

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

Case No.: 90-07216

THOMAS WILLIAMS, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Department of Professional Regulation, hereinafter referred to as the "Petitioner", and files this Administrative Complaint before the Board of Medicine against Thomas Williams, 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 0039255. Respondent's last known address is 831 South Delaware Avenue, Tampa, Florida 33606.

3. Between on or about January 1, 1990, and April 27, 1990, Respondent was the Medical Director at the St. Augustine Psychiatric Center.

4. On April 4, 1990, the hospital administrator of the St. Augustine Psychiatric Center reported Respondent to Roger Goetz, M.D., the director of the Physician's Recovery Network and the Petitioner's Impaired Practitioner's Consultant.

5. Respondent was reported to Dr. Goetz because he had been acting strangely and had exhibited slurred speech. It was felt that Respondent might be impaired.

6. On or about April 4, 1990, Respondent went to see R. Taylor King, M.D., a psychiatrist. Respondent complained of depression, anxiety, and feelings of being overwhelmed with his job. Dr. King diagnosed Respondent as having a "mixed picture with depressive symptoms, including indecisiveness and depressed moods mixed with pressure of thoughts and speech and slow flight of ideas." Dr. King continued to treat Respondent for some time. On August 24, 1990, Dr. King was of the opinion that Respondent would require an additional nine (9) to twelve (12) months to be sufficiently recovered to work part time.

7. On or about April 27, 1990, Respondent resigned his position as Medical Director at the St. Augustine Psychiatric Center.

8. On or about May 4, 1990, the Physician's Recovery Network recommended that Respondent withdraw from practice and submit to an evaluation at a Board approved program. Respondent agreed to the evaluation and then failed to appear for the evaluation, which was scheduled in Atlanta, Georgia.

9. On or about May 11, 1990, Dr. King referred Respondent to Dr. Begly, a Clinical Psychologist who concluded based on test results that Respondent would not be competent to practice psychiatry at that time.

10. When Respondent failed to comply with the recommendations of the Physician's Recovery Network, the Physician's Recovery Network reported the matter to the Petitioner.

11. In or about April 1990, Respondent was unable to practice medicine with reasonable skill and safety to patients by reason of a bipolar mood disorder or other psychiatric illness. Respondent is still diagnosed as suffering from a bipolar mood disorder and is being treated with Prozac 20 mg. daily, Xanax 0.25 mg. three times daily, and Lithobid 300 mgs. twice daily. It is not anticipated that Respondent can safely engage in the practice of medicine until April, 1991, at the earliest.

12. Based on the foregoing, Respondent has violated Section 458.331(1)(s), Florida Statutes, in that Respondent is unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

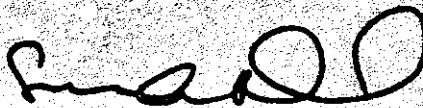
WHEREFORE, Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: suspension of the Respondent's license, restriction

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 6th day of February,

1991.

George Stuart
Secretary



By: Stephanie A. Daniel
Chief Medical Attorney

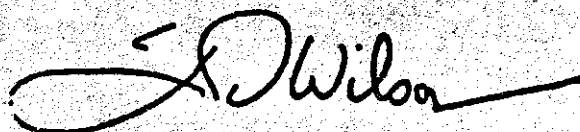
COUNSEL FOR DEPARTMENT:

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pcp: Burt, Campbell & Wertheimer
1/28/91

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Department of Professional Regulation
AGENCY CLERK



CLERK

DATE

2-7-91

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DPR CASE NO. 90-07216

THOMAS ARTHUR WILLIAMS, M.D.,

Respondent.

CONSENT AGREEMENT

THOMAS ARTHUR WILLIAMS, M.D., referred to as the "Respondent", and the Department of Professional Regulation, referred to as "Department", stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board", incorporating the Stipulated Facts and Stipulated Disposition 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 ME 0039255.
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 as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, 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, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

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

2. **SUSPENSION.** Effective on the date of the filing of the Final Order incorporating the terms of this Agreement, Respondent's license to practice medicine shall be suspended unless and until such time Respondent can appear before the Board of Medicine and demonstrate by clear and convincing evidence that he is able to practice medicine with reasonable skill and safety to patients. Such proof shall include, but is not limited to the following:

a. Compliance with and satisfactory progress in the Impaired Physicians' Program in the State of Florida.

