

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

CASE NO. 9006975

v.

EUSEBIO SUBIAS, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Eusebio Subias, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0011355. Respondent's last known address is 2885 South West 3rd Avenue, Miami, Florida 33129-2316.

3. The State Medical Board of Ohio is the licensing authority in Ohio authorized to take disciplinary action against the licenses of physicians in that state.

4. On or about May 10, 1990, the State Medical Board of Ohio issued a Consent Agreement in which Respondent's license to practice medicine in Ohio was acted against. Said disciplinary action was based upon Respondent's admission that on his Ohio license renewal application Respondent indicated that he did not have any disciplinary action taken or initiated against him by a State licensing agency when Respondent had had action taken by the State of Florida.

5. Based on the foregoing, Respondent is in violation of Section 458.331(1)(b), Florida Statutes, in that he is guilty of having a license to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any state, territory, or country. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

WHEREFORE, Petitioner respectfully requests the Board of Medicine 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 5th day of September, 1990.

Larry Gonzalez, Secretary

S. A. Daniel

By: Stephanie A. Daniel
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson
Senior Attorney
Florida Bar No. 788643
Dept. of Professional Regulation
1940 N. Monroe Street, Ste. 60
Tallahassee, Florida 32399-0792
(904) 488-0062

[Signature]
CJA/AMS/ecs
d:ecs
7/11/90

FILED

Department of Professional Regulation
AGENCY CLERK

Shel Cope

CLERK

DATE

9-6-90

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DOAH CASE NO. 90-06975

EUSEBIO SUBIAS, M.D.

Respondent.

STIPULATION

EUSEBIO SUBIAS, M.D., the Respondent, and the Department of Professional Regulation, referred to as Department, stipulate and agree to the following joint Stipulation and to the entry of a Final Order of the Board of Medicine, referred to as Board, incorporating this Stipulation and the agreement in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME0011355.
 2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.
 3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint attached hereto as Exhibit A.
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STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed physician, admits that in such capacity he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. The Board shall impose an administrative fine in the amount of \$5,000.00 against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within 90 days of the imposition by Final Order by the Board.

3. Respondent shall attend five (5) hours of Category I Continuing Education courses in the area of Medical Ethics.

4. It is expressly understood that this Stipulation is subject to the approval of the Board and the Department. In this regarding the foregoing paragraphs (and only the foregoing paragraphs of the Stipulated Facts, Stipulated Conclusions of Law and Stipulated Disposition) shall have no force and effect unless a Final Order is entered incorporating the terms of this Stipulation, by the Board.

5. Respondent shall appear before the Board at the meeting whereat this Stipulation is considered. Respondent, in

conjunction with the consideration of this Stipulation by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

6. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation by the Respondent may be used as direct evidence against the Respondent in any proceeding. However, such statements may be used by the Petitioner for impeachment purposes.

7. 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 admissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

8. 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.

9. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution and/or defense of this proceeding. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

10. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. 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.

SIGNED this 17th day of MAY, 1991.

Eusebio Subias, M.D.
Eusebio Subias, M.D.

Sworn to and subscribed
before me this 17th day
of MAY, 1991.


NOTARY PUBLIC


My Commission Expires:



LUIS R. ARENCIBIA
MY COMMISSION EXPIRES
April 1, 1993
BONDED THRU NOTARY PUBLIC UNDERWRITERS

APPROVED this 4 day of JUNE, 1991.

George Stuart
Secretary


By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

E. Wilson

DEPARTMENT OF PROFESSIONAL
REGULATION,

CLERK _____

DATE 9-16-91

Petitioner,

v.

DPR CASE NUMBER: 90-06975
LICENSE NUMBER: ME 0011355

EUSEBIO SUBIAS, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on August 3, 1991, in Palm Beach, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Stipulation.

This Order takes effect upon filing with the Clerk of the Department.

DONE AND ORDERED this 11th day of September, 1991.

BOARD OF MEDICINE



LUIS H. SERENTILL, M.D.
VICE CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Dr. Eusebio Subias, c/o Robert S. Turk, Esquire, Suite 3400, One Biscayne Tower, 2 South Biscayne Boulevard, Miami, Florida 33131-1897, and by interoffice delivery to Bruce D. Lamb, Chief Trial Attorney, Department of Professional Regulation, 730 S. Sterling Street, Suite 201, Tampa, Florida 33609, at or before 5:00 P.M., this 16th day of September, 1991.