

FILED

Agency for Health Care Administration

AGENCY CLERK

R.S. Power, Agency Clerk

By: R.C. Bonaparte
Deputy Agency Clerk

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

BOARD: Medicine
CASE NUMBER: 94-06716
COMPLAINT MADE BY: K.W.
DATE COMPLAINT RECEIVED: 4-13-94
COMPLAINT MADE AGAINST: Riaz Mazcuri, M.D.
1403 Medical Plaza Dr. #202
Sanford, FL 32771-4714
INVESTIGATED BY: Lija Scherer
REVIEWED BY: Albert Peacock/ve
STAFF RECOMMENDATION: Close (PL-82)

CORRECTED NOTICE OF DISMISSAL/CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject violated Section 458.331(1)(x), Florida Statutes, through violation of 458.327(2)(c), Florida Statutes, which provides that it is unlawful to refer any patient, for health care goods or services, to a partnership, firm, corporation, or other business entity in which the physician or the physician's employer has an equity interest of 10 percent or more unless, prior to such referral, the physician notifies the patient of his financial interest and of the patient's right to obtain such goods or services at the location of the patient's choice.

THE FACTS: Subject's area of specialty is psychiatry. Subject has a 45% ownership stake in Pineview Academy, a mental health day treatment facility for disturbed children and adolescents, where he is the attending psychiatrist. Subject has

also a medical practice, which functions distinctly from Pineview Academy.

Patient T.L.W.

During trial preparation, two sworn statements were obtained from Mrs. Georgeanne Biancarossa, the assistant Executive Director at Pineview Academy, and Mrs. Jane Williams, Director of Nursing and Director of Social Services at Pineview Academy.

The statements reveal that on June 9, 1993, Patient T.L.W., an eleven (11) year old male and a Medicare patient, was **referred** to Pineview Academy by **Mrs. Betty Carter**, who was employed at the time by the HRS CINS Program (Children in Need of Service). Mrs. Biancarossa contacted Patient T.L.W.'s parents and scheduled the admission appointment at Pineview for June 30, 1993. Subsequently, Mrs. Carter requested that Patient T.L.W. undergo a psychiatric evaluation with Subject. Subject evaluated Patient T.L.W. on June 21, 1993.

The fact that Patient T.L.W. was referred to Pineview Academy by Mrs. Betty Carter is corroborated by the Pineview Academy Psychosocial Assessment of Patient T.L.W., completed on June 30, 1993, during the admission interview, and signed by Patient T.L.W.'s parents: the first page of the Psychosocial Assessment bears the indication that Patient T.L.W. was referred by Mrs. Betty Carter, of HRS.

While the Administrative Complaint alleges that on June 21, 1993, Subject examined Patient T.L.W., and diagnosed him with major depression, conduct disorder, and oppositional defiant disorder, and that subsequently Subject referred Patient T.L.W. to Pineview Academy, the evidence obtained during trial litigation clearly indicates that Subject did not refer Patient T.L.W. to Pineview Academy.

Patient K.F.

During trial preparation the Agency has also received a letter from **Dr. Ali A. Kashfi**, a physician specializing in child and

adolescent psychiatry. In his letter Dr. Kashfi states that in 1991 Patient K.F., a ten (10) year old female, was his patient and that he referred her to Pineview Academy.

While the Administrative Complaint alleges that Patient K.F. was referred to Pineview Academy by Subject without notifying her parents that he had a financial interest in it, the evidence obtained during trial preparation indicates that Subject was not the referring physician.

In a letter to the Agency ,dated May 14, 1996, Subject's attorney stated that "Dr. Mazcuri waives any and all claims that he may have for attorney fees and costs as a result of the above referenced case".

THE LAW: There is sufficient evidence for the Panel to have found probable cause in the case. However, based upon information obtained during trial preparation of this case, the Agency has determined that there is insufficient evidence to support the prosecution of allegations of violations of Chapter 458, Florida Statutes, or the rules promulgated therein. Therefore, pursuant to Section 455.225(2), Florida Statutes, this case is DISMISSED.

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

DONE and ORDERED this 11 day of February, 1997.

Douglas M. Cook, Director



Larry G. McPherson, Jr.
Chief Medical Attorney

AP/ve

PCP: September 4, 1996

FILED

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R.S. Power, Agency Clerk

By: *Stephanie D. Dyer*
Deputy Agency Clerk

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

DONE and ORDERED this 18 day of June, 1996.

Douglas M. Cook, Director



Larry G. McPherson, Jr.
Chief Medical Attorney

AP/ve

PCP: June 14, 1996