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Final Order No. DOH-00-1691-<sup>FOI</sup>-MQA  
FILED DATE - 9/18/2000  
Department of Health  
By: Vicki R. Kenon  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,  
  
Petitioner,

vs.

CASE NOS.: 98-21834  
99-53896  
LICENSE NO.: ME0062255

SUDHEER KAZA, 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 August 5, 2000, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Senior Prosecuting Attorney. Respondent was present but was not represented by counsel. Although the Respondent requested a hearing pursuant to Section 120.57(1), Florida Statutes, the Board determined that no disputed issue of material fact existed and the Board denied the request for a hearing pursuant to Section 120.57(1), Florida Statutes. The hearing proceeded pursuant to Section 120.57(2), Florida Statutes. 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 pay the costs related to this case in the amount of \$1,255.00 within 90 days from the date this Final Order is filed.

2. Prior to practicing in the State of Florida, Respondent shall appear before the Board and demonstrate that all licenses in any other jurisdictions are free and clear from all encumbrances and that he is able to practice with skill and safety.

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

DONE AND ORDERED this 5<sup>th</sup> day of September, 2000.

BOARD OF MEDICINE

for Tanya 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. 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 Sudheer Kaza, M.D., 3150 Medical Center Drive, Suite 3, Beaumont, Texas 77701; and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care Administration, 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.

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**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,  
Petitioner,**

**v.**

**DOH Case No. 1998-21834 &  
1999-53896**

**SUDHEER KAZA, M.D.  
Respondent.**

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**MOTION FOR FINAL ORDER**

COMES NOW the Department of Health, the Petitioner, and moves this Honorable Board of Medicine to enter a Final Order in the above-styled cause. As grounds therefor, the Petitioner states:

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. On April 27, 2000, the Petitioner filed an Administrative Complaint in Department Case Nos. 1998-21834 and 1999-53896 alleging that the

Respondent violated Section 458.331(1)(b), Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated herein as Exhibit A.

3. On or about April 28, 2000, a copy of the Administrative Complaint with Election of Rights Form was sent to Respondent by certified mail. On or about May 18, 2000, Respondent sent in his Election of Rights Form requesting a Formal Hearing. A copy of the Election of Rights Form is hereto attached and incorporated as Exhibit B.

4. On or about June 23, 2000, Petitioner sent Respondent a letter informing Respondent that there were no factual disputes of material facts and that the case was being scheduled to be heard at the August 4-6, 2000, Board of medicine meeting. A copy of Letter to Respondent is hereto attached and incorporated as Exhibit C.

5. The Respondent has been advised by a copy of this Motion that the Board will consider the investigative reports on the issue of penalty in this matter.

WHEREFORE, the Petitioner moves this Honorable Board to issue a Final Order after consideration of the record.

Respectfully submitted,

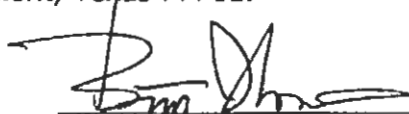


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Britt L. Thomas  
Senior Attorney  
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Agency for Health Care Administration  
Post Office Box 14229  
Tallahassee, Florida 32317-4229  
(850) 487-9687  
(850) 488-7723 fax

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 29<sup>th</sup> day of June, 2000, to Sudheer Kaza, M.D., 3150 Medical Center Drive, Suite 3, Beaumont, Texas 77701.



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Britt L. Thomas  
Senior Attorney

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,	)	
	)	
PETITIONER,	)	
	)	
v.	)	CASE NOS. 1998-21834
	)	1999-53896
SUDHEER KAZA, M.D.,	)	
	)	
RESPONDENT.	)	
_____	)	

**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 Sudheer Kaza, 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 is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0062255. Respondent is not board certified. Respondent's last known address is 3150 Medical Center Drive, Beaumont, Texas 77701.

Case No. 1998-21834

3. On or about August 22, 1998, Respondent entered an Agreed Order with the Texas Board of Medical Examiners in Case No. H-9656. According to the Texas Order, Respondent was disciplined for entering into a business relationship with a patient before terminating the patient/physician relationship, and for inappropriately prescribing controlled substances, including Halcion, Xanax, Darvocet, and Vicodin, to a second patient. Respondent's Texas medical license was restricted for three years. Respondent was further required to obtain Continuing Medical Education, required to pay an administrative penalty of five thousand dollars (\$5,000), and he received a Public Reprimand.

Case No. 1999-53896

4. On or about December 18, 1998, Respondent entered an Agreed Order of Restriction with the Kentucky Board of Medical Licensure in Case No. 691, which, according to the Kentucky Order, was based on the disciplinary action taken on or about August 22, 1998 against Respondent in Texas. The Kentucky Order reflects that Respondent's medical license was restricted for three years. Respondent was further required to obtain Continuing Medical Education, and he received a Public Reprimand.

5. Respondent failed to report the disciplinary action taken against his Kentucky license to practice medicine by the Kentucky Board of Medical Licensure to the Florida Board of Medicine.

COUNT ONE

6. Petitioner realleges and incorporates paragraphs one (1) through five (5), as if fully set forth herein this Count One.



7. Respondent had 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, in that on or about August 22, 1998, Respondent's Texas license to practice medicine was disciplined by the Texas Board of Medical Examiners and in that on or about December 18, 1998, Respondent's Kentucky license to practice medicine was disciplined by the Kentucky Board of Medical Licensure.

8. Based on the foregoing, Respondent 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

9. Petitioner realleges and incorporates paragraphs one (1) through five (5) and seven (7) as if fully set forth herein this Count Two.


10. Respondent failed to report to the board, in writing, within thirty (30) days if action as defined in Section 458.331(1)(b), Florida Statutes, has been taken against one's license to practice medicine in another state, territory, or country, in that Respondent failed to report disciplinary action taken against his Kentucky license to practice medicine by the Kentucky Board of Medical Licensure.

11. Based on the foregoing, Respondent violated Section 458.331(1)(kk), Florida Statutes, by failing to report to the board, in writing, within thirty (30) days if action as defined in 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: 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, to include the assessment of costs related to the investigation and prosecution of this case as provided for in Section 455.624(4), Florida Statutes. Under the provisions of Section 458.331(3), Florida Statutes, the Petitioner does not seek revocation or suspension of the Respondent's license in this matter.

SIGNED this 25<sup>th</sup> day of April, 2000.

Robert G. Brooks, M.D., Secretary

  
Kathryn L. Kasprzak  
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Kathryn L. Kasprzak  
Chief Medical Attorney  
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Florida Bar # 0937819  
BT/jwm  
PCP: April 21, 2000  
PCP Members: Ashkar, Cherney

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Vicki R. Ellison*  
DATE 4/27/00