

STATE OF FLORIDA
BOARD OF MEDICINE

By: Christina Jacob
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2022-26176

LICENSE NO.: ME0065720

SARWAT MORSHED GAD, 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 2, 2024, in Lake Buena Vista, 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 \$13,046.61.

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 20th day of August, 2024.

BOARD OF MEDICINE



Paul A. Vazquez, J.D. Executive Director
For Nicholas W. Romanello, Esquire, 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: Sarwat Morshed Gad, M.D., at 102 Asma Blvd., Suite 112, Lafayette, LA 70508 and Gregory Chaires, Esq., at 283 Cranes Roost Blvd., Suite 165, Altamonte Springs, FL 32701; by email to: Gregory Chaires, Esq., at gchaires@chlawyers.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 21 day of August, 2024.

Christina Jacob

Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2022-26176

SARWAT MORSHED GAD, M.D.,

Respondent.

_____ /

SETTLEMENT AGREEMENT

Petitioner, Department of Health ("Department"), and Respondent, Sarwat Morshed Gad, M.D., 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 has been a licensed physician in the State of Florida having been issued license number ME65720.
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 his capacity as a licensed physician, he 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 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 **\$8,000.00** against Respondent's license which Respondent shall pay to:

Payments – DOH Compliance Management Unit
Bln 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 one hundred and eighty (180) days 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 **currently \$12,600.00 but shall not exceed \$14,600.00**. Respondent shall pay such Department costs to:

Payments – DOH Compliance Management Unit
 Bln 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 one hundred and eighty (180) days 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. **Risk Management Course** – 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.

5. **Psychiatry Course(s)** – Respondent shall document completion of five (5) hours of Continuing Medical Education (CME) in the treatment of patients in a psychiatric setting 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.]

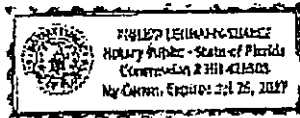
SIGNED this 26th day of April, 2024.

Sarwat Marshad Gad
Sarwat Marshad Gad, M.D.

STATE OF FLORIDA
COUNTY OF Talpa Beach

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

SWORN TO and subscribed before me this 26th day of April, 2024.



[Signature]
NOTARY PUBLIC

My Commission Expires: 7/26/2027

APPROVED this 29th day of May, 2024.

Joseph A. Ladapo, MD, PhD
State Surgeon General

[Signature]
By: Justin R. Ravelo
Assistant General Counsel
Fl. Department of Health

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2022-26176

SARWAT MORSHED GAD, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health (Department) files this Administrative Complaint before the Board of Medicine (Board) against Respondent Sarwat Morshed Gad, 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, and chapters 456 and 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 ME65720.
3. Respondent's address of record is 102 Asma Blvd, Suite 112, Lafayette, LA 70508.

4. Patient B.S. was a 52-year-old male with a history of schizophrenia.

5. On or about February 27, 2022, Patient B.S. was admitted to JFK Medical Center North ("Hospital") due, in part, to suicidal ideation and anxiety.

6. Respondent provided treatment to Patient B.S. on several occasions between February 28, 2022, and March 8, 2022.

7. At the time of Patient B.S.'s admission, Patient B.S. had been taking clozapine for at least ten years.

8. At the time of Patient B.S.'s admission, Patient B.S. had been taking Prozac.

9. During Patient B.S.'s hospitalization, he was taken off both Prozac and clozapine.

10. On or about March 6, 2022, staff documented that Patient B.S. failed to attend group sessions. Staff noted Patient B.S. was having difficulty falling asleep, was anxious, was paranoid, and had to be coerced to take his medication.

11. On or about March 2, 2022, staff documented that Patient B.S. was paranoid, acting bizarre, and was not redirectable. Staff documented

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that Patient B.S. was paranoid that everyone is after him to kill him.

12. On or about March 7, 2022, staff documented that Patient B.S. was disorganized, preoccupied, anxious and indifferent.

13. On or about March 7, 2022, staff documented that Patient B.S. made inappropriate sexual comments to staff.

14. On or about March 8, 2022, staff described Patient B.S. as anxious and agitated.

15. Patient B.S. was discharged by the Respondent on or about March 8, 2022.

16. Patient B.S. was given a full thirty (30) day supply of Elavil, otherwise known as Amitriptyline, at the time of his discharge.

17. On or about March 9, 2022, Patient B.S. passed away. An autopsy later determined the cause of death to be acute amitriptyline intoxication.

18. The prevailing professional standard of care required Respondent to:

- a. Verify Patient B.S.'s history of medication, including the fact that he had been prescribed clozapine for at least ten (10) years;

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- b. Verify that Patient B.S. was safe to be discharged and/or consider alternatives to discharge such as a Baker Act; and
- c. Refrain from giving a thirty-day supply of Elavil to a patient who was paranoid, anxious, and expressed suicidal ideation.

19. Respondent deviated from the professional standard of care by failing to:

- a. Verify Patient B.S.'s history of medication, including the fact that he had been prescribed clozapine for at least ten (10) years;
- b. Verify that Patient B.S. was safe to be discharged and/or consider alternatives to discharge such as a Baker Act; and
- c. Refrain from prescribing a thirty-day supply of Elavil to a patient who was paranoid, anxious, and expressed suicidal ideation.

20. Section 458.331(1)(t)1., Florida Statutes (2021), subjects a licensed physician to discipline for committing medical malpractice as defined in section 456.50, Florida Statutes. Sections 456.50(1)(e) and (g), Florida Statutes (2021), define medical malpractice as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized

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in general law related to health care licensure per the standard of care specified in section 766.102, Florida Statutes. Section 766.102(1), Florida Statutes (2021), specifies that the prevailing professional standard of care for a physician shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by a reasonably prudent similar physician.

21. Based on the forgoing, Respondent violated section 458.331(1)(t)1, Florida Statutes.

[Remainder of page intentionally left blank.]

WHEREFORE, Petitioner respectfully requests that the Board 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 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 26th day of February, 2024.

Joseph A. Ladapo, MD, PhD
State Surgeon General



Justin R. Ravelo,
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 1022417
(850) 558-9840 Telephone
(850) 245-4683 Facsimile
Justin.Ravelo@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Elizabeth Subans*
DATE: FEB 26 2024

PCP Date: February 23, 2024

PCP Members: Georges El-Bahri, M.D.; Nicholas Romanello; Nicole Justice

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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.

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