

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)

PETITIONER,)

v.)

CASE NO. 97-08182

ANDREW S. SHANKMAN, M.D.,)

RESPONDENT.)

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Andrew S. Shankman, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the authority of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer-complaint, investigative and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

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 0041992. Respondent's last known address is 4339 Spencer Street, #15, Las Vegas, Nevada 89119.

3. On or about February 27, 1997, Respondent's license to practice medicine in the state of Georgia was summarily suspended due to allegations of practicing below the standard of care and improper prescribing.

4. Respondent failed to notify the Florida Board of Medicine of the action taken against his license by the Georgia Composite State Board of Medical Examiners.

COUNT ONE

5. Petitioner realleges and incorporates paragraphs one (1) through four (4), as if fully set forth herein this Count One.

6. On or about February 27, 1997, Respondent's license to practice medicine in the state of Georgia was summarily suspended due to allegations of practicing below the standard of care and improper prescribing.

7. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes, having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

COUNT TWO

8. Petitioner realleges and incorporates paragraphs one (1) through four (4) and paragraph six (6) as if fully set forth herein this Count Two.

9. Respondent failed to notify the Florida Board of Medicine of the action taken against his license by the Georgia Composite State Board of Medical Examiners.


10. Based on the foregoing, Respondent violated Section 458.331(1)(kk), Florida Statutes, failing to report to the board, in writing, within thirty (30) days if action as defined in

paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent 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, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.624(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 29 day of May, 1998.

James T. Howell, M.D., Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 788643
RPC/rgp
PCP: May 22, 1998
PCP Members: Slade, Murray, Pardue

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Stephanie Q. Dinn*
DATE 6-1-98

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-98-1168 Date 11-2-98

FILED

Department of Health

Angela Hall, AGENCY CLERK

By: Stephanie G. Dr.
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 97-08182

LICENSE NO.: ME0041992

ANDREW S. SHANKMAN, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on October 2, 1998, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. Respondent was served with the Administrative Complaint by certified mail. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, this cause was treated as a default. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Chief Attorney. No dispute of material fact has been asserted.

Upon consideration, it is ORDERED:

1. Respondent is found to be in DEFAULT.
2. 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.

3. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

4. The violations set forth warrant disciplinary action by the Board. THEREFORE,

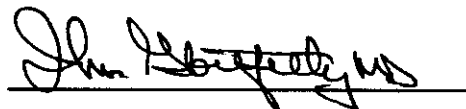
IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

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

DONE AND ORDERED this 27 day of October, 1998.

BOARD OF MEDICINE



JOHN W. GLOTFELTY, M.D.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

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 AGENCY FOR HEALTH CARE

ADMINISTRATION 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 THIRTY
(30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

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 Andrew S. Shankman,
M.D., Post Office Box 30387, Sea Island, Georgia 31561, and by
interoffice delivery to Larry G. McPherson, Jr., Chief Attorney,
Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee,
Florida 32308-5403, on or before 5:00 p.m., this _____ day of
_____, 1998.
