

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 91-08389

SCOTT S. ORENS, 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 SCOTT S. ORENS, 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 0050069. Respondent's last known address is 1135 Coquille Drive, Sarasota, Florida 34230.

3. Respondent is a Psychiatrist, but practices mainly in the area of pain management.

4. Respondent's colleagues, acquaintances, and patients complained about Respondent's behavior. These complaints ranged from failure to keep appointments or return patients' calls, intoxication, irrational behavior, and intimidating behavior towards others.

5. Respondent was arrested, and subsequently convicted of driving under the influence of alcohol in 1990.

6. From on or about February 10, 1991, through on or about February 13, 1991, Respondent was assessed for chemical dependence at Anchor Hospital, which included psychological testing, addiction consultation, psychiatric evaluation, and laboratory tests which revealed a positive urine screen for opiates, barbiturates, and benzodiazepines.

7. James W. Blevins, M.D., Respondent's attending physician at Anchor Hospital, reported the following final diagnoses:

Axis I: Substance abuse with probable benzodiazepine dependence.

Axis II: Personality Disorder, NOS, with narcissistic obsessive/compulsive passive/aggressive features

Axis III: 1. Supraventricular tachycardia, by history
2. Status Post (S/P) repair of deviated septum.
3. S/P recent gastroenteritis, viral in origin.
4. S/P lingual phrenectomy
5. S/P banding of internal hemorrhoids.

8. Dr. Blevins reported that although it was impossible to completely assess Respondent due to his refusal to cooperate with

the evaluation, further evaluation was recommended and treatment should be based upon the findings.

9. Respondent was subsequently referred for admission to the University of South Florida, Department of Psychiatry and Behavioral Medicine in order to continue the evaluation that was not completed at Anchor Hospital.

10. On or about February 14, 1991, through about February 19, 1991, James W. Conn, M.D. provided the psychiatric evaluation of Respondent at the University of South Florida.

11. Respondent was also evaluated by Drs. Robert Fernandez and Michael Sheehan, who opined the Respondent had a clear problem involving drugs and/or alcohol as indicated by the strongly positive drug screen, as well as Respondent's admission during the evaluation to prescribing controlled substances to another.

12. The above described psychiatrists further opined it was the common opinion of all evaluating physicians that the Respondent should not return to practice at this because he has an extremely severe grade of personality disorder and that this disorder is so severe as to carry the significant probability of impairing Respondent's judgement and perception of reality in many situations, including doctor-patient interaction.

13. On or about May 20, 1991, Respondent was admitted for a four to five day outpatient evaluation at The Menninger Clinic in Topeka, Kansas.

12. Sharon Blomgren, M.D., of The Menninger Clinic, advised that following the outpatient evaluation of Respondent, it was

recommended that Respondent was in need of inpatient therapy for maximum benefit, to be followed by outpatient work. Dr. Blongrem opined that the patient has a combination of obsessive, narcissistic and histrionic traits, which combine to cause significant interpersonal impairment, which at this point has extended into his professional life.

15. The above diagnosed significant interpersonal impairment has continued. On or about June 18, 1991, Respondent was arrested and charged with child abuse. The probable cause affidavit by the arresting officer, Deputy Michael Pelfrey, reported that eye witnesses observed Respondent display a verbally abusive outburst, grab the eight year old daughter of his girlfriend and drag her off the sidewalk in a head lock, hitting the girl seven to eight times with an open hand.

16. 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 in that as demonstrated by one or more of the following: psychological testing and clinical interviews suggested a diagnosis of personality disorder; laboratory tests reveal a positive urine screen for opiates, barbiturates, and benzodiazepines; psychiatric and psychological evaluations indicate that Respondent has an extremely severe grade of personality disorder which has a significant probability of impairing Respondent's judgement and perception of reality including doctor-patient interactions;

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FILED
Department of Professional Regulation
AGENCY CLERK

Larry C. McPherson, Jr.
Chief Medical Attorney

S. Wilson

CLERK

DATE

8-27-91

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COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643

AS/tb

PCP: August 14, 1991

Basisht, Burt, and Campbell

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DPR CASE NO. 91-08380

SCOTT S. ORENS, M.D.,

Respondent.

