

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0069937

EUSEBIO SUBIAS, 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 Medicine against Eusebio Subias, 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 0011355. Respondent's last known address is 2885 S.W. Third Avenue, Miami, Florida 33145.

3. From on or about October 7, 1972 until on or about July 29, 1981, Respondent was the treating psychiatrist for patient J.S.

4. From on or about June 12, 1976 until on or about October 8, 1981, Respondent was the treating psychiatrist for patient S.S., the wife of patient J.S.

5. On or about July 29, 1981, Respondent advised patient J.S. to divorce his wife.

6. Approximately August, 1981, patient S.S. met with Respondent to continue her treatment, at which time Respondent

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EXHIBIT "A"

developed a romantic interest in the patient.

7. On or about October 8, 1981, Respondent married patient S.S.

8. Respondent failed to refer patients J.S. and S.S. to another psychiatrist when his personal interests were in conflict with the patients' best interest.

9. Respondent failed to treat J.S. with that level of care, and skill which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

10. Respondent failed to keep adequate written records justifying the course of treatment of patient J.S.

COUNT ONE

11. Petitioner realleges paragraphs one through eight above as if fully set forth herein this Count One.

12. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by 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.

COUNT TWO

13. Petitioner realleges paragraphs one through eight above as if fully set forth herein this Count Two.

14. Based on the foregoing, Respondent violated Section 458.331(1)(n), Florida Statutes, now Section 458.331(1)(m), Chapter 86-245, Laws of Florida, by failing to keep written medical records justifying the course of treatment of the patient.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine 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,

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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 10th day of July, 1987.

William M. Fureow
for Van B. Poole
Secretary

FILED

Department of Professional Regulation
AGENCY CLERK

COUNSEL FOR DEPARTMENT:

Leslie Brookmeyer
Senior Attorney
Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32399-0750-
(904) 488-0062

CLERK *[Signature]*
DATE 7/13/87

[Signature]
LB/bh/ch
4/20/87

PCP: O'Bryan, Katims and Cooper 6/30/87

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STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION, BOARD OF MEDICINE,

Petitioner,

vs.

DOAH CASE NO. 87-3128
DPR CASE NO. 0069937

EUSEBIO SUBIAS, M.D.,

Respondent.

STIPULATION

Petitioner, DEPARTMENT OF PROFESSIONAL REGULATION, and Respondent, EUSEBIO SUBIAS, M.D., do hereby stipulate to the following:

STIPULATED FACTS

1. At all times relevant hereto Respondent was a licensed medical doctor in the state of Florida, having been issued License No. ME 0011355.
2. On July 10, 1987, Petitioner filed a two-count Administrative Complaint against the Respondent that charged him with violations of Chapter 458, Fla. Stat., with regard to the care and treatment he rendered to two (2) psychiatric patients. The Administrative Complaint was properly served upon the

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Respondent, and a true and correct copy of the Complaint is incorporated into this Stipulation by reference as Exhibit "A".

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint, Exhibit "A".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed medical doctor, admits that he is subject to the provisions of Chapter 455 and 458, Fla. Stat., and the jurisdiction of the Department of Professional Regulation and the Board of Medicine.

2. Respondent admits that the facts as alleged in the Administrative Complaint constitute violations of Chapter 458, Fla. Stat.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455 or 458, Fla. Stat., or the rules promulgated thereunder.

2. The Board shall impose an administrative fine of \$3,000 against Respondent. This fine shall be paid by Respondent under the following conditions:

a. Payment shall be made by certified check made payable to the Executive Director of the Board of Medicine;

b. One Thousand Dollars (\$1,000) of this fine shall be paid within ten (10) days of the filing of the Board's Final Order in this case;

c. One Thousand Dollars (\$1,000) of this fine shall be paid within forty (40) days of the filing of the Board's Final Order in this case;

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d. One Thousand Dollars (\$1,000) of this fine shall be paid within seventy (70) days of the filing of the Board's Final Order in this case.

3. Respondent shall appear before the Board of Medicine when this Stipulation is considered by the Board. Respondent, in conjunction with the consideration of this Stipulation by the Board shall respond under oath to all questions from the Board, Board counsel or Department counsel.

