

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 9306725

RAUL FROILAN NODAL, 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 Raul Froilan Nodal, 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 0037867. Respondent's last known address is 1931-F, Dr. Martin L. King Jr., Tampa, Florida 33607.

3. On or about September 16, 1990, Respondent entered South Miami Hospital for evaluation regarding drug and alcohol abuse.

4. On or about October 18, 1990, Respondent entered into a contract with the Physician's Recovery Network (PRN) regarding his treatment for drug abuse.

000006

5. On or about May 23, 1991, Respondent submitted to a drug screen called by PRN. The test results were positive for barbiturates, commonly used for hypnotic or sedative purposes. On or about June 3, 1991, Respondent was admitted into a treatment program at Glenbeigh Hospital, Tampa, Florida.

6. On or about July 25, 1991, a PRN random drug screen again detected barbiturate use by Respondent. On or about August 1, 1991, PRN directed Respondent to withdraw from the practice of medicine and continue treatment.

7. On or about December 9, 1991, Dr. Anton Drone recommended to PRN that Respondent undergo an extensive evaluation at Talbott-Marsh Recovery Systems, a treatment facility.

8. On or about April 1, 1992, a PRN random drug screen for Respondent tested positive for the drug methamphetamine, a central nervous system stimulant.

9. On or about November 3, 1992, Respondent's drug screen again tested positive.

10. On or about March 22, 1993, Respondent's drug screen again tested positive for both barbiturate and amphetamines.

11. On or about March 31, 1993, PRN directed Respondent to withdraw from the practice of medicine and to enter an approved treatment facility.

12. On or about April 8, 1993, Respondent entered Glenbeigh Hospital, Tampa, Florida.

13. On or about April 22, 1993, Respondent left Glenbeigh Hospital "Against Medical Advice."

14. On or about April 15, 1993, Roger Goetz, M.D., Director of PRN and Consultant to the Department regarding impaired practitioners, concluded that Respondent was impaired and constituted an immediate and serious danger to public health, safety and welfare.


15. Respondent is guilty of being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals in that Respondent is using barbiturates and amphetamines and is suffering from a drug and/or chemical addiction.

16. Based on the foregoing, Respondent violated Section 458.331(1)(s), Florida Statutes, in that he is guilty of being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material as a result of any mental or physical condition.

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 7 day of June, 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
RPC/dpb
PCP: June 5 1993
Rodriguez and Murray

FILED

Department of Professional Regulation

DEPUTY CLERK:

CLERK Rodriguez and Murray

DATE 6-7-93

FILED

Department of Professional Regulation

DEPUTY CLERK

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

CLERK
DATE

IN RE: The Emergency Suspension of the License
RAUL F. NODAL, M.D.
License Number: ME 0037867
Case No. 93-06725

ORDER OF EMERGENCY SUSPENSION OF LICENSE

George Stuart, Secretary of the Department of Professional Regulation, hereby ORDERS the Emergency Suspension of the license to practice medicine of Raul F. Nodal, M.D., (hereinafter "Dr. Nodal"). Dr. Nodal holds license number ME 0032861. His last known address is 13811 Shady Shores Drive, Tampa, Florida 33613. The Emergency Suspension of Dr. Nodal's license to practice medicine is supported by the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Department of Professional Regulation (hereinafter "the Department"), is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, and Chapters 455 and 458, Florida Statutes.
2. Section 455.225(8), Florida Statutes (1991), empowers the Secretary of the Department to summarily suspend Dr. Nodal's license to practice medicine in the State of Florida, in accordance with Section 120.60(8), Florida Statutes.
3. Dr. Nodal is and has been at all times pertinent to this Order a duly licensed physician pursuant to Chapter 458, Florida Statutes.

4. On or about September 16, 1990, Dr. Nodal entered South Miami Hospital for evaluation regarding alcohol and drug abuse.

5. On or about October 18, 1990, Dr. Nodal entered into a contract with the Physician's Recovery Network (PRN) regarding his treatment for drug abuse.

6. On or about May 23, 1991, Dr. Nodal submitted to a drug screen called by PRN. The test results were positive for barbiturates, commonly used for hypnotic or sedative purposes. On June 3, 1991, Dr. Nodal was admitted into a treatment program at Glenbeigh Hospital, Tampa, Florida.