CONSENT AGREEMENT

SCOTT S. ORENS, 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 0050069.
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.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

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 until such time as Respondent can appear before the Board of Medicine and demonstrate compliance with the following:

a. Respondent shall remain under the care of a psychiatrist of his choosing who is acceptable to the Physician's Recovery Network (PRN) and the Board until Respondent's license to practice medicine is reinstated. Respondent shall sign the necessary releases to authorize his treating psychiatrist and the Network to release information to the Board of Medicine as needed to monitor Respondent's progress and treatment. The treating psychiatrist shall notify both the PRN and the Board of any problems that may

occur with Respondent and any violations of Chapter 458, Florida Statutes. Respondent shall cause the treating psychiatrist to make such a report, in writing, within thirty (30) days of the occurrence of any problems, or violations of Chapter 458, Florida Statutes.

b. Respondent shall continue to maintain compliance with all Board of Medicine licensing requirements throughout the entire period of suspension.

c. Respondent shall attend sixty (60) hours of Category I Continuing Medical Education courses per year throughout the entire period of suspension in those areas as specified by the Board. Respondent shall submit a written plan to the Chairman of the Probation Committee for course approval prior to the completion of said courses. In addition, Respondent shall submit written documentation of completion of these courses to the Board on an annual basis. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board or the Chairman of the Probation Committee, said courses shall consist of a formal live lecture format.

d. Respondent shall present 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.

e. Upon the recommendation of Respondent's treating psychiatrist that Respondent is fit to return to the active practice of medicine and prior to consideration of a reinstatement of Respondent's license to practice medicine by the Board, the Respondent

shall undergo a psychiatric evaluation, to include a complete review of all past treatment records, by a panel of three psychiatrists acceptable to the Respondent, the Board (with approval authority delegated to the Chairman of the Probation Committee), and the Physician's Recovery Network (PRN) not more than ninety (90) days prior to the Board meeting at which this Respondent is to be considered. If requested by the panel, Respondent shall submit to a physical examination by a board certified internist. The report(s) of the psychiatric panel shall be considered during the Board's consideration of Respondent's reinstatement request. The findings and recommendations of the panel must state whether or not Respondent can presently practice medicine with reasonable skill and safety to patients.

3. **PROBATION.** Upon reinstatement of Respondent's license to practice medicine in the State of Florida, Respondent shall be placed on probation under such length, terms and conditions as the Board deems appropriate and specifies at the time of the reinstatement of his medical license.

4. 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.

5. Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered. Respondent, in conjunction with the consideration of this Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

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 11 day of September, 1992.


SCOTT S. ORFNE M.D.

Before me personally appeared Scott S. Orfne M.D.; whose identity is known to me by Orfne's license (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 11 day of Sept., 1992.


NOTARY PUBLIC

My Commission Expires:



Thuras M. White
STATE OF FLORIDA
My Comm. Exp. 5/1/94
BONDED

APPROVED this 17 day of September, 1992.

George Stuart
Secretary


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 specified 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. FORMAL 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. If the approved monitor fails to appear as requested or directed by the Probation Committee, the Respondent shall immediately cease practicing medicine until such time as the approved monitor or alternate monitor appears before the Probation Committee.

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: Mail Order Compliance Officer.

FILED

Department of Professional Regulation
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

[Signature]

CLERK

DATE

10-29-92

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DPR CASE NUMBER: 91-08389
LICENSE NUMBER: ME 0050069

SCOTT S. ORENS, M.D.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on October 2, 1992, in Miami, 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, the Board rejected the Consent Agreement proposed and offered an amendment at the hearing, which amendment was accepted without objection by the parties.

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 with the following changes:

The transcript of this proceeding shall be part of any request for reinstatement of licensure. The Respondent shall enter into a contract and comply with the recommendations of the Florida Physician's Recovery Network (PRN). Non-compliance with the PRN will constitute a violation of this Final Order. 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 26th day October, 1992.

BOARD OF MEDICINE


ZACHARIAH P. ZACHARIAH, M.D.
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 Scott S. Orens, M.D., 1135 Coquille Drive, Sarasota, Florida 34230, Kevin C. Smith, Esquire, Bobo, Spicer, Ciotoli, Fulford & Bocchino, Esperante, Sixth Floor, 222 Lakeview Avenue, West Palm Beach, Florida 33401 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