

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-02-0964-5-MQA
FILED DATE - 6/26/02
Department of Health

By: Vicki R. Kanon
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 2000-12769
LICENSE NO.: ME46585

REVATHI SHANMUGHAM, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 8, 2002, in Tampa, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board rejected the Consent Agreement and offered a Counter Consent Agreement which was accepted on the record by the parties. The Counter Consent Agreement incorporates the original Consent Agreement with the following amendments:

1. The requirement for a reprimand as set forth in paragraph 8 of the Stipulated Disposition shall be deleted.

2. Respondent shall receive a letter of concern from the Board.

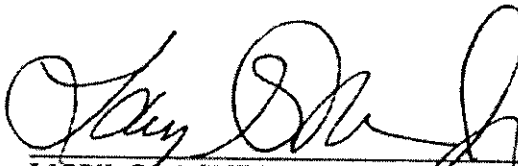
IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and

incorporated by reference herein with the amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement as amended.

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

DONE AND ORDERED this 24 day of June, 2002.

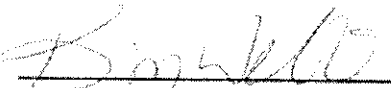
BOARD OF MEDICINE



LARRY C. MCPHERSON, JR. BOARD DIRECTOR
For
ZACHARIAH P. ZACHARIAH, 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 Revathi Shanmugham, M.D., 4326 River Birch Drive, Brooksville, Florida 34607; to Julie Gallagher, Esquire, Greenberg and Traurig, P.A., 101 East College Avenue, P.O. Drawer 1838, Tallahassee, Florida 32302; and by interoffice delivery to Nancy M. Snurkowski, Chief - Practitioner Regulation, 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 26 day of June, 2002.



STATE OF FLORIDA
DEPARTMENT OF HEALTH

PRACTITIONER REGULATION
LEGAL
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DEPARTMENT OF HEALTH,

Petitioner,

v.

AHCA Case No. 2000-12769

REVATHI SHANMUGHAM, M.D.

Respondent.

CONSENT AGREEMENT

REVATHI SHANMUGHAM, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department" stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, 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.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0046585.

2. The Department, through its agent, the Agency for Health Care Administration, received a complaint against Respondent alleging a violation of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in her capacity as a licensed physician, she is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. The Respondent shall not in the future violate chapters 456, 458, and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent shall read Chapters 456, 458, 893 and the Rules of the Board of Medicine, at Section 64B, F.A.C.
2. DISMISSAL OF COUNT FOUR OF ADMINISTRATIVE COMPLAINT: Count Four (4) of the Administrative Complaint shall be dismissed by and upon acceptance of this agreement by the Board of Medicine.
3. FINE. Respondent shall pay an administrative fine in the amount of \$5,000 to the Board. Respondent shall pay this fine within one (1) year of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HER LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN ONE (1) YEAR OF THE FILING OF THE FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH E OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).**
4. COST OF INVESTIGATION AND PROSECUTION. Respondent shall pay costs of investigation and prosecution in the amount of \$3,500.00. Respondent shall

pay the costs of investigation and prosecution within one (1) year of its imposition by Final Order of the Board.

5. **CONTINUING MEDICAL EDUCATION.** The Respondent shall complete ten (10) hours of Continuing Medical Education (CME) in risk management, within one (1) year of the date of the final order. These courses shall be in the following areas: five (5) hours in risk management and five (5) hours in Ethics. Respondent shall submit a written plan to the Chairman of the Board for approval prior to the completion of said continuing education hours and course. The Board confers authority on the Chairman of the Board to approve or disapprove said continuing education hours or course. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the entry of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course shall consist of a formal, live lecture format.

6. **PRESENTATION.** The Respondent shall deliver a one (1) hour presentation on proper administration of medication to the staff of the hospital where the incident occurred, unless otherwise approved by the Chairman of the Board's Probation

Committee, and the chief of staff shall advise the Board by letter of completion of said presentation, within one (1) year of the date of the final order.

7. **COMMUNITY SERVICE**. During the next twelve (12) months following the filing of the final order in this case, Respondent shall perform twenty (20) hours of community service at a rate of five (5) hours per every three months. Community service shall consist of the delivery of medical services directly to patients, without fee or cost to the patient, for the good of the people of the State of Florida. Such community service shall be performed outside the Respondent's regular practice setting. Respondent shall submit a written plan for performance and completion of the community service to the Board for approval prior to performance of said community service. Affidavits detailing the completion of community service requirements shall be filed with the Board quarterly.

8. **REPRIMAND**. Respondent shall receive a reprimand from the Board of Medicine.

