

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 0080728

JERROLD J. WEINSTOCK, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against JERROLD J. WEINSTOCK, 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 in the State of Florida, having been issued license number ME 0012482. Respondent's last known address is 1 Bougainvillea Avenue, Key West, Florida, 33040-6226.

Facts Pertaining to Patient #1

COUNT ONE

3. Petitioner realleges and incorporates paragraphs one (1) and two (2), as if fully set forth herein this Count One.

4. From on or about May 29, 1986, through on or about October 6, 1986, Respondent treated Patient #1.

5. At all times hereto, Patient #1 was the office manager for Subject's clinic.

6. On or about April 21, 1988, a subpoena was served on the Respondent requesting medical records for Patient #1.

7. On or about June 6, 1989, Respondent pursuant to a Subpoena Duces Tecum, number A-008493, dated April 5, 1988, provided a sworn affidavit. Said affidavit states that regarding the medical records of Patient #1, Respondent no longer has access to these records.

8. Subsequently, the physician who bought Respondent's practice stated in a letter dated July 11, 1989, that he found no medical records for Patient #1. The physician only found some blood test results and letters addressed to Respondent from physicians who had examined Patient #1.

9. Although, Respondent's patient medical records do not reflect treatment of Patient #1, pharmacy records on file at the Navy Regional Medical Clinic (NRMC) Pharmacy, Key West, Florida, reveal that Respondent prescribed the following to Patient #1: on or about May 29, 1986, Valium ten (10) milligrams; on or about October 6, 1986, Valium five (5) milligrams; and on or about October 6, 1986, Fiorinal.

10. Valium is a legend drug as defined by Section 465.003(7), Florida Statutes, and contains diazepam, a Schedule IV controlled substance listed in Chapter 893, Florida Statutes.

11. Fiorinal is a legend drug as defined by Section 465.003(7), Florida Statutes, and contains butalbital, a Schedule III controlled substance listed in Chapter 893, Florida Statutes.

12. Upon dispensing and administering the controlled substance to Patient #1, Respondent established a patient-physician relationship with Patient #1.

13. Respondent failed to document performing a physical examination of Patient #1 prior to prescribing drugs to Patient #1.

14. Respondent failed to keep any records of the drugs prescribed to Patient #1, failed to keep written medical record for Patient #1, and failed to keep dosages and medical justifications of the drugs prescribed to Patient #1.

15. Respondent failed to keep written medical records justifying the course of treatment of Patient #1, in that Respondent failed to do the following: maintain any medical records of Patient #1; record a physical examination of Patient #1; record drugs prescribed to Patient #1; and keep dosages and medical justifications of the drugs prescribed to Patient #1.

16. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep written medical records justifying 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 TWO

17. Petitioner realleges and incorporates paragraphs one (1) through two (2), and four (4) through fifteen (15), as if fully set forth herein this Count Two.

18. Respondent prescribed, dispensed, administered, mixed, or otherwise prepared legend drugs, inappropriately or in excessive or inappropriate quantities not in the best interest of Patient #1, in that Respondent prescribed both legend drugs and controlled substances to Patient #1 from on or about May 29, 1986, through on or about October 6, 1986, without performing any of the following: conducting a physical examination of Patient #1 prior to prescribing medication; documenting the drugs prescribed to Patient #1; and documenting progress of Patient #1's condition and justification for further treatment.

19. Based on the foregoing, Respondent violated Section 458.331(1)(g), Florida Statutes, in that he is guilty of 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 this 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 intent.

COUNT THREE

20. Petitioner realleges and incorporates paragraphs one (1) through two (2), four (4) through fifteen (15), and eighteen (18), as if fully set forth herein this Count Three.

21. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in that Respondent failed to keep any written medical records of Patient #1; failed to record drugs prescribed to Patient #1; failed to document an assessment or diagnosis for Patient #1 prior to rendering drug therapy; and inappropriately prescribed medication to Patient #1.

22. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

Facts Pertaining to Patient #2

COUNT FOUR

23. Petitioner realleges and incorporates paragraphs one (1), two (2), and ten (10), as if fully set forth herein this Count Four.

24. From on or about January 4, 1982, through on or about October 15, 1987, Respondent provided psychiatric treatment for Patient #2.

25. From on or about January 4, 1982, through on or about October 15, 1987, Respondent prescribed Percodan, Percocet, Valium, and Phenergan to Patient #2.

26. Percodan is a legend drug as defined by Section 465.003(7), Florida Statutes, and contains oxycodone, a Schedule II controlled substance listed in Chapter 893, Florida Statutes.

27. Percocet is a legend drug as defined by Section 465.003(7), Florida Statutes, and contains oxycodone, a Schedule II controlled substance listed in Chapter 893, Florida Statutes.

