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Final Order No. DOH-07-1364 ⁵ P.MQA
FILED DATE JUN 27 2007
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Racquel
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-56125
LICENSE NO.: ME0031933

RASIAH SUBRAMANIAM, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on June 1, 2007, in Tampa, 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 26 day of JUNE,

2007.

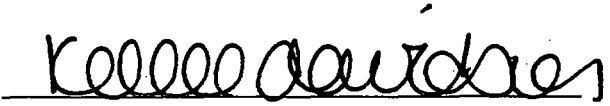
BOARD OF MEDICINE



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 RASIAH SUBRAMANIAM, M.D., 477 Dover Circle, Englewood, Florida 34223-1962; to Gregory Chaires, Esquire, Altamonte Lakeside Park, 283 Cranes Roost Boulevard, Suite 165, Altamonte Springs, Florida 32701; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 27 day of June, 2007.



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Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTHDEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No.: ME 2005-56125

Kasiah Subramaniam, M.D.,
Respondent.VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Kasiah Subramaniam, M.D., license No. ME 31933, hereby voluntarily relinquishes Respondent's 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.

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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 18th day of MARCH, 2007


Rasiah Subramaniam, M.D.,

STATE OF FLORIDA
COUNTY OF: ORANGE

Before me, personally appeared DR. RASIAH SUBRAMANIAM whose identity is known to me by FL doctor's licence (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this _____ day of _____, 2007.


NOTARY PUBLIC

My Commission Expires.



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2005-56125

RASIAH SUBRAMANIAM, 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, Rasiah Subramaniam, 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 31933.

3. Respondent's address of record is 477 Dover Circle, Englewood Florida 34223-1962.

4. Respondent is not board certified.

FACTS RELATING TO PATIENT B.S.

5. On or about January 27, 2004, Patient B.S., a then sixteen year-old child, had his first medical visit at Respondent's office. Patient B.S. was accompanied by his mother and complained of low back pain due to weight lifting.

6. On or about January 27, 2004, Respondent's medical records for Patient B.S. noted: blood pressure of 124/72; no weakness; and reflexes good. Respondent ordered Soma.

7. Soma (i.e., carisoprodol) is a Schedule IV controlled substance listed in Section 893.03(4), Florida Statutes. Soma is indicated for the relief of discomfort associated with acute, painful musculoskeletal conditions. Soma produces additive depressant effects when taken with other depressants, and an overdose of Soma may result in respiratory depression that can be fatal.

8. A year later, on or about February 16, 2005, Patient B.S. returned to see the Respondent and again complained of low back pain

due to lifting. His blood pressure was noted to be 168/118. Respondent ordered Soma and Lortab.

9. Lortab contains hydrocodone bitartrate, a Schedule III controlled substance listed in Chapter 893, Florida Statutes, which is indicated for the relief of moderate to moderately severe pain. The abuse of hydrocodone bitartrate can lead to physical and psychological dependence.

10. The Respondent's medical records for Patient B.S. document the following additional visits. However, much of Respondent's handwriting is indecipherable and the details of his findings could not be determined:

<u>Date of Visit</u>	<u>Complaint</u>	<u>Blood Pressure</u>	<u>Apparent Diagnosis</u>
02-22-05:	low back pain	122/80	Low back pain
02-28-05:	low back pain	162/104	Low back pain
03-10-05:	low back pain	140/82	Low back pain
03-21-05:	low back pain	142/86	Low back pain
03-28-05:	low back pain	132/112	Low back pain
04-10-05:	low back pain	158/92	Low back pain
04-19-05:	low back pain	142/90	Low back pain
05-05-05:	low back pain	156/100	Low back pain and hypertension
05-16-05:	low back pain	152/80	Low back pain

05-24-05:	low back pain	118/98	Low back pain
06-01-05:	low back pain	128/88	Low back pain
06-08-05:	low back pain	122/94	Low back pain
06-15-05:	low back pain	142/98	Low back pain
06-27-05:	low back pain	128/88	Low back pain
07-05-05:	low back pain	122/90	Low back pain
07-12-05:	low back pain	140/80	Low back pain
07-20-05:	low back pain	122/86	Low back pain
10-10-05:	low back pain	152/98	Low back pain
01-23-06:	low back pain	130/80	Low back pain

11. From February 2005 to January 2006, Respondent failed to order appropriate diagnostic testing; including, blood work, x-rays, or scans. Respondent did not refer Patient B.S. to specialists for either the low back pain or the high blood pressure. Respondent did not recommend physical therapy or exercises or the use of ice or hot packs for the back pain.

