

Final Order No. AHCA-96-00780 Date 7-8-96

FILED

Agency for Health Care Administration  
AGENCY CLERK

By: Stephanie J. Doherty  
R.S. Power, Agency Clerk  
Deputy Agency Clerk

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

IN RE: The Emergency Suspension of the License of  
ERIC STANLEY WAUGH, M.D.  
License Number: ME 0054734  
Case Number 9605985

ORDER OF EMERGENCY SUSPENSION OF THE LICENSE

Douglas M. Cook, Director of the Agency for Health Care Administration, hereby ORDERS the Emergency Suspension of the license to practice medicine of Eric Stanley Waugh, M.D., (hereinafter referred to as "Dr. Waugh"). Dr. Waugh holds license number ME 0054734 and his last known addresses are Post Office Box 2106, Palatka, Florida 32178-2106 and 9417 Old Highway A1A, St. Augustine, Florida 32086. The Emergency Suspension of Dr. Waugh's license to practice medicine is supported by the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Agency for Health Care Administration is the state agency charged with regulating the practice of medicine pursuant to Section 20.42 and Chapters 455 and 458, Florida Statutes.

2. Section 455.225(8), Florida Statutes, empowers the Director of the Agency for Health Care Administration to summarily suspend Dr. Waugh's license to practice medicine in the State of Florida, in accordance with Section 120.60(8), Florida Statutes.

3. Dr. Waugh is and has been at all times pertinent to this Order a duly licensed physician, licensed pursuant to Chapter 458, Florida Statutes.

4. On October 15, 1994, St. Johns County, Florida employed Dr. Waugh as an independent contractor to provide outpatient psychiatric services for the St. Johns County Alcohol, Drug and Mental Health Department. On April 1, 1995, Dr. Waugh was promoted to Psychiatric Medical Director.

5. In or about October of 1995, the Adult Services Manager for the St. Johns County Alcohol, Drug and Mental Health Department began to receive complaints regarding Dr. Waugh's job performance. It was reported that he was missing a great deal of work without justification. Several clients reported that he was falling asleep while treating them. A registered nurse voiced concerns that Dr. Waugh appeared to be overprescribing controlled substances for patients. Based on the aforementioned, St. Johns County initiated termination of Dr. Waugh's contract in May of 1996.

6. On May 13, 1996, a deputy from the St. Johns Sheriff's Office responded to a call in St. Augustine, Florida regarding a nude male running down the road. The deputy found Dr. Waugh in an empty lot with no clothes on. He had the elastic from his underwear tied around his penis and was picking flowers.

7. When the deputy attempted to talk to Dr. Waugh, Dr. Waugh ran toward his house which was located nearby. When the deputy caught up to Dr. Waugh, Dr. Waugh was attempting to push the satellite dish in his back yard over. When asked what he was doing, Dr. Waugh stated that "Jesus Christ is the only one who knows what is going on." When the deputy asked Dr. Waugh to walk

over to his car to talk, Dr. Waugh stated that he would do so if he could first run around his house three times.

8. At this point the deputy determined that Dr. Waugh should be taken to a facility for an examination pursuant to Section 394.463, Florida Statutes (also known as "Baker Act" proceedings). When the deputy entered Dr. Waugh's house to get him some clothes, he found that there were broken dishes and glass and overturned furniture throughout the house. The sheetrock walls had holes punched in them and all of the mirrors had crosses painted on them with toothpaste. The deputy asked Dr. Waugh what had happened to his house and Dr. Waugh stated that he had been trying to get some people off his roof. Dr. Waugh further stated that he was outside with no clothes on because a missile was coming to destroy his house. Dr. Waugh stated that it was a religious matter and that Jesus Christ knew what was going on.

9. Dr. Waugh was transported to a psychiatric facility in St. Johns County. Dr. Waugh stated to personnel at the facility that he was involved in a spiritual event that had begun nine months prior. Based on an initial observation of Dr. Waugh he was diagnosed with a psychotic disorder not otherwise specified. Arrangements were made for Dr. Waugh to be transported to Baptist Hospital in Jacksonville, Florida. Before he could be transported, he left the facility. Law enforcement was called as Dr. Waugh was considered a high risk for suicide, but Dr. Waugh could not be located and the time requirements set forth in the Baker Act elapsed.

