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Final Order No. DOH-07-0160-5-MOA
FILED DATE 2/14/07
Department of Health
By: Rachael Brooks
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-54677

LICENSE NO.: ME0076445

MANUEL ORLANDO GARCIA, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on February 2, 2007, in Orlando, 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, and shall constitute discipline upon Respondent's license.

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

DONE AND ORDERED this 15 day of FEBRUARY

2007.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for H. FRANK FARMER, JR., M.D., Chair

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 MANUEL ORLANDO GARCIA, M.D., 39 Genesee Street, Staten Island, New York 10301; and by interoffice delivery to John Terrel, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 16 day of February, 2007.

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

PRACTITIONER REGULATION
LEGAL
2005 DEC -4 PM 2:28

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2005-54677

MANUEL O. GARCIA, M.D.
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Manuel O. Garcia, M.D. license number ME 76445, hereby voluntarily relinquishes his license to practice Medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent agrees to never reapply for licensure as a physician in the State of Florida.

3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and

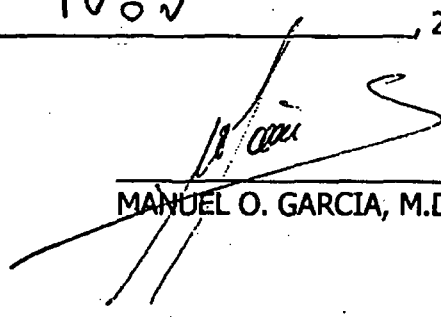
waives a determination of probable cause by the Probable Cause Panel or the Department, when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 25 day of Nov, 2006.



MANUEL O. GARCIA, M.D.

STATE OF NEW YORK
COUNTY OF Rich

Before me, personally appeared Manuel O. Garcia, whose identity is known to me or by _____ (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 25 day of Nov, 2006.



NOTARY PUBLIC

My Commission Expires:

EDWARD BRANCALE
Notary Public, State of New York
No. 43-493349
Qualified in Richmond County
Term Expires July 25, 2010

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2005-54677

MANUEL ORLANDO GARCIA, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Manuel Orlando Garcia, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 76445.

3. Respondent's address of record is 1000 Clove Road, Apt. 4-A, Staten Island, NY 10301.

4. Respondent is board certified in psychiatry by the American Board of Psychiatry & Neurology.

5. The New York State Board for Professional Medical Conduct (hereinafter "New York Board") is the licensing authority regulating the practice of medicine in the State of New York.

6. On or about June 14, 2005, and pursuant to a Consent Agreement and Order, the New York Board suspended Respondent's license to practice medicine in the State of New York for a period of thirty-six (36) months due to sexual contact between psychiatrist and patient, moral unfitness, and the failure to maintain records. The entire period of the suspension was stayed and the Respondent was placed on probation for a period of thirty-six (36) months with several conditions including a \$2500 fine to be paid in full within thirty (30) days of the effective date of the New York Board's order.

7. The placement of the Respondent's medical license on probation in lieu of suspension by the New York Board constitutes action against Respondent's license to practice medicine in the State of New York.

8. Respondent failed to report, in writing, to the Florida Board of Medicine within thirty (30) days of the placement of the Respondent's medical license on probation in lieu of suspension on June 14, 2005, by the New York Board.

COUNT I

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

10. Section 458.331(1)(b), Florida Statutes (2004), provides that 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 constitutes grounds for discipline by the Board of Medicine. Furthermore, 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.

11. The placement of the Respondent's medical license on probation in lieu of suspension by the New York Board on June 14, 2005,

pursuant to a Consent Agreement and Order, constitutes action against the Respondent's license to practice medicine.

12. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes (2004), 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.

COUNT II

13. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

14. Section 458.331(1)(kk), Florida Statutes (2004), provides that 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 constitutes grounds for disciplinary action by the Board of Medicine.

15. Respondent failed to report, in writing, to the Florida Board of Medicine within thirty (30) days of the June 14, 2005, placement of the Respondent's medical license on probation in lieu of suspension imposed by the New York Board.

16. Based on the foregoing, Respondent has violated Section 458.331(1)(kk), Florida Statutes (2004), by failing to report to the board, in writing, within thirty (30) days if any 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, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 25 day of September, 2006.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Alicia Stiffen
DATE 9-25-06

Matthew Casey
Matthew Casey
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PCP: 9/22/06

PCP Members: Ashkar, Bearison & Beebe

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.