

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

PETITIONER,

VS.

CASE NO. 9212294

SAYYED ARSHAD HUSSAIN, M.D.

RESPONDENT.

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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 SAYYED ARSHAD HUSSAIN, 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 0036077. Respondent's last known address is 106 Southern Oaks Drive, Plant City, Florida 33566-1446.

3. On or about April 26, 1991, the Florida Board of Medicine filed a Final Order which required Respondent to pay an administrative fine of ten thousand (10,000) dollars, five thousand to be paid within one (1) year, and the remaining five thousand (5,000) to be paid within two (2) years of the Final Order.

EXHIBIT A

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4. As of January 12, 1992, Respondent had still not paid the full amount of the fine.

5. Respondent's licensure records show that his license to practice medicine went into inactive status as of January 1, 1992.

6. On or about May 14, 1992, Petitioner made an attempt to locate Respondent to determine what his intentions were regarding his practice of medicine. Petitioner's records showed Respondent's address as: 2221 Cross Hair circle, Orlando, Florida 32821.

5. Petitioners's correspondence was returned by the Post Office.

6. Respondent moved the location of his practice to 106 Southern Oaks Drive, Plant city, Florida 33566-1446, without prior notification to the Board.

7. Pursuant to Section 458.319(5), Florida Statutes, prior to changing the address of his primary place of practice, whether or not within this state, the licensee shall notify the department of the address of his new primary place of practice.

COUNT ONE

8. Petitioner realleges and incorporates paragraphs one (1) through seven (7) as if fully set forth herein this Count One.

9. Respondent is guilty of violating any provision of this chapter, a rule of the board or department previously entered in a disciplinary hearing or failing to comply with a lawful order of the Board in that Respondent failed to pay an administrative fine of five thousand (5,000) dollars to the Board of Medicine within one year of April 26, 1991.

10. Based on the preceding allegations, Respondent violated Section 458.331(1)(x), Florida Statutes, in that he is guilty of violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

COUNT TWO

11. Petitioner realleges and incorporates paragraphs one (1) through seven (7), and nine (9), as if fully set forth herein this Count Two.

12. Based on the foregoing Respondent violated Section 458.331(1)(x), Florida Statutes, by being in violation of Section 458.319(5), Florida Statutes, in that the licensee must have on file with the department the address of his primary place of practice, whether or not within this state, the licensee shall notify the department of the address of his new primary place of practice.

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 9 day of April, 1993.

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/leg  
PCP: April 1, 1993  
McEwen, Kaiser and Dauer

**FILED**

Department of Professional Regulation

DEPUTY CLERK  
CLERK Barbara A. Jones  
DATE 4-12-93

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

RE: SAYYED ARSHAD HUSSAIN, M.D.

CASE NO. 9212294

ELECTION OF RIGHTS  
(PLEASE SELECT ONLY 1 OF THE 4 OPTIONS)

I have read the Explanation of Rights on the reverse side of this 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. ( ) 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 not dispute the allegations of fact contained in the Administrative Complaint and waive my right to object or to be heard.

3. ( ) 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.

4.  I request the opportunity to discuss a settlement agreement in this case with the Department. I agree that I will either elect one of the 3 above options, or submit a signed settlement agreement within 60 days of the date the Administrative Complaint in this case was served. I understand that failure to do so may result in a default proceeding against me.

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.)

*Arshad Hussain*  
Respondent, 183 - Dudden Hill Lane  
Address: London N.W. 10 1AU U.K.  
Lic. No. \_\_\_\_\_ Phone No. \_\_\_\_\_  
ME 0036077

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Before me, personally appeared \_\_\_\_\_  
whose identity is known to me by \_\_\_\_\_  
(type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Notary Public-State of Florida

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Type or Print Name

PLEASE MAIL COMPLETED FORM TO: Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, (904) 488-0062.

EXHIBIT B

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PL12

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
BOARD OF MEDICINE

Final Order No. AHCA-95-00291 Date 2-22-95

AGENCY FOR HEALTH CARE  
ADMINISTRATION, BOARD OF  
MEDICINE,

Petitioner,  
v.

SAYYED ARSHAD HUSSAIN, M.D.,

Respondent.

FILED

Agency for Health Care Administration  
AGENCY CLERK

R.S. Power, Agency Clerk

By: Brandon Monroe  
Deputy Agency Clerk

CASE NO. 92-12294

LICENSE NO. ME 0036077

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on February 11, 1995, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Chief Medical Attorney. Respondent was present at the hearing. The parties have been properly noticed of the hearing. Based upon the Motion for Final Order an informal hearing will be held pursuant to Section 120.57(2), Florida Statutes. Accordingly, the facts are not contested. Upon consideration of the Administrative Complaint filed against Respondent, Motion for Final Order, and the arguments presented, and having been otherwise fully advised in its premises, the Board of Medicine makes the following findings and conclusions:

FINDINGS OF FACT

1. On April 12, 1993, the Agency for Health Care Administration filed an Administrative Complaint against Sayyed Arshad Hussain, M.D., seeking to take disciplinary action against

his license to practice medicine in the State of Florida.

