

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

CASE NO. 0047368

Petitioner,

vs.

JEFFREY H. FLATLOW, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medical Examiners against Jeffrey H. Flatlow, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0022089. Respondent's last known address is 1201 Fifth Avenue, North, Suite 508, St. Petersburg, Florida 33705.

3. In the year 1983, Respondent purchased from a wholesale drug supplier Dexedrine, Dilaudid, and Ritalin. Dexedrine, Dilaudid and Ritalin are brand names for drugs containing scheduled controlled substances pursuant to Chapter 893, Florida Statutes.

4. Respondent dispensed all of the aforementioned controlled substances to patients whom he was treating and failed to keep written medical records regarding said dispensing of these controlled substances.

COUNT ONE

5. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through four, as set forth above.

6. Based on the foregoing allegations, Respondent is in violation of Section 458.331(1)(n), Florida Statutes, in that he is guilty of failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

COUNT TWO

7. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through four, as set forth above.

8. Based on the foregoing allegations, Respondent is in violation of Section 458.331(1)(h), Florida Statutes, in that he is guilty of failing to perform any statutory or legal obligation placed upon a licensed physician.

COUNT THREE

9. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through four, as set forth above.

10. Based on the foregoing allegations, Respondent is in violation of Section 458.331(1)(t), Florida Statutes, in that he is guilty of gross or repeated malpractice or the 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.

WHEREFORE, Petitioner respectfully requests the Board of Medical Examiners to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license; restriction of the Respondent's practice; imposition of an administrative fine; issuance of a reprimand; placement of the Respondent on probation; and/or any other relief that the Board deems appropriate.

SIGNED this 7 day of February, 1986.

Fred Roche
FRED ROCHE, SECRETARY
DEPARTMENT OF PROFESSIONAL
REGULATION *[Signature]*

FILED
DEPARTMENT OF PROFESSIONAL REGULATION
Melinda Hoagner
CLERK
DATE February 10, 1986

COUNSEL FOR DEPARTMENT:

**Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 488-0062**

**TL/lcm
1/13/86**

PCF: LCB, RJF

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

DOAH CASE NO.86-2186
DPR CASE NO. 0047368

Petitioner,

vs.

JEFFREY H. FLATLOW, M.D.,

Respondent.

STIPULATION

JEFFREY H. FLATLOW, M.D., hereinafter referred to as Respondent, and the Department of Professional Regulation, hereinafter referred to as Department, hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Medical Examiners, hereinafter referred to as Board, incorporating this Stipulation and agreement in the above styled matter.

STIPULATED FACTS

1) For all times pertinent herein, Respondent was a licensed medical doctor in the State of Florida, having been issued license number ME 0022089.

2) Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto and made a part hereof by reference thereto as Exhibit "A".

3) Respondent neither admits or denies the allegations of fact contained in the Administrative Complaint attached hereto as Exhibit "A".

STIPULATED CONCLUSIONS OF LAW

4) Respondent, in his capacity as a licensed medical doctor admits that in such capacity he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

STIPULATED DISPOSITION

1) Respondent shall not in the future violate Chapters 455 or 458, Florida Statutes, or the rules promulgated pursuant thereto or any other state or federal law.

2) Respondent is hereby reprimanded.

3) The Board shall impose administrative costs of \$1,000.00, against Respondent, which costs shall be paid by the respondent to the Executive Director of the Board of Medical Examiners within sixty (60) days of the filing of the Board's Final Order in this cause.

4) Respondent's license to practice medicine shall be suspended for a minimum period of one year and thereafter, until such time as Respondent appears before the Board of Medical Examiners and presents clear and convincing evidence that he is able to practice medicine with reasonable skill and safety to patients. Such evidence shall include successful completion of a Board approved mini residency and/or restraining program in the area of general/family practice. Said program shall be no shorter than 6 months in duration.

5) Following the Suspension, Respondent's license shall be placed on probation for a period of up to 5 years subject to the following terms of probation.

a) Respondent shall not violate the provisions of Chapters 455, 458 and 893, Florida Statutes.

b) Respondent will appear before the board at their first meeting after he is placed on probation, the last meeting before his probation terminates and at such other times as directed by the Board and shall answer questions, under oath, as posed to him by the Board members, counsel for the Board, and counsel for Petitioner.

c) Respondent shall submit semi-annual reports to the Board by Affidavit (the content of which are sworn and subscribed to by Respondent before a Notary Public as being true and correct) summarizing his practice activities. Such reports shall contain the following:

1) Current practice address.

2) Current practice setting(s).

3) Prescribing activities.

4) Hospital admitting activities.

5) Direct response to the specific violations which resulted in the licensee being placed on probation.

d) In the event the Respondent should leave Florida to reside or practice outside of Florida for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Florida will not apply to the reduction of the Respondent's probationary period. The Respondent shall advise the Board of any change in his residence and/or office address.

e) Respondent understands that during his period of probation, semi-annual investigative reports will be compiled by the Department concerning his compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine. Respondent hereby waives confidentiality with regard to these reports as to the Board only, thus permitting the Board to review the investigative reports notwithstanding any statutory or rule provisions to the contrary.

6) Respondent agrees to abide by all terms and conditions of this Stipulation.

7) Respondent shall be present at the time of the Board's consideration of this Stipulation and shall, under oath, answer any questions posed by Board Members, counsel for the Board, and counsel for Petitioner.

8) It is expressly understood that this Stipulation is subject to approval of the Board, and has no force and effect unless an Order adopting it is entered by the Board.

9) This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. 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 Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation 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.

10) Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceeding by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit

"A", issued in this cause.

11) Upon the Board's adoption of this Stipulation, 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 joint Stipulation of Facts, conclusions of law, and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

SIGNED this 29th day of JANUARY.

1987..

Jeffrey W. Flatlow
JEFFREY W. FLATLOW, M.D.

Sworn to and subscribed before me
this 29th day of JANUARY 1987.

Tuba Yoccel Notary Public, Fulton County, Georgia
NOTARY PUBLIC My Commission Expires June 17, 1989

My Commission Expires:

2/19/87

Van B. Poole
Van B. Poole, Secretary

[Signature]

BEFORE THE BOARD OF MEDICINE

FILED

Department of Professional Regulation
BOARD CLERK

DEPARTMENT OF PROFESSIONAL
REGULATION,

CLERK *Joyce Woods*
DATE 4-16-87

Petitioner,

EX: Legal
Board

vs.

JEFFREY H. FLATOW, M.D.,

DPR CASE NO. 0047368
LICENSE NO. ME 0022089

Respondent.

FINAL ORDER

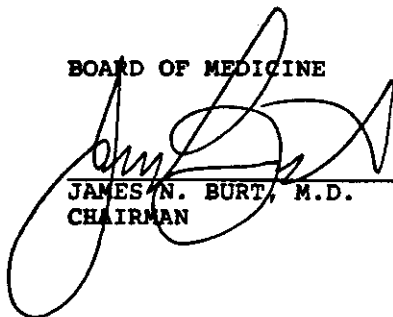
THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on April 4, 1987, in Tampa, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Stipulation.

This Order takes effect upon filing.

DONE AND ORDERED this 13 day of April, 1987.

BOARD OF MEDICINE



JAMES N. BURT, M.D.
CHAIRMAN