

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

Final Order No. AHCA-95-01809 Date 12-28-95

AGENCY FOR HEALTH CARE
ADMINISTRATION, BOARD OF
MEDICINE,

FILED
Agency for Health Care Administration
AGENCY CLERK

R.S. Power, Agency Clerk
By: Alexis C. Kirk
Deputy Agency Clerk

Petitioner,
v.

AHCA CASE NO. 94-17137
LICENSE NO. ME 0026758

ASHER SHMUEL ARIE PADEH, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on December 1, 1995, in Miami, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Steve Rothenburg, Medical Attorney. Respondent was present and represented by Harold Braxton, Esquire. 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 February 22, 1995, the Agency for Health Care Administration filed an Administrative Complaint against Asher

Shmuel Arie Padeh, 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 1-13 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), Florida Statutes and having determined that violation exist, it is appropriate for the Board to impose disciplinary action against the license of Asher Shmuel Arie Padeh, M.D.

DISPOSITION

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

1. Within thirty (30) days of the filing of the final order in this cause, the Respondent shall pay an administrative fine in the amount of one thousand dollars (\$1,000).

2. Within thirty (30) days of the filing of the final order in this cause, Respondent shall read and submit an affidavit that Respondent has read Chapter 455, 458, and the Rules of the Board of Medicine, at Section 59R, Florida Administrative Code.

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 December, 1995.

BOARD OF MEDICINE

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

CERTIFICATE OF SERVICE

I THEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been proved by certified mail to Asher Shmuel Arie Padeh, M.D., 9489 Harding Avenue, Surfside, Florida 33154, Harold Braxton, Esquire, Suite 400, One Datran Circle, 9100 South Dadeland Boulevard, Miami, Florida 33156 and 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

AGENCY FOR HEALTH CARE
ADMINISTRATION,

PETITIONER,

vs.

CASE NO. 94-17137

ASHER SHMUEL ARIE PADEH, 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 Asher Shmuel Arie Padeh, 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; Section 20.42, 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 0026758. Respondent's last known address is 9489 Harding Avenue, Surfside, Florida 33154-2803.

3. Respondent specializes in psychiatry.

4. In a Final Order of the Board of Medicine filed on or about August 30, 1994, Respondent was found in violation of Section 458.331(1)(m)&(q), Florida Statutes.

5. Pursuant to said Final Order, Respondent's medical licensure was placed on probation for two (2) years during which time he could not practice except under the indirect supervision of a Florida licensed physician approved by the Board of Medicine's Probationer's Committee.

6. After Respondent failed to request approval of a monitoring physician, an Agency Investigator on two (2) occasions, in October 1994, scheduled appointments with Respondent.

7. The Agency Investigator later presented to FedCo Pharmacy located across the street from Respondent's office and requested copies of prescriptions written by Respondent.

8. The Agency Investigator located three (3) prescriptions written by Respondent for Patient E.P. during September and October 1994: sixty (60) tablets of Temazepam, sixty (60) tablets of Eskalith, and thirty (30) tablets of Synthroid.

9. Temazepam is defined as a legend drug by Section 465.003(7), Florida Statutes, and is a Schedule IV controlled substance listed in Chapter 893, Florida Statutes. Temazepam is indicated in the relief of insomnia associated with the complaints of difficulty in falling asleep, frequent nocturnal awakenings and/or early morning awakenings.

10. Eskalith is defined as a legend drug by Section 465.003(7), Florida Statutes, and is indicated in the treatment of manic episodes of manic depressive illness.

11. Synthroid is defined as a legend drug by Section 465.003(7), Florida Statutes, and is indicated in the treatment of

hypothyroidism.

12. Respondent is guilty of violating any provision of this chapter, a rule of the board or Agency, or a lawful order of the board or Agency previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Agency in that Respondent violated a Final Order of the Board of medicine by practicing medicine without being supervised by an approved monitoring physician.

13. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes, violating any provision of this chapter, a rule of the board or Agency, or a lawful order of the board or Agency previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Agency.

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 21 day of February, 1995.

Douglas M. Cook, Director


Larry G. McPherson, Jr.
Chief Medical Attorney

FILED

AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK

CLERK Brandon L. Moore

DATE 2-22-95

COUNSEL FOR AGENCY:

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Florida Bar #788643
RPC/sdb
PCP: February 16, 1995
Murray, Slade and Varn