

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

STATE OF FLORIDA
BOARD OF MEDICINE

CLERK: Elizabeth Eubanks
DATE: SEP 07 2023

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2019-54090

LICENSE NO.: ME 100550

MOHAMMAD FAROOQUE, M.D.,

Respondent.

_____ /

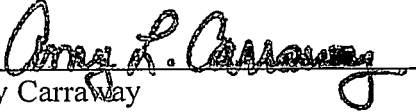
NOTICE OF SCRIVENER'S ERROR

COMES NOW, the Petitioner, Department of Health, and corrects the scrivener's error contained in the Final Order filed on August 28, 2023, with Rendition No: DOH-23-1102-S-MQA, as grounds therefore states:

1. On August 28, 2023, Petitioner filed a Final Order with Rendition No: DOH-23-1102-S-MQA.
2. The Final Order was missing the executive director's signature.
3. The Final Order is now correct and remains nunc pro tunc to the filing date.

WHEREFORE, the Petitioner hereby corrects the scrivener's error contained in the Final Order.

Respectfully submitted, on the 7th day of September, 2023.



 Amy Carraway
 Deputy Agency Clerk

CERTIFICATE OF SERVICE

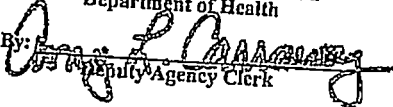
I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: Mohammad Farooque, M.D., 10175 Fortune Parkway, Unit 1106, Jacksonville, FL

32256 and Kevin Mercer, Esq., 50 North Laura Street, Ste. 2700, Jacksonville, FL 32202; by email to:
Kevin Mercer, Esq. at kmerc@wickersmith.com; Andrew Pietrylo, Chief Legal Counsel, Department of
Health, at Andrew.Pietrylo@flhealth.gov; and Christopher R. Dierlam, Senior Assistant Attorney
General, at Christopher.Dierlam@myfloridalegal.com this 7 day of September,
2023.


Deputy Agency Clerk

Final Order No. DOH-23-1102-5 -MQA

FILED DATE AUG 28 2023
Department of Health

By: 
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2019-54090
LICENSE NO.: ME00100550

MOHAMMAD FAROOQUE, 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 August 4, 2023, in Orlando, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$5,903.94.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

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

DONE AND ORDERED this 22nd day of August, 2023.

BOARD OF MEDICINE

Paul A. Vazquez

Paul A. Vazquez, J.D., Executive Director
For Scot Ackerman, 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: Mohammad Farooque, M.D., 10175 Fortune Parkway, Unit 1106, Jacksonville, FL 32256 and Kevin Mercer, Esq., 50 North Laura Street, Ste. 2700, Jacksonville, FL 32202; by email to: Kevin Mercer, Esq., at kmercerc@wickersmith.com; Andrew Pietrylo, Chief Legal Counsel, Department of Health, at Andrew.Pietrylo@flhealth.gov; and Christopher R. Dierlam, Senior Assistant Attorney General, at Christopher.Dierlam@myfloridalegal.com this 28th day of August, 2023.

Amy L. Conway

Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2019-54090

MOHAMMAD FAROOQUE, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Petitioner, Department of Health ("Department"), and Respondent, Mohammad Farooque, pursuant to section 120.57(4), Florida Statutes, offer this Settlement Agreement ("Agreement") and agree to the entry of a Final Order of the Board of Medicine ("Board") incorporating this Agreement as disposition of this matter, in lieu of any other administrative proceedings.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 100550.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 456 and/or 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in their capacity as a licensed physician, they are 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 alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 456 and/or 458, Florida Statutes.
3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Letter of Concern** – The Board shall issue a Letter of Concern against Respondent's license.
2. **Fine** – The Board shall impose an administrative fine of ***\$5,000.00*** against Respondent's license which Respondent shall pay to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

All fines shall be paid by cashier's check or money order. Payments must be made within six (6) months of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

3. **Reimbursement of Costs** – Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude

the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is ***\$5,357.27, but shall not exceed \$7,400.00.*** Respondent shall pay such Department costs to:

Payments – DOH Compliance Management Unit
Bin C-76
P.O. Box 6320
Tallahassee, FL 32314-6320

All costs shall be paid by cashier's check or money order. Payments must be made within six (6) months of the date of filing of the Final Order accepting this Agreement. Any change in the terms of payment of any fine imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

4. **Continuing Medical Education** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in prescribing controlled substances within one (1) year from the date the Final Order is filed.

5. **Risk Management CME** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in risk management within one (1) year from the date the Final Order is filed.

STANDARD PROVISIONS

1. **Appearance** – Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No Force or Effect until Final Order** – It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** – Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course 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 filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** – Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within fifteen (15) days of any changes of said addresses

5. **Future Conduct** – In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other

state or federal law, rule, or regulation relating to the practice or the ability to practice medicine to include, but not limited to, all statutory requirements related to practitioner profile and licensure renewal updates. Prior to presentation of this Agreement to the Board, Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** – It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** – Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. 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. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. 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.

8. **No Preclusion of Additional Proceedings** – Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no

way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver of Attorney's Fees And Costs** – Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their 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 Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** – 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.

[Signatures appear on the following page.]

SIGNED this 19 day of May, 2023.

Farooq
Mohammad Farooque, M.D.

STATE OF FLORIDA

COUNTY OF Duval

BEFORE ME personally appeared Mohammad Farooque, whose identity is known to me or who produced FL DL (type of identification) and who, under oath, acknowledges that their signature appears above.

SWORN TO and subscribed before me this 19 day of May, 2023.



VICTORIA M. JOHNSON
Commission # HH 177031
Expires September 20, 2025
Bonded Thru Budget Notary Services

[Signature]
NOTARY PUBLIC

My Commission Expires: 09/20/2025

APPROVED this 22nd day of May, 2023.

