

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE
ADMINISTRATION, BOARD OF
MEDICINE,

Petitioner,

v.

CASE NUMBERS: 93-20371
93-15987
94-13163
LICENSE NUMBER: ME 0049592

ARTHUR CHARLES ROSENBLATT, M.D.,

Respondent.

Final Order No. AHCA-95-01265 Date 9-11-95

FILED

Agency for Health Care Administration
AGENCY CLERK

R.S. Power, Agency Clerk

By: Brandi L. Moore
Deputy Agency Clerk

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on August 4, 1995 in Palm Beach Gardens, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

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

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

DONE AND ORDERED this 30 day August, 1995.

BOARD OF MEDICINE

Mary Kathryn Garrett, M.D.
MARY KATHRYN GARRETT, M.D.
VICE-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 Arthur Charles Rosenblatt, M.D., P.O. Box 2237, Wauchula, Florida 33873, Peter Lewis, Esquire, P.O. Box 1017, Tallahassee, Florida 32302-1017 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.

DOAH CASE NO. 93-6794, 94-1644
AHCA CASE NO. 93-15987, 93-20371
94-13163

ARTHUR CHARLES ROSENBLATT, M.D.
Respondent.

CONSENT AGREEMENT

ARTHUR CHARLES ROSENBLATT, M.D., 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 0049592.

2. Respondent was charged by Administrative Complaints 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 Complaints are attached hereto as Composite Exhibit A.

3. It is agreed between the parties that this Consent Agreement shall be dispositive of AHCA Case Nos. 94-13163, 93-15987 and 93-20371.

4. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaints.

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 Complaints, 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. Prior to signing this agreement, the Respondent read Chapters 455, 458 and 893 and the Rules of the Board of Medicine, at Section 59R, Florida Administrative Code.

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

3. SUSPENSION. Effective on the date of the filing of the Final Order incorporating the terms of this Agreement, the Respondent's license to practice medicine in the State of Florida is suspended for a period of five (5) years, and until Respondent appears before the Board and demonstrates that he can practice

medicine with skill and safety to patients. This shall include, but not be limited to:

i. A favorable psychiatric evaluation and psychiatric testing, within 60 days prior to the Board considering reinstatement, by a Board approved psychiatrist.

ii. Within 60 days of filing of the Final Order, Respondent enrolled and successfully participated in the Physicians Recovery Network (PRN). Further, Respondent shall comply with all requirements established by PRN, any failure of the Respondent to not maintain compliance with PRN shall immediately be grounds for disciplinary action by the Agency. Respondent shall continue participating in PRN until such time as PRN determines that Respondent may be discharged of the PRN contract.

iii. Respondent had paid the fine imposed upon him by the Final Order prior to reinstatement.

4. FINE. The Board shall impose an administrative fine in the amount of five thousand dollars (\$5,000) against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine prior to reinstatement of his license. Failure of the Respondent to pay the fine as stated herein will preclude reinstatement of the Respondent's license.

5. PROBATION. Effective upon the reinstatement of Respondent's medical license, Respondent's license to practice medicine shall be placed on probation for a period and with terms and conditions to be set by the Board upon any such reinstatement.

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. The Respondent shall be prepared to explain the circumstances involved in this matter and what measures have been taken to prevent a recurrence.

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 Agency 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 11 day of April, 1995.

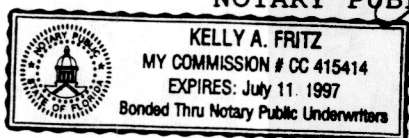

Arthur Charles Rosenblatt, M.D.

Before me, personally appeared Arthur C. Rosenblatt whose identity is known to me by Florida Identification Card (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 11 day of April, 1995.

Kelly A. Fritz
NOTARY PUBLIC

My Commission Expires:



APPROVED this 18 day of April, 1995.

Douglas M. Cook,
Director

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

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

PETITIONER,

vs.

CASE NO. 93-20371

ARTHUR CHARLES ROSENBLATT, 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 Arthur Charles Rosenblatt, 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 0049592. Respondent's last known address is P.O. Box 2237, Wauchula, Florida 33873.
3. On or about September 1993, Respondent was arrested for selling a bag of marijuana and two marijuana cigarettes to an undercover officer.

4. An Order Compelling Physical and Mental Examinations was filed ordering Respondent to undergo a psychiatric examination by a licensed physician, a board certified psychiatrist, which took place on or about September 23, 1993.

5. During the aforementioned examination, Respondent stated that he believed that marijuana is not harmful and he philosophically justified his use of marijuana as a recreational drug.

6. As part of the complete psychiatric examination, a Minnesota Multiphasic Personality Inventory Test (MMPI-II) was performed on Respondent.

