

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

CASE NO. 90-15968

v.

GORDON F. LEWIS, M.D.,

Respondent

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ADMINISTRATIVE COMPLAINT

COMES NOW, the Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Gordon F. Lewis, 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 practicing psychotherapy with hospital privileges, in the State of Florida, having been issued license number ME 0007099. Respondent's last known address is 4950 S. Le June Road, Miami, Florida 33146-2231.

3. On or about November 8, 1989, Respondent signed the following statement which was thereafter submitted as part of Respondent's request to renew his license to practice medicine for the 1990 - 1991 licensing biennium:

I have hospital staff privileges; and I have obtained and maintain professional liability coverage in an amount not less than \$250,000 per claim, with a minimum annual aggregate of not less than \$750,000 from an authorized insurer as defined under s.624.09, F.S., from a surplus lines insurer as defined under s.626.914(2), F.S., from the Joint Underwriting Association established under s.627.351(4), F.S., from a risk retention group as defined under s.627.942, F.S., or through a plan of self insurance as provided in s.627.357, F.S.

I affirm that these statements are true and correct and recognize that providing false information may result in disciplinary action against my license or criminal penalties pursuant to Sections 455.2272, 458.327, 458.331, 775.082, 775.083 and 775.0084, Florida Statutes.

4. Thereafter, Respondent successfully renewed his license to practice medicine in Florida. That renewal was based, in part, on the aforementioned statement regarding compliance with the financial responsibility law (Section 458.320, Florida Statutes).

5. At the time the Respondent signed the above described statement he had hospital staff privileges, however, he maintained professional liability coverage in an amount of \$200,000.00 per claim with an annual aggregate amount of \$600,000.00.

6. Section 458.320, Florida Statutes, provides that as a condition of licensing and prior to the issuance or renewal of an active license or reactivation of an inactive license, an applicant shall demonstrate to the satisfaction of the board and the department that the physician maintains financial responsibility to pay claims and costs ancillary thereto, arising out of the rendering, or the failure to render, medical care or services.

7. Pursuant to Section 458.320, Florida Statutes, an applicant with hospital staff privileges, must maintain coverage in an amount not less than \$250,000 per claim, with a minimum aggregate availability of credit of not less than \$750,000.

8. Pursuant to Rule 21M-40.005(3), Florida Administrative Code, each license must notify the Board in writing of any change of status relating to financial responsibility, compliance or exemption at least ten (10) calendar days prior to the change.

9. Respondent has not requested exemption from the financial responsibility requirements for physicians, pursuant to Section 458.320, Florida Statutes.

10. Pursuant to Rule 21M-40.005(4), Florida Administrative Code, the failure to document compliance with the exemption from the financial responsibility law upon request, the furnishing of false or misleading information, or the failure to timely notify the Board of a change in status shall be grounds for disciplinary action up to and including license

revocation.

11. On or about August 9, 1990, Respondent was notified that the Board of Medicine selected Respondent at random to audit his compliance with the financial responsibility law for the licensing period from January 1, 1990, through December 31, 1991.

12. On or about January 3, 1991, the Respondent notified the Department that he was not in compliance with the required professional responsibility coverage of \$250,000.00 per claim and \$750,000.00 annual aggregate.

**COUNT ONE**

13. Petitioner realleges paragraphs one (1) through twelve (12) above as if fully set forth herein Count One.

14. Respondent has violated Rule 21M-40.005(4), Florida Administrative Code, in that Respondent failed to document compliance with, or exemption from, the financial responsibility law upon request, with respect to the appropriate financial limits, and Respondent has failed to comply with appropriate financial responsibility requirements set forth in Section 458.320, Florida Statutes, and/or Respondent has failed to provide documentation that he is eligible for any exemption..

15. Based on the foregoing, Respondent has violated Section 458.331(1)(x), Florida Statutes, by violating a provision of Chapter 458, Florida Statutes, to wit: Section 458.320, Florida Statutes, and Rule 21M-40.005, Florida Administrative Code.

