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STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE
ADMINISTRATION, BOARD OF
MEDICINE,

Petitioner,

v.

ADOLFO M. VILASUSO, M.D.,

Respondent.

Final Order No. AHCA-95-01810 Date 12-28-95

FILED

Agency for Health Care Administration
AGENCY CLERK

R.S. Power, Agency Clerk

By: Alana C. Kirk
Deputy Agency Clerk

CASE NUMBER: 92-09488
LICENSE NUMBER: ME 0021573

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on December 2, 1995 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 amendment:

1. Within four (4) months of the filing of the Final Order in this cause, the Respondent shall have an evaluation performed by the Physician's Recovery Network (PRN) and if recommended,

Respondent shall enter into a contract with PRN and participate and comply with any and all terms of the PRN contract.

2. Within three (3) months of the filing of the Final Order in this cause, an independent, certified and licensed risk manager will review Respondent's practice. Specifically, this independent consultant shall review the Respondent's practice concerning medical records, procedures and surgeries. This report, if necessary, will include suggested improvements of the quality assurance of Respondent's practice. The Respondent will submit this report and documentation that demonstrates his compliance with the suggestions enumerated in the consultant's report to the Board within one (1) month after completion.

Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Consent Agreement, as amended.

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

DONE AND ORDERED this 22 day December, 1995.

BOARD OF MEDICINE

Gary E. Winchester M.D.
GARY E. WINCHESTER, 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 Adolfo M. Vilasuso, M.D., 7800 S. Red Road, Miami, Florida 33143-5526; Maritza Gonzalez, Esquire, 10081 Pines Boulevard Suite E, Pembroke Pines,

Florida 33024; and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Agency for Health Care Administration, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this _____ day of _____, 1995.

MARM M. HARRIS, Ed.D.
Executive Director

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH
CARE ADMINISTRATION,

Petitioner,

v.

AHCA CASE NO. 92-09488
DOAH CASE NO. 94-2884

ADOLFO M. VILASUSO, M.D.,

Respondent.

CONSENT AGREEMENT

Adolfo M. Vilasuso, M.D., hereinafter referred to as the "Respondent," and the Agency for Health Care Administration, referred to as "Agency," 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 0021573.

2. Respondent was charged by an Administrative Complaint filed by the Agency 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 Agency 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. FINE. The Board shall impose an administrative fine in the amount of five thousand dollars (\$5,000.00) against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within ONE HUNDRED EIGHTY (180) days of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN SIXTY (60) DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE**

EXHIBIT B, PARAGRAPH 1 OF THIS CONSENT AGREEMENT FOR BOARD ADDRESSES AND STANDARD TERMS).

3. REPRIMAND. Respondent shall receive a reprimand from the Board of Medicine.

4. PROBATION. 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 placed on probation for a period of one (1) year.

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

i. INDIRECT SUPERVISION. Respondent shall practice only under the indirect supervision of a Board-approved physician, hereinafter referred to as the "monitor." In this regard, Respondent shall allow the monitor access to Respondent's medical records, calendar, patient logs or other documents necessary for the monitor to supervise Respondent as detailed below.

ii. Respondent may prescribe controlled substances only in compliance with the restrictions set forth below:

a. Respondent shall utilize sequentially numbered triplicate prescriptions.

b. Respondent shall immediately provide one copy of each prescription to the monitor.

c. Respondent shall provide one copy of each prescription to the Agency's investigator within one month after issuing said prescription.

B. OBLIGATIONS/REQUIREMENTS OF PROBATION. During the period of probation, Respondent shall comply with the following obligations and requirements:

i. Respondent shall appear before the Probation Committee of the Board of Medicine at the first Committee meeting after probation commences, at the last meeting of the Committee preceding scheduled termination of the probation, and at such other times as requested by the Committee. Respondent shall be noticed by the Board staff of the date, time and place of the 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 complete the course "Quality Medical Records Keeping for Health Care Professionals," sponsored by the Florida Medical Association, or a Board-approved equivalent, during the period of probation.

iii. Respondent shall be responsible for ensuring that the monitor submits all required reports.

C. RESPONSIBILITIES OF THE MONITORING PHYSICIAN.

The Monitor shall:

i. Review 25% percent of Respondent's active patient records at least once a month, for the purpose of ascertaining whether Respondent is practicing medicine within an acceptable level of care and prescribing legend drugs appropriately. The monitor shall go to Respondent's office once

every month and shall review Respondent's calendar or patient log and shall select the records to be reviewed.

ii. Submit reports on a quarterly basis, in affidavit form, which shall include:

a) A brief statement of why Respondent is on probation.

b) A description of Respondent's practice (type and composition).

c) A statement addressing Respondent's compliance with the terms of probation.

d) A brief description of the monitor's relationship with the Respondent.

e) A statement advising the Board of any problems which have arisen.

f) A summary of the dates the monitor went to Respondent's office, the number of records reviewed, and the overall quality of the records reviewed.

iii. Maintain contact with the Respondent on a frequency of at least once per month. In the event that the monitor is not timely contacted by Respondent, then the monitor shall immediately report this fact in writing to the Board.

iv. Respondent's monitor shall appear before the Probation Committee at the first meeting of said committee following commencement of the probation, and at such other times as directed by the Committee. It shall be Respondent's responsibility to ensure the appearance of his monitor to appear as requested or

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.

