

FILED

Department of Professional Regulation
BOARD CLERK

BEFORE THE BOARD OF MEDICAL EXAMINERS

CLERK *Ann Moynihan*

DATE 5-27-82

*XC: Medical
Legal x4
Records*

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO.: 0016974

WEST B. MAGNON, M.D.,
License No.: 3991,

Respondent.

FINAL ORDER OF
THE BOARD OF MEDICAL EXAMINERS

This matter came for final action by the Board of Medical Examiners (Board hereinafter) on April 17, 1982, in Tallahassee, Florida, for consideration of the Stipulation submitted in this matter by the Department of Professional Regulation and West B. Magnon, M.D., (Respondent hereinafter), a copy of which is attached hereto and made a part hereof by reference thereto as Exhibit A. In consideration thereof, the Board finds and concludes as follows:

1. The facts contained in the STIPULATED FACTS of the Stipulation (Exhibit A), are adopted by the Board and incorporated herein as the findings of fact of the Board.

2. The statements contained in the STIPULATED CONCLUSIONS OF LAW of the Stipulation (Exhibit A), are adopted by the Board and incorporated herein as the conclusions of law of the Board.

However, the Board rejected the STIPULATED DISPOSITION contained in the Stipulation and proposed in its place that the Respondent be reprimanded, which was orally agreed to by the parties. IT IS THEREFORE

ORDERED AND ADJUDGED that the license to practice medicine in the State of Florida of West B. Magnon, M.D., be and hereby is reprimanded.

DONE AND ORDERED this 27 day of May, 1982.

BOARD OF MEDICAL EXAMINERS

By Richard T. Conard
RICHARD T. CONARD, M.D.
Vice Chairman

cc: All Counsel of Record.
West B. Magnon, M.D.
2010 59th Street, West
Bradenton, Florida 33505

Richard Bailey, Esquire
1205 Manatee Ave., W.
Bradenton, Florida 33505

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION, BOARD OF MEDICAL
EXAMINERS,

Petitioner,

vs.

CASE NO. 0016974

WEST B. MAGNON, M. D.,

Respondent.

STIPULATION

WEST B. MAGNON, M. D., hereinafter referred to as the Respondent, and the DEPARTMENT OF PROFESSIONAL REGULATION, BOARD OF MEDICAL EXAMINERS, hereinafter referred to as the Department, hereby stipulate and agree to the following joint Stipulation and to a Final Order of the Board of Medical Examiners incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent herein the Respondent was a licensed medical doctor in the State of Florida having been issued license number ME 0032586.
2. The Respondent was charged by an Administrative Complaint with violations of Chapter 458, Florida Statutes. This Administrative Complaint was filed by the Department and properly served upon the Respondent. A true and correct copy of this Administrative Complaint is attached hereto as Exhibit A and is made a part of this Stipulation by reference.
3. The Respondent does not dispute the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. The Respondent in his capacity as a licensed medical doctor is subject to the provisions of Chapter 455 and 458, Florida Statutes, and to the jurisdiction of the Department and the Board.
2. The Respondent neither admits nor denies the conclusions of

suant to this Stipulation, specifically elects not to contest said conclusions of law. Further, the Board may exercise jurisdiction over him and dispose of this case in the manner as set forth in this Stipulation.

STIPULATED DISPOSITION

1. A written reprimand will be issued by the Board to the Respondent.
2. The Respondent agrees to reimburse administrative costs to the Department and the Board in the amount of \$2,000.00.
3. Respondent shall within a reasonable time, (which said reasonable time shall be construed to be within ninety (90) days of entry of the Board's Final Order approving this Stipulation, unless extended in writing by the Secretary of the Department upon good cause shown by Respondent) complete forty (40) contact hours in Board approved courses in pharmacology. The term "contact hours" shall mean that time actually spent by the Respondent with his course instructor and shall not include time spent reading journals and otherwise preparing for meetings between the Respondent and his instructor.
4. The Respondent's license to practice medicine in the State of Florida shall be subject to a three (3) year probationary period. The terms of probation are as follows:
 - A. Compliance by Respondent with all provisions of Chapter 455, 458 and 893, Florida Statutes, and the rules promulgated pursuant thereto. Further, the Respondent shall comply with all additional terms and conditions of this Stipulation.
 - B. Unless waived by the Board of Medical Examiners, the Respondent shall successfully complete over a three (3) year period one hundred and fifty (150) hours of category one AMA or FMA approved continuing medical education, or an annual average of fifty (50) hours of said continuing medical education.
 - C. The Respondent may not prescribe schedule II or II-N controlled substances during the period of his probation.
 - D. The Respondent understands that during the period of probation,

