

FILED DATE - 12-16-15
Department of Health

By: *Arny L. Carr*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2012-15324
LICENSE NO.: ME0102307

FRANCES F. CRUZ-PACHECO, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 4, 2015, in Jacksonville, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

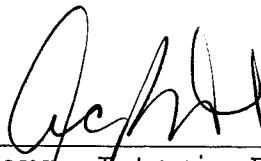
The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$10,699.77.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 15 day of December, 2015.

BOARD OF MEDICINE



Adrienne Rodgers, Interim Executive Director
For Bernardo Fernandez, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to FRANCES F. CRUZ-PACHECO, M.D., 12371 Accipiter Drive, Orlando, Florida 32837; and 100 S. Semoran Boulevard, Orlando, Florida 32807; to Gregory A. Chaires, Esquire, Chaires, Brooderson & Guerrero, 283 Cranes Roost Boulevard, Suite 165, Altamonte Springs, Florida 32716-0248; by email to Yolonda Green, Assistant General Counsel, Department of Health, at Yolonda.Green@flhealth.gov;

and by email to Edward A. Tellechea, Chief Assistant Attorney
General, at Ed.Tellechea@myfloridalegal.com this 16th day of
December, 2015.

Amy L. Carraway

Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2012-15324

FRANCES CRUZ-PACHECO, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Frances Cruz-Pacheco, M.D., referred to as the "Respondent," and the Department of Health, 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.

Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 102307.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458,

Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in her capacity as a licensed physician, he/she is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

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

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Reprimand** - The Board shall issue a Reprimand against Respondent's license.

2. **Fine** - The Board shall impose an administrative fine of ***Thirty Thousand Dollars (\$30,000.00)*** against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). **All fines shall be paid by cashier's check or money order.** Any change in the terms of payment of any fine.

imposed by the Board must be approved in advance by the Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

3. Reimbursement of Costs - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is ***Eight Thousand Six Hundred Ninety-Nine Dollars and Seventy-Seven Cents (\$8,699.77)***, but shall not exceed ***Ten Thousand Six Hundred Ninety-Nine Dollars and Seventy-Seven Cents (\$10,699.77)***. Respondent will pay such Department costs to: Payments, Department of Health, Compliance

Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order. All costs shall be paid by cashier's check or money order. Any change in the terms of payment of costs imposed by the Board must be approved in advance by the Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

4. Laws And Rules Course - Within eighteen (18) months of the filing of the Final Order, Respondent shall complete the course "Legal and Ethical Implications In Medicine: Physician's Survival Guide - Laws and Rules" administered by the Florida Medical Association, or a Board-approved equivalent, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board's Probation Committee.

5. Drug Course - Within one year of the date of filing of the Final Order, Respondent shall complete the course "Prescribing Controlled Drugs: Critical Issues and

Common Pitfalls of Misprescribing" sponsored by the University of Florida, or a Board-approved equivalent, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board's Probation Committee.

6. **Records Course** - Within one year of the date of filing of the Final Order, Respondent shall complete the course "Quality Medical Record Keeping for Health Care Professionals" sponsored by the Florida Medical Association, or a Board-approved equivalent, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board's Probation Committee.

7. **Continuing Medical Education - "Risk Management"** - Respondent shall complete this requirement and document such completion within one (1) year of the date of filing of the Final Order. **Respondent shall satisfy this requirement in one of the two following ways:**

(a) Respondent shall complete five (5) hours of CME in "Risk Management" after first obtaining written advance approval from the Board's Probation Committee of such proposed course, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board's Probation Committee; or

(b) Respondent shall complete (5) five hours of CME in risk management by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Medicine. In order to receive

such credit, Respondent must sign in with the Executive Director of the Board before the meeting day begins, Respondent must remain in continuous attendance during the full day or eight (8) hours of disciplinary hearings, whichever is more, and Respondent must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. Respondent may not receive CME credit in risk management for attending the disciplinary hearings portion of a Board meeting unless the Respondent is attending the disciplinary hearings portion for the sole purpose of obtaining the CME credit in risk management. In other words, Respondent may not receive such credit if appearing at the Board meeting for any other purpose, such as pending action against Respondent's medical license.

8. **Restriction Language** -

(a) **Restriction on Practice (PMC)** - Respondent is permanently restricted from owning, operating, or practicing in a "Pain Management Clinic," as that term is defined in Section 458.3265, Florida Statutes (2014), and may from time to time be redefined in Florida Statutes and/or Florida Administrative Code.

(b) **Restriction on Practice (Chronic Non-Malignant Pain)** - Respondent is permanently restricted from treating any patient for "chronic, non-malignant pain," as that term is defined in Section 458.3265, Florida Statutes (2014), and may from time-to-time be redefined in Florida Statutes and/or Florida Administrative Code.