STANDARD PROVISIONS

1. It is expressly understood that this Agreement is subject to the approval of the Board and the Agency. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

2. Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

3. Respondent and the Agency fully understand that this agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings

against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

4. Upon the Board's adoption of this Agreement, 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 Agreement and the Final Order of the Board incorporating said Agreement.

5. Upon the Board's adoption of this Agreement, the parties hereby agree that, except as noted above, 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 Agency in connection with this matter.

6. This agreement 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 Agreement. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement 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 these proceedings.

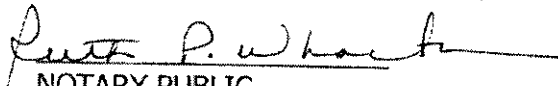
SIGNED this 23 day of MARCH, 2002.



REVATHI SHANMUGHAM, M.D.

Before me, personally appeared REVATHI SHANMUGHAM, whose identity is known to me by FL Dr. Lic. (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 23rd day of March, 2002.



NOTARY PUBLIC

My Commission Expires:



APPROVED this 28th day of March, 2002.

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

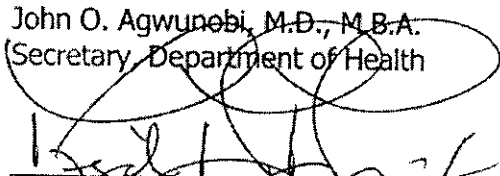


By:  Nancy M. Snurkowski
Chief Attorney - Practitioner Regulation
Medical Section

EXHIBIT B

STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS

The following are the standard terms applicable to all consent agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. PAYMENT OF FINES. Unless otherwise directed by the consent agreement, all fines shall be paid by check or money order and sent to the Board address set forth in paragraph F, below. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the consent agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph F, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the costs of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement,

obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative costs directly associated with Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines and costs shall be sent to: **Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attn.: Medical Compliance Officer.** Unless otherwise directed by the Board office, all other correspondence shall be sent to: **Department of Health, HMQAMS/Client Services/Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, Attn.: Medical Compliance Officer.**

F. CONTINUITY OF PRACTICE

a. TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida:

(1) The time period of probation shall be tolled.

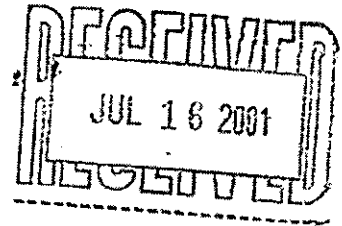
(2) The provisions regarding supervision whether direct or indirect by the monitor/supervisor, and required reports from the monitor/supervisor shall be tolled.

(3) The provisions regarding preparation of investigative reports detailing compliance with this Stipulation shall be tolled.

(4) Any provisions regarding community service shall be tolled.

b. ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Probation Committee may require Respondent to appear before the Probation Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine or respiratory therapy in this State.

STATE OF FLORIDA
DEPARTMENT OF HEALTH



DEPARTMENT OF HEALTH,)
)
PETITIONER,)
)
v.)
)
REVATHI SHANMUGHAM, M.D.,)
)
RESPONDENT.)
_____)

CASE NO. 2000-12769

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 Revathi Shanmugham, 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 456, 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 0046585. Respondent's last known address is 4326 River Birch Drive, Brooksville, Florida 34607.

3. Respondent is not Board Certified. She specializes in Psychiatry.
4. On or about March 2, 2000, Patient S.V., an eighty-nine (89) year-old male with Alzheimer's disease, became agitated and aggressive when his roommate died at Christie's Elder Care, the care facility where he resided. Patient S.V. was taken to Springbrook Hospital (Springbrook) under involuntary status and was admitted by Respondent.
5. During Patient S.V.'s stay at Springbrook, from on or about March 2 to about March 20, 2000, Patient S.V. was under the care of Respondent.
6. On or about March 19, 2000, Respondent prepared discharge orders/plan which included a list of medications that Patient S.V. was to be discharged with. Respondent issued prescriptions for the medications for Patient S.V. as listed in the discharge orders. These medications included: Serzone 50 mg twice a day, Klonopin 1 mg morning and noon, Klonopin 0.5 mg at 5:00 p.m., Klonopin 1 mg at bedtime, Lisinopril 5 mg every morning, Zyprexa 2.5 mg every morning, and Zyprexa 5 mg at bedtime.
7. While in the hospital, Patient S.V. was actually receiving the following medications: Cogentin 0.5 mg twice daily, Atenolol 25 mg daily, Aricept 5 mg at bedtime, Haldol 5 mg twice daily, Ativan 0.5 mg twice daily, and Glyburide 2.5 mg twice daily. It is these medications for which Respondent should have written prescriptions upon the discharging of Patient S.V.
8. On or about March 25, 2000, Patient S.V. expired. The indicated cause of death was Alzheimer's dementia.

