

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

HARRY J. BROWN, M.D.,

Respondent.

Final Order No. DOH-99-00099 Date 1-26-99

FILED

Department of Health
Angela Hall, AGENCY CLERK

By: Stephanie J. Davis
Deputy Agency Clerk

CASE NO.: 96-11360

LICENSE NO.: ME0014938

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 4, 1998, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Carol Lanfri, Staff Attorney. Respondent was not present but was represented by Wilson Jerry Foster, Esquire. 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 be and hereby is Reprimanded by the Board.
2. Respondent shall pay an administrative fine in the amount of \$1000. Said fine shall be paid within 30 days from the date this Final Order is filed.

3. Respondent is prohibited from resuming practice in Florida until such time that he personally appears before the Board and demonstrates that he can safely practice in Florida. At such time as the Board determines that Respondent can return to practice in Florida, the Board may impose probation and set any probationary terms and conditions it deems appropriate.

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

DONE AND ORDERED this 25th day of January,
1999.

BOARD OF MEDICINE



JOHN W. GLOTFELTY, M.D.
CHAIRMAN

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. 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 AGENCY FOR HEALTH CARE ADMINISTRATION 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 Harry J. Brown, M.D., c/o Wilson Jerry Foster, Esquire, 1342 Timberlane Road, Suite 101-A, Tallahassee, Florida 32312-1775; and by interoffice delivery to Larry G. McPherson, Jr., Chief Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 19____.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
PETITIONER,)
)
v.)
)
HARRY J. BROWN, M.D.,)
)
RESPONDENT.)
_____)

CASE NO. 96-11360

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Harry J. Brown, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes (Supp. 1996); Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3)(f), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

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 0014938. Respondent's last known address is 23 White Birch Road, Weston, CT 06883-3013.

3. Respondent is Board certified in Psychiatry.

4. On or about February 20, 1996, Respondent entered into a Consent Order with the Connecticut Division of Medical Quality Assurance in response to charges brought against his Connecticut medical license. The allegations included, but were not limited to: failure to maintain appropriate boundaries with a patient; breach of patient confidentiality; mishandling of a transference phenomenon with a patient; and failed to maintain adequate and complete medical records

5. The Consent Order provided that Respondent's license be placed on two and one half years probation with the following terms: supervision of his practice by another licensed psychiatrist; supervisor review of 10%, or 15 patients (whichever is greater) or Respondent's patient records; written reports to the Connecticut licensing authority from Respondent; limitation of Respondent's therapy sessions to fifty (50) minutes; restriction on providing "bioenergetics" therapy; restriction from using props including crystals, batakas, candles, and obsidian eggs and beds (sic, beads).

6. Respondent failed to report the above disciplinary action to the Florida Board of Medicine within thirty (30) days.

COUNT ONE

7. Petitioner realleges and incorporates paragraphs one (1) through six (6), as if fully set forth herein this Count One.

8. Respondent is guilty of having a license or the authority to practice medicine revoked, suspended, or otherwise acted against by another licensing authority, in that the Connecticut

Division of Medical Quality Assurance imposed probationary terms and restrictions on Respondent's Connecticut medical license through a Consent Order.

9. Respondent has violated Section 458.331(1)(b), Florida Statutes, by having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

COUNT TWO

10. Petitioner realleges and incorporates paragraphs one (1) through six (6) and paragraph eight (8) as if fully set forth herein this Count Two.

11. Respondent is guilty of failing to report to the Florida Board of Medicine, in writing, within thirty (30) days, of the action taken against his Connecticut license by the Connecticut Division of Medical Quality Assurance.

12. Respondent has violated Section 458.331(1)(kk), Florida Statutes, by failing to report to the board, in writing, within 30 days, if action as defined in paragraph (b) (Section 458.331(1)(b), Florida Statutes) has been taken against one's license to practice medicine in another state, territory, or country.

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, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.624(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 6 day of August, 1997.

James T. Howell, M.D., Secretary



Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 788643
RPC/hrb
PCP: July 31, 1997
PCP Members: Ashkar, Cherney

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Stephanie Q. Dixon*

DATE 8-8-97