

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE
ADMINISTRATION,

PETITIONER,

vs.

CASE NO. 93-20197

ANN HELTON, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Ann Helton, 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 20.165, 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 0041030. Respondent's last known address is Catawba Mental Health Center, 166 Dotson Street, Rock Hill, South Carolina 29732.

3. Respondent's area of Specialty is Psychiatry. Respondent's license to practice medicine in the State of Florida is currently Delinquent.

4. Between on or about January 18, 1980, and on or about March 2, 1994, Respondent and her former husband were involved in a custody battle over their child V.N.

5. During this period, the Circuit Court for Pinellas County, Florida found that Respondent suffered from a psychiatric disorder and ordered that Respondent undergo a series of psychiatric evaluations.

6. On or about July 28, 1993, Respondent filed an Amendment to Response to Petitioner's Second Amended Petition for Change of Custody. In the written response, Respondent displayed bizarre behavior which included accusations that the evaluating psychiatrists were part of a conspiracy to kidnap V.N., that one (1) of the evaluating psychiatrists was an actress posing as a psychiatrist, and that V.N. was "one (1) of a set of identical siblings being used in an effort to make a sham of parental concern for the adolescent and a sham of parent-child affection".

7. On or about March 2, 1994, A Final Order Awarding Custody and Child Support was filed in the Circuit Court in and for Pinellas County, Florida. The Final Order awarded primary residential custody of V.N. to Respondent's former husband. The Final Order stated that Respondent suffered from a mental impairment that adversely effected V.N.

8. On or about January 19, 1995, Respondent underwent a psychiatric evaluation performed by Daniel Sprehe, M.D. Dr. Sprehe's evaluation revealed that Respondent suffered from delusional paranoid disorder. Dr. Sprehe recommended that Respondent undergo a complete psychological evaluation and advised that Respondent's visitation rights with V.N. be temporarily suspended until she is given an adequate psychological evaluation.

9. On or about February 22, 1995, the Agency received a Diagnostic Evaluation for Respondent from Thomas Messervy, M.D. Dr. Messervy's evaluation of Respondent revealed that Respondent suffered from a circumscribed delusion related to her family with special emphasis on the cloning of her child (V.N.). Dr. Messervy stated that Respondent's delusion does not generalize into other areas of her life, outside of her family, and has not caused difficulties in her professional life. Dr. Messervy recommended that Respondent be monitored by another physician on a regular basis to insure that she has met the standard of care in treatment provided to her patients.

10. On or about April 3, 1995, Dr. Sprehe stated that he had reviewed Dr. Messervy's evaluation of Respondent and agreed that Respondent should be allowed to continue the practice of medicine with the condition that she be regularly monitored by another physician. Dr. Sprehe confirmed that Respondent suffered from a delusional disorder which did not generalize into her professional practice.

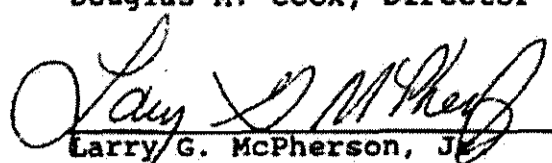
11. Respondent is guilty of being unable to practice as a psychiatrist with reasonable skill and safety to patients in that Respondent presents an immediate and serious danger to the health, safety, and welfare of the public, if allowed to practice as a psychiatrist in an unrestricted and unsupervised manner.

12. Based on the preceding allegations, Respondent has violated Section 458.331(1)(s), Florida Statutes, 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 or 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: permanent 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 24 day of May, 1995.

Douglas M. Cook, Director


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR AGENCY:

Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care Administration
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
FW/jto
PCP: May 17, 1995
Katims, Diblan, Echevarria

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK
CLERK *Brandon L. Moore*
DATE 5-25-95

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH CARE
ADMINISTRATION,¹ BOARD
OF MEDICINE,

Petitioner,

vs.

AHCA Case No: 93-20197

ANN HELTON, M.D.,

Respondent.

MOTION FOR DEFAULT

COMES NOW the Petitioner, the Agency for Health Care Administration, by and through its undersigned counsel, and files this Motion for Default. As grounds therefor, Petitioner would state:

1. An Administrative Complaint was filed in this case on May 25, 1995, alleging violations of Chapter 458.331 (1)(s), Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated herein as Exhibit "A".

2. The Administrative Complaint and Election of Rights was forwarded to the last known addresses of Respondent Ann Helton, M.D., 66 Dotson Street, Rock Hill, South Carolina 29732 and Ann Helton, M.D., 1902 Pace's Landing Avenue, Apartment 2615, Rock Hill, SC 29732. See Exhibit "B".

¹

Effective July 1, 1994, the Board of Medicine was transferred to the Agency for Health Care Administration pursuant to Section 29.42, Florida Statutes.

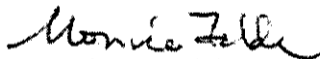
3. Respondent has been advised, by a copy of this Motion, that a copy of the investigative file in this case shall be furnished to the Board to establish a prima facia case regarding the violation as set forth in the Administrative Complaint. A copy of the investigative report is attached hereto and incorporated herein as Exhibit "C".

WHEREFORE, Petitioner respectfully moves this Board of Medicine to enter an Order finding Respondent in default. Furthermore, Petitioner request that the Board find, based on the information contained in the investigative report, that Respondent has violated the provisions of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail on this 1st day of March, 1996, Ann Helton, M.D., 166 Dotson Street, Rock Hill, South Carolina 29732 and Ann Helton, M.D., 1902 Pace's Landing Avenue, Apartment 2615, Rock Hill, SC 29732.

Respectfully submitted,



Monica Felder
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Florida Bar No. 986283
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1940 North Monroe Street
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MLF/pb
A: Helton.mfo

STATE OF FLORIDA
AGENCY FOR HEALTH CARE
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE
ADMINISTRATION, BOARD OF
MEDICINE,

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v.
ANN HELTON, M.D.,
Respondent.

CASE NO. 93-20197
LICENSE NO. ME 0041030

Final Order No. AHCA-96-00521 Date 4-30-96
FILED
Agency for Health Care Administration
AGENCY CLERK
By: R.S. Power Agency Clerk
Deputy Agency Clerk

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on March 29, 1996, in Ft. Lauderdale, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. Respondent was served with the Administrative Complaint by publication. Respondent was not present at the hearing. No material facts were in dispute, therefore, an informal hearing was conducted pursuant to Section 120.57(2), Florida Statutes. Upon consideration of the Administrative Complaint, the Motion for Final Order, the arguments of the Petitioner, and having been otherwise fully advised, the Board of Medicine makes the following findings and conclusions:

Upon consideration, it is ORDERED:

1. Respondent is found to be in DEFAULT.
2. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.
3. The conclusions of law alleged and set forth in the

Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

4. The violation set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED.

That the Respondent's license to practice medicine in the State of Florida is hereby suspended until Respondent can appear before the Board and demonstrate that she can practice medicine with reasonable skill and safety to patient. If the Board determines that she can practice with skill and safety, at that time, her license may be reinstated and appropriate terms of probation imposed, if necessary.

This Final Order takes effect upon filing with the Clerk of the Agency for Health Care Administration.

DONE and ORDERED this 25th day of April, 1996.

BOARD OF MEDICINE


MARY KATHRYN GARRETT, 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 AGENCY FOR HEALTH CARE ADMINISTRATION 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 THEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been proved by certified mail to Ann Helton, M.D., 166 Dotson Street, Rock Hill, South Carolina 29732 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 30th day of April, 1996.

Marm Harris
Marm Harris, Ed.D.
Executive Director