28. Phenergan is a legend drug as defined by Section 465.003(7), Florida Statutes.

29. Respondent's medical records for Patient #2 were deficient, in that Respondent failed to document in the patient medical records a reason for treating Patient #2 with drug therapy, and Patient #2's records were mixed together with portions of other patients' records resulting in a record difficult to evaluate due to lack of a patient name, on each page, and case material being mixed with other patients' records.

30. Respondent failed to document an assessment or diagnosis for Patient #2 prior to rendering medical treatment in the form of drug therapy from on or about January 4, 1982, through on or about October 15, 1986.

31. Respondent failed to keep written medical records justifying the course of treatment of Patient #2, in that Respondent failed to keep medical justifications for the drugs

prescribed to Patient #2, and failed to maintain Patient #2's medical records in an orderly manner.

32. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep written medical records justifying 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 FIVE

33. Petitioner realleges and incorporates paragraphs one (1), two (2), ten (10), and twenty-four (24) through thirty-one (31), as if fully set forth herein this Count Five.

34. Respondent prescribed, dispensed, administered, mixed, or otherwise prepared legend drugs, inappropriately or in excessive or inappropriate quantities not in the best interest of Patient #2, in that Respondent prescribed both legend drugs and controlled substances to Patient #2 from on or about January 4, 1982, through on or about October 15, 1987, without performing any of the following: obtaining a diagnosis of the patient's condition that would justify prescribing said medications; documenting progress of Patient #2's condition and justification for further treatment.

35. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes, in that he is guilty of 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 this 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 intent.

COUNT SIX

36. Petitioner realleges and incorporates paragraphs one (1), two (2), ten (10), and twenty-four (24) through thirty-one (31), and thirty-four (34), as if fully set forth herein this Count Six.

37. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in that Respondent failed to keep any written medical records justifying the course of treatment; failed to document an assessment or diagnosis for Patient #2 prior to rendering drug therapy; and inappropriately prescribed medication to Patient #2.

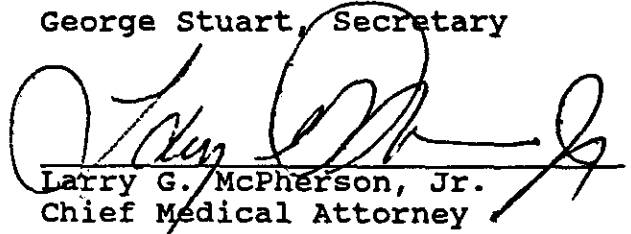
38. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: 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, and/or any other relief that the Board deems appropriate.

SIGNED this 23 day of MAY, 1991.

George Stuart, Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:
Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
CJR/bd/tc
PCP: May 4, 1991
Vitale, Ashkar and Skinner

FILED
Department of Professional Regulation
AGENCY CLERK


CLERK

DATE 5-28-91

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

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DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DOAH CASE NO: 91-4548
DPR CASE NO: 0080728

JERROLD J. WEINSTOCK, M.D.,

Respondent.

CONSENT AGREEMENT

Jerrold J. Weinstock, M.D., referred to as the "Respondent", and the Department of Professional Regulation, 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.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0012482.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the
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Department and the Board.

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

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violation Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. FINE. The Board shall impose an administrative fine in the amount of \$5,000 against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within 180 days of its imposition by Final Order of the Board.

3. REPRIMAND. The Respondent shall receive a reprimand from the Board of Medicine.

4. PROBATION. Effective on the date of the filing of the Final Order incorporating the terms of this Agreement, Respondent's license to practice medicine shall be placed on probation for a period of twelve (12) months.

A. RESTRICTIONS DURING PROBATION. During the period of probation, Respondent's license shall be restricted as follows:

i. INDIRECT SUPERVISION. Respondent shall practice only under the indirect supervision of a Board-approved physician, hereinafter referred to as the "monitor". In this regard, Respondent shall allow the monitor access to Respondent's medical records, calendar, patient logs or other documents necessary for the monitor to supervisor Respondent as detailed below.

ii. Respondent may prescribe Schedule I-IV controlled substances only in compliance with the restrictions set forth below:

a). Respondent shall utilize sequentially numbered triplicate prescriptions.

b). Respondent shall immediately provide one copy of each prescription to the monitor.

c). Respondent shall provide one copy of each prescription to the Department's investigator within one month after issuing said prescription.