10. On May 19, 1996, the same deputy who had initially met with Dr. Waugh located Dr. Waugh at his residence. The deputy found Dr. Waugh to be in a calm state. Dr. Waugh was not taken back to the psychiatric facility.

11. On May 30, 1996, an Agency investigator interviewed Dr. Waugh at his residence. Dr. Waugh told the investigator that he had been carrying out the instructions of Jesus Christ on the day he was found with no clothes on. He stated that he was having a religious experience and did not want to further explain his behavior. Dr. Waugh stated to the investigator that he intended to sell his house and move to either Michigan or New York and work as a psychiatrist.

12. The Physicians Recovery Network (hereinafter referred to as "PRN") is the impaired practitioners program for the Board of Medicine. PRN is an independent program that monitors the evaluation, care and treatment of impaired health care professionals. PRN provides for the exchange of information between the treatment providers, PRN and the Agency, for the protection of the public.

13. On or about June 19, 1996, the Agency had Roger Goetz, M.D., Director of the PRN, review this case. Dr. Goetz suggested that he or Raymond Pomm, M.D., PRN's director of psychiatric services, visit Dr. Waugh and encourage him to seek treatment. However, before PRN could intervene, the Agency's investigator determined that Dr. Waugh had left his residence and could not be located.

14. Dr. Goetz states that, based on the facts set forth above, it is his professional opinion that Dr. Waugh is unable to practice medicine with skill and safety.

15. Dr. Waugh's continued practice of medicine constitutes an immediate and serious danger to the health, safety and welfare of the public.

#### CONCLUSIONS OF LAW

1. The Director of the Agency for Health Care Administration has jurisdiction over this matter pursuant to Section 455.225(8), Florida Statutes.

2. Based on the foregoing Findings of Fact, the Director concludes that Dr. Waugh has violated Section 458.331(1)(s), Florida Statutes, by 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.

3. The Director finds that based on the facts set forth above, Dr. Waugh'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.

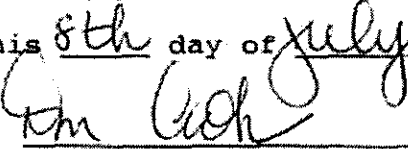
WHEREFORE, in accordance with Sections 120.54(9) and 120.60(8), Florida Statutes, it is

THEREUPON ORDERED THAT:

1. The license of ERIC STANLEY WAUGH, M.D., license number ME 0054734 is hereby immediately suspended.

2. A proceeding seeking formal suspension or revocation of the license to practice medicine of Eric Stanley Waugh, 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 8th day of July, 1996.

  
\_\_\_\_\_  
DOUGLAS M. COOK  
DIRECTOR  
Agency for Health Care Administration  
1940 North Monroe Street, Suite 60  
Tallahassee, Florida 32399-0750

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION RECEIVED

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

JAN 14 1997

HEALTH SERVICES  
Complaint and Allegation Division

Petitioner,

v.

AHCA CASE NO. 96-05985  
DOAH CASE NO. 96-3585

ERIC STANLEY WAUGH, M.D.,

Respondent.

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CONSENT AGREEMENT

Eric Stanley Waugh, M.D., referred to as the "Respondent," and the Agency for Health Care Administration, referred to as "Agency," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida, having been issued license number ME 0054734.

2. Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon Respondent with violations of Chapters 455 and 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

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3. Respondent admits the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Agency and the Board.

2. Respondent admits that the facts set forth in the attached Administrative Complaint, if proven, would constitute violations of Chapters 455 and 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458, and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to reinstatement of his medical license, the Respondent shall read Chapters 455, 458, and 893 and the Rules of the Board of Medicine in Section 59R, Florida Administrative Code.

2. PRN. Respondent shall submit to a PRN or PRN approved evaluation and shall comply with the recommendations for treatment. This may include, but is not limited to, entering into a monitoring

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contract with PRN or its approved substitute. One factor in considering Respondent's return to practice is his entering into and compliance with a PRN contract.