2. The Board adopts as its findings of fact the allegations set forth in paragraphs 1-7, 9-10, and 12 of the Administrative Complaint filed in this cause and which is attached to this Final Order and incorporated herein by reference.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties and subject matter of this case pursuant to Section 120.57(2), Florida Statutes and Chapter 458, Florida Statutes.

2. Based upon the foregoing Findings of Fact, Respondent violated Section 458.331(1)(x) and 458.319(5), Florida Statutes and having determined that a violation exists, it is appropriate for the Board to impose disciplinary action against the license of Sayyed Arshad Hussain, M.D.

#### DISPOSITION

WHEREFORE, it is hereby ORDERED and ADJUDGED that Respondent has violated Section 458.331(1)(x) and 458.319(5), Florida Statutes, the Respondent shall receive the following penalty:

1. Respondent shall received a REPRIMAND from the Board of Medicine regarding the violations set forth in the Administrative Complaint.

2. Upon filing of the Final Order in this cause, Respondent's license to practice medicine in the State of Florida shall be SUSPENDED. However, said suspension shall be STAYED upon full payment of the remaining five-thousand dollars (\$5,000.00) fine imposed upon Respondent in AHCA Case No. 01-00962, to the Board of Medicine.

This Final Order becomes effective upon its filing with the Clerk of the Agency for Health Care Administration.

NOTICE

The Parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Agency for Health Care Administration and by filing one copy of a Notice of Appeal and the appropriate filing fee with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

DONE and ORDERED this 22 day of February, 1995.

BOARD OF MEDICINE

Gary E. Winchester, M.D.  
GARY E. WINCHESTER, M.D.  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Sayyed Arshad Hussain, M.D., 1802 Muscat Court, Apt. C, Kissimmee, Florida 34741 and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Agency for Health Care Administration, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Marm Harris, Ed.D.  
Executive Director



STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
BOARD OF MEDICINE

Final Order No. AHCA-95-01350 Date 9-28-95

AGENCY FOR HEALTH CARE  
ADMINISTRATION, BOARD OF  
MEDICINE,

Petitioner,  
v.

SAYYED ARSHAD HUSSAIN, M.D.,

Respondent.

FILED

Agency for Health Care Administration  
AGENCY CLERK

R.S. Power, Agency Clerk

By: Abana C. Kirk  
Deputy Agency Clerk

CASE NO. 92-12294

LICENSE NO. ME 0036077

CORRECTED FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on February 11, 1995, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Chief Medical Attorney. Respondent was present at the hearing. The parties have been properly noticed of the hearing. Based upon the Motion for Final Order an informal hearing will be held pursuant to Section 120.57(2), Florida Statutes. Accordingly, the facts are not contested. Upon consideration of the Administrative Complaint filed against Respondent, Motion for Final Order, and the arguments presented, and having been otherwise fully advised in its premises, the Board of Medicine makes the following findings and conclusions:

FINDINGS OF FACT

1. On April 12, 1993, the Agency for Health Care Administration filed an Administrative Complaint against Sayyed

Arshad Hussain, M.D., seeking to take disciplinary action against his license to practice medicine in the State of Florida.

2. The Board adopts as its findings of fact the allegations set forth in paragraphs 1-7, 9-10, and 12 of the Administrative Complaint filed in this cause and which is attached to this Final Order and incorporated herein by reference.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties and subject matter of this case pursuant to Section 120.57(2), Florida Statutes and Chapter 458, Florida Statutes.

2. Based upon the foregoing Findings of Fact, Respondent violated Section 458.331(1)(x) and 458.319(5), Florida Statutes and having determined that a violation exists, it is appropriate for the Board to impose disciplinary action against the license of Sayyed Arshad Hussain, M.D.

#### DISPOSITION

WHEREFORE, it is hereby ORDERED and ADJUDGED that Respondent has violated Section 458.331(1)(x) and 458.319(5), Florida Statutes, the Respondent shall receive the following penalty:

1. Respondent shall received a REPRIMAND from the Board of Medicine regarding the violations set forth in the Administrative Complaint.

2. Upon filing of the Final Order in this cause, Respondent's license to practice medicine in the State of Florida shall be SUSPENDED. Said suspension shall be STAYED provided that the Respondent pays the ten thousand dollars (\$10,000.00) fine

imposed upon Respondent in AHCA Case No. 01-00962, to the Board of Medicine, by the end of probation imposed in AHCA Case No. 01-00962. If Respondent fails to pay the administrative fine, by the end of probation, the stay of said suspension shall be lifted and the Respondent's license to practice medicine shall automatically be suspended until payment of said fine is paid in full.

This Corrected Final Order becomes effective upon its filing with the Clerk of the Agency for Health Care Administration Nunc Pro Tunc.


**NOTICE**

The Parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Agency for Health Care Administration and by filing one copy of a Notice of Appeal and the appropriate filing fee with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

This Corrected Final Order takes effect upon filing with the Clerk of the Agency Nunc Pro Tunc.

DONE and ORDERED this 25<sup>th</sup> day of September, 1995.

BOARD OF MEDICINE

  
GARY E. WINCHESTER, M.D.  
CHAIRMAN