7. The results of the MMPI-II test revealed that Respondent had an elevated L scale to a T score of 65. This score is usually seen in people who consider themselves to be unusually virtuous. Respondent also had a definite spike on the paranoid scale to a T score of 80. In addition, Respondent had an elevated psychopathic deviate scale and an elevated hysterical scale.

8. Respondent also underwent a Zung Self Rating Depressive Scale and a MacAndrews scale, the results of which were in the normal range.

9. As a result of the psychiatric examination, Respondent was diagnosed as suffering from a Mixed Personality Disorder with Narcissistic Paranoid and Anti-Social features. Respondent was not found to be either psychotic or suicidal. Respondent was also found to be unrepentant about his problems.

10. The examining psychiatrist determined that Respondent is not currently able to practice with reasonable skill and safety because of his personality disorder and his set attitudes about illegal drugs.

11. Respondent is guilty of being 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 Respondent uses marijuana for recreational purposes, and Respondent was diagnosed as having a Mixed Personality Disorder with Narcissistic Paranoid and Anti-Social Features.

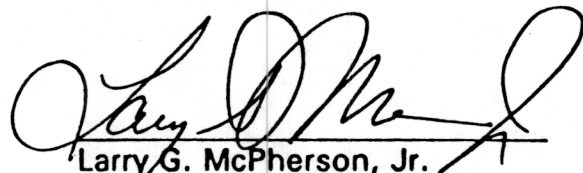
12. Based on the preceding allegations, Respondent is guilty of violating Section 458.331(1)(s), Florida Statutes, being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a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

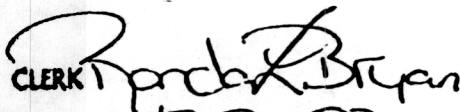
WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand,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

SIGNED this 20 day of December, 1993.

George Stuart, Secretary

FILED
Department of Business and Professional Regulation
DEPUTY CLERK


Larry G. McPherson, Jr.
Chief Medical Attorney

CLERK 
DATE 12-20-93

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
LGM/sdb
PCP: December 15, 1993
Murray, Slade, and Varn

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

PETITIONER,

vs.

CASE NO. 93-15987

ARTHUR CHARLES ROSENBLATT, M.D.,

RESPONDENT.

AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Business and Professional Regulation, hereinafter referred to as "Petitioner," and files this Amended Administrative Complaint before the Board of Medicine against Arthur Charles Rosenblatt, 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 0049592. Respondent's last known address is P.O. Box 2237, Wauchula, Florida 33873.

3. On or about April 19, 1989, the Board of Medicine entered a Final Order in DPR case number 0095089, which placed the

Respondent's license to practice medicine on probation for a period of five (5) years, subject to, among others, the following conditions:

Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including Chapters 455, 458 and 893, Florida Statutes, and Rules 21M, Florida Administrative Code.

4. The Respondent petitioned the Board of Medicine for early termination of his probation at the February, April, and June, 1993 Board meetings. The Board did not approve the early termination until its August 6, 1993 meeting.

5. The Final Order approving the early termination of the Respondent's probation was not filed. Pursuant to Rule 61F6-18.010, Florida Administrative Code, all Orders of the Board of Medicine shall be effective upon filing with the Clerk of the Department.

6. On or about December 5, 1993, the Board met and voted to rescind the early termination of the Respondent's probation.

7. A confidential informant (hereinafter "informant"), working for the Wauchula Police Department, asked the Respondent to provide him with a prescription for Inderal.

8. On or about August 19, 1993, the Respondent telephoned a prescription for the informant to a Wal-Mart pharmacy for thirty (30), 60 mg. capsules of Inderal, a non-scheduled legend drug.

9. The Respondent provided the prescription for Inderal to the informant without conducting a physical examination.

10. The informant also requested the Respondent to prescribe Xanax for a "friend."

11. On or about August 31, 1993, the Respondent telephoned a prescription for the informant's "friend" to an Eckerd pharmacy for ninety (90) .5mg tablets of Xanax in the name of the informant.

12. Xanax is a legend drug, which is defined by Section 465.003(7), Florida Statutes. Xanax contains alprazolam, a Schedule IV controlled substance. Section 893.03(4), Florida Statutes, defines a Schedule IV substance as having a potential for abuse which may lead to limited physical or psychological dependence.

13. The Respondent provided the prescription for Xanax to the informant for the informant's "friend" without having examined the informant or the informant's "friend."

14. On or about August 28, 1993, Detective Dennis Lake of the Wauchula Police Department, placed a surveillance transmitter inside the apartment of the informant for the purpose of listening to and recording the conversation between the Respondent and the informant.

15. On or about August 28, 1993, the Respondent sold the informant one bag of marijuana and two (2) marijuana cigarettes. The Respondent then smoked one marijuana cigarette and left the informant's apartment.

