

**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

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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.