B. OBLIGATIONS/REQUIREMENTS OF PROBATION. During the period of probation, Respondent shall comply with the following obligations and requirements:

i. Respondent shall appear before the Probation Committee of the Board of Medicine at the first Committee meeting after probation commences; at the last meeting of the Committee preceding scheduled termination of probation; and at such other times as requested by the Committee. Respondent shall be noticed by the Board staff of the date, time and place of the Committee meeting whereat Respondent's appearance is required. Failure of Respondent to appear as requested or directed shall be considered a violation of the terms of this Agreement, and shall subject the Respondent to disciplinary action.

ii. Respondent shall attend thirty-five (35) hours of Category I Continuing Medical Education courses in an area to be determined by the Board. Respondent shall submit a written plan to the Chairman of the Probation Committee for course approval prior to the completion of said courses. In addition, Respondent shall submit documentation of completion of these courses in his required reports. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board or the Chairman of the Probation Committee, said courses shall consist of a formal live lecture format.

iii. Respondent shall be responsible for ensuring that the monitor submits all required reports.

C. RESPONSIBILITIES OF THE MONITORING PHYSICIAN. The

Monitor shall:

- i. Review twenty-five percent (25%) of Respondent's active patient records at least once a month, for the purpose of ascertaining the appropriateness of any prescriptions for controlled substances. The monitor shall go to Respondent's office once every month and shall review Respondent's calendar or patient log and shall select the records to be reviewed.
- ii. Submit reports on a semiannual basis, in affidavit form, which shall include:
 - a). A brief statement of why Respondent is on probation.
 - b). A description of Respondent's practice (type and composition).
 - c). A statement addressing Respondent's compliance with the terms of probation.
 - d). A brief description of the monitor's relationship with the Respondent.
 - e). A statement advising the Board of any problems which have arisen.
 - f). A summary of the dates the monitor went to Respondent's office, the number of records reviewed, and the overall quality of the records reviewed.
- iii. Maintain contact with the Respondent on a frequency of at least twice per month. In the event that the monitor is not timely contacted by Respondent, then the monitor shall immediately report this fact to the Board, in writing.
- iv. Respondent's monitor shall appear before the Probation Committee at the first meeting of said committee following commencement of the probation, and at such

other times as directed by the Committee. It shall be Respondent's responsibility to ensure the appearance of his monitor to appear as requested or directed. Failure of the monitor to appear as requested or directed shall constitute a violation of the terms of this Stipulation and shall subject the Respondent to disciplinary action.

D. REPORTS FROM RESPONDENT. The Respondent shall submit semiannual reports, in affidavit form, the contents of which may be further specified by the Board, but which shall include:

- i. A brief statement of why Respondent is on probation.
- ii. A description of practice location.
- iii. A description of current practice (type and composition).
- iv. A brief statement of compliance with probationary terms.
- v. A description of the relationship with monitoring physician.
- vi. A statement advising the Board of any problems which have arisen.
- vii. A statement addressing compliance with any restrictions or requirements imposed.

E. STANDARD PROVISIONS. Respondents probation shall be governed by the attached "provisions regarding monitoring/supervising physicians", Exhibit B, which is incorporated as if fully set forth herein.

5. 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 a Final Order is entered incorporating the terms of this Agreement, by the Board.

6. Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered. Respondent, in conjunction with the consideration of this

Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

7. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

8. Respondent and the Department fully understood that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.


9. 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.

10. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his 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 in connection with this matter.

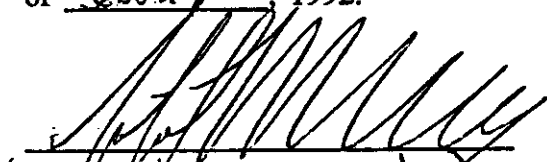
11. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. This Agreement also settles in full all claims that the Department ever had, now has, or which it may have in the future arising from the factual allegations contained in DPR Case No. ME 80728, DOAH Case No. 91-4548, and Dade County Circuit Case No. 89-09102-CA-29. 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. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and

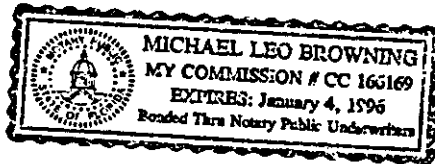
consideration of this Agreement, and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 9th day of JANUARY, 1992.


Jerrold J. Weinstock, M.D.

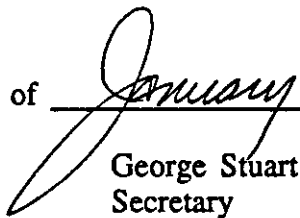
Sworn to and subscribed
before me this 9th day
of January, 1992.



(known to me personally)
MICHAEL LEO BROWNING
Notary Public



My Commission Expires:

APPROVED this 16 day of January, 1992.


George Stuart
Secretary


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

PROVISIONS REGARDING MONITORING/SUPERVISING PHYSICIANS

Provisions governing physicians ordered to work under supervision of monitoring or supervising physician.

I. DEFINITIONS:

A. INDIRECT SUPERVISION is supervision by a monitoring physician (monitor) whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent, however, the monitor shall practice within a reasonable geographic proximity to Respondent, and shall be readily available for consultation. The monitor shall be Board-certified in the Respondent's specialty area, unless otherwise provided by the Board.