4. Respondent shall successfully complete, in the field of psychiatry, a program approved by the Board dealing with the more specific area of psychiatric counseling and physician/patient relationships, and if possible, medical or psychiatric ethics. The program shall consist of sixty (60) hours of continuing education credits, in addition to any continuing education credits otherwise required by the Board of all physicians for license renewal in Florida, and the program shall be completed within two years from the date of commencement. Successful program completion must be certified by the authority administering the program and shall be forwarded by Respondent to the Board of Medicine within two (2) years from the date of program commencement. Respondent shall appear before the Board when he has obtained certification that the educational program has been completed, and shall answer under oath all questions posed by the Board members, Board counsel or Department counsel.

5. Respondent agrees to abide by the terms and conditions of this Stipulation. Respondent understands that a violation of the terms of this Stipulation may be considered a violation of

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Chapter 458, Fla. Stat., for which disciplinary action may be initiated.

6. This Stipulation is subject to approval of the Board of Medicine and the Department of Professional Regulation, and this Stipulation has no force and effect until a Final Order based upon this Stipulation is issued by the Board of Medicine.

7. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action in this cause. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Stipulation. Should the Stipulation be rejected by the Board, it is agree that consideration of this Stipulation and related documents by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in this proceedings. In the event the Board doe snot approve this Stipulation, Respondent does not, by this Stipulation, otherwise waive any rights to a proceeding pursuant §120.57, Fla. Stat., nor any other rights given to him under the law and rules of the Department.

8. Respondent understands that this Stipulation and a Final Order incorporating it does not preclude additional proceedings by the Board or the Department against the Respondent for acts or omissions not set forth in the Administrative Complaint, Exhibit "A".

9. Upon the Board's adoption of this Stipulation, Respondent expressly waives all right to seek judicial review of


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or to otherwise challenge or contest the validity of the Stipulation of Facts, Conclusions of Law, Stipulated Disposition, and the Final Order of the Board that incorporates the Stipulation.

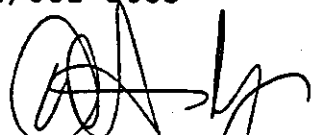
Signed this 4th day of January, 1988⁹.

KLEIN & TANNEN, P.A.
633 Northeast 167th Street
North Miami Beach, FL 33162
305/654-1111

NEWELL & STAHL, P.A.
817 North Gadsden Street
Tallahassee, FL 32303-6313
904/681-3883



NORMAN KLEIN
ATTORNEY FOR RESPONDENT



ROBERT D. NEWELL, JR.
ATTORNEY FOR PETITIONER

EUSEBIO SUBIAS, M.D.
2885 Southwest Third Avenue
No. 11355
Miami, FL 33129



EUSEBIO SUBIAS
RESPONDENT

STATE OF Florida)
)
COUNTY OF Dade)

BEFORE ME, a Notary Public authorized to take acknowledgements in the state and county set forth above, personally appeared EUSEBIO SUBIAS, known to be and known to me

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to be the person who executed the foregoing Stipulation, and he acknowledged before me that he executed same.

IN WITNESS WHEREOF, I have set my hand and seal in the state and county above, this 4th day of January, 1988.⁹

Carol Anne Nelson
NOTARY PUBLIC

My Commission Expires:
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JUNE 5, 1989
BONDED THRU GENERAL INS. UND.

APPROVED this 5th day of January, 1988.

DEPARTMENT OF PROFESSIONAL
REGULATION

Lawrence A. Gonzalez
LAWRENCE A. GONZALEZ
SECRETARY

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FILED

DEPARTMENT OF PROFESSIONAL REGULATION Department of Professional Regulation
BEFORE THE BOARD OF MEDICINE AGENCY CLERK

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

-vs-

EUSEBIO SUBIAS, M.D.,

Respondent.

CLERK

DATE

DPR CASE NUMBER: 0069937
LICENSE NUMBER: ME 0011355

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2-10-89

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on February 4, 1989, in Dania, 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 with the Clerk of the Department.

DONE AND ORDERED this 4 day of Feb., 1989.

Distribution: DOAH H.O.
Donald R. Alexander
OIS - Miami
Complainant:
Julio C. Sardinas
2310 S.W. 16th Ct.
Miami, FL 33145

BOARD OF MEDICINE

[Signature]
FUAD S. ASHKAR, M.D.
CHAIRMAN