7. On or about July 25, 1991, a PRN random drug screen again detected barbiturate use by Dr. Nodal. On August 1, 1991, PRN directed Dr. Nodal to withdraw from practice and continue treatment.

8. On or about December 9, 1991, Dr. Anton Krone recommended to PRN that Dr. Nodal undergo an extensive evaluation at Talbott-Marsh Recovery Systems, a treatment facility.

9. On or about April 1, 1992, a PRN random drug screen for Dr. Nodal tested positive for the drug methamphetamine, a central nervous system stimulant.

10. On or about November 3, 1992, Dr. Nodal's drug screen again tested positive for barbiturates.

11. On or about March 22, 1993, Dr. Nodal's drug screen tested positive for both barbiturates and amphetamines.

12. On or about March 31, 1993, PRN directed Dr. Nodal to withdraw from the practice of medicine and to enter an approved treatment facility.

13. On or about April 8, 1993, Dr. Nodal entered Glenbeigh Hospital, Tampa, Florida.

14. On or about April 12, 1993, Dr. Nodal left Glenbeigh Hospital "Against Medical Advice."

15. On or about April 15, 1993, Roger Goetz, M.D., Director of PRN and Consultant to the Department regarding impaired practitioners, concluded that, "Dr. Nodal's impairment constitutes an immediate and serious danger to public health, safety and welfare." Dr. Goetz further opined that Dr. Nodal should be prohibited from practicing medicine at this time.

16. Dr. Goetz cited Dr. Nodal's numerous relapses since his enrollment in the PRN program as evidence of the need to suspend Dr. Nodal's license to practice medicine.

17. Dr. Goetz advised that PRN has exhausted all measures in encouraging Dr. Nodal's recovery from drug addiction, and that Dr. Nodal's failure to receive treatment, or submit to monitoring or limitation presents a serious hazard to the public.

18. Dr. Nodal has committed acts in violation of the statutes governing the practice of medicine. Dr. Nodal presents an immediate and serious danger to the health, safety and welfare of the public.

CONCLUSIONS OF LAW

1. The Secretary of the Department of Professional Regulation has jurisdiction over this matter pursuant to Section 455.225(8), Florida Statutes.

2. Based on the foregoing Findings of Fact, the Secretary finds that Dr. Nodal has violated Section 458.331(1)(s), Florida Statutes, in that Dr. Nodal is unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any type of material or as a result of any mental or physical condition.

3. The Secretary finds that Dr. Nodal's continued practice of medicine constitutes an immediate and serious danger to the health, safety and welfare of the public, and that this summary suspension procedure is fair under the circumstances to adequately protect the public.


WHEREFORE, in accordance with Sections 120.549, and 120.60(8), Florida Statutes, it is

THEREUPON ORDERED THAT:

1. The License of Raul F. Nodal, M.D., license number ME 0037867, is hereby ordered suspended.

2. A proceeding seeking formal suspension or revocation of the license to practice medicine of Raul F. Nodal, M.D., will be promptly instituted and acted upon in compliance with Section 120.60(8), Florida Statutes, and this Order shall be filed in accordance with Section 120.54(9), Florida Statutes.

DONE and ORDERED this 24th day of May, 1993.



GEORGE STUART
SECRETARY
Department of Professional Regulation
1940 N. Monroe Street, Suite 60
Tallahassee, Florida 32399-0750

NOTICE OF RIGHT TO REVIEW

Pursuant to Section 120.54(9)(a)3, Florida Statutes, the agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review in accordance with Rule 9.100, Florida Rules of Appellate Procedure, with the Department of Professional Regulation and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order of Emergency Suspension has been furnished to Stephen B. Sambol, Attorney for the Respondent, 201 East Pine Street, Orlando, Florida, by CERTIFIED U.S. MAIL, and to the Respondent, Raul F. Nodal, M.D., 13811 Shady Shores Drive, Tampa, Florida by CERTIFIED U.S. MAIL and by hand delivery, this 25th day of May, 1993.



