

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

PETITIONER,

VS.

CASE NO. 94-00717

RAUL F. NODAL, 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 Raul F. Nodal, 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 0037867. Respondent's last known address is 1931-F Dr. Martin Luther King Jr., Tampa, FL 33607.
3. On numerous and diverse occasions during the period on or about September, 1990 to April, 1993, Respondent has tested positive for the presence of barbiturates, methamphetamine and amphetamines.

000005

4. Barbiturates are a Schedule III controlled substance listed in Chapter 893, Florida Statutes.

5. Methamphetamine is a Schedule II controlled substance listed in Chapter 893, Florida Statutes.

6. Amphetamine is a Schedule II controlled substance listed in Chapter 893, Florida Statutes.

7. On numerous and diverse occasions during this period, Respondent entered treatment for substance abuse at Glenbeigh Hospital, Tampa, Florida.

8. On or about December 23, 1993, a Final Order was issued against Respondent by the Board of Medicine.

9. The Final Order provided for a stay of revocation conditioned upon participation in and compliance with the Physician's Recovery Network.

10. Paragraph 14 of the Final Order states in part that Respondent shall participate in and comply with the Physicians' Recovery Network and that Respondent shall enter into an after care contract with the Physicians' Recovery Network and comply with all of the conditions of his after care contract with the Florida Medical Foundation's Physicians' Recovery Network.

11. On or about January 11, 1994, Respondent had withdrew from directed treatment against medical advice and failed to comply with the conditions of his PRN contract.

Count One

12. Petitioner realleges and incorporates paragraph one (1) through eleven (11) as if full set forth herein this Count One.

13. Respondent is guilty of being unable to practice medicine with reasonable skill and safety to patients by reason of use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition, in that Respondent repeatedly failed drug tests, that indicated the use of barbiturates, methamphetamine and amphetamine, is not currently in compliance with his PRN contract, and has withdrawn from his treatment program against medical advice.

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

Count Two

15. Petitioner realleges and incorporates paragraph one (1) through eleven (11) and thirteen (13) as if full set forth herein this Count Two.

16. Respondent is guilty of violating any provision of this chapter (458), a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department, in that Respondent failed to comply with the provisions the Board of Medicine's December 23, 1993, Final Order by breaching his contract with the PRN.

17. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes, and is guilty of violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

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 21 day of January, 1994.

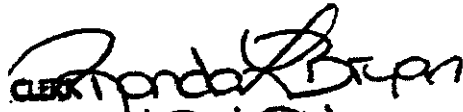

George Stuart, Secretary


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
RPC/kjh
PCP: January 21, 1994
Murray and Varn

FILED
Department of Business and Professional Regulation
DEPUTY CLERK


CLERK
DATE 1-24-94

000008

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

Final Order No. BPR-94-00002512

Date: 5-3-94

FILED BY AGENCY CLERK

Dept. of Business and Professional Regulation
Sarah Wachman, Agency Clerk

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

By: Sarah Wachman

v.

DBPR CASE NO. 94-00717
LICENSE NO. ME 0037867

RAUL F. NODAL, M.D.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine pursuant to Section 120.57(2), Florida Statutes, on April 9, 1994, in Ft. Lauderdale, Florida. At the hearing, Petitioner was represented by Alex D. Barker, Senior Medical Attorney. Respondent was present before the Board. The parties have been properly noticed of the hearing. Respondent executed an Election of Rights indicating that he did not dispute the allegations of fact in the Administrative Complaint, but requested an informal hearing pursuant to Section 120.57(2), Florida Statutes. Accordingly, the facts are not contested. Upon consideration of the Administrative Complaint filed against Respondent, Respondent's Election of Rights, and the arguments presented, and having been otherwise fully advised in its premises, the Board of Medicine makes the following findings and conclusions:

FINDINGS OF FACT

1. On January 24, 1994, the Department of Business and Professional Regulation filed an Administrative Complaint against Raul F. Nodal, seeking to take disciplinary action against his

license to practice medicine in Florida.

2. Thereafter, Dr. Nodal executed an Election of Rights indicating that he did not dispute the allegations of fact set forth in the Administrative Complaint.

3. The Board adopts as its findings of fact the allegations set forth in paragraphs 1-13 and 15-16 of the Administrative Complaint filed in this cause and which is attached to this Final Order and incorporated herein by reference.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties and subject matter of this case pursuant to Section 120.57(2), Florida Statutes and Chapter 458, Florida Statutes.

2. Based upon the foregoing Findings of Fact, Respondent has violated Section 458.331(1)(s) and (x), Florida Statutes and Rule 61F6-20, Florida Administrative Code, having determined that a violation exists, it is appropriate for the Board to impose disciplinary action against the license of Raul F. Nodal.

DISPOSITION

WHEREFORE, it is hereby ORDERED and ADJUDGED that Respondent has violated Section 458.331(1)(s) and (k), Florida Statutes, and Respondent's license to practice medicine in the State of Florida shall be REVOKED. Respondent may have the opportunity to re-apply for licensure as a physician in the State of Florida providing that he can demonstrate that he can practice medicine with reasonable skill and safety to patients which, at a minimum, shall include demonstrated successful compliance with the Physician's Recovery Network (PRN).

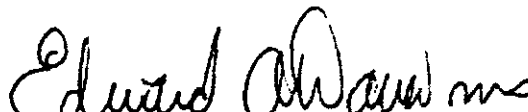
This Final Order becomes effective upon its filing with the Clerk of the Department of Business and Professional Regulation.

NOTICE

The Parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation and by filing one copy of a Notice of Appeal and the appropriate filing fee with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

DONE and ORDERED this 26 day of April, 1994.

BOARD OF MEDICINE


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 forwarded by U.S. Mail to Raul F. Nodal, M.D., 16513 Silverhill Drive, Tampa, Florida 33624, and by hand delivery to Larry G. McPherson, Jr., Chief Medical Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0792 on this 3rd day of May, 1994.



Marm Harris, Ph.D.
Executive Director