STANDARD PROVISIONS

1. **Appearance** - Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No Force or Effect until Final Order** - 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 the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days of any changes of said addresses and shall also comply with all statutory requirements related to practitioner profile and licensure renewal updates.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. 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. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this 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.

8. **No Preclusion Of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver Of Attorney's Fees And Costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their 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 and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** - 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.

[Signatures appear on the following page.]

SIGNED this 13 day of February, 2015.




Frances Cruz-Pacheco, M.D.

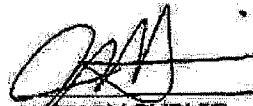
STATE OF FLORIDA
COUNTY OF Orange

BEFORE ME personally appeared Frances Cruz-Pacheco, whose identity is known to me or who produced Fl. Drivers License (type of identification) and who, under oath, acknowledges that his/her signature appears above.

SWORN TO and subscribed before me this 13th day of February

~~2013~~ MA
2015

 JENNIFER HINSLEY
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FP161748
Expires 8/21/2018




NOTARY PUBLIC

My Commission Expires: 09/21/2018

APPROVED this 13th day of February, 2015.

John H. Armstrong, MD, FACS,
Surgeon General & Secretary
of Health, State of Florida

By: 

Jay Patrick Reynolds
Assistant General Counsel
Department of Health

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2012-15324

FRANCES E. CRUZ-PACHECO, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Frances F. Cruz-Pacheco, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of Medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed medical doctor within the state of Florida, having been issued license number ME 102307.

3. Respondent's address of record is 100 S. Semoran Blvd., Orlando, Florida 32807.

4. During all times relevant to this complaint, Respondent practiced medicine in the area of pain management at Innovative Medical Center in Kissimmee, Florida.

5. From on or about June 9, 2010, to on or about January 5, 2011, and from on or about June 13, 2011, to on or about April 28, 2012, Respondent provided care and treatment to Patient T.J.

6. Respondent prescribed controlled substances to Patient T.J. for the treatment of pain.

7. The controlled substances Respondent prescribed to Patient T.J. for the treatment of pain were oxycodone¹, methadone², hydrocodone/APAP³, and hydromorphone⁴.

¹ Oxycodone is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of oxycodone may lead to severe psychological or physical dependence.

² Methadone is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, methadone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of methadone may lead to severe psychological or physical dependence.

³ Hydrocodone/APAP contains hydrocodone and acetaminophen, or Tylenol and is prescribed to treat pain. According to Section 893.03(3), Florida Statutes, hydrocodone, in the dosages found in hydrocodone/APAP is a Schedule III controlled substance that has a potential for abuse less than the substances in Schedules I and II and has a currently accepted medical use in treatment in the United States. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

⁴ Hydromorphone, commonly known by the brand name Dilaudid, is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, hydromorphone is a Schedule II controlled substance that has a

8. Respondent prescribed the controlled substance alprazolam⁵ and diazepam⁶ to Patient T.J. for the treatment of anxiety.

9. Respondent prescribed the muscle relaxer carisprodol⁷ to Patient T.J.

10. Respondent did not obtain or document a complete medical history for Patient T.J.

11. Respondent did not perform or document complete physical examinations of Patient T.J.

12. Respondent did not obtain or document laboratory results for Patient T.J.

13. Respondent did not obtain or document a screening electrocardiogram (EKG) for Patient T.J.

high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of hydromorphone may lead to severe psychological or physical dependence.

⁵ Alprazolam, commonly known by the brand name Xanax, is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of alprazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

⁶ Diazepam, commonly known by the brand name Valium, is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, diazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of diazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

⁷ Carisprodol, commonly known by the brand name Soma, is a muscle relaxant prescribed to treat muscular pain. According to Section 893.03(4), Florida Statutes, carisprodol is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of carisprodol may lead to limited physical or psychological dependence relative to the substances in Schedule III.

14. Respondent did not obtain additional imaging studies for Patient T.J.

15. Respondent did not employ other treatment modalities, such as cervical traction units or lumbar support orthotics.

16. Respondent did not prescribe or follow up with referrals for chiropractic care, massage therapy, or physical therapy.

17. Respondent did not make referrals to additional medical specialists for the management of Patient T.J.'s chronic pain.

18. Respondent prescribed medications to treat Patient T.J.'s mental condition without a psychiatric evaluation and diagnosis.

19. Respondent did not develop or document an appropriate treatment plan for Patient T.J.

20. Respondent did not appropriately monitor Patient T.J. for compliance and substance abuse.

21. On or about April 28, 2012, Patient T.J. expired from multiple drug intoxication.

22. The drugs prescribed by the Respondent that contributed to Patient T.J.'s multiple drug intoxication were alprazolam, methadone, and hydromorphone.

