

**MINUTES  
PUBLIC PORTION OF THE  
SOUTH PROBABLE CAUSE AGENDA  
BOARD OF MEDICINE**

**Meeting Date: January 11, 2013 Meeting Time: 2 PM to 5 PM**

**Toll Free Number- 1-888-670-3525, Conference Code Number - 7809676207.**

Mark Avila, M.D., Chairman, called the public portion of the meeting of the Probable Cause Panel to order at 2:03 P.M. Those present for the meeting included the following:

**Members Present:**

Mark Avila, M.D. – Chairperson  
Robert Nuss, M.D. - Panel Member  
Deborah Gerbert, P.A. – Panel Member  
Ed Tellechea, Esq. - Assistant Attorney General & Board Counsel

**Others Present included:**

Sharmin Hibbert, Assistant General Counsel  
Tari Rossitto-VanWinkle, Attorney, Department of Health  
Tobey Schultz, Attorney, Department of Health  
Bill Stafford, 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. Hibbert stated that 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.

## RECONSIDERATIONS

	<u>Subject Name:</u>	<u>Case No.:</u>	<u>Action Taken:</u>
<b>RN-01</b>	<b>Anthony Posca, M.D.</b>	<b>2012-00286</b>	<b>Dismissed</b>

Prosecution Services presented this case involving an alleged violation of 458.331(1)(g), F.S. for failing to comply with the Medicaid laws, specifically by being suspended from the Florida Medicaid program from being charged by indictment for fraudulent billing practices. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon insufficient evidence to support the prosecution of the allegations contained in the Administrative Complaint. The Department recommended dismissal.

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

**Action taken:** the panel voted to dismiss the case

<b>RN-02</b>	<b>Kierstin Arntsen, E.O.</b>	<b>2011-16955</b>	<b>Dismissed</b>
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Prosecution Services presented this case involving an alleged violation of 478.52(1)(l), F.S., for failing to perform any statutory or legal obligation placed upon an Electrologist, which constitutes grounds for discipline by the Board of Medicine. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal based upon repayment of fees to the department and in the interests of judicial and departmental efficiency. The Department recommended dismissal.

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

**Action taken:** the panel voted to dismiss the case

<b>RN-03</b>	<b>Hector Cases, M.D.</b>	<b>2010-12663</b>	<b>Dismissed</b>
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Prosecution Services presented this case involving an alleged violations of 458.331(1)(q)(t) F.S. for allegedly improperly prescribing controlled substances and practicing below the applicable stand of care. This case was previously brought before the panel as an Administrative Complaint and has been brought back as a reconsideration for dismissal due to no clear and convincing evidence that the Respondent violated the medical practice act. The Department recommended dismissal.

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

**Action taken:** the panel voted to dismiss the case

**RN-04 Cary Lee Hall, M.D. 2011-06401 Dismissed**

Prosecution Services presented this case involving an alleged violations of 458.331(1)(t), F.S. for committing medical malpractice. This case was previously brought before the panel as an Administrative Complaint and has been brought back as an reconsideration for dismissal due to further review of the records. The Department recommended dismissal.

After discussion, a motion was made, seconded and carried unanimously to reject reconsideration and to move forward with the previously filed Administrative Complaint.

**Action taken:** the panel voted to dismiss the case

**The meeting adjourned at 2:40 p.m.**