engaging in detoxification or maintenance treatment of narcotic drug dependent persons must be registered with the United States Attorney General, and must comply with regulatory standards imposed relative to treatment qualification. Respondent is not in compliance with 21 C.F.R. 1306.07(a). Furthermore, under the provisions of 21 C.F.R. 1306.04(a), a prescription for controlled substances may not be issued for purposes of detoxification.

6. Based on the foregoing allegations, Respondent violated Section 459.015(1)(h), Florida Statutes, by failing to perform any statutory or legal obligation placed upon an osteopathic licensed physician.

COUNT TWO

7. Petitioner realleges paragraphs 1 through 5 above as if fully set forth herein this Count Two.

8. Based on the foregoing allegations, Respondent violated Section 459.015(1)(g), Florida Statutes, by prescribing controlled substances inappropriately.

COUNT THREE

9. Petitioner realleges paragraphs 1 through 5 above as if fully set forth herein this Count Three.

10. Based on the foregoing allegations, Respondent violated Section 459.015(1)(t), Florida Statutes, by gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances.

WHEREFORE, the Petitioner respectfully requests that the Board of Osteopathic Medical Examiners enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 16 day of April, 1986.

*Fred Roche*

FRED ROCHE, Secretary  
Department of Professional  
Regulation

*by C. H.*

COUNSEL FOR DEPARTMENT:

Stephanie A. Daniel  
Senior Attorney  
Department of Professional  
Regulation  
130 North Monroe Street  
Tallahassee, Florida 32301  
(904) 488-0062

SAD/bg  
04/09/86

PCP/03/20/86  
NS & LL

FILED

DEPARTMENT OF PROFESSIONAL REGULATION  
CLERK  
DATE *April 16 1986*