Britt Thomas
Staff Attorney

FILED

Department of Business and Professional Regulation
AGENCY CLERK

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

CLERK *Sarah L. Washman*
FILE 17-28-93

Petitioner,

-vs-

RAUL FROILAN NODAL, M.D.,

DBPR CASE NUMBER: 93-06725
DOAH CASE NUMBER: 93-3972
LICENSE NUMBER: ME 0037867

Respondent.

FINAL ORDER

This cause came before the Board of Medicine (Board) pursuant to Section 120.57(1)(b)10, Florida Statutes, on December 3, 1993, in Boca Raton, Florida, for the purpose of considering the Hearing Officer's Recommended Order, Respondent's Exceptions to the Recommended Order, and Petitioner's Response to Respondent's Exceptions (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner, Department of Business and Professional Regulation, was represented by Larry G. McPherson, Jr., Attorney at Law. Respondent was present and represented by Grover C. Freeman, Attorney at Law.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein.

2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein.

3. There is competent substantial evidence to support the conclusions of law.

RULINGS ON EXCEPTIONS

Respondent filed one exception to the Recommended Findings of Fact (Exhibit B) objecting to the Hearing Officer's finding in paragraph 12. The Petitioner filed a response (Exhibit C). After due consideration of the filed pleadings and the record, the Board rejected the exception stating as its reason the response filed by the Petitioner.

Respondent also made an ore tenus exception to the Recommended Conclusions of Law set forth at paragraph 30 of the Recommended Order (Exhibit A). Respondent repeated those arguments already contained in the record. Petitioner responded. After the consideration of the parties' arguments and the record, the Board rejected the exception and adopted the reasoning of the Hearing Officer.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Hearing Officer be

ADOPTED with one minor change. The Board believes that the stay recommended by the Hearing Officer should be vacated if a required urine sample tests positive and that positive result is confirmed by the Physician's Recovery Network (PRN). THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that

Respondent's license to practice medicine in the State of Florida is REVOKED. However, said revocation shall be stayed for a period of five years during which time Respondent's license shall be on PROBATION subject to the following terms and conditions:

1. Respondent shall comply with all state and federal statutes, rules, and regulations pertaining to the practice of medicine, including Chapters 455, 458, and 893, Florida Statutes, and Rules 61F6, Florida Administrative Code.

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

3. In the event Respondent leaves the State of Florida for a period of thirty (30) 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 said 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. 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.

4. In the event that Respondent leaves the active practice of medicine in this state for a period of thirty days or more, the following provisions of the probation shall be tolled:

- a. The time period of probation
- b. The provisions regarding supervision whether direct or indirect by another physician, included in paragraphs 6 through 9 below

5. 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 the ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

6. During the first two years of probation Respondent shall not practice except under the direct supervision of a physician fully licensed under Chapter 458 who has been approved by the Board or its Probation Committee. The supervisory physician

shall share offices with Respondent. Respondent shall have the supervising physician with him at the first probation appearance before the Committee. Absent provision for and compliance with the terms regarding temporary approval of a supervising physician, as set forth below, Respondent shall cease practice and not practice until the Board or its Probation Committee approves a supervising physician. Prior to approval of the supervising physician by the Board or its Probation Committee, the Respondent shall provide to the supervising physician a copy of the Administrative Complaint and Final Order filed in this case. Prior to the approval of the supervisory physician by the Committee, Respondent shall submit to the Committee a current curriculum vitae and a description of the current practice from the proposed supervisory physician. Said materials shall be received in the Board office no later than fourteen days before Respondent's first scheduled probation appearance. A failure of Respondent or the supervising physician to appear at the scheduled Probation Committee meeting shall constitute a violation of the Board's Order. The attached definition of a supervisory physician is incorporated herein. The responsibilities of the supervisory physician shall include:

- (1) Submit quarterly reports, in affidavit form, which shall include:
 - a. Brief statement of why physician is on probation.
 - b. Description of probationer's practice.
 - c. Brief statement of probationer's compliance with terms of probation.

- d. Brief description of probationer's relationship with monitoring physician.
 - e. Detail any problems which may have arisen with probationer.
- (2) Review 50 percent of Respondent's patient records on a random basis at least once every two weeks.

Respondent shall be responsible for ensuring that the supervisory physician submits the required reports.

