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Final Order No. DOH-02-0269-~~Fe~~MQA
FILED DATE - 2/21/02
Department of Health
By: Uicki E. Kenan
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NOS.: 2000-03968
2001-01474
LICENSE NO.: ME0062418

DEBABRATA SAHA, 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 February 1, 2002, in Jacksonville, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by John Terrel, Senior Attorney. Respondent was present but was not represented by counsel at the hearing. 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 an administrative fine in the amount of \$1,000 to the Board within 30 days from the date this Final Order is filed.

2. Respondent shall pay the costs associated with this case in the amount of \$789.25. Said costs shall be paid within 30 days from the date this Final Order is filed.

3. Respondent shall receive a letter of concern from the Board. This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 18 day of FEBRUARY, 2002.

BOARD OF MEDICINE



LARRY G. MCPHERSON, JR., BOARD DIRECTOR
For
ZACHARIAH P. ZACHARIAH, 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 DEPARTMENT OF HEALTH 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 Debabrata Saha, M.D., 1010 Sycamore Lane, Columbia, Missouri 65203; to Chris Jordan, Esquire, 501 Lakeview Heights Drive, Apache Flats Professional Building, Ste. 204, Jefferson City, Missouri 65109, and by interoffice delivery to Nancy M. Snurkowski, Chief Medical Attorney, and Lisa Pease, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 23 day of February, 2002.

[Handwritten Signature]

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
 v.)
)
 DEBABRATA SAHA, M.D.,)
)
 RESPONDENT.)
 _____)

CASE NO. 2000-03968
2001-01474

ADMINISTRATIVE COMPLAINT

COMES NOW the Department of Health (Petitioner) and files this Administrative Complaint before the Board of Medicine (the Board) against Debabrata Saha, M.D. (Respondent) and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine under Section 20.43, and Chapters 456 and 458, Florida Statutes. Under Section 20.43(3)(g), Florida Statutes (2000), 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 62418. Respondent's last known address is 1010 Sycamore Lane, Columbia, Missouri 65203.

3. Respondent is board certified in psychiatry.

FACTS PERTAINING TO CASE NO. 2000-03968 (MISSOURI)

4. On or about January 17, 2000, the Missouri State Board of Registration for the Healing Arts (Missouri Board) and Respondent entered into a Settlement Agreement that contained a Joint Agreed Disciplinary Order (Missouri Order) whereby the Respondent's Missouri medical license was publicly reprimanded.

5. The Missouri Order contains findings of fact that state on or about May 7, 1998, Respondent pled guilty in Missouri to making a false police report, trespass in the first degree, and property damage in the second degree, all crimes of moral turpitude.

COUNT ONE: OUT OF STATE DISCIPLINE (MISSOURI)

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

7. On or about January 17, 2000, Respondent had his license publicly reprimanded by the Missouri Board, the licensing authority for medical doctors in Missouri.

8. Based upon the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes (1999), 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.

FACTS PERTAINING TO CASE NO. 2001-01474 (OKLAHOMA)

9. On or about September 28, 2000, the Oklahoma State Board of Medical Licensure and Supervision (Oklahoma Board) and Respondent entered into a Voluntary Submittal to Jurisdiction and Order (Oklahoma Order) whereby the Respondent's Oklahoma medical license was publicly reprimanded.

10. The Oklahoma Order contains findings of fact that state Respondent entered into a settlement agreement in Missouri on or about January 17, 2000, that contained joint findings of fact that stated on or about May 7, 1998, Respondent pled guilty in Missouri to making a false police report, trespass in the first degree, and property damage in the second degree, all crimes of moral turpitude.

COUNT TWO: OUT OF STATE DISCIPLINE (OKLAHOMA)

11. Petitioner realleges and incorporates paragraphs one (1) through three (3), and paragraphs nine(9) and ten (10), as if fully set forth herein this Count Two.

12. On or about September 28, 2000, Respondent had his license publicly reprimanded by the Oklahoma Board, the licensing authority for medical doctors in Oklahoma.

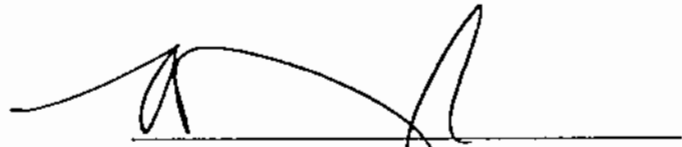
13. Based upon the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes (2000), by having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its 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.

WHEREFORE, Petitioner respectfully requests the Board 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 as provided for in Section 456.072(4), Florida Statutes (2000), and any other relief the Board deems appropriate.

SIGNED this 19th day of November, 2001.

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health



Nancy M. Snurkowski
Chief Attorney—Practitioner Regulation

COUNSEL FOR DEPARTMENT:

Danni Vogt, Senior Attorney
Agency for Health Care Administration
2729 Ft. Knox Blvd., Building 2, Room 1101
P. O. Box 14229
Tallahassee, Florida 32317-4229
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PCP Date: Nov. 9, 2001
PCP Members: Ashkar, Glotfelty, Rodriguez

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Kenon*
DATE 11/20/01

PCP: December 26, 2001

PCP Members: Georges El-Bahri, M.D.
Rafael Miguel, M.D.
Monique Long