D. REPORTS FROM RESPONDENT. The Respondent shall submit quarterly reports, in affidavit form, the contents of which may be further specified by the Board, but which shall include:

i. A brief statement of why Respondent is on probation.

ii. A description of practice location.

iii. A description of current practice (type and composition).

iv. A brief statement of compliance with probationary terms.

v. A description of the relationship with monitoring physician.

vi. A statement advising the Board of any problems which have arisen.

vii. A statement addressing compliance with any restrictions or requirements imposed.

E. STANDARD PROVISIONS. Respondent's probation shall be governed by the attached "provisions regarding monitoring/supervising physicians," Exhibit B, which is incorporated as if fully set forth herein.

6. It is expressly understood that this Agreement is subject to the approval of the Board and the Agency. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

7. 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 Agency Staff.

8. 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.

9. Respondent and the Agency 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 Agency against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

10. 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.

11. 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.

12. 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 31st day of October, 1995.

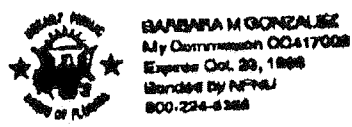
[Signature]
Adolfo M. Vilasuso, M.D.

Before me, personally appeared ADOLFO M. VILASUSO, whose identity is known to me by PERSONAL KNOWLEDGE (Type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 31st day of October, 1995.

Barbara M Gonzalez
NOTARY PUBLIC

My Commission Expires: 10-23-98



APPROVED this 31 day of October, 1995.

Douglas M. Cook
Director

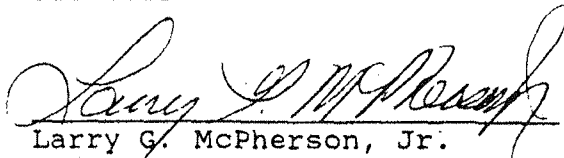

By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

Exhibit B

STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS

The following are the standard terms applicable to all consent agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. PAYMENT OF FINES. Unless otherwise directed by the consent agreement, all fines shall be paid by check or money order and sent to the Board address set forth in paragraph E, below. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the consent agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph E, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, the 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, obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative costs directly associated with Respondent's probation.

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

F. PROBATION TERMS. If probation was imposed by the Final Order of the Board, the following provisions are applicable.

1. 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.

2. REQUIRED SUPERVISION.

a. If the terms of the consent agreement include indirect monitoring of the licensees's practice (MONITORING) or direct monitoring of the licensees practice (SUPERVISION), the Respondent shall not practice medicine without an approved monitor/supervisor, as specified by the Consent Agreement, unless otherwise ordered by the Board.

b. 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 and be practicing within a reasonable distance of the Respondent's practice, a distance of no more than twenty (20) miles unless otherwise specifically provided for in the consent agreement. The Board or

Committee may also reject any proposed monitor/supervisor for good cause shown.

c. 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. 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. 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.

d. 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.

3. CONTINUITY OF PRACTICE

a. 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:

(1). The time period of probation shall be tolled.

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

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

(4). Any provisions regarding community service shall be tolled.

b. 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.

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH CARE ADMINISTRATION

Petitioner,

v.

DOAH CASE NO: 94-02884
AHCA CASE NO: 92-09488

ADOLFO M. VILASUSO, M.D.,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner", and files this Amended Administrative Complaint before the Board of Medicine against ADOLFO M. VILASUSO, 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 20.165, 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 0021573. Respondent's last known address is 7800 S. Red Road, Miami, Florida 33143-5526.

3. Respondent is a Diplomate of the American Board of Psychiatry and Neurology.

4. Patient W.F., a thirty (30) year old male, was an acquaintance of Respondent during the period of December, 1987 to on or about January, 1992.

5. Patient W.F. became Respondent's patient when prescribed medication.

6. Respondent never performed a physical examination on Patient W.F. and/or was called upon to provide a diagnosis of any medical or psychiatric problems of Patient W. F.

7. During this period, Respondent provided Patient W.F. with prescriptions and dispensed medications, including the following, AZT, Ceclor, Mellaril, Prozac, and Xanax (IV).

8. Respondent failed to keep medical records of the medications and the reason for the medications that he provided to Patient W.F.

COUNT ONE

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8), as if fully set forth herein this Count One.

10. Respondent is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice by prescribing and/or dispensing medications, including the following: AZT, Ceclor, Mellaril, Prozac and Xanax (IV), to Patient W.F. without examining him and by not keeping medical records as to what medications, dosages and reasons for the medications given to Patient W.F. by Respondent.

11. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes, by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the

physician's professional practice.

COUNT TWO

12. Petitioner realleges and incorporates paragraphs one (1) through eight (8), and ten (10), as if fully set forth herein this Count Two.

13. Respondent is guilty of gross or repeated malpractice or 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 in that Respondent prescribed and/or dispensed medications to Patient W.F. without first examining Patient W.F.

14. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by gross or repeated malpractice or failure to practice medicine with that level of case, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT THREE

15. Petitioner realleges and incorporates paragraphs one (1) through eight (8), ten (10), and thirteen (13), as if fully set forth herein this Count Three.

16. Respondent is guilty of failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories; examination


results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations in that Respondent failed to keep medical records of Patient W.F..

17. Based on the foregoing, Respondent violated Section 458.331 (1)(m), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the patient; including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed or administered; and reports of consultations and hospitalizations.

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

SIGNED this 30 day of July, 1994.