b. Completion of a psychiatric evaluation by a qualified physician who shall be approved by the Board prior to such evaluation. The findings and recommendations of the evaluation must state the Respondent can presently practice medicine with reasonable skill and safety to patients.

c. Completion of Category I Continuing Medical Education required of a licensed physician in Florida, (i.e., forty (40) hours, including three (3) hours of

AIDS/HIV and five (5) hours Risk Management every biennium.)

d. Successful completion of SPEX, the Special Purpose Examination developed by the Federation of State Medical Boards.

e. Presentation of a practice plan to the Board of Medicine for Board approval, prior to reinstatement of Respondent's license to practice medicine. Said plan shall describe the practice location, the composition and type of practice, the average patient load (on a weekly basis), the average number of hours on a weekly basis during which the physician will be working, and the names of any physicians with whom Respondent will be working.

3. **BOARD APPEARANCE.** Respondent is not required to appear before the Board at the meeting where this Agreement is considered. Respondent shall appear before the Board prior to reinstatement and in conjunction with the consideration of that reinstatement request, shall respond to questions under oath from the Board, Board staff or Department Staff.

4. **PROBATION.** Upon reinstatement of Respondent's license to practice medicine in the State of Florida, Respondent shall be placed on probation for five (5) years and with such conditions as the Board deems appropriate.

A. **RESTRICTIONS DURING PROBATION:** During the period of probation, Respondent's license shall be restricted as follows:

i. Respondent shall appear before the Board's designated probationer's committee at the first meeting after said probation commences, at the last meeting of the Board's designated probationer's committee preceding termination of the probation, and at such other times as requested by the Board's probationer's committee. Respondent shall be noticed by the Board staff of the date, time and place of the

Board's Probationer's Committee meeting whereat Respondent's appearance is required. Failure of Respondent to appear as requested or directed shall be considered a violation of the terms of this Agreement, and shall subject the Respondent to disciplinary action.

ii. Respondent shall see a psychiatrist approved by the Board at least once every month for evaluation and treatment. Respondent's treating psychiatrist shall submit reports to the Board on a quarterly basis detailing Respondent's current psychiatric condition, providing specific information about the diagnosis of Respondent's psychiatric condition, the results of any psychiatric testing, examination or evaluation, and any update of the patient's psychiatric history, as well as a specific opinion on the issue of whether or not Respondent is able to practice medicine with skill and safety to patients.

iii. Respondent shall participate in and comply with the Florida Physician's Recovery Network. Respondent shall enter into an after care contract with the Physician's Recovery Network and shall cause the Network to send to the Board a copy of the after care contract entered into. Respondent shall comply with all of the conditions of his after care contract with the Florida Medical Foundation's Physician's Recovery Network. Respondent shall execute a release for the Physician's Recovery Network to authorize the Network to release information to the Board of Medicine as needed to monitor progress in the Network's program.

iv. Respondent shall cause the director of the Physician's Recovery Network to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 458, Florida Statutes. Respondent shall cause the director to make such a report within thirty (30) days of the occurrence of any problems, or violations of Chapter 458, Florida Statutes.

5. It is expressly understood that this Agreement is subject to the approval of the

Board and the Department. In this regard the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order is entered incorporating the terms of this Agreement, by the Board.

6. Should this Agreement be rejected, no statement made in furtherance of this Agreement 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 Agreement 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" herein.

8. Upon the Board's adoption of this Agreement, 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 Agreement and the Final Order of the Board incorporating said Agreement.

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

10. This Agreement 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 Agreement.

Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement 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 26th day of February, 1992.

Thomas Arthur Williams, M.D.
THOMAS ARTHUR WILLIAMS, M.D.

Sworn to and subscribed
before me this 26th day
of February, 1992.

Melinda E. Hood
NOTARY PUBLIC
By Commission Expires: Aug. 14, 1994
My Commission Expires:

APPROVED this 26 day of February, 1992.

George Stuart
Secretary

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

PROVISIONS REGARDING MONITORING/SUPERVISING PHYSICIANS

Provisions governing physicians ordered to work under supervision of monitoring or supervising physician.

I. DEFINITIONS:

A. **INDIRECT SUPERVISION** is supervision by a monitoring physician (monitor) whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent, however, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise provided by the Board and shall be readily available for consultation. The monitor shall be Board-certified in the Respondent's specialty area, unless otherwise provided by the Board.