Joseph A. Ladapo, MD, PhD
State Surgeon General

Hunter Pattison

By: Hunter Pattison
Assistant General Counsel
Department of Health

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2019-54090

MOHAMMAD FAROOQUE, M.D.,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Mohammad Farooque, M.D., and in support thereof alleges:

1. 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.

2. At all times material to this Complaint, Respondent was a licensed medical doctor within the state of Florida, having been issued license number ME 100550.

3. Respondent's address of record is 10175 Fortune Parkway Unit 1106, Jacksonville, Florida 32256.

4. On or about October 17, 2017, Patient J.G., a then-25-year-old male with a history of psychotic symptoms as well as a history of drug abuse, including heroin, morphine, hydrocodone, hydromorphone, cocaine, MDMA, LSD, and cannabis, initially presented to Respondent for psychiatric treatment and was diagnosed with Attention Deficit Hyperactivity Disorder (“ADHD”) and Major Depressive Disorder with Psychotic Features.

5. From in or around October of 2017 through in or around January of 2020 (“the treatment period”), Respondent treated J.G. for his psychiatric conditions.

6. In or around October 2017, J.G. informed Respondent that he had taken benzodiazepines as prescribed in the past.

7. Beginning on or about December 7, 2017, Respondent prescribed Clonazepam¹ 3 mg daily and Adderall² 30 mg daily, and beginning on or about April 12, 2018, Respondent prescribed Seroquel³ 400 mg daily.

8. J.G. was continued on the same medications throughout the treatment period with only minimal variations in dosage.

9. During the treatment period Respondent prescribed inappropriate amounts of Clonazepam and Adderall which were unreasonable based on J.G.'s history of significant drug abuse and/or the risk of psychotic episodes associated with the drugs and J.G.'s history of psychotic symptoms.

10. During the treatment period Respondent failed to document justification for prescribing the particular combinations and amounts of controlled substances in his treatment of J.G.

¹ Clonazepam is prescribed to treat anxiety and panic disorder. According to Section 893.03(4), Florida Statutes, Clonazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of Clonazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

² Adderall is the brand name for a combination of four amphetamine salts used to treat ADHD. According to Section 893.03(2), Florida Statutes, compounds or mixtures using Amphetamine salts are Schedule II controlled substances that have high potential for abuse and have a currently accepted but severely restricted medical use in treatment in the United States. Abuse of Amphetamine compounds or mixtures may lead to severe psychological or physical dependence. Adderall is a dopamine releasing agent.

³ Seroquel is a dopamine blocking agent with mood stabilizing and antipsychotic properties.

11. On or about June 20, 2019, J.G. underwent a urine drug screen which was negative for all controlled substances, including those prescribed by Respondent.

12. On or about January 6, 2020, J.G. underwent a urine drug screen which was negative for all controlled substances, including those prescribed by Respondent.

13. The negative drug screens indicated that J.G. was not taking medications as prescribed.

14. Respondent failed to investigate and/or did not document investigating the causes of the nonconforming June 20, 2019 drug screen and/or the nonconforming January 6, 2020 drug screen.

Count I

15. Petitioner realleges and incorporates paragraphs one (1) through fifteen (15) as if fully set forth herein.

16. Section 458.331(1)(t), Florida Statutes (2019-2020), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2019-2020), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized

in general law related to health care licensure. Section 766.102, Florida Statutes (2019-2020), provides that the prevailing standard of care for a given healthcare provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

17. At all times material to this complaint the prevailing standard of care required that Respondent:

- a. not prescribe Adderall 30 mg daily in the treatment of J.G.;
and/or
- b. not prescribe the combination of Clonazepam and Adderall
in the treatment of J.G.; and/or
- c. investigate the causes of the nonconforming drug screens.

18. Respondent fell below the minimum standard of care in his treatment of Patient J.G. in one or more of the following ways:

- a. by prescribing Adderall 30 mg daily in the treatment of
J.G.; and/or
- b. by prescribing the combination of Clonazepam and Adderall
in the treatment of J.G.; and/or

- c. by failing to investigate the causes of the nonconforming drug screens.

19. Based on the foregoing, Respondent violated section 458.331(1)(t), Florida Statutes (2019-2020), committing medical malpractice in his treatment of J.G.

Count II

20. Petitioner realleges and incorporates paragraphs one (1) through fifteen (15) as if fully set forth herein.

21. Section 458.331(1)(m), Florida Statutes (2019-2020), subjects a licensee to discipline for 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.

22. Respondent failed to maintain records that justify the course of treatment of Patient J.G., in one or more of the following ways:

- a. by failing to document justification for prescribing Adderall 30 mg daily in the treatment of J.G.; and/or
- b. by failing to document justification for prescribing the combination of Clonazepam and Adderall in the treatment of J.G.; and/or
- c. by failing to document any investigation of the nonconforming drug screens.

23. Based on the foregoing, Respondent violated section 458.331(1)(m), Florida Statutes (2019-2020).

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.

[Signature Block on Following Page]

SIGNED this 31 day of October, 2022.

Joseph A. Ladapo, MD, PhD
State Surgeon General

Hunter Pattison

Hunter Pattison Esq.
Assistant General Counsel
Florida Bar No. 1011074
FDOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 558-9899
Fax: (850) 245-4684
E-mail: Hunter.Pattison@flhealth.gov

FILED

**DEPARTMENT OF HEALTH
DEPUTY CLERK**

CLERK: Elizabeth Eubanks

DATE: October 31, 2022

HP/gs

PCP Date: October 21, 2022

PCP Members: Magda Averhoff, M.D.; Luz M. Pages, M.D.; and Andre Perez

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. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

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 any other discipline imposed.