16. On or about September 1, 1993, the Respondent was arrested by Detective Lake and charged with possession with intent

to sell marijuana and the sale of marijuana, in violation of Section 893.13, Florida Statutes.

17. On or about September 1, 1993, the Respondent admitted during a taped interview with Detective Lake to the selling marijuana to the informant.

18. On or about September 1, 1993, the Respondent stated to Detective Lake that, due to his arrest, he (Respondent) would kill himself with a gun.

19. On or about September 1, 1993, Detective Lake initiated an Involuntary Examination (Baker Act) of the Respondent pursuant to Section 394.458(3), Florida Statutes. The Respondent was released after a competency hearing.

20. On or about September 15, 1993, in an interview with the Hardee County Sheriff's Office, the Respondent admitted to delivering alcohol and cigarettes to William Dewitt Starnes, an inmate of the Hardee County Jail.

21. On or about September 16, 1993, the Respondent was arrested by the Hardee County Sheriff's Office (HCSO) and charged with introducing contraband into a correctional facility and with delivery of a controlled substance, in violation of Sections 951.22 and 893.13, Florida Statutes.

22. According to an HCSO report, Mr. Starnes became intoxicated while on work assignment at the Hardee County landfill.

23. The report indicates that inmate Starnes was found in possession of one marijuana cigarette and four Xanax tablets by Corrections Officer Danny O'Bryan.

24. Inmate Starnes was found to be severely intoxicated. He was transported to a medical facility where his stomach was pumped.

25. HCSO investigators arrested the Respondent on September 16, 1993, after obtaining evidence that he delivered the contraband in question to inmate Starnes at the landfill. This evidence includes testimony that it was the Respondent who delivered the contraband, as well as phone records which show collect calls from inmate Starnes' cell at the Hardee County jail to the Respondent's home.

COUNT ONE

26. Petitioner realleges and incorporates paragraphs one (1) through twenty-four (24), as fully set forth herein this Count One.

27. Respondent is guilty of prescribing a legend drug, including any controlled substance, other than in the course of the physician's professional practice in that the Respondent provided prescriptions for Inderal and for Xanax to the informant and for the informant's "friend" without having examined the informant or the informant's "friend." Respondent provided Hardee County jail inmate, William Dewitt Starnes, with Xanax without having examined Mr. Starnes.

28. Based on the preceding allegations, Respondent violated Section 458.331(1)(q), Florida Statutes, in that he prescribed, dispensed, or otherwise prepared a legend drug, including any controlled substance, other than in the course of the physician's professional practice.

COUNT TWO

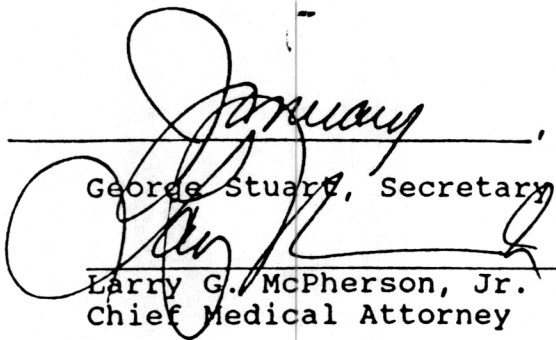
29. Petitioner realleges and incorporates paragraphs one (1) through twenty-four (24) and twenty-six (26), as if fully set forth herein this Count Two.

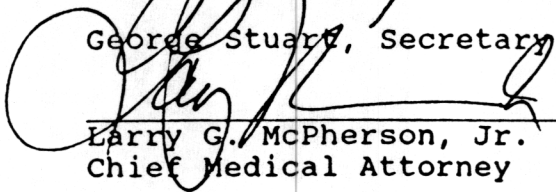
30. Respondent violated a lawful order of the board or Department previously entered in a disciplinary hearing in that the Respondent was arrested and charged with the possession with intent to sell marijuana and the sale of marijuana, violations of Section 893.13, Florida Statutes, and in violation of the Final Order in DPR case number 0095089. Respondent was arrested by the Hardee County Sheriff's Office (HCSO) and charged with introducing contraband into a correctional facility and with delivery of a controlled substance contrary to Sections 893.13 and 951.22, Florida Statutes, and also in violation of the Final Order in DPR case number 0095089.

31. Based on the preceding allegations, Respondent violated Section 458.331(1)(x), Florida Statutes, in that Respondent violated any provision of this chapter, a rule of the Board or Department previously entered in a disciplinary hearing.

WHEREFORE, the Petitioner respectfully requests that 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 18 day of January, 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 32399-0750
Florida Bar #788643
LGM/nd
Murray, Slade, Varn
PCP: September 27, 1993

FILED

Department of Business and Professional Regulation
DEPUTY CLERK

CLERK 

DATE 1-20-94

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) [459.015(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(459), 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.