DOUGLAS M. COOK, DIRECTOR


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

COUNSEL FOR AGENCY:
Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care
Administration
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar No: 788643

PCP: September 16, 1993

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK
CLERK Brandon L. Moore
DATE 11-9-94

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

PETITIONER,

vs.

CASE NO. 92-09488

ADOLFO M. VILASUSO, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Business and Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against ADOLFO M. VILASUSO, 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 20.165, 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 0021573. Respondent's last known address is 7800 S. Red Road, Miami, Florida 33143-5526.

3. Respondent is a Diplomate of the American Board of Psychiatry and Neurology.

4. Patient W.F., a thirty (30) year old male, was an acquaintance of Respondent during the period December 1987 to on or about January 1992.

5. Patient W.F. has never been a patient of the Respondent.

6. Respondent never performed a physical examination on Patient W.F. and/or was called upon to provide a diagnosis of any medical or psychiatric problems of Patient W.F..

7. During this period, Respondent provided Patient W.F. with prescriptions and dispensed medications, including the following: AZT, Ceclor, Mellaril, Prozac, and Xanax (IV).

8. Respondent failed to keep medical records of the medications and the reason for the medications that he provided to Patient W.F..

COUNT ONE

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8), as if fully set forth herein this Count One.

10. Respondent is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice by prescribing and/or dispensing medications, including the following AZT, Ceclor, Mellaril, Prozac, and Xanax (IV), to Patient W.F. without examining him and by not keeping medical records as to what medications, dosages and reasons for the medications given to Patient W.F. by the Respondent.

11. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes, prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice.

COUNT TWO

12. Petitioner realleges and incorporates paragraphs one (1) through eight (8), and ten (10), as if fully set forth herein this Count Two.

13. Respondent is guilty of gross or repeated malpractice or 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 in that Respondent prescribed and/or dispensed medications to Patient W.F. without first examining Patient W.F..

14. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by gross or repeated malpractice or 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.

COUNT THREE

15. Petitioner realleges and incorporates paragraphs one (1) through eight (8), ten (10) and thirteen (13), as if fully set forth herein this Count Three.

16. Respondent is guilty of failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or

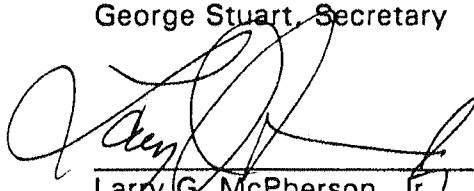
administered; and reports of consultations and hospitalizations in that Respondent failed to keep medical records on Patient W.F..

17. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

WHEREFORE, the 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 22 day of September, 1993.

George Stuart, Secretary



Larry G. McPherson, Jr.
Chief Medical Attorney

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
RPC/MLM
PCP: September 16, 1993
Murray and Slade

FILED
Department of Business and Professional Regulation
AGENCY CLERK

CLERK Sarah L. Washburn
DATE 9/23/93

RN-04

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Sandra Soto*
DATE: 4/12/2012

STATE OF FLORIDA
DEPARTMENT OF HEALTH

BOARD: Medicine

CASE NUMBER: 2010-00099

COMPLAINT MADE BY: DOH

DATE OF COMPLAINT: 2/26/2010

SUBJECT: Michael I. Rose, M.D.

SUBJECT'S ATTORNEY: Julia Ingle, Esquire
Lubell & Rosen
Museum Plaza
200 S. Andrews Avenue
Suite 900
Ft. Lauderdale, FL 33301

INVESTIGATED BY: Rosa M. Suarez
MMI

REVIEWED BY: Ian Brown
Assistant General Counsel

STAFF RECOMMENDATION: Dismiss (4099)

NOTICE OF RECONSIDERATION/CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation violated 458.331(1)(q)(t)(m)(nn), Florida Statutes (2008)(2009), for prescribing, dispensing.....any controlled substance other than in the course of the physician's professional practice; committing medical malpractice; by failing to keep legible medical records that justify the course of treatment of the patient; by violating any provision of chapters 456 or 458, Florida Statutes, or any rules pursuant thereto.

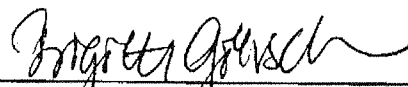
THE FACTS: The Subject had an Administrative Complaint filed against him on 11/18/2011 alleging that Subject inappropriately prescribed the controlled substance drugs roxicodone, percocet and xanax to patient KW beginning 12/1/2008 through 10/21/2009. The Administrative Complaint alleges that subject did not perform a complete medical history and physical exam on patient KW and did not determine the effect of pain on patient KW's physical or psychological function, failed to complete any history of substance abuse, drug screens, or any current diagnostic studies prior to prescribing a high dosage of opioids to patient KW.

The Department was notified by Subject's attorney that the Respondent had expired on or about 12/31/2011. A copy of the Death Certificate number 2011-172515 was provided by Consumer Services Unit.

THE LAW: Pursuant to Section 456.073(2), Florida Statutes, the Department, pursuant to the provisions of Section 20.43(3), Florida Statutes, has determined the Subject of this complaint is deceased, and that the case should be closed.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE AND ORDERED this 23rd day of March, 2012.



Chairman, Probable Cause Panel

IB/jb

PCP: 3/23/12

DATE: _____, Stringer & Goersch

A-13
IB

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO: 2010-00099

MICHAEL ROSE, M.D.,

RESPONDENT,

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against the Respondent, Michael Rose, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 10792.