12. At the last visit on January 23, 2006, Respondent noted that he would no longer refill B.S.'s medications, but the handwriting is not decipherable so his reasoning and justification are inadequately recorded.

13. Medications filled at The Medicine Shoppe in North Port, Florida prescribed by Respondent for Patient B.S., from February 16, 2005 through October 10, 2005 included:

~~Soma (Carisoprodol) 350 mg – a total of 20 tabs~~

Hydrocodone/APAP 10-500 – a total of 910 tabs

Diazepam 10 mg –two occasions – 30 tabs each

Over a period of approximately 200 days, Respondent provided Patient B.S. with more than 4.5 controlled substance pills per day.

FACTS RELATING TO PATIENT M.S.

14. On or about March 29, 2005, Patient M.S., a then twenty-two year-old, was initially seen at Respondent's office. Patient M.S., the brother of Patient B.S., complained of low back pain due to his employment as a carpet installer.

15. On or about March 29, 2005, Respondent's medical records for Patient M.S. noted: reflexes and muscle tone in both legs were good; blood pressure was 140/86. Respondent ordered Soma and Lortab.

16. The Respondent's records appear to document the following additional visits. However, much of Respondent's handwriting is indecipherable and the details of his findings could not be determined:

<u>Date of Visit</u>	<u>Complaint</u>	<u>Blood Pressure</u>	<u>Apparent Diagnosis</u>
04-19-05:	low back pain	138/86	Low back pain
05-09-05:	low back pain	128/90	Low back pain
05-18-05:	low back pain	142/98	Low back pain
06-01-05:	low back pain	122/88	Low back pain
06-13-05:	low back pain	122/80	Low back pain
07-07-05:	low back pain	132/84	Low back pain
07-19-05:	low back pain	132/84	Low back pain
08-10-05:	low back pain	138/84	Low back pain
09-12-05:	low back pain	122/92	Low back pain
10-03-05:	low back pain	132/90	Low back pain
10-19-05:	low back pain	124/82	Low back pain
11-02-05:	low back pain	134/88	Low back pain
11-21-05:	low back pain	132/88	Low back pain
12-05-05:	low back pain	128/90	Low back pain
12-19-05:	low back pain	120/82	Low back pain
01-03-06:	low back pain	124/82	Low back pain
01-17-06:	low back pain	130/90	Low back pain
01-31-06:	low back pain	124/82	Low back pain
02-15-06:	low back pain	124/86	Low back pain
03-01-06:	low back pain	120/90	Low back pain
03-15-06:	low back pain	130/88	Low back pain

03-29-06:	low back pain	130/94	Low back pain
04-12-06:	low back pain	122/84	Low back pain

17. From March of 2005 to April of 2006, Respondent failed to order appropriate diagnostic testing; including, blood work, x-rays, or scans, and did not refer Patient M.S. to a specialists for the low back pain. Respondent did not recommend physical therapy or exercises or the use of ice or hot packs for the back pain.

18. Medications filled at The Medicine Shoppe in North Port, Florida prescribed by Respondent for Patient M.S., from May 9, 2005 through March 1, 2006 included:

Hydrocodone/APAP 10-500 – a total of 880 tabs

Soma (Carisoprodol) 350 mg –total of 30 tabs

Over a period of approximately 300 days, Respondent provided Patient M.S. with 3 pills per day.

COUNT ONE

19. Petitioner realleges paragraphs one (1) through thirteen (13) as if fully set forth herein.

20. Section 458.331(1)(t), Florida Statutes (2003-2005), provides that gross or repeated malpractice or failure 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 constitute grounds for disciplinary action by the Board of Medicine.

