

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

PETITIONER,

vs.

CASE NO. 93-08872

ELISEO T. VERDE, 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 Eliseo T. Verde, 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 0025297. Respondent's last known address is 1634 North Dressel Road, Avon Park, Florida 33825-8658.

3. On or about December 13, 1989, Patient M.B., a thirty-one (31) year old female, was admitted to G. Pierce Wood Psychiatric Hospital with diagnoses of Schizoaffective disorder and borderline personality disorder.

4. On or about April 8, 1993, Patient M.B. presented to Respondent, a psychiatrist, at G. Pierce Wood Psychiatric Hospital with complaints of weight gain, urinary urgency, incontinence, and not having had a menstrual period for approximately two (2) to three (3) months.

5. During said presentation, Patient M.B. admitted to recent sexual intercourse.

6. Respondent performed a physical examination of Patient M.B.'s left breast for the stated purpose of identifying signs of pregnancy.

7. A reasonably prudent physician would not have performed an examination of Patient M.B.'s left breast to determine pregnancy; a reasonably prudent physician would have performed a hormonal test of pregnancy for such a determination.

8. Respondent did not completely or adequately document Patient M.B.'s presentation on or about April 8, 1993.

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 gross or repeated malpractice or the 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 performed an inappropriate examination of the patient to determine possible pregnancy.

11. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, and is guilty of gross or repeated malpractice or the 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 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 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 hospitalization, in that Respondent failed to completely or adequately document in the patient's medical records.

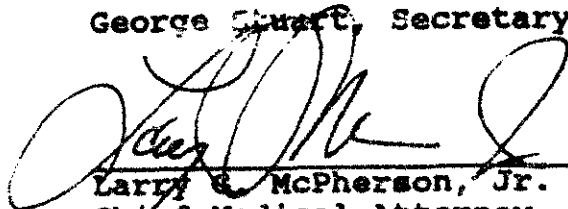
14. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, and is guilty of failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed,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

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following

penalties: permanent 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 23 day of March, 1994.

George Stuart, Secretary



Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0792
Florida Bar #788643
RPC/mry
PCP: March 16, 1994
Murray and Slade

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK Brandon L. Moore
DATE 3-23-94

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

DPBR Case No. 93-08872

ELISEO T. VERDE, M.D.,

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

To avoid the necessity of further administrative proceeding in this case, the Respondent herein files this voluntary relinquishment of his license to practice as a physician in the State of Florida, with the provision that the Respondent agrees never again to apply for licensure as a physician in the State of Florida.

When relinquishments are offered to the Board of Medicine to avoid further administrative prosecution, this is considered to be disciplinary action against the Respondent's license to practice medicine in the State of Florida. As such, any and all disciplinary actions taken by the Board of Medicine are reported to the Federation of State Medical Boards and the National Practitioner Data Bank.

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

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Upon the Board's adoption of this Relinquishment, 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.

This Relinquishment 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 of review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Relinquishment. Furthermore, should this Relinquishment not be accepted by the Board, it is agreed that presentation to and consideration of this Relinquishment 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.

DATED this 13th day of May, 1994.


(Respondent)

STATE OF FLORIDA

COUNTY OF: HIGHLANDS

Before me, personally appeared ELISEO T. VERDE, M.D., whose identity is known to me by FL DR LICENSE/V630-218-26-064-0 (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 13th day of
May, 1994.

Linda S. McShee
NOTARY PUBLIC

My Commission Expires:

4/5/98



LINDA S. MCSHEE
MY COMMISSION EXPIRES
April 5, 1998
COMM. TRUST TRUST FIDELITY CO.

WS WP 9

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE
ADMINISTRATION, BOARD OF
MEDICINE,

Petitioner,

v.

ELISEO T. VERDE, M.D.,

Respondent.

Final Order No. AHCA-94-190 Date 8-17-94

FILED

Agency for Health Care Administration
AGENCY CLERK

R.S. Power, Agency Clerk

By: Brandon L. Moore
Deputy Agency Clerk

CASE NUMBER: 93-08872

LICENSE NUMBER: ME 0025297

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) in Orlando, Florida, on August 5, 1994, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides: "Respondent agrees never again to apply for licensure as a physician in the State of Florida."

Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED,

That Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED.

DONE AND ORDERED this 5 day of August, 1994.

BOARD OF MEDICINE

Edward A. Dauer, M.D.

EDWARD A. DAUER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Eliseo T. Verde, M.D., 1634 North Dressel Road, Avon Park, Florida 33825-8658, Anthony Demma, Esquire, MEYER and BROOKS, P.A., P.O. Box 1547, Tallahassee, Florida 32302, 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 _____, 1994.

MARM HARRIS, Ed.D.
Executive Director