3. Respondent's address of record is 2001 Secoffee Street, Coconut Grove, Florida 33133.

4. Xanax is the brand name for alprazolam and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of alprazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

5. Percocet is the brand name for a drug that contains oxycodone and is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of oxycodone may lead to severe psychological or physical dependence.

6. Roxycodone contains oxycodone and is a Schedule II controlled substance, pursuant to Chapter 893, Florida Statutes. A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use for the relief of moderate to severe

pain. Abuse of the substance may lead to severe psychological or physical dependence.

7. Rule 64B8-9.013(3), Florida Administrative Code, provides as follows:

The Board has adopted the following standards for the use of controlled substances for pain control:

(a) Evaluation of the Patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record should document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The medical record also should document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician should adjust drug therapy to the Patient medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

8. On or about December 1, 2008, patient KW, a 25 year-old male with a history of a herniated disc on the lumbar spine presented to

Respondent with complaints of severe lower back pain that traveled to his legs which resulted in KW suffering insomnia and being unable to work.

9. Respondent prescribed roxicodone, percocet and xanax for KW, on the dates and in the strengths and quantities described in the following table:

KW

Roxicodone 15 Mg. & 30 Mg	Percocet 10/650 Mg.	Xanax/ Alprazolam 2 Mg.
12/1/2008 30 mg. 240 Tablets	12/1/2008 10/650 Mg. 180 Tablets	
1/29/2009 30 Mg. 240 Tablets	1/29/2009 10/650 Mg. 240 Tablets	
4/29/2009 30 Mg. 240 Tablets	4/29/2009 10/650 Mg. 90 Tablets	4/29/2009 2 Mg. 60 Tablets
6/12/2009 30 Mg. 240 Tablets	6/12/2009 10/650 Mg. 90 Tablets	6/12/2009 2 Mg. 60 Tablets
7/10/2009 30 Mg. 240 Tablets	7/10/2009 10/650 Mg. 90 Tablets	7/10/2009 2 Mg. 60 Tablets
9/23/2009 30 Mg. 240 Tablets	9/23/2009 10/650 Mg. 90 Tablets	9/23/2009 2 Mg. 60 Tablets
10/21/2009 30 Mg. 240 Tablets	10/21/2009 10/650 Mg. 90 Tablets	10/21/2009 2 Mg. 60 Tablets

10. The strengths and quantities of roxicodone, percocet and xanax which Respondent prescribed were potentially lethal and were prescribed

without justification and without documenting justification in the medical record of patient KW.

11. Respondent did not refer or did not document a referral for KW to a psychiatrist, an orthopedic surgeon, a physical therapist, or an interventional pain management specialist.

12. Respondent did not document or did not perform a complete medical history and physical exam on KW prior to prescribing a high dosage of opioids.

13. Respondent did not document or did not determine the following:

- a. The effect of pain on KW's physical or psychological function;
- b. Any history of substance abuse for KW;
- c. Whether KW was taking the prescribed medications or whether KW was taking illicit drugs by performing any drug screens by an outside laboratory during the course of treatment;
- d. Obtaining any current diagnostic studies on KW;

- e. Obtaining any consultations from other specialists on KW;
- f. Counsel KW on the potential danger of addiction and abuse of the medication being prescribed.

COUNT ONE

14. Petitioner realleges and incorporates paragraphs 1 through 13 as if fully set forth herein.

15. Section 458.331(1)(q), Florida Statutes (2008)(2009), subjects a licensee to discipline, including suspension, for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his intent.

16. Respondent prescribed controlled substances inappropriately or in excessive or inappropriate quantities in one or more of the following ways:

- a. By prescribing the controlled substances roxicodone, percocet and xanax without justification to patient KW, as outlined in paragraphs 1 through 13;
- b. By prescribing the controlled substances, roxicodone, percocet and xanax in potentially lethal doses to Patient KW, as outlined in paragraphs 1 through 13.

17. Based on the forgoing, Respondent violated Section 458.331(1)(q), Florida Statutes (2008)(2009) when he prescribed the controlled substances, without justification and in potentially lethal doses, to patient KW, as outlined in paragraphs 1 through 13.

COUNT TWO

18. Petitioner realleges and incorporates paragraphs 1 through 13 as if fully set forth herein.

19. Section 458.331(1)(m), Florida Statutes (2008)(2009), provides that failing to keep legible medical records that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed,

or administered; and reports of consultations and hospitalizations, constitutes grounds for disciplinary action by the Board of Medicine.

20. Respondent failed to keep legible medical records justifying the course of treatment for Patient KW in one or more of the following ways:

- a. By failing to document justification for prescribing roxicodone, percocet and xanax to KW;
- b. By failing to document referrals for KW to a psychiatrist, an orthopedic surgeon, a physical therapist, or an interventional pain specialist;
- c. By failing to document the effect of pain on KW's physical or psychological function;
- d. By failing to document any history of substance abuse for KW;
- e. By failing to document a medication management agreement on any visits but still prescribing controlled substances;
- f. By failing to document a urine drug screen from an outside laboratory on KW;

- g. By failing to document any current diagnostic studies on KW.

21. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2008)(2009), by failing to keep legible medical records that justify the course of treatment for Patient KW.

COUNT THREE

22. Petitioner realleges and incorporates paragraphs 1 through 13 as if fully set forth herein.

23. Section 458.331(1)(t), Florida Statutes (2008)(2009), subjects a doctor to discipline for committing medical malpractice as defined in Section 456.50. Section 456.50, Florida Statutes (2008)(2009), defines medical malpractice as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure.