and statutes regulating the practice of medicine. The Respondent hereby waives confidentiality with regard to these reports as to the Board only, thus permitting the Board to review these investigative reports during this term of probation, notwithstanding any statutory or rule provisions to the contrary.

E. The Respondent shall appear before the Board of Medical Examiners on a semi-annual basis.

F. The Respondent's medical practice shall be monitored by a physician named by the Board or by a duly designated member thereof. In this regard, the Respondent specifically authorizes any physician(s) appointed by the Board or a duly designated member thereof to observe his practice of medicine and to examine his patient files at any time during his period of probation. The designated monitoring physician shall submit detailed reports to the Board and Department, when requested, concerning his or her findings relating to the quality of medical practice exhibited by the Respondent. These detailed reports shall also analyze the Respondent's practice of medicine in comparison 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.

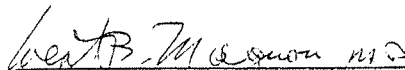
5. It is clearly understood and agreed that in the event the Department of Professional Regulation or the Board of Medical Examiners finds probable cause that the Respondent has violated any of the conditions of his probation as outlined above, the Respondent's probation may be vacated and his license to practice medicine in the State of Florida subject to immediate suspension, with further disciplinary proceedings pursuant to Chapter 458, Florida Statutes, the Medical Practice Act. In such event, the Respondent shall have the right to an immediate hearing in accordance with Chapters 120 and 458, Florida Statutes, with regard to the facts upon which such probable cause determination is predicated.

6. It is expressly understood that this Stipulation is subject to approval of the Board and Department and has no force and effect

entered incorporating the terms and conditions of this Stipulation.

7. This Stipulation is executed by the Respondent for the purpose of avoiding any further administrative action with respect to this cause. In this regard, the Respondent authorizes the Board to review and examine all investigative file materials concerning him prior to or in conjunction with consideration of this Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or its members from further participation, consideration or resolution of these proceedings. In the event that the Board fails to approve this joint Stipulation and a proceeding pursuant to Section 120.57, Florida Statutes, is held resulting in a finding that the Respondent is guilty of the alleged charges, the Respondent hereby waives a defense on this ground to entry of a Final Order by the Board.


8. The Respondent expressly waives all further procedural steps, and all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of Facts, Conclusions of Law and Imposition of Discipline, and the Final Order of the Board incorporating this Stipulation.


WEST B. MAGNON, M. D.
License # ME 0003991

SWORN to and subscribed to
before me this _____ day
of _____, 1982.

Notary Public

My Commission Expires: _____


SAMUEL R. SHORSTEIN
Secretary

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION, BOARD OF MEDICAL
EXAMINERS,

Petitioner,

vs.

CASE NO. 0016974

WEST B. MAGNON, M.D.,

Respondent.

AMENDED
ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, Board of Medical Examiners, hereinafter referred to as "Petitioner," and files this Administrative Complaint against West B. Magnon, M.D., hereinafter referred to as "Respondent," and alleges:

1. The Petitioner seeks to suspend or revoke or take other disciplinary action against the Respondent as licensee and against his license as a physician under the laws of the State of Florida.
2. The Respondent, West B. Magnon, is a physician having been issued license number ME 0003991. The last known address of the Respondent is 2010 59th Street West, Bradenton, Florida 33505.

COUNT I

3. Between approximately April 7, 1980 and March 24, 1981, the Respondent prescribed the following controlled substances as defined by Chapter 893, Florida Statutes, to Mr. L L

Percodan	12 tablets
Nembutal Sodium, 100 mg.	1,706 tablets
Fiorinal/Codeine # 3	989 tablets
Phenobarbital, 30 mg.	192 tablets

Mr. L L was addicted to controlled substances, a fact which was known to the Respondent. The Respondent continued, however, to maintain this addiction or to attempt to detoxify Mr. L L without possessing the requisite Federal authorization to do so. The foregoing controlled substances were prescribed in excessive and inappropriate quantities and were in fact dangerous to Mr. L L.