7. During the last three years of probation Respondent shall not practice except under the indirect supervision of a physician fully licensed under Chapter 458 who has been approved by the Board or its Probation Committee. Absent provision for and compliance with the terms regarding temporary approval of a monitoring physician, as provided below, Respondent shall cease practice and not practice until the Probation Committee or the Board approves a monitoring physician. Respondent shall have the monitoring physician with Respondent at the first probation appearance before the Probation Committee. Prior to approval of the monitoring physician by the Committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. Failure of the Respondent or the monitoring physician to appear at the scheduled Probation Committee meeting shall constitute a violation of this Order. Prior to the approval of the monitoring physician by the Committee, Respondent shall submit to the Committee a current curriculum vitae and a description of the current practice from the proposed monitoring physician. Said materials shall be received by the Board office no later than fourteen days before Respondent's first scheduled probation appearance. The attached

definition of a monitoring physician is incorporated herein. The responsibilities of the monitoring physician shall include:

- (1) Submit quarterly reports, in affidavit form, which shall include:
 - a. Brief statement of why physician is on probation.
 - b. Description of probationer's practice.
 - c. Brief statement of probationer's compliance with terms of probation.
 - d. Brief description of probationer's relationship with monitoring physician.
 - e. Detail any problems which may have arisen with probationer.

Respondent shall be responsible for ensuring that the monitoring physician submits the required reports.

- (2) Be available for consultation with Respondent whenever necessary, at a frequency of at least once per week.
- (3) Review 50 percent of Respondent's patient records selected on a random basis at least once every two weeks. In order to comply with this responsibility of random review, the monitoring physician shall go to Respondent's office once every two weeks. At that time, the monitoring physician shall be responsible for making the random selection of the records to be reviewed by the monitoring physician.
- (4) Receive and review copies of all Scheduled and controlled substance prescriptions in order to determine the appropriateness of Respondent's prescribing of controlled substances.
- (5) Report to the Board any violations by the probationer of Chapters 455 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

8. The Board shall confer authority on the Chairman of the Board's Probation Committee to temporarily approve Respondent's supervisory/monitoring physician. In order to obtain this temporary approval, Respondent shall submit to the Chairman of the Probation Committee the name and curriculum vitae of the proposed supervisory/monitoring physician. This information

shall be furnished to the Chairman of the Probationer's Committee by way of the Board of Medicine's Executive Director, within 48 hours after Respondent receives the Final Order in this matter. This information may be faxed to the Board of Medicine at (904) 487-9622 or may be sent by overnight mail or hand delivery to the Board of Medicine at the Department of Professional Regulation, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0750. In order to provide time for Respondent's proposed supervisory/monitoring physician to be approved or disapproved by the Chairman of the Probation Committee, Respondent shall be allowed to practice medicine while approval is being sought, but only for a period of five working days after Respondent receives the Order. If Respondent's supervisory/monitoring physician has not been approved during that time frame, then Respondent shall cease practicing until such time as the supervisory/monitoring physician is temporarily approved. In the event that the proposed monitoring physician is not approved, then Respondent shall cease practicing immediately. Should Respondent's supervisory/monitoring physician be approved, said approval shall only remain in effect until the next meeting of the Board or the Probation Committee. Absent said approval, Respondent shall not practice medicine until a supervising physician is approved.

9. In view of the need for ongoing and continuous monitoring or supervision, Respondent shall also submit the curriculum vitae and name of an alternate supervisory/monitoring physician to be approved by the Board or its Probation Committee. Such physician shall be licensed pursuant to Chapter 458, Florida

Statutes, and shall have the same duties and responsibilities as specified for Respondent's monitoring/supervising physician, during those periods of time when Respondent's monitoring/supervisory physician is temporarily unable to provide supervision. Prior to practicing under the indirect supervision of the alternate monitoring physician or the direct supervision of the alternate supervisory physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate supervisory physician. Respondent shall not practice unless he is under the supervision of either the approved monitoring/supervisory physician or the approved alternate.

10. Respondent shall submit quarterly reports in affidavit form, the contents of which shall be specified by the Board. The reports shall include:

- (1) Brief statement of why physician is on probation.
- (2) Practice location
- (3) Describe current practice (type and composition)
- (4) Brief statement of compliance with probation terms.
- (5) Describe relationship with monitoring/supervisory physician.
- (6) Advise Board of any problems.

