

(14)
12/21/00

Final Order No. DOH-00-2453. FoI. MOA
FILED DATE - 12/21/00
Department of Health
By: Vicki R. Keenan
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 1998-09573
LICENSE NO.: ME0069795

MAHMOUD ALDIQUE, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 3, 2000, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. Respondent was served with the Administrative Complaint by publication. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, this cause was treated as a default. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Senior Prosecuting Attorney. No dispute of material fact has been asserted

Upon consideration, it is ORDERED:

1. Respondent is found to be in DEFAULT.
2. 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.

3. 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.

4. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$2,500 to the Board within 60 days from the date this Final Order is filed.

2. Respondent shall pay the costs associated with this case in the amount of \$1,035 within 60 days from the date this Final Order is filed.

3 Respondent shall receive a Reprimand by the Board.

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

DONE AND ORDERED this 13th day of December, 2000.

BOARD OF MEDICINE

for Sanya Williams
GEORGES A. EL-BAHRI, 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. REVIEW 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 Mahmoud Aldique, M.D., 15 Hambra Building, 5th Floor, Beirut, Lebanon, and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, and Simone Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2000.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 1998-09573

MAHMOUD ALDIQUE,

Respondent.

MOTION FOR DEFAULT

COMES NOW the Petitioner, the Department of Health, by and through its agent, the Agency for Health Care Administration, through the undersigned counsel, and files this Motion for Default. As grounds therefore, Petitioner would state:

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 456, 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. An Administrative Complaint was filed in this case on November 18, 1999, alleging violations of Chapter 458.331 (1)(k), Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated herein as Exhibit A.

3. The Administrative Complaint and Election of Rights were forwarded to the last known address of Respondent. No response was received from the Respondent.

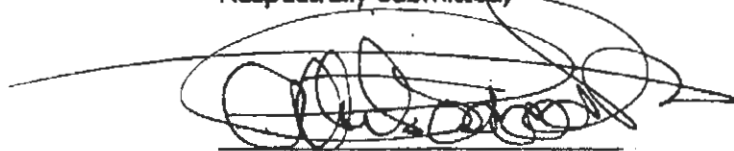
4. A notice regarding the Administrative Complaint was advertised in the TALLAHASSEE ADVERTISER in the issues of February 24, March 2, 9, and 16, 2000. No response was received from the Respondent.

5. Respondent has not filed with the Agency an Election of Rights form or other responsive pleading in this case.

6. Respondent was sent a letter by mail on October 24, 2000 advising him that the complete Agency file for this case had been sent to the Board of Medicine to establish a prima facie case regarding the violations as set forth in the Administrative Complaint.

WHEREFORE, the Petitioner respectfully moves this Board of Medicine to enter an Order finding Respondent in Default. Furthermore, Petitioner requests that the Board find, based on the information contained in the investigative report, that Respondent has violated the provisions of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

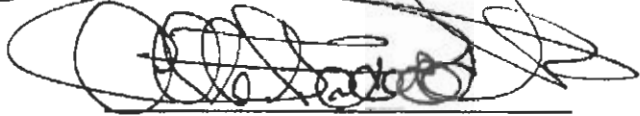
Respectfully submitted,



Albert Peacock, Senior Attorney
Florida Bar #183207
Agency for Health Care Administration
Office of the General Counsel
P.O. Box 14229
Tallahassee, Florida 32317-4229
(850) 488-3265 Fax (850) 414-1989

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been forwarded by U.S. Mail this 24th day of October, 2000 to Respondent, Mahmoud Aldique, at 15 Hambra Building, 5th Floor, Beirut, Lebanon.



Albert Peacock
Senior Attorney

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
PETITIONER,)
)
v.)
)
MAHMOUD ALDIQUE, M.D.,)
)
RESPONDENT.)
_____)

CASE NO. 1998-09573

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 Mahmoud Aldique, 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; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), 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 was issued a Florida license to practice as a physician, license number ME 0069795, on January 10, 1996. Respondent's last known address is Hamra Street, Mincara Bldg. #430, Beirut, Lebanon.

3. On or about January 27, 1997, Respondent applied for hospital privileges at Columbia JFK Medical Center (hereinafter referred to as "Columbia JFK") in Atlantis, Florida. As part of the credentialing process, Respondent presented photocopies of a number of diplomas and certificates to Columbia Credentialing Services, Inc.

4. One of the documents presented by Respondent was a certificate ostensibly received from the American Board of Psychiatry and Neurology (hereinafter referred to as "ABPN"), certifying Respondent's acceptance into that organization. Respondent also submitted an affidavit swearing that the information contained in the application for credentials was true.

5. Investigation by officers at Columbia JFK revealed that, in fact, Respondent had never been certified by the ABPN, and that the certificate presented by Respondent was a forgery.

6. Respondent fraudulently represented that he was certified by the ABPN, when he knew or should have known that he was not certified by that organization. Respondent presented a forged certificate, purportedly from the ABPN, in an attempt to obtain hospital privileges at a Florida hospital.


7. Respondent is guilty of violating Chapter 458.331(1)(k), Florida Statutes, by making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

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.

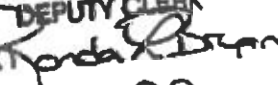
SIGNED this 18th day of November, 1999.

Robert G. Brooks, M.D., Secretary


Kathryn L. Kasprzak
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Kathryn L. Kasprzak
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 937819
RPC/mrh
PCP: November 12, 1999
PCP Members: Slade, Tucker, Varn

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK 
DATE 11-18-99

RR 146 975 222 US

Mahmoud Hdiouque
M.D.

15 Hamba Bldg.
5th Floor

Beirut, Lebanon