4. Based upon the foregoing, the Respondent has violated section 458.331(1)(q), Florida Statutes (1981), in prescribing, dispensing, or administering controlled substances other than in the course of his professional practice.

COUNT II

5. The Petitioner realleges as if fully set forth herein the facts contained in paragraph three above.

6. Based upon the foregoing, the Respondent has violated section 458.331(1)(t), Florida Statutes (1981), by engaging in 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.

COUNT III

7. The Petitioner realleges as if fully set forth herein the facts contained in paragraph three above.

8. The practice of the Respondent in prescribing the controlled substances for Mr. L I enumerated above was in violation of Chapter 21 U.S.C. section 823(g), in that the Respondent had not obtained a separate registration to dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment as defined in Chapter 21 U.S.C. section 802(27) and (28). Consequently, the Respondent has violated section 458.331(1)(h), Florida Statutes (1981), in failing to perform a statutory or legal obligation placed upon a licensed physician.

COUNT IV

9. Between approximately April 14, 1980 and March 24, 1981, the Respondent prescribed the following controlled substances as defined by Chapter 893, Florida Statutes, to Mrs. D L

Robitussin A-C	3780 cc
Seconal Sodium, 100 mg.	1,029 tablets
Dexedrine Spansules, 15 mg.	1,822 tablets
Amytal Sodium Pulvule, 65 mg.	3,280 tablets
Percodan	546 tablets
Fiorinal/Codeine # 3	1,064 tablets
Nembutal Sodium, 100 mg.	20 tablets

this addiction or to attempt to detoxify Mrs. L without possessing the requisite Federal authorization to do so. The foregoing controlled substances were prescribed in excessive and inappropriate quantities and were in fact dangerous to Mrs. L

10. Based upon the foregoing, the Respondent has violated section 458.331(1)(q), Florida Statutes (1981), in prescribing, dispensing, or administering a controlled substance other than in the course of his professional practice.

COUNT V

11. The Petitioner realleges as if fully set forth herein the facts contained in paragraph nine above.

12. Based upon the foregoing, the Respondent has violated section 458.331(1)(t), Florida Statutes (1981), by engaging in 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.

COUNT VI

13. The Petitioner realleges as if fully set forth herein the facts contained in paragraph nine above.

14. The practice of the Respondent in prescribing the controlled substances for Mrs. L enumerated above was in violation of Chapter 21 U.S.C. section 823(g), in that the Respondent had not obtained a separate registration to dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment as defined in Chapter 21 U.S.C. section 802(27) and (28). Consequently, the Respondent has violated section 458.331(1)(h), Florida Statutes (1981), in failing to perform a statutory or legal obligation placed upon a licensed physician.

SIGNED and DATED this 1 day of March, 1982.

Samuel R. Shorstein
By [Signature]
SAMUEL R. SHORSTEIN
Secretary

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

Susan M. Penquite, Clerk
CJ FRK

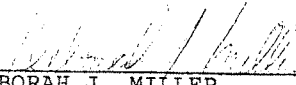
COUNSEL FOR DEPARTMENT


Deborah J. Miller
Assistant General Counsel
Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32301
904/488-0062

DJM/dmb
2/26/82

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
has been furnished by CERTIFIED MAIL to West B. Magnon, M.D., 2010
59th Street West, Bradenton, Florida 33505 this 3rd day of March, 1982.


DEBORAH J. MILLER
Assistant General Counsel



P30 1792342
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO:
STREET AND NO.: 2010 59th Street West
P.O., STATE AND ZIP CODE: Bradenton, FL 33505

POSTAGE

CERTIFIED FEE	\$	
SPECIAL DELIVERY	¢	
RESTRICTED DELIVERY	¢	
OPTIONAL SERVICES		
RETURN RECEIPT SERVICE		
SHOW TO WHOM AND DATE DELIVERED	¢	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	¢	
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢	
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢	

TOTAL POSTAGE

POSTAL SERVICE BUSINESS
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PENALTY FOR PRIVATE USE NO. 4000 PAYMENT

CONSULT POSTMASTER FOR FEES