24. Level of care, skill, and treatment recognized in general law related to health care licensure means the standard of care specified in Section 766.102. Section 766.102(1), Florida Statutes, defines the standard of care to mean " . . . The prevailing professional standard of care for a given health care provider shall be that level of care, skill, and

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK **Angel Sanders**
DATE **JAN 20 2012**



****AMENDED****
UNIFORM NON-DISCIPLINARY CITATION
BOARD OF MEDICINE

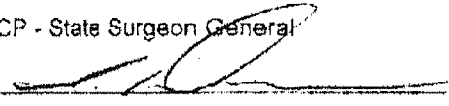
Issued to: Luis M. Salcedo, M.D. Citation Number: 2011-16270
1301 S.W. 82nd Avenue
Plantation, FL 33324 Date of Violation: February 01, 2011
License Number: ME 25464 Profession: Medical Doctor

Pursuant to Section 456.077 F.S., the undersigned hereby certifies that he/she has probable cause to believe that on or around February 01, 2011 the above referenced subject did violate the following provision(s) of law F.S. 458.331(1)(g)(nn) and 456.013(7), by committing the following act(s): Failing audit for biennium period of 02/01/2009 through 01/31/2011 by failing to provide proof of completion of 2 hours in Prevention of Medical Errors within the specified time frame.

Pursuant to Rule 64B8-30.014(3)(a)3 Florida Administrative Code, the Board/Department has set the following penalty for violation of the aforesaid provision: Within sixty days of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued. In addition, the Respondent will be subject to a CME audit for the next two biennial renewal periods: \$250.00 fine plus costs in the amount of \$122.00

Total amount due \$372.00

On behalf of: H. Frank Farmer, Jr., MD, PhD, FACP - State Surgeon General

ISSUED this 14th day of December, 2011 by: 
Scott DeBeato, Investigations Specialist II

If you do not dispute the citation within thirty (30) days of service, the citation will automatically be filed as a final order of the board but will not be considered disciplinary action against your license. If you accept this citation, it will be filed as a final order and total payment of fine and cost is due thirty (30) days from the date the citation is filed and becomes a final order. In order to dispute this citation you must do so in writing. Send the written dispute and a copy of the citation by certified mail to the following address:

Department of Health, Consumer Services Unit
4052 Bald Cypress Way Bin C#75
Tallahassee Florida 32399-3275

You may elect to have these charges prosecuted as a disciplinary action according to section 456.073 Florida Statutes, rather than accept this citation. In the event that you elect to have these charges prosecuted pursuant to section 456.073 Florida Statutes, the case will be presented to the appropriate probable cause panel or the Department for a determination of probable cause. Please understand that if you choose this option, any penalties imposed by the board will be counted as discipline

PLEASE CHECK ONE OF THE FOLLOWING AND SIGN:

- (1) I CHOOSE TO ACCEPT THE NON-DISCIPLINARY CITATION
- (2) I CHOOSE NOT TO ACCEPT THE NON-DISCIPLINARY CITATION AND WISH TO HAVE THIS CASE PROSECUTED UNDER SECTION 456.073, FLORIDA STATUTES.

Signed:  Date: 12/23/2011

PLEASE READ THE INFORMATION ON THE REVERSE SIDE OF THIS FORM

IMPORTANT INFORMATION REGARDING COMPLIANCE WITH THIS CITATION

This citation automatically becomes a final order of the board if you do not dispute the citation within thirty (30) days of the date the citation was served. All fines and costs are due thirty (30) days from the date the citation becomes a final order. Please attach a copy of the citation with your cashier's check or money order. Payment should be made payable to the Department of Health. Payment shall be mailed to the following address:

DOH/HMQACS/Compliance Management Unit-BIN C76
Post Office Box 6320
Tallahassee, Florida 32314-6320

Any continuing education requirements shall be completed within the timeframe specified in the citation and proof of compliance documented with the Department of Health. Proof of completion must be mailed to:

DOH/HMQACS
Compliance Management Unit- Bin C76
4052 Bald Cypress Way
Tallahassee, Florida 32399-3251

After this citation becomes a final order, failure to pay the fine and costs specified and provide proof of required continuing education within the timeframe specified on this citation constitutes a violation of a final order of the board, and may subject you to further disciplinary action and referral to a collection agency.

CERTIFICATE OF SERVICE (Initial service of citation offer)

I HEREBY CERTIFY that a true and correct copy of the foregoing Citation has been served upon:
At:

- By Personal Service
- U.S. Certified Mail, Restricted Delivery Receipt Number: _____
- Regular Mail

this 28 day of Dec, 20 11.


Mailing address verified as: ON CITATION


Consumer Services Unit Investigator

CERTIFICATE OF SERVICE (Service of filed Final Order)

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been served by U.S. Mail upon:

this 20th day of January, 20 12.


Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-13-0788- FOI - MQA
FILED DATE APR 24 2013
Department of Health
By Angel Saucedo
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-06306
LICENSE NO.: ME0043827

MOHAMMED O. SALEH, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on April 5, 2013, in Deerfield Beach, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Thomas J. Morton, Assistant General Counsel. Respondent was present but was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and

incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$5,000.00 to the Board within 90 days from the date the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent shall be placed on probation for a period of one year subject to the following terms and conditions:

a. Respondent shall appear before the Board's Probation Committee at the first meeting after said probation commences, at the last meeting of the Probation Committee preceding termination of probation, triannually, and at such other times requested by the Committee. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probation Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action. Unless otherwise provided in the Final Order, appearances at the Probation Committee shall be made triannually.

b. Respondent shall not practice except under the indirect supervision of a **BOARD CERTIFIED** physician fully licensed under Chapter 458 to be approved by the Board's Probation Committee. Absent provision for and compliance with the terms regarding temporary approval of a monitoring physician set forth below, Respondent shall cease practice and not practice until the Probationer's Committee approves a monitoring physician. Respondent shall have the monitoring physician present at the first probation appearance before the Probation Committee. Prior to approval of the monitoring physician by the committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. A failure of the Respondent or the monitoring physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the monitoring physician by the Committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed monitoring physician. Said materials shall be received in the Board office no later than fourteen days before the Respondent's first scheduled probation appearance. The attached definition of a monitoring physician is incorporated herein. The responsibilities of a monitoring physician shall include:

(1) Submit triannual reports, in affidavit form, which shall include:

- A. Brief statement of why physician is on probation.
- B. Description of probationer's practice.
- C. Brief statement of probationer's compliance with terms of probation.
- D. Brief description of probationer's relationship with monitoring physician.
- E. Detail any problems which may have arisen with probationer.

(2) Be available for consultation with Respondent whenever necessary, at a frequency of at least once per month.

(3) Review 25 percent of Respondent's patient records selected on a random basis at least once every month. In order to comply with this responsibility of random review, the monitoring physician shall go to Respondent's office once every month. At that time, the monitoring physician shall be responsible for making the random selection of the records to be reviewed by the monitoring physician.

(4) Report to the Board any violations by the probationer of Chapter 456 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

c. In view of the need for ongoing and continuous monitoring or supervision, Respondent shall also submit the curriculum vitae and name of an alternate supervising/monitoring physician who shall be approved by Probation Committee. Such physician shall be licensed pursuant to Chapter 458, Florida Statutes, and shall have the same duties and responsibilities as specified for Respondent's monitoring/supervising physician during those periods of time which Respondent's monitoring/supervising physician is temporarily unable to provide supervision. Prior to practicing under the indirect supervision of the alternate monitoring physician or the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate monitoring/supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the approved supervising/monitoring physician or the approved alternate.

d. CONTINUITY OF PRACTICE

(1) TOLLING PROVISIONS.

In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of

Florida, then certain provisions of the requirements in the Final Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. Unless otherwise set forth in the Final Order, the following requirements and only the following requirements shall be tolled until the Respondent returns to active practice:

- (A) The time period of probation shall be tolled.
 - (B) The provisions regarding supervision whether direct or indirect by the monitor/supervisor, and required reports from the monitor/supervisor shall be tolled.
- (2) ACTIVE PRACTICE.

In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

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

- a. Respondent shall utilize sequentially numbered prescriptions in the prescribing of Schedule II controlled substances.

b. Respondent shall, within one month after issuance, provide one copy of each prescription for Schedule controlled substances to the Department's investigator.

c. Respondent shall, within two weeks after issuance, provide one copy of each prescription for Schedule controlled substances to his/her monitoring/supervising physician.

d. Respondent shall maintain one copy of each prescription for Schedule controlled substances in the patient's medical records.

4. Respondent shall be and hereby is REPRIMANDED by the Board.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$600.31. Said costs are to be paid within 90 days from the date this Final Order is filed.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE, UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 24th day of April,

2013.

BOARD OF MEDICINE



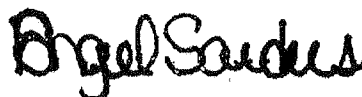
Allison M. Dudley, J.D., Executive Director
For Zachariah P. Zachariah, M.D., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to MOHAMMED O. SALEH, M.D., P.O. Box 10339, Jacksonville, Florida 32247; and by interoffice delivery to Doug Sunshine, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 24th day of April, 2013.



Deputy Agency Clerk

A-8

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-06306

MOHAMMED O. SALEH, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Mohammed O. Saleh, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 43827.

3. Respondent's address of record is Post Office Box 10339, Jacksonville, Florida 32247.

4. At all times material to this Complaint, Respondent was certified by the American Board of Psychiatry and Neurology with specialty certifications in Forensic Psychiatry and Addiction Psychiatry.

5. On or about October 17, 2011, the District Attorney of Clark County, State of Nevada, filed an Information charging Respondent with the crime of Conspiracy to Commit Unlawful Dispensing of Controlled Substances, a Gross Misdemeanor. The Information charges that Respondent was unlawfully dispensing controlled substances without a valid controlled substances license issued by the Nevada State Board of Pharmacy.

6. On or about October 25, 2011, Respondent pleaded guilty in the District Court, Clark County, State of Nevada (Case Number C-11-276873-1), to the crime of Conspiracy to Commit Unlawful Dispensing of Controlled Substances, a Gross Misdemeanor.

7. On or about November 21, 2011, Respondent was convicted of the crime of Conspiracy to Commit Unlawful Dispensing of Controlled Substances.

8. Respondent failed to timely update his practitioner profile to disclose his November 21, 2011 criminal conviction.

9. Respondent failed to report to the board or department in writing within 30 days after his November 21, 2011 criminal conviction.

COUNT I

10. Petitioner re-alleges and incorporates by reference Paragraphs One (1) through Seven (7), as if fully set forth herein.

11. Section 456.072(1)(c), Florida Statutes (2011), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession, constitutes grounds for discipline.

