

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION



MAR 16 1987  
DPR  
INVESTIGATIVE SERVICES

INVESTIGATIVE REPORT

Office: DPR/OIS Lake Worth	Date of Complaint: March 5, 1987	Case No. 0081198 ME
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Subject: EDUARDO A. GARCIA Building #78, Apartment # 107 Vista Royale - Royal Oak Drive Vero Beach, Florida 32960	Complainant: Department of Professional Regulation
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License No. / Profession: Unlicensed / Physician	Date of Report: March 12, 1987
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Period of Investigation: March 5, 1987	Type Report: Prelim. ( ) Final <del>( )</del> Suppl. ( )
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Violation: (List Statute/Rule No. & Violation Description)  
FSS 458.327(1)(b) Alleged use or attempted use of a license to practice medicine which is suspended or revoked.

Synopsis:

1. This investigation is predicated upon receipt of information from Pharmacist BRENDA BETTENCOURT that GARCIA wrote a prescription for a controlled substance after his license to practice medicine was revoked. Exhibit #1 is a copy of the Uniform Complaint Form in this case.
2. GARCIA'S license to practice medicine was revoked effective 2-24-87 (Exhibit #2), and he was present at the board meeting when the decision was made to do so. On 3-5-87, this investigator obtained a prescription in the name of [redacted] for Halcion dated 3-4-87 and signed by GARCIA from Eckerd Drugs, Miracle Mile Plaza, Vero Beach, Florida. The original prescription was presented to Detective KEVIN MARTIN of the Vero Beach Police Department. MARTIN then contacted the Indian River County State Attorney's Office which advised that prosecution would be pursued. [redacted] then prepared a complaint affidavit (Exhibit #4), and a warrant was issued for his arrest on 3-5-87 with a bond of \$10,000.00.

Related Cases: 0066709 ME / Garcia; 0070022 ME / Garcia; 0070023 ME / Garcia;  
0063395 ME / Garcia; 0057170 ME / Garcia

Investigator/Date: CHRISTIE J. DILBERT, WI-28 3-12-87	Approved by/Date: ROBERT A. KEHR, Supv., WI-01 3/23/87	Reviewed by:
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Distribution: 4.5 hrs

**DEPARTMENT OF PROFESSIONAL REGULATION  
UNIFORM COMPLAINT FORM**

02 13  
RSP ANA HRB OTHER CPL

Dispo

**(For Office Use Only)**

ACD	Complaint No.	Complaint Code	Date of Complaint	OTW Rec	Value
A	01061158	ME 00 6	03 05 87	09	\$

Comments:

**COMPLAINANT**

Name DPR

LAST FIRST MIDDLE

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone ( ) \_\_\_\_\_ ( ) \_\_\_\_\_  
Area Code Business Area Code Residence

**Contact (other than complainant):**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone ( ) \_\_\_\_\_  
Area Code

Occ. License #

**SUBJECT OF COMPLAINT**

Name Carcia, Eduardo A.  
(Person and/or Company) (Date of Birth)

Address Vista Poyale - Bldg. 70  
Apt. 106

City Vero Beach State FL Zip 32980

Telephone ( ) \_\_\_\_\_  
Area Code

Occupation ME

# 0021719 - Revoked  
License # (if known)

Private Attorney (if applicable)

Name \_\_\_\_\_ Address \_\_\_\_\_

( ) \_\_\_\_\_

Telephone Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

WITNESSES (Full names, addresses and telephone #'s)

\_\_\_\_\_

\_\_\_\_\_

**ANALYSIS**

Allegations: Violation of 458.227(1)(b), F.S use of a license which  
has been revoked.

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**Exhibit #1**

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CASE NO. 0081198

EDUARDO A. GARCIA, 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 Eduardo A. Garcia, 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 0021719. Respondent's last known address is Building #78, Apt. 107, Vista Royale, Royal Oak Drive, Vero Beach, Florida 32960.

3. Respondent's license to practice medicine was revoked by an order of the Board of Medicine dated February 24, 1987.

4. On or about March 4, 1987, Respondent wrote a prescription for Halcion to patient A.W.

5. Halcion is a brand name for triazolam, a Schedule IV controlled substance, pursuant to the provisions of Section 893.03, Florida Statutes.

1  
PETITIONER'S  
EXHIBIT

"A"

6. Respondent violated Section 458.327(2)(b), Florida Statutes, by the use or attempted use of a license which is suspended or revoked to practice medicine.

7. Based on the foregoing allegations, Respondent violated Section 458.331(1)(x), Florida Statutes, by violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

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, 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 26 day of May, 1987.

Van B. Poole  
Van B. Poole  
Secretary

COUNSEL FOR DEPARTMENT:

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

DB/6f/ch  
4/21/87

PCP: O'Bryan/Santelices/Cooper  
05/21/87

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

Melinda H. Wagner  
CLERK

DATE 5-28-87

BEFORE THE BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

EDUARDO A. GARCIA, M.D.,  
Respondent.

FILED

Department of Professional Regulation  
AGENCY CLERK

CLERK *Melinda H. Wagner*

DATE 8-11-87

DPR CASE NO. 0081198  
LICENSE NO. ME 0021719

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on July 31, 1987, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. Respondent was served with the Administrative Complaint by certified mail. Because Respondent failed to submit an Election of Rights or otherwise respond in writing or appear at the hearing, this cause was treated as a default. At the hearing, Petitioner was represented by Bruce D. Lamb, Esquire. No dispute of material fact has been asserted.

Upon consideration, it is ORDERED:

1. Respondent is found to be in DEFAULT.
2. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.
3. The conclusions of law alleged and set forth in the Administrative complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.
4. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

*Disposition: OIS, Lake Worth*

Respondent's license to practice medicine in the State of Florida is REVOKED.

Pursuant to Section 120.59, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the agency and by filing the filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty (30) days of the date this Order is filed, as provided in Chapter 120, Florida Statutes, and the Florida Rules of Appellate Procedure.

This order takes effect upon filing.

DONE AND ORDERED this 7 day of August 1987.

1987.

BOARD OF MEDICINE

  
EMILIO D. ECHEVARRIA, M.D.  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Eduardo A. Garcia, M.D., #78, Apt. 107, Vista Royale, Royal Oak Drive, Vero Beach, Florida 32960 and by hand delivery to Susan L. Branson, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32399-0750, at or before 5:00 P.M., this 11 day of August, 1987.

  
Dorothy J. Faircloth  
Executive Director