


STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 0077610
COMPLAINT MADE BY: 
DATE COMPLAINT RECEIVED: January 12, 1987
COMPLAINT MADE AGAINST: Kiumars Shams-Esshaghi, M.D.
500 Memorial Circle, Suite E-2
Ormond Beach, Florida 32074
REVIEWED BY: Leslie Brookmeyer/tal
STAFF RECOMMENDATION: Close (PL-06)

CLOSING ORDER

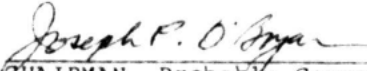
THE COMPLAINT: Complainant alleges that the Subject of the investigation exploited a patient for financial gain, in that Subject charged Complainant more than \$15,000 for pain therapy.

THE FACTS: Investigation substantiated the allegations, in that Complainant had no knowledge of what Subject was charging for his services until after her treatment had been completed. Subject provided no bills or statements directly to Complainant. In addition, the Department's independent expert is of the opinion that while Subject's treatment program for the Complainant was appropriate, some of his charges may have been excessive.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause that Subject violated the provisions of Section 458.331(1)(o), Florida Statutes (1985), now Section 458.331(1)(n), Florida Statutes (Supp. 1986). However, as Subject's treatment of the patient was determined to be appropriate, and as Subject did provide statements to Complainant's attorney, he will be sent a Letter of Guidance.

It is, therefore, ORDERED that this case should be, and the same is hereby closed with a Letter of Guidance.

DONE and ORDERED this 21 day of August, 1987.


CHAIRMAN, Probable Cause Panel
Board of Medicine

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION



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INVESTIGATIVE SERVICES

INVESTIGATIVE REPORT

Office Region II, Jacksonville	Date of Complaint: 11/24/86	Case No. ME-0077610
Subject: KILMARS SHAMS-ESSHAGHI 500 Memorial Circle, Suite E-2 Ormond Beach, Florida 32074 904/677-9212	Complainant: [REDACTED]	
License No./Profession: ME-0029949/Physician	Date of Report: 1/12/87	
Period of Investigation: 12/10/86 thru 1/5/87 (Intermittent)	Type Report: Prelim. () Final (X) Suppl. ()	
Violation (List Statute/Rule No. & Violation Description) Alleged 458.331(1)(c)-Exercising influence on patient for financial gain. 458.331(1)(t)-Failure to practice medicine with that level of care, skill, treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.		
Synopsis <p>This investigation was predicated upon the Department receiving a complaint from W [REDACTED]. The complaint alleges SHAMS treated W [REDACTED] at the Pain Center for pain that was the direct result of a car accident. At the conclusion of the treatment W [REDACTED] did not notice any benefit from the treatment. SHAMS charged W [REDACTED] \$15,573.00 for the treatment.</p> <p>On December 8, 1986 W [REDACTED] was interviewed. W [REDACTED] stated she received treatment from SHAMS for 8 weeks. During this time she did not receive a bill from SHAMS office. The bills went directly to her attorney's office. W [REDACTED] stated at the conclusion of her treatment she noticed little benefit from the treatment. W [REDACTED] stated when her civil case had been settled, she received little monie's from the suit as the majority went for her attorney bills and medical bills. W [REDACTED] stated if she had known how much the medical bills amounted to, she would have discontinue the treatment. W [REDACTED] stated at one point during the treatment she was going to discontinue the treatment, but was advised not to because it would have lowered her civil suit settlement.</p> <p>On January 5, 1987, SHAMS was interviewed. SHAMS stated throughout W [REDACTED] treatment, she improved. SHAMS stated W [REDACTED] was satisfied with the treatment up until the time she realized she was not going to get as much money from her civil suit.</p>		
Related Cases		
Investigator/Date MARTIN R. MCILARY 1/12/87	Approved by/Date John E. [REDACTED] 1-14-87	Reviewed by