

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
PETITIONER,)
)
v.)
)
ANTONIO CARIAS, M.D.,)
)
RESPONDENT.)
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CASE NO. 97-09700

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 Antonio Carias, 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 0029495. Respondent's last known address August 1997 is P.O. Box 19767, Jacksonville, Florida 32245.

3. On or about April 24, 1997, Respondent worked at the Mental Health Resource Center, in Jacksonville.

4. On or about April 24, 1997, R. C., a Case Manager at Mental Health Resource Center, requested Respondent approve a prescription for Xanax that R.C. had already called and ordered for herself from the pharmacy.

5. Xanax is a legend drug as defined by Section 465.003(7), Florida Statutes, and contains alprazolam, a Schedule IV controlled substance listed in Chapter 893, Florida Statutes. Xanax is a potent central nervous system narcotic analgesic used for treatment of patients with documented anxiety disorder or generalized anxiety.

6. Respondent approved the prescription and verified the order with the pharmacy.

7. Respondent admitted to an Agency investigator that he verified the phone order for Xanax at R.C.'s request. Respondent also admitted that he did not annotate the prescription in a medical record.

8. Respondent admitted to Cindy O'Brien, a Mental Health Resource Center employee, that he did not know why R. C. needed Xanax.

9. Respondent failed to practice medicine within the appropriate standard of care; failed to prescribe within the scope of his professional practice in that he prescribed the medications for a person who was not a patient, who had no medical record, and who had no psychiatric examination performed; and failed to list any legitimate medical reason to prescribing a controlled substance to a person who was not under his care at any time.

COUNT ONE

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

11. Respondent failed to obtain any legitimate medical reason for prescribing a controlled substance to R.C.

12. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with an acceptable 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

13. Petitioner realleges and incorporates paragraphs one (1) through nine (9) and paragraph eleven (11) as if fully set forth herein this Count Two.

14. Respondent failed to maintain any medical records for R.C.

15. 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 history: examination results: test results: records of drugs prescribed, dispensed, or administered: and reports of consultations and hospitalizations.

COUNT THREE

16. Petitioner realleges and incorporates paragraphs one (1) through nine (9), paragraph eleven (11), and paragraph fourteen (14), as if fully set forth herein this Count Three.

17. Respondent prescribed controlled substances to R.C. with no legitimate medical reason for prescribing the drugs.

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

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 29 day of January, 1999.

Robert G. Brooks, M.D., Secretary



Larry G. McPherson, Jr.
Chief Medical Attorney

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Stephanie Q. Dism

DATE 2-1-99

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/jsk
PCP: January 28, 1999
PCP Members: Echevarria, Rodriguez

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner.

v.

DOH Case No. 97-09700

ANTONIO CARLAS, M.D.,

Respondent.

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VOLUNTARY RELINQUISHMENT OF LICENSE

To avoid the necessity of further administrative proceedings in this case, the Respondent herein files this Voluntary Relinquishment of medical license to practice as a medical doctor in the State of Florida, with the provision that the Respondent agrees never again to apply for licensure as a medical doctor 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 Respondent's license to practice as a medical doctor 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.

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. Respondent further agrees to return medical license, including the wall certificate and wallet card, to the Board of Medicine within three (3) business days of the filing of the Final Order incorporating this Relinquishment.

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 to 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 this proceedings.

DATED this 11 day of October, 1999.

Antonio Carias, M.D.
Antonio Carias, M.D.

STATE OF MARAVATIO, MICHOACAN

COUNTY OF MEXICO

Before me, personally appeared ANTONIO CARIAS, whose identity is known to me by USA PASAPORTE No. 155581966 (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 11 day of OCTUBRE, 1999.

[Signature]
LIC. FAUSTO GONZALEZ CAMBRON.
NOTARY PUBLIC

My Commission Expires:
DE POR VIDA.



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STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 97-09700
LICENSE NO.: ME0029495

ANTONIO CARIAS, M.D.,

Final Order No. DOH-99-1621- 5 -MOA Date 12-30-99

Respondent.

FILED

Department of Health
Angela Hall, AGENCY CLERK

By: 
Deputy Agency Clerk

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) on December 3, 1999, in Tampa, Florida, 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 that 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.

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

DONE AND ORDERED this 21st day of December 1999.

BOARD OF MEDICINE

for Tampa Williams
for JAMES CERDA, M.D.
CHAIRMAN

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 Antonio Carias, M.D., P.O. Box 19767, Jacksonville, Florida 32245; to Wilson Jerry Foster, Esquire, 1342 Timberlane Road, Suite 101-A, Tallahassee, Florida 32312-1775; and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 30 day of December, 1999.

Kelly J. Kishner