



Rick Scott
Governor

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

MINUTES
PUBLIC PORTION OF THE
NORTH PROBABLE CAUSE AGENDA
BOARD OF MEDICINE
SCHEDULED FOR February 24, 2012

Toll Free Number- 1-888-808-6959, Conference Code Number- 8180978700

Dr. Rafael Miguel, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:02 P.M. Those present for the meeting included the following:

Members Present:

Rafael Miguel, M.D. – Chairperson
Robert Nuss, M.D. - Panel Member
Jayne Mittan, P.A. – Panel Member

Others Present included:

Ed Tellechea, Esq., Assistant Attorney General & Board Counsel
Veronica Donnelly, Assistant General Counsel, Department of Health
Shirley Bates, Attorney, Department of Health
Robert Milne, Attorney, Department of Health

Court Reporter: For the Record (850) 222-5491; FAX (850) 224-5316

Opening Remarks:

Mr. Tellechea, Assistant Attorney General, advised the panel if they have questions concerning the medical Practice Act, Chapter 458, Chapter 456, Florida Statutes or Rules of the Board to direct those questions to him. If the panel members have questions regarding the investigation and the facts of the investigation or how the investigation was handled, those questions should be directed to the prosecuting attorney. Mr. Tellechea asked the panel what material they have been provided. Ms. Bates stated the entire investigative files have been made available to the panel members and Counsel to the Board and other documents that are pertinent to the file including draft proposed administrative complaints and closing orders. Mr. Tellechea asked the panel members if they had received the materials and had sufficient time to review the materials on the agenda prior to now. The panel members answered in the affirmative.

Mr. Tellechea asked that this statement be supplied with any request for copies of transcripts. Mr. Tellechea concluded the opening remarks of the public portion of the meeting. Mr. Tellechea asked that this statement be supplied with any request for copies of transcripts. Mr. Tellechea concluded the opening remarks for the public and confidential portions of the meeting.

RECONSIDERATIONS

RN-01	<u>Subject:</u> Claude Delmas, M.D.	<u>Case No.</u> 2005-67301	<u>Action Taken:</u> Dismiss
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Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(k)(h)(m), F.S., involving gross or repeated malpractice; making deceptive, untrue or fraudulent representations in or related to the practice of medicine; making or filed a report which the licensee knows to be false; and failing to keep adequate medical records that justify course of treatment. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department no longer having sufficient evidence to support the prosecution of the allegations contained in the Administrative Complaint. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

RN-02	Jonathan C. Greenfield, M.D.	2008-13443	Dismiss
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Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(q)(m)(w), F.S., involving gross or repeated malpractice; inappropriately or excessively prescribing controlled substances; failing to keep adequate medical records that justify course of treatment; and delegating professional responsibilities to persons the Subject knew was not qualified to perform. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department no longer having sufficient evidence to support the prosecution of the allegations contained in the Administrative Complaint. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

RN-03	Heriberto Pena, M.D.	2010-00390	Dismiss
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Prosecution Services presented this case involving an alleged violation of 458.331(1)(w)(j), F.S., involving delegating professional responsibilities to persons the Subject knew was not qualified to perform and aiding, assisting or procuring any unlicensed person to practice a profession contrary to c.480, F.S. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon additional information provided by the Respondent, the Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

RN-04	Jacob Dreszer, M.D.	2010-08360	Dismiss
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Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(q)(nn), F.S., involving gross or repeated malpractice; inappropriately or excessively prescribing controlled substances; and violating a statute or rule of the board by violating rule 64B8-9.013, FAC. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal due to the Subject being deceased. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

**RN-05 Samuel Keeley, M.D. 2009-20361 Dismiss
2009-18400 Dismiss**

Prosecution Services presented this case involving an alleged violation of 458.331(1)(b)(kk), F.S., involving having a license to practice medicine acted against by the licensing authority in an jurisdiction; and failing to report the action to the board within 30 days. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal due to the Subject voluntarily relinquishing his Florida license. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

RN-06 Myriam Ares, M.D. 2010-14460 Dismiss

Prosecution Services presented this case involving an alleged violation of 458.331(1)(x), F.S., involving violating a lawful order of the board. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal due to the Subject's Florida license being currently suspended. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

RN-07 Rachael Gittens, M.D. 2008-15244 Dismiss

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g), F.S., involving failure to perform a legal obligation placed upon a licensee. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department no longer having sufficient evidence to support the prosecution of the allegations contained in the Administrative Complaint. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

RECONSIDERATIONS PHYSICIAN ASSISTANTS

RNPA-01 Orly Matheson, P.A.

2010-00597

Dismiss

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t), F.S., involving failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonable similar physician as being acceptable under similar conditions. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department no longer having sufficient evidence to support the prosecution of the allegations contained in the Administrative Complaint. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case

PUBLIC CLOSING ORDER

PCO-01 Owen Linder, M.D.

2008-05330

Dismiss

Prosecution Services presented this case involving an alleged violation of 458.331(1)(t)(q)(m)(nn), F.S., involving failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonable similar physician as being acceptable under similar conditions; inappropriately or excessively prescribing controlled substances; failing to keep adequate medical records that justify course of treatment; and violating a statute or rule of the board by violating rule 64B8-9.013(3)(a), FAC. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon the Department's expert opining that Subject's actions were within the standard of care. The Department recommended dismissal. The panel discussed the circumstances of the case and dismissal.

After discussion, a motion was made, seconded and carried unanimously to dismiss the case.

Action taken: the panel voted the dismiss the case