B. **DIRECT SUPERVISION** is supervision by a supervising physician (supervisor) whose responsibilities are set by the Board. Direct supervision requires that the supervisor and Respondent work in the same office. The supervising physician shall be board-certified in the Respondent's specialty area, unless otherwise provided by the Board.

C. **PROBATION COMMITTEE** or "committee" are members of the Board of Medicine designated by the Chairman of the Board to serve as the Probation Committee.

II. STANDARD TERMS.

A. REQUIRED SUPERVISION.

1. The Respondent shall not practice medicine without an

approved monitor/supervisor, as specific by the Consent Agreement, unless otherwise ordered by the Board.

2. The monitor/supervisor must be a licensee under Chapter 458, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board or Committee may reject any proposed monitor/supervisor on the basis that he has previously been subject to any disciplinary action against his medical license in this or any other jurisdiction, is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board or Committee. The Board or Committee may also reject any proposed monitor/supervisor for good cause shown.

B. MECHANISM FOR APPROVAL OF MONITOR/SUPERVISOR:

1. **TEMPORARY APPROVAL.** The Board confers authority on the Chairman of the Board's Probation Committee to temporarily approve Respondent's monitor/supervisor. To obtain this temporary approval, Respondent shall submit to the Chairman of the Probation Committee the name and curriculum vitae of the proposed monitor/supervisor at the time this agreement is considered by the Board. Once a Final Order adopting this Agreement is filed, Respondent shall not practice medicine without an approved monitor/supervisor. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

2. **FORM/ APPROVAL.**

a. Respondent shall have the monitor/supervisor with him at his first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide to the

monitor/supervisor a copy of the Administrative Complaint and Final Order in this case. Respondent shall submit a current curriculum vitae and a description of current practice from the proposed monitor/supervisor to the Board office no later than fourteen days before the Respondent's first scheduled probation appearance.

b. Respondent's monitor/supervisor shall also appear before the Probation Committee at such other times as directed by the Committee. It shall be Respondent's responsibility to ensure that the appearance of his monitor/supervisor as directed. Failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of this Stipulation and shall subject the Respondent to disciplinary action.

3. CHANGE IN MONITOR/SUPERVISOR. In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill his responsibilities as a monitor/supervisor as described above, then the Respondent shall immediately advise the Board of this fact. Respondent shall immediately submit to the Chairman of the Board's Probation Committee, the name of a temporary monitor/supervisor for consideration. Respondent shall not practice pending approval of this temporary monitor/supervisor by the Chairman of the Probation Committee. Furthermore, Respondent shall make arrangements with his temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting, for consideration of the monitor/supervisor by the Committee. Respondent shall only practice under the auspices of the temporary monitor/supervisor (approved by the Chairman) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new monitor/supervisor shall be addressed.

C. CONTINUITY OF PRACTICE

1. **TOLLING PROVISIONS.** In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida.

a. The time period of probation shall be tolled.

b. The provisions regarding supervision whether direct or indirect by another physician, and required reports from the monitor/supervisor shall be tolled.

c. The provisions regarding preparation of investigative reports detailing compliance with this Stipulation shall be tolled.

2. **ADDRESSES.** Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

3. **ACTIVE PRACTICE.** In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Probation Committee may require Respondent to appear before the Probation Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

D. COSTS. Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the costs of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, and the Board's administrative costs directly associated with Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all reports, correspondence and inquiries shall be sent to: Board of Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, Attn: Final Order/ Compliance Section.

Final Order No. DPR-92-00082-ME

FILED (12)

Department of Professional Regulation
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

CLERK

DATE

4-13-92

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DPR CASE NUMBER: 90-07216
LICENSE NUMBER: ME 0039255

THOMAS ARTHUR WILLIAMS, M.D.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on April 4, 1992, in Jacksonville, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, 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 Consent Agreement 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 Consent Agreement.

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

DONE AND ORDERED this 4 day April, 1992.

BOARD OF MEDICINE



EDWARD A. DAUER, M.D.
ACTING CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Thomas Arthur Williams, M.D., 831 South Delaware Avenue, Tampa, FL 33606 and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this _____ day of _____, 1992.

DOROTHY J. FAIRCLOTH
Executive Director