**COUNT TWO**

16. Petitioner realleges paragraphs one (1) through twelve (12), and fourteen (14), above as if fully set forth herein this Count Two.


17. Respondent has attempted to obtain, obtained or renewed a license to practice medicine by bribery, by fraudulent misrepresentations or through an error of the Department or the Board.

13. Based on the foregoing, Respondent has violated Section 458.331(1)(a), Florida Statutes, by attempting to obtain, obtaining or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the Department of the Board.

WHEREFORE, Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: 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 11 day of JUNE, 1991.

George Stuart, Secretary

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

**COUNSEL FOR DEPARTMENT:**

Larry G. McPherson, Jr.  
Florida Bar No. 788643  
Dept. of Professional Regulation  
1940 N. Monroe Street, Suite 60  
Tallahassee, Florida 32399-0792  
(904) 488-0062  
LAQP/avs  
PCP: May 13, 1991  
Burt, Campbell, Wertheimer

**FILED**  
Department of Professional Regulation  
AGENCY CLERK  
  
CLERK \_\_\_\_\_  
DATE 6-12-91

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

RE: GORDON F. LEWIS, M.D. CASE NO. 90-15968

ELECTION OF RIGHTS

I have read the Explanation of Rights form and understand my options. (If you do not understand these options, please consult with your attorney or contact the Legal Services Section, Division of Regulation, Department of Professional Regulation, telephone number (904) 488-0062, before executing this form).

1. (X) I do not dispute the allegations of fact in the Administrative Complaint, but do wish to be accorded an informal hearing or proceeding, pursuant to Section 120.57(2), Florida Statutes, at which time I will be permitted to submit oral and/or written evidence in mitigation of the complaint to the Board.

2. ( ) I do dispute the allegations of fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Section 120.57(1), Florida Statutes, before a Hearing Officer appointed by the Division of Administrative Hearings.

3. ( ) I do not dispute the allegations of fact contained in the Administrative Complaint and waive my right to object or to be heard.

Regardless of which option I have selected, I understand that I will be given notice of the time, date and place when this matter is being considered by the Board for final action at a scheduled meeting.

(Please sign and fill in your current address.)

Gordon F. Lewis, M.D.  
Respondent,

Address: 4950 LE JEUNE RD. SUITE E  
CORAL GABLES FL 33146

Lic. No. ME 0007099 Phone No. (305) 445-3321

SWORN TO AND SUBSCRIBED  
before me this 8 day  
of JULY, 1991.

[Signature]

NOTARY PUBLIC  
STATE OF FLORIDA AT LARGE  
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. JULY 7, 1992  
BONDED THRU GENERAL INVESTORS OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

PLEASE MAIL FORM TO:  
Larry G. McPherson  
Chief Medical Attorney  
Department of Professional  
Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-0750  
(904) 488-0062

FILED

Department of Professional Regulation  
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

CLERK \_\_\_\_\_

DATE \_\_\_\_\_

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

v.

DPR CASE NUMBER: 90-15968  
LICENSE NUMBER: ME 0007099

GORDON LEWIS, M.D.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) for informal hearing pursuant to Section 120.57(2), Florida Statutes, on August 2, 1991, in Palm Beach, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Larry G. McPherson, Jr., Chief Medical Attorney. Respondent was present and was not represented by legal counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. 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.
2. The conclusions of law as to Count I set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.
3. Count II of the Administrative Complaint is DISMISSED.
4. The violations set forth warrant disciplinary action by the Board. THEREFORE,

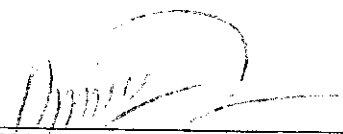
IT IS ORDERED AND ADJUDGES:

The Respondent shall receive from the Board of Medicine a Letter of Concern.

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

DONE AND ORDERED this 3<sup>rd</sup> day September, 1991.

BOARD OF MEDICINE

  
ZACHARIAH P. ZACHARIAH, M.D.  
CHAIRMAN

**NOTICE OF RIGHT TO APPEAL**

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.