

FILED

Department of Professional Regulation  
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

*J. Wilson*

CLERK \_\_\_\_\_

DATE 8-13-92

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

v.

DPR CASE NUMBER: 91-13873  
LICENSE NUMBER: ME 0059109

IVGENIJA FASTOVSKY, M.D.,

Respondent.

PL50

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on August 8, 1992, in Tallahassee, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, 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 Consent Agreement 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 Consent Agreement.

This Final Order takes effect upon filing with the Clerk of the Department.

DONE AND ORDERED this 8<sup>th</sup> day August, 1992.

BOARD OF MEDICINE



ZACHARIAH P. ZACHARIAH, M.D.  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Ivgenija Fastovsky, M.D., 939 Jerome Street, Baldwin Harbor, New York 11510-5018 and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
DOROTHY J. FAIRCLOTH  
Executive Director

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

v.

DPR CASE NO. 91-13873

IVGENIJA FASTOVSKY, M.D.

Respondent.

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CONSENT AGREEMENT

Ivgenija Fastovsky, M.D., referred to as the "Respondent", and the Department of Professional Regulation, referred to as "Department", stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board", incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0059109.

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 as Exhibit A.

3. 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 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

### STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. FINE. The Board shall impose an administrative fine in the amount of five hundred dollars (\$500) against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within thirty (30) days of its imposition by Final Order of the Board.

3. CONTINUING MEDICAL EDUCATION (CME) OBLIGATIONS. Within six (6) months of the filing of the Final Order incorporating the terms of this Agreement, Respondent shall submit documentation to demonstrate his compliance with all of the continuing education requirements for the 1990 -1991 licensing bienniums. Documentation that the Respondent has "made-up" the continuing education requirements for the relevant periods shall satisfy this

requirement. Such documentation shall consist of certified copies of the receipts, vouchers, certificates, or other papers, such as the physician's recognition awards issued by the American Medical Association, as may be necessary to document completion of the continuing education. All such documentation shall be sent to the Board of Medicine, Attention: Final Order Compliance Officer, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. In the event that Respondent fails to timely document compliance with all of the continuing education requirements for the relevant time periods Respondent's license to practice medicine shall be suspended until such time as documentation of compliance is received by the Board.

4. 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 a Final Order incorporating the terms of this Agreement is entered by the Board.

5. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

6. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings 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" herein.

7. 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.

8. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his 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 in connection with this matter.

9. This Agreement 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 Agreement. Furthermore, should this joint 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.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

IVGENIJA FASTOVSKY, M.D.  
IVGENIJA FASTOVSKY, M.D.

Before me, personally appeared IVGENIJA FASTOVSKY, whose identity is known to me by LICENSE (NYDL) (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 29<sup>th</sup> day of June, 1992.

JOSHUA H. PRINTZ  
Notary Public, State of New York  
Qualified in Nassau County  
No. 4996022  
Term Expires 5/4/94

Joshua H. Printz  
NOTARY PUBLIC

My Commission Expires: 5/4/94

APPROVED this 10 day of July, 1992.

George Stuart  
Secretary

Larry G. McPherson, Jr.  
By: Larry G. McPherson, Jr.  
Chief Attorney  
Medical Section

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

PETITIONER,

vs.

CASE NO. 9113873

IVGENIJA FASTOVSKY, 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 IVGENIJA FASTOVSKY, 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 0059109. Respondent's last known address is 939 Jerome Street, Baldwin Harbor, NY, 11510-5018.
3. Pursuant to Section 455.2226, Florida Statutes, the Board shall require each person licensed under chapter 458, Florida Statutes, to complete an educational course approved by the Board on Human Immunodeficiency Virus (HIV) and Acquired Immune



Deficiency Syndrome (AIDS). The course shall consist of education on the transmission, control, treatment and prevention of HIV and AIDS with emphasis on appropriate behavior and attitude change.

4. Rule 21M-28.005, Florida Administrative Code, states that pursuant to Chapter 88-380, Laws of Florida, all Category I, American Medical Education courses which are at least three (3) hours and which include the topics of HIV and AIDS: the disease and its spectrum of clinical manifestations; epidemiology, treatment, counseling and prevention; legal issues related to the disease shall satisfy the requirements of Section 455.2226, Florida Statutes.

5. In around December 1990, the Board of Medicine approved and certified Respondent to practice medicine in the State of Florida.

6. On or about December 3, 1990, Respondent activated his license with the condition that he would complete the education requirements relating to HIV/AIDS and submit certified copies of attendance of the course(s) by no later than June, 1991.

7. On or about December 3, 1991, Respondent submitted certification to the Department stating that on or about November 16, 1991, he had completed one (1) hour of the required three (3) hours of HIV/AIDS education requirements.

8. Respondent failed to obtain the required three (3) hours of HIV/AIDS education.

9. Respondent is guilty of failing to perform any statutory or legal obligation placed upon a licensed physician in that he


failed to obtain the required three (3) hours of AIDS/HIV education by June, 1991, contrary to Section Section 455.2226, Florida Statutes.

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

WHEREFORE, the Petitioner respectfully requests 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 14 day of May, 1992.

George Stuart, Secretary


  
Larry G. McPherson, Jr.  
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.  
Chief Medical Attorney  
Department of Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-0750  
Florida Bar #788643  
CJR/DPB/th  
PCP: May 11, 1992  
McEwen, Kaiser and Dauer

FILED

Department of Professional Regulation  
AGENCY CLERK

  
CLERK \_\_\_\_\_

DATE 5-15-92