Section 458.331(1)(t), Florida Statutes

23. Section 458.331(1)(t), Florida Statutes (2009-2011), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2009-2011), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102, Florida Statutes (2009-2011), provides that the prevailing standard of care for a given healthcare provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

Count I – Violation of Section 458.331(1)(t)

24. Petitioner realleges and incorporates paragraphs 1 through 23 as if fully set forth herein.

25. Respondent fell below the minimum standard of care in his treatment of Patient T.J. in one or more of the following ways:

- a. By failing to obtain a complete medical history;
- b. By failing to perform complete physical examinations;
- c. By failing to obtain appropriate laboratory tests;

- d. By failing to obtain a screening electrocardiogram (EKG);
- e. By failing to obtain new cervical and lumbar MRI scans;
- f. By failing to obtain additional imaging studies of T.J.'s left knee;
- g. By failing to prescribe disposable medical equipment, such as cervical traction units or lumbar support orthotics;
- h. By failing to refer Patient T.J. for chiropractic care or massage therapy;
- i. By failing to prescribe or follow up with a referral for physical therapy;
- j. By failing to refer Patient T.J. to additional medical and surgical specialists, such as an orthopedic spine, neurosurgeon, neurologist, or interventional pain medicine physician, for the management of her chronic pain;
- k. By failing to prescribe or follow up with a referral to Patient T.J.'s orthopedic surgeon;
- l. By failing to obtain a psychiatric evaluation;
- m. By inappropriately prescribing medications to treat a mental condition without psychiatric evaluation and diagnoses;
- n. By prescribing excessive or inappropriate amounts of controlled substances without medical justification;

- o. By randomly changing doses, quantities and types of controlled substances for the management of Patient T.J.'s chronic pain without medical justification;
 - p. By failing to appropriately monitor Patient T.J. for compliance and substance abuse;
26. By failing to develop an appropriate treatment plan.

Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2009-2011).

Section 458.331(1)(q), Florida Statutes

27. Section 458.331(1)(q), Florida Statutes (2009-2011), subjects a licensee to discipline for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of the paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

Count II - Violation of Section 458.331(1)(q)

28. Petitioner realleges and incorporates paragraphs 1 through 22, paragraph 25, and paragraph 27 as if fully set forth herein.

29. Respondent prescribed legend drug, including controlled substances, for the treatment of pain as described in the foregoing paragraphs other than in the course of his professional practice by prescribing them inappropriately or in excessive or inappropriate quantities, without regard to Patient T.J.'s best interests.

30. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes (2009-2011).

Section 458.331(1)(m), Florida Statutes

31. Section 458.331(1)(m), Florida Statutes (2009-2011), subjects a licensee to discipline for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of

drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

Count III – Violation of Section 458.331(1)(m)

32. Petitioner realleges and incorporates paragraphs 1 through 22 and paragraph 31 as if fully set forth herein.

33. Respondent failed to maintain records that justify the course of treatment of the patient in one or more of the following ways:

- a. By failing to document a complete medical history;
- b. By failing to document communications with any of Patient T.J.'s previous treating physicians and medical providers;
- c. By failing to document complete physical examinations;
- d. By failing to document results of appropriate laboratory tests;
- e. By failing to document results of a screening electrocardiogram (EKG);
- f. By failing to document consideration of prescribing disposable medical equipment, such as cervical traction units or lumbar support orthotics;


- g. By failing to document consideration of referrals for chiropractic care or massage therapy;
- h. By failing to document follow up with a referral for physical therapy;
- i. By failing to document consideration of referrals to additional medical and surgical specialists, such as an orthopedic pine, neurosurgeon, neurologist, or interventional pain medicine physician, for the management of her chronic pain;
- j. By failing to document follow up with a referral to Patient T.J.'s orthopedic surgeon;
- k. By failing to document an adequate explanation for prescribing medications to treat a mental condition without psychiatric evaluation and diagnoses;
- l. By failing to document medical justification for the doses, quantities, and types of controlled substances prescribed;
- m. By failing to document appropriate monitoring of Patient T.J. for compliance and substance abuse;
- n. By failing to documents an appropriate treatment plan.

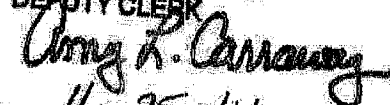
34. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2009-2011).

WHEREFORE, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: ~~permanent revocation or suspension of Respondent's license, restriction of~~ practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 24 day of November, 2014.

John H. Armstrong, MD, FACS
State Surgeon General and
Secretary of Health


Jay Patrick Reynolds
Assistant General Counsel
Florida Bar No. 95291
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
(850) 245-4444, Ext. 4661
(850) 245-4684 fax
E-Mail: Patrick.Reynolds@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: 
DATE: 11-25-14

JPR
PCP: November 21, 2014
PCP Members: Dr. El-Bahri, Dr. Thomas & Ms. Goersch

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.