21. In his care and treatment of Patient B.S., Respondent performed gross malpractice, repeated malpractice and/or 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, in one or more of the following ways: a) from February 2005 to January 2006, by failing to order appropriate diagnostic testing; including, blood work, x-rays, or scans; b) by not making appropriate referrals to specialists for either the low back pain or the high blood pressure; c) by not recommending physical therapy or exercises or the use of ice or hot packs for the back pain; d) by prescribing excessive amounts of controlled substances; e) by failing to adequately justify the course of treatment in the medical records.

22. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2003-2005), by gross malpractice, repeated malpractice and/or failure 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

23. Petitioner realleges paragraphs one (1) through four (4) and fourteen (14) through eighteen (18) as if fully set forth herein.

24. Section 458.331(1)(t), Florida Statutes (2004-2005), provides that gross or repeated malpractice or failure 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 constitute grounds for disciplinary action by the Board of Medicine.

25. In his care and treatment of Patient M.S., Respondent performed gross malpractice, repeated malpractice and/or 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, in one or more of the following ways: a) from February 2005 to January 2006, by failing to order appropriate diagnostic testing; including, blood work, x-rays, or scans; b) by not

making appropriate referrals to specialists for the low back pain; c) by not recommending physical therapy or exercises or the use of ice or hot packs for the back pain; d) by prescribing excessive amounts of controlled substances; e) by failing to adequately justify the course of treatment in the medical records.

26. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2004-2005), by gross malpractice, repeated malpractice and/or failure 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 THREE

27. Petitioner realleges paragraphs one (1) through thirteen (13) as if fully set forth herein.

28. Section 458.331(1)(m), Florida Statutes (2003-2005), provides that failing to keep legible medical records 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 constitutes grounds for disciplinary action by the Board of Medicine.

29. Respondent failed to keep legible medical records justifying his treatment by failing to adequately justify the course of treatment of Patient B.S. in the medical records.

30. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2003-2005), by failing to keep legible medical records 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 FOUR

31. Petitioner realleges paragraphs one (1) through four (4) and fourteen (14) through eighteen (18) as if fully set forth herein.

32. Section 458.331(1)(m), Florida Statutes (2004-2005), provides that failing to keep legible medical records 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 constitutes grounds for disciplinary action by the Board of Medicine.

33. Respondent failed to keep legible medical records justifying his treatment by failing to adequately justify the course of treatment of Patient M.S. in the medical records.

34. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2004-2005), by failing to keep legible medical records 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 FIVE

35. Petitioner realleges paragraphs one (1) through thirteen (13) as if fully set forth herein.

36. Section 458.331(1)(q), Florida Statutes (2003-2005), provides that 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 constitutes grounds for disciplinary action by the Board of Medicine. For the purposes of paragraph

458.331(1)(q), 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 or her intent.

37. 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 by prescribing excessive amounts of controlled substances to Patient B.S.

38. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes (2003-2005), 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.

COUNT SIX

39. Petitioner realleges paragraphs one (1) through four (4) and fourteen (14) through eighteen (18) as if fully set forth herein.

40. Section 458.331(1)(q), Florida Statutes (2004-2005), provides that 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 constitutes grounds for disciplinary action by the Board of Medicine. For the purposes of paragraph 458.331(1)(q), 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 or her intent.

41. 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 by prescribing excessive amounts of controlled substances to Patient M.S.

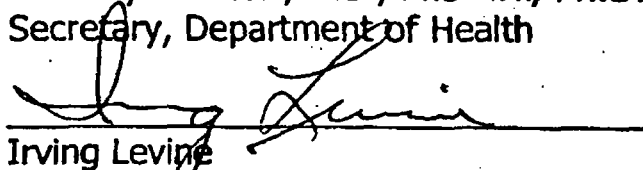
42. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes (2004-2005), by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice.

WHEREFORE, the 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 25th day of September, 2006.

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



Irving Levine
Assistant General Counsel
Florida Bar # 0822957
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
(850) 245-4640 X8128
(850) 245-4681 Facsimile

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Alicia Steffen
DATE 9.26.06

PCP: September 22, 2006

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.