B. DIRECT SUPERVISION is supervision by a supervising physician (supervisor) whose responsibilities are set by the Board. Direct supervision requires that the supervisor and Respondent work in the same office. The supervising physician shall be board-certified in the Respondent's specialty area, unless otherwise provided by the Board.

C. PROBATION COMMITTEE or "committee" are members of the Board of Medicine designated by the Chairman of the Board to serve as the Probation Committee.

II. STANDARD TERMS.

A. REQUIRED SUPERVISION.

1. The Respondent shall not practice medicine without an approved monitor/supervisor, as specified by the Consent Agreement, unless otherwise ordered by the Board.

2. The monitor/supervisor must be a licensee

under Chapter 458, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board or Committee may reject any proposed monitor/supervisor on the basis that he has previously been subject to any disciplinary action against his medical license in this or any other jurisdiction, is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board or Committee. The Board or Committee may also reject any proposed monitor/supervisor for good cause shown.

B. MECHANISM FOR APPROVAL OF MONITOR/SUPERVISOR:

1. TEMPORARY APPROVAL. The Board confers authority on the Chairman of the Board's Probation Committee to temporarily approve Respondent's monitor/supervisor. To obtain this temporary approval, Respondent shall submit to the Chairman of the Probation Committee the name and curriculum vitae of the proposed monitor/supervisor at the time this agreement is considered by the Board. Once a Final Order adopting this Agreement is filed, Respondent shall not practice medicine without an approved monitor/supervisor. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

2. FORMAL APPROVAL.

a. Respondent shall have the monitor/supervisor with him at his first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide

to the monitor/supervisor a copy of the Administrative Complaint and Final Order in this case. Respondent shall submit a current curriculum vitae and a description of current practice from the proposed monitor/supervisor to the Board office no later than fourteen days before the Respondent's first scheduled probation appearance.

b. Respondent's monitor/supervisor shall also appear before the Probation Committee at such other times as directed by the Committee. It shall be Respondent's responsibility to ensure that the appearance of his monitor/supervisor as directed. Failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of this Stipulation and shall subject the Respondent to disciplinary action.

3. CHANGE IN MONITOR/SUPERVISOR. In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill his responsibilities as a monitor/supervisor as described above, then the Respondent shall immediately advise the Board of this fact. Respondent shall immediately submit to the Chairman of the Board's Probation Committee, the name of a temporary monitor/supervisor for consideration. Respondent shall not practice pending approval of this temporary monitor/supervisor by the Chairman of the Probation Committee. Furthermore, Respondent shall make arrangements with his temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting, for consideration of the monitor/supervisor by the Committee. Respondent shall only practice under the auspices of the temporary monitor/supervisor

(approved by the Chairman) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new monitor/supervisor shall be addressed.

C. CONTINUITY OF PRACTICE

1. TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida.

a. The time period of probation shall be tolled.

b. The provisions regarding supervision whether direct or indirect by another physician, and required reports from the monitor/supervisor shall be tolled.

c. The provisions regarding preparation of investigative reports detailing compliance with this Stipulation shall be tolled.

2. ADDRESSES. Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

3. ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Probation Committee may require Respondent to appear before the Probation Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

D. COSTS. Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the costs of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, and the Board's administrative costs directly associated with Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all reports, correspondence and inquiries shall be sent to: Board of Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, Attn: Final Order Compliance Officer.

FILED

Department of Professional Regulation
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

S. Wilson

CLERK

DATE

3-3-92

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DPR CASE NUMBER: 0080728
LICENSE NUMBER: ME 0012482

JERROLD WEINSTOCK, M.D.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on February 7, 1992, in Ft. Lauderdale, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board Amended the Consent Agreement on the record with the consent of the parties to add the agreement that Respondent shall undergo an evaluation by the Physicians Recovery Network (PRN) and comply with any recommendation made by PRN.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as amended be and is hereby approved and adopted in toto and incorporated by reference herein. Pursuant to Paragraph 4.B.ii of the Stipulated Disposition, the Continuing Medical Education shall consist of the course sponsored by the University of South Florida and the Florida Medical Association entitled "Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs," or a Board approved equivalent and the remaining hours shall be in psychiatry.

Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Consent Agreement.

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

DONE AND ORDERED this 25th day February, 1992.

BOARD OF MEDICINE


ZACHARIAH P. ZACHARIAH, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Jerrold Weinstein, M.D., 1 Bougainvillea Avenue, Key West, Florida 33040-6226 and Michael Browning, Esquire, 402 Appelrouth Lane, Suite 10, Key West, Florida 33040 and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this _____ day of _____, 1992.

DOROTHY J. FAIRCLOTH
Executive Director