

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Final Order No. BPR-94-00002371

Date: 4-26-94

FILED BY AGENCY CLERK

Dept. of Business and Professional Regu:
Sarah Wachman, Agency Clerk

BOARD: Medicine
CASE NO: 92-13316
COMPLAINT MADE BY: Business and Professional Regulation,
Investigator
DATE COMPLAINT RECEIVED: October 13, 1992
COMPLAINT MADE AGAINST: William Corwin, M.D.
REVIEWED BY: Alex D. Barker, Senior Attorney
STAFF RECOMMENDATION: CLOSE (PL-82)

By: Sarah Wachman

CLOSING ORDER AND NOTICE OF DISMISSAL

THE COMPLAINT: The complainant alleges in Count I, that the Subject failed to practice medicine with an acceptable level of care, skill and treatment by continuing to treat the Patient's chronic pain syndrome and panic attacks with prescriptions of Xanax and Percocet, failed to refer the Patient to a chronic pain facility and failed to consider alternate modalities of treatment when the Patient failed to improve.

In Count II, the complaint alleges that the Subject prescribed a legend drug, other than in the course of the physician's professional practice, by continuing to prescribe Xanax and Percocet to the Patient even though the Patient's condition failed to improve.

THE FACTS: From March 15, 1990 until December 11, 1992 Respondent rendered psychiatric treatment to the Patient for various conditions including depression, panic attacks and chronic

pain syndrome. During the course of treatment, the Respondent regularly prescribed Xanax and Percocet to the Patient. An independent medical evaluation suggested the Patient be referred to a chronic pain facility which the Respondent did not do.

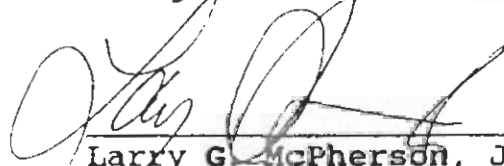
The initial expert opinion provided to the panel found the above facts to support the violations as alleged in the Administrative Complaint. A second expert opinion, obtained subsequent to the finding of probable cause by the panel, found the Respondent to have met the applicable standard of care in the examination, diagnosis and treatment of the Patient. The Respondent provided affidavits from two experts who opined that Dr. Corwin did not deviate from the appropriate standard of care.

THE LAW: There is sufficient evidence for the panel to have found probable cause in this case. However, based upon the above facts, the Department has determined that there is insufficient evidence to support the prosecution of allegations contained therein. Therefore, pursuant to Section 455.225(2), Florida Statutes and Rule 21-31.001, Florida Administrative Code, this case is DISMISSED

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this 22 day of April, 1994.

George Stuart, Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

VS.

CASE NO. 92-13316

WILLIAM CORWIN, 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 William Corwin, 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 0006263. Respondent's last known address is 1111 N.E. 25th Avenue, Ocala, Florida 34470-5665.

3. Respondent is Board certified in Psychiatry and Neurology, as well as Forensic Psychiatry.

4. On or about March 15, 1990, Patient #1, a 46 year old male, presented to Respondent for an initial psychiatric evaluation.

5. From on or about March 15, 1990 to on or about December 11, 1992, Respondent rendered psychiatric treatment to Patient #1 for various conditions including depression, panic attacks, and chronic pain syndrome.

6. During the course of treatment, Respondent regularly prescribed Xanax and Percocet to Patient #1.

7. Xanax is a legend drug as defined by Section 465.003(7), Florida Statutes, and contains alprazolam, a Schedule IV controlled substance listed in Chapter 893, Florida Statutes. Xanax is utilized in the management of anxiety disorders and for the short-term relief of the symptoms of anxiety.

8. 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. Oxycodone is a narcotic analgesic with actions qualitatively similar to morphine.

9. Patient #1's condition failed to improve and Patient #1 became chemically dependent upon the Xanax and Percocet.

10. On or about October 18, 1991, Patient #1 underwent an Independent Medical Evaluation by Dr. Domingo Cerra, a psychiatrist, who recommended that Respondent refer Patient #1 to

a chronic pain facility and that Patient #1 continue to undergo psychiatric treatment.

11. Respondent failed to refer Patient #1 to a chronic pain facility and failed to consider alternative modalities of treatment when Patient #1's condition failed to improve.

COUNT ONE

12. Petitioner realleges and incorporates paragraphs one (1) through eleven (11) as fully set forth herein this Count One.

13. Respondent practiced medicine below the standard of care in that Respondent continued to treat Patient #1's chronic pain syndrome and panic attacks with prescriptions of Xanax and Percocet and failed to refer Patient #1 to a chronic pain facility or consider alternate modalities of treatment when Patient #1's condition failed to improve.

14. Based on the preceding allegations, Respondent violated Section 458.331(1)(t), Florida Statutes, 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 TWO

15. Petitioner realleges and incorporates paragraphs one (1) through eleven (11) and thirteen (13), as fully set forth herein this Count Two.

16. Respondent is guilty of prescribing a legend drug, including any controlled substance, other than in the course of the

physician's professional practice in that Respondent continued to prescribe Xanax and Percocet for Patient #1 when Patient #1's condition failed to improve resulting in Patient #1 becoming chemically dependent upon the Xanax and Percocet.

17. Based on the preceding allegations, Respondent violated Section 458.331(1)(g), Florida Statutes, 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.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: 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. The Department will not be seeking revocation or suspension of the Respondent's license.

SIGNED this 1 day of June, 1993.

George Stuart
George Stuart, Secretary

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

COUNSEL FOR DEPARTMENT:

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Dauer, Dablin, Katims

FILED

Department of Professional Regulation

DEPUTY CLERK

CLERK *Ronda Y. [Signature]*

DATE 6-2-93