12. On or about November 21, 2011, Respondent was convicted of a crime which relates to the practice of medicine or to the ability to practice medicine.

13. Based on the foregoing, Respondent has violated Section 456.072(1)(c), Florida Statutes (2011).

COUNT II

14. Petitioner re-alleges and incorporates by reference Paragraphs One (1) through Eight (8), as if fully set forth herein.

15. Section 456.072(1)(w), Florida Statutes (2011), provides that falling to comply with the requirements for profiling and credentialing, including, but not limited to, falling to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application, constitutes grounds for discipline by the Florida Board of Medicine.

16. Respondent failed to timely update required information, pertaining to profiling and credentialing, to disclose the November 21, 2011 criminal conviction.

17. Based on the foregoing, Respondent has violated Section 456.072(1)(w), Florida Statutes (2011).

COUNT III

18. Petitioner re-alleges and incorporates by reference Paragraphs One (1) through Nine (9), as if fully set forth herein.

19. Section 456.072(1)(x), Florida Statutes (2011), provides that failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a

crime in any jurisdiction, constitutes grounds for disciplinary action by the Florida Board of Medicine.

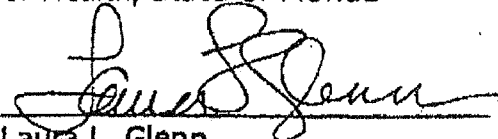
20. Respondent failed to report to the board or department in writing within 30 days after his November 21, 2011, criminal conviction.

21. Based on the foregoing, Respondent has violated Section 456.072(1)(x), Florida Statutes (2011).

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 9th day of November, 2012.

John H. Armstrong, MD, FACS, FCCP
State Surgeon General & Secretary
of Health, State of Florida



Laura L. Glenn
Assistant General Counsel
Fla. Bar No. 0861413
Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4681
Email: Laura_Glenn@doh.state.fl.us

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE NOV 14 2012

LLG

PCP Date: 11/9/12
PCP Members: Dr. Avila, Dr. Orr, Mr. Levine

DOH VS. SALEH, M.D., CASE NO. 2011-06306

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2011-06306

MOHAMED O. SALEH, M.D.,

Respondent.

MOTION TO ASSESS COSTS
IN ACCORDANCE WITH SECTION 456.072(4)

The Department of Health, by and through counsel, moves the Board of Medicine for entry of a Final Order assessing costs against Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2012). As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board of Medicine will take up for consideration the above-styled disciplinary action and will enter a Final Order.

2. Section 456.072(4), Florida Statutes (2012), states, in pertinent part, as follows:

26434

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, under this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is no board, shall assess costs related to the investigation and prosecution of the case. The costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto...

3. As evidenced in the attached affidavit (Exhibit A), the investigation and prosecution of this case has resulted in costs in the total amount of \$1,911.21, based on the following itemized statement of costs:

- a. Total costs for Complaints \$184.38
- b. Total costs for Investigations \$415.93
- c. Total costs for Legal \$1,310.90
- d. Total costs for expenses \$0.00

4. The attached affidavit reflects the Department's costs for attorney time in this case as \$1,310.90 (Exhibit A). The cost of obtaining an affidavit from an outside attorney will be greater than \$1,310.90. Therefore, the Department is not seeking costs for attorney time in this case.

5. Should Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion, specifying the grounds for the objections and the specific elements of the costs to which objections are made, Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

6. Petitioner requests that the Board grant this motion and assess costs in the amount of \$600.31 as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2012).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against Respondent in the amount of \$600.31.

[Signatures appear on the following page.]

DATED this 28th day of January, 2013.

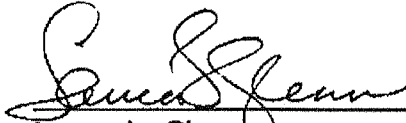
Respectfully submitted,



Laura L. Glenn
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 00861413
(850) 245-4640 Phone
(850) 245-4681 FAX

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been provided to Mohamed O. Saleh, M.D., at Post Office Box 10339, Jacksonville, Florida 32247, via Certified Mail this 28th day of January, 2013.



Laura L. Glenn
Assistant General Counsel

AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

BEFORE ME, the undersigned authority, personally appeared **SHANE WALTERS** who was sworn and states as follows:

- 1) My name is Shane Walters.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am the Operations and Management Consultant Manager (OMCM) for the Consumer Services and Compliance Management Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As OMCM of the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) **2011-06306** (Department of Health v. Mohamed O. Saleh, M.D.) are **ONE THOUSAND NINE HUNDRED ELEVEN DOLLARS AND TWENTY-ONE CENTS (\$1,911.21)**.
- 6) The costs for DOH case numbers **2011-06306** (Department of Health v. Mohamed O. Saleh, M.D.) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers **2011-06306** (Department of Health v. Mohamed O. Saleh, M.D.) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators

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and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

- 9) Shane Walters, first being duly sworn, states that she has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Shane Walters
Shane Walters, Affiant

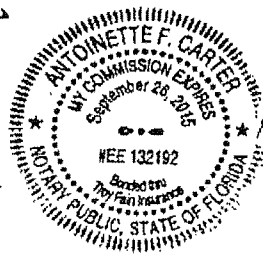
State of Florida
County of Leon

Sworn to and subscribed before me this 16 day of January, 2013,
by Shane Walters, who is personally known to me.