9. On or about May 8, 2000, as Respondent was preparing to dictate a discharge summary on Patient S.V., she discovered that the discharge orders/plan of on or about March 19, 2000, were incorrect, and that she had given Patient S.V. prescriptions for the wrong medications.

10. On or about May 8, 2000, Respondent tore, or caused to be torn, the photocopies of the incorrect prescriptions written by her on or about March 19, 2000. She then wrote new prescriptions which she pre-dated with the date of March 19, 2000, and inserted these into the chart. She also prepared, or caused to be prepared, new discharge orders reflecting the appropriate medications for Patient S.V., and she pre-dated, or caused to be pre-dated, the new discharge orders with the date of March 19, 2000.

11. Also, on or about May 8, 2000, Respondent prepared, or caused to be prepared, Discharge Instructions containing the correct medications with which Patient S.V. should have been discharged which she then inserted into Patient S.V.'s hospital records. Respondent prepared two (2) sets of Patient Discharge Instructions for Patient S.V. One of these Instructions was dated March 20, 2000, and signed, and another was dated May 20, 2000, and was unsigned.

12. Respondent violated the provisions of the Florida Medical Practice Act in one or more of the following ways: a) by destroying, or causing to be destroyed, photocopies of the incorrect prescriptions written on or about March 19, 2000; b) by writing new prescriptions which she pre-dated with the date of March 19, 2000; c) by preparing, or caused to be prepared, and pre-dating, new discharge order plans dated

March 19, 2000; and/or d) Issuing orders and prescriptions for the wrong medication to Patient S.V.

COUNT ONE

13. Petitioner realleges and incorporates paragraphs one (1) through twelve (12), as if fully set forth herein this Count One.

14. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, by prescribing to Patient S.V. the wrong medications upon discharge, including: Serzone, Klonopin, Lisinoprit, and Zyprexa.

15. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that 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

16. Petitioner realleges and incorporates paragraphs one (1) through twelve (12), and paragraph fourteen (14), as if fully set forth herein this Count Two.

17. Respondent failed to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or

are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, in that Respondent: a) on or about May 8, 2000, destroyed, or caused to be destroyed, photocopies of the incorrect prescription written on or about March 19, 2000; b) on or about May 8, 2000, wrote new prescriptions for the correct medication which she pre-dated March 19, 2000; c) prepared, or caused to be prepared, and pre-dated new discharge order plans; and/or d) failed to prepare an accurate and appropriately dated medical record of the treatment of Patient S.V.

18. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

COUNT THREE

19. Petitioner realleges and incorporates paragraphs one (1) through twelve (12), fourteen (14), and seventeen (17), as if fully set forth herein this Count Three.

20. Respondent 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, in that Respondent, on or about March 19, 2000, prescribed the wrong medications upon discharge, including: Serzone, Klonopin, Lisinopril, and Zyprexa.

21. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes, by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and not in the course of the physician's professional practice, without regard to his intent.

COUNT FOUR

22. Petitioner realleges and incorporates paragraphs one (1) through twelve (12), fourteen (14), seventeen (17), and twenty (20), as if fully set forth herein this Count Four.

23. Respondent made deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employed a trick or scheme in the practice of medicine, in that Respondent: a) on or about May 8, 2000, destroyed, or caused to be

destroyed, photocopies of the incorrect prescription written on or about March 19, 2000; b) on or about May 8, 2000, wrote new prescriptions for the correct medication which she pre-dated March 19, 2000; c) prepared, or caused to be prepared, and pre-dated new discharge order plans; and/or d) failed to prepare an accurate and appropriately dated medical record of the treatment of Patient S.V.

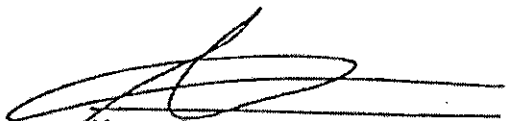
24. Based on the foregoing, Respondent violated Section 458.331(1)(k), Florida Statutes, by making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

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 as provided for in Section 456.072(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 9th day of July, 2001.

Robert G. Brooks, M.D., Secretary

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Nicki R. Kenon
DATE 7/10/01

for 
Nancy M. Snurkowski
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

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BT/bwk
PCP: July 6, 2001
PCP Members: Ashkar, Kent, Rodriguez