11. During the term of probation, Respondent must complete the course offered by the University of South Florida and the Florida Medical Association entitled, "Protecting Your Medical Practice: Clinical, Legal, and Ethical Issues in Prescribing Abusable Drugs." Respondent shall submit documentation of this continuing medical education course. These hours shall be in addition to those hours required for renewal of licensure.

12. Respondent shall not consume, inject, or ingest any controlled substances unless prescribed or administered by another practitioner authorized by law to prescribe or dispense controlled substances. However, the drugs shall only be consumed, injected, or ingested for a medically justifiable purpose. Furthermore, Respondent shall immediately advise the Board in writing of any controlled substances which Respondent is taking. Such written notification shall provide the name, strength, and dosage of the controlled substance, the name of the practitioner responsible for prescribing, administering, dispensing, or ordering the controlled substance, and the medical reason for which the drug is prescribed.

13. Respondent shall not consume alcohol.

14. Respondent shall participate in and comply with the Physicians' Recovery Network. Respondent shall enter into an after care contract with the Physicians' Recovery Network and shall cause the medical director of the Network to send the Board a copy of that after care contract. Respondent shall comply with all of the conditions of his after care contract with the Florida Medical Foundation's Physicians' Recovery Network. Respondent shall execute a release for the Physicians' Recovery Network to authorize the Network to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board as needed to monitor the progress of Respondent in the Network's program.

15. Respondent shall cause the director of the Physicians' Recovery Network to report to the Board any problems that may

occur with Respondent and any violations of Chapter 458, Florida Statutes, that occur. Respondent shall cause the director to make such a report within 30 days of the occurrence of any problems, or violations of chapter 458, Florida Statutes.

16. Respondent shall attend AA or NA meetings on a frequency of at least one meeting per week. Additionally, Respondent shall attend Cadeucus meetings on a frequency of not less than one meeting per week. Respondent shall document attendance of the meetings in the quarterly/semiannual reports.

17. Respondent shall submit to random urine testing for the purposes of ascertaining Respondent's compliance with his probation. The random urine screen shall be conducted as follows:

1. An investigator shall at unannounced times present himself to the Respondent and shall request that the Respondent furnish a specimen of urine and provide it in the presence of the investigator.
2. The Respondent shall, upon such request, immediately provide said urine specimen and shall provide it in the presence of the investigator.
3. Respondent shall not at any time refuse to immediately provide the requested specimen.
4. Respondent shall, at the time that the specimen is furnished, advise the investigator of all drugs or medications taken by the Respondent (whether legend or otherwise) in the period since the last random specimen was obtained.

18. Respondent may prescribe all Scheduled and controlled substances with the restrictions set forth below:

- (1) Respondent shall utilize sequentially numbered triplicate prescriptions in the prescribing of said controlled

substances.

- (2) Respondent shall, within two weeks after issuance, provide one copy of each prescription for said controlled substances to his supervising physician.
- (3) Respondent shall maintain one copy of each prescription for said controlled substances in the patient's medical record. This copy may be a xerox copy.

19. During this period of probation, semi-annual investigative reports will be compiled by the Department of Professional Regulation concerning Respondent's compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

20. Respondent shall pay all costs necessary to comply with the terms of the Order issued based on this proceeding. Such costs include, but are not limited to, the cost of preparation of investigative reports detailing compliance with the terms of this Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order entered as a result of this proceeding, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), Florida Statutes.

21. If at any time during Respondent's term of probation a required urine sample tests positive for banned chemicals and such test result is confirmed by PRN the stay shall be vacated and Respondent's license shall be revoked.

This order takes effect upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 23 day of December, 1994.

BOARD OF MEDICINE



EDWARD A. DAUER, 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 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION 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 Order has been provided by certified mail to Raul Froilan Nodal, M.D., c/o Grover C. Freeman, Esquire, 201 East Kennedy Boulevard, Suite 1950, Tampa, Florida 33602, by U.S. Mail to K. N. Ayers, Hearing Officer, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550; and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0792 at or before 5:00 P.M., this _____ day of _____, 1994.