[Signature]
Notary Signature

Name of Notary Printed

Stamp Commissioned Name of Notary Public:



Complaint Cost Summary

Complaint Number: 201106306

Subject's Name: SALEH, MOHAMED O

	***** Cost to Date *****	
	Hours	Costs
Complaint:	3.20	\$184.38
Investigation:	6.70	\$415.93
Legal:	12.50	\$1,310.90
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	22.40	\$1,911.21
Expenses to Date:		\$0.00
Prior Amount:		\$0.00
Total Costs to Date:		\$1,911.21

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Time Tracking System
Itemized Cost by Complaint

Complaint 201106306

Report Date 01/15/2013

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
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CONSUMER SERVICES UNIT

HA101	0.40	\$57.62	\$23.05	04/22/2011	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA101	0.10	\$57.62	\$5.76	05/11/2011	4	ROUTINE INVESTIGATIVE WORK
HA101	0.20	\$57.62	\$11.52	06/02/2011	4	ROUTINE INVESTIGATIVE WORK
HA123	0.20	\$57.62	\$11.52	06/22/2011	25	REVIEW CASE FILE
HA101	0.20	\$57.62	\$11.52	08/11/2011	4	ROUTINE INVESTIGATIVE WORK
HA123	0.20	\$57.62	\$11.52	08/18/2011	25	REVIEW CASE FILE
HA123	0.20	\$57.62	\$11.52	01/25/2012	25	REVIEW CASE FILE
HA123	0.30	\$57.62	\$17.29	03/12/2012	25	REVIEW CASE FILE
HA123	0.10	\$57.62	\$5.76	03/27/2012	25	REVIEW CASE FILE
HA123	0.20	\$57.62	\$11.52	04/19/2012	25	REVIEW CASE FILE
HA123	0.30	\$57.62	\$17.29	05/17/2012	25	REVIEW CASE FILE
HA123	0.80	\$57.62	\$46.10	05/30/2012	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA123	0.50	\$57.62	\$28.81	07/12/2012	25	REVIEW CASE FILE
HA123	1.50	\$57.62	\$86.43	08/29/2012	77	PREPARATION OF DESK INVESTIGATION SYNOPSIS
Sub Total	5.20		\$299.61			

INVESTIGATIVE SERVICES UNIT

J191	2.20	\$63.98	\$140.76	12/14/2012	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
J191	0.80	\$63.98	\$51.18	12/14/2012	4	ROUTINE INVESTIGATIVE WORK
J191	0.80	\$63.98	\$51.18	12/17/2012	4	ROUTINE INVESTIGATIVE WORK
J191	0.90	\$63.98	\$57.58	12/17/2012	76	REPORT PREPARATION
Sub Total	4.70		\$300.70			

PROSECUTION SERVICES UNIT

HL94A	0.40	\$102.41	\$40.96	09/04/2012	25	REVIEW CASE FILE
HL85B	2.00	\$102.41	\$204.82	09/20/2012	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT

Florida Department of Health

-- FOR INTERNAL USE ONLY --

Itemized Cost

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Time Tracking System
Itemized Cost by Complaint

Complaint 201106306

Report Date 01/15/2013

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL85B	0.90	\$102.41	\$92.17	10/01/2012	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HLL85B	1.20	\$102.41	\$122.89	10/01/2012	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL85B	0.20	\$102.41	\$20.48	10/03/2012	36	PREPARATION OR REVISION OF LETTER
HLL85B	1.50	\$106.35	\$159.53	11/07/2012	89	PROBABLE CAUSE PREPARATION
HLL85B	0.20	\$106.35	\$21.27	11/08/2012	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL85B	2.50	\$106.35	\$265.88	11/08/2012	90	POST PROBABLE CAUSE PROCESSING
HLL85B	0.30	\$106.35	\$31.91	11/08/2012	70	CONFERENCES WITH LAWYERS
HLL85B	0.30	\$106.35	\$31.91	11/08/2012	36	PREPARATION OR REVISION OF LETTER
HLL85B	0.10	\$106.35	\$10.64	11/09/2012	115	CONTACT WITH INVESTIGATORS
HLL85B	0.30	\$106.35	\$31.91	11/09/2012	62	REVIEW OF CASES FOR PROBABLE CAUSE PANEL
HLL85B	0.20	\$106.35	\$21.27	11/09/2012	63	PRESENTATION OF CASES TO PROBABLE CAUSE PANEL
HLL85B	1.50	\$106.35	\$159.53	11/13/2012	90	POST PROBABLE CAUSE PROCESSING
HLL85B	0.10	\$106.35	\$10.64	11/15/2012	36	PREPARATION OR REVISION OF LETTER
HLL85B	0.10	\$106.35	\$10.64	11/15/2012	36	PREPARATION OR REVISION OF LETTER
HLL85B	0.10	\$106.35	\$10.64	11/19/2012	90	POST PROBABLE CAUSE PROCESSING
HLL85B	0.20	\$106.35	\$21.27	11/19/2012	88	PROOFING AND SIGNING LETTERS
HLL85B	0.20	\$106.35	\$21.27	12/12/2012	36	PREPARATION OR REVISION OF LETTER
HLL85B	0.20	\$106.35	\$21.27	12/13/2012	36	PREPARATION OR REVISION OF LETTER
Sub Total	12.50		\$1,310.90			

Total Cost	\$1,911.21
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Time Tracking System
Itemized Expense by Complaint
Complaint

Report Date: 01/15/2013

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Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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Sub Total
Total Expenses