3. SUSPENSION. Respondent's license to practice medicine shall be suspended until such time as Respondent presents to the Board and demonstrates that he is able to practice medicine with skill and safety to patients.

4. PROBATION. Upon Respondent's demonstration to the Board that he is able to practice medicine with skill and safety to patients, Respondent's license to practice medicine shall be reinstated and placed on an indefinite period of probation under the following terms and conditions:

A. Respondent shall maintain and comply with the PRN contract as long as Respondent's license is on probation.

B. Other terms and conditions of probation shall be determined by the Board at the time Respondent's license is reinstated.

5. It is expressly understood that this Agreement is subject to the approval of the Board and the Agency. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

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6. Respondent is not required to appear before the Board at the meeting of the Board where this Agreement is considered. However, Respondent is required to appear before the Board when seeking reinstatement of his license.

7. Respondent and the Agency fully understand that this joint agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

8. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

9. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Agency in connection with this matter.

10. This agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with ~~consideration of the~~

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consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

SIGNED this 29 day of August, 1996.

Eric Stanley Waugh, M.D.  
Eric Stanley Waugh, M.D.

Before me, personally appeared Eric Stanley Waugh, M.D., whose identity is known to me by \_\_\_\_\_ (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 29<sup>th</sup> day of August, 1996.

W. Vincent Johnson  
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC - KALAMAZOO COUNTY, MI  
MY COMMISSION EXPIRES 10/1/97

Approved this 30<sup>th</sup> day of August, 1996.

Doug Cook  
Director

By: Francesca Plendl for  
Larry G. McPherson, Jr.  
Chief Attorney

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HEALTH SERVICES  
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Alcohol, Drug and Mental Health Department. On or about April 1, 1995, Respondent was promoted to Psychiatric Medical Director.

4. In or about October of 1995, the Adult Services Manager began to receive complaints regarding Respondent's job performance. It was reported that he was missing a great deal of work without justification. Several clients reported that he was falling asleep while treating them.

5. St. Johns County was in the process of terminating Respondent's contract in May of 1996. On or about May 13, 1996, a deputy from the St. Johns Sheriff's Office responded to a call in St. Augustine, Florida regarding a nude male running down the road. The deputy found Respondent in an empty lot with no clothes on. He had the elastic from his underwear tied around his penis and was picking flowers.

6. When the deputy attempted to talk to Respondent, he ran towards his house. When the deputy caught up to Respondent, Respondent was attempting to push the satellite dish in his back yard over. When asked what he was doing, Respondent stated that "Jesus Christ is the only one who knows what is going on." When the deputy asked Respondent to walk over to his car to talk, Respondent stated that he would do so if he could first run around his house three times.

7. At this time, the deputy determined that Respondent may be a danger to himself and began Baker Act proceedings. When the deputy entered Respondent's house to get him some clothes, he found that there were broken dishes and glass and overturned furniture

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Complaint and Allegation Division

throughout the house. The sheetrock walls had holes punched in them and all of the mirrors had crosses painted on them with toothpaste. The deputy asked Respondent what had happened to his house and Respondent stated that he had been trying to get some people off his roof. Respondent further stated that he was outside with no clothes on because a missile was coming to destroy his house. Respondent stated that it was a religious matter and that Jesus Christ knew what was going on.

8. Respondent was subsequently transported to a psychiatric facility in St. Johns County. Respondent stated to personnel at the facility that he was involved in a spiritual event that had begun nine (9) months prior. Based on an initial observation of Respondent, he was diagnosed with a psychotic disorder not otherwise specified. Arrangements were made for Respondent to be transported to Baptist Hospital in Jacksonville, Florida. Before he could be transported, he left the facility. Law enforcement was called, but Respondent could not be located.

9. On May 30, 1996, an Agency investigator interviewed Respondent at his residence. Respondent told the investigator that he had been carrying out the instructions of Jesus Christ on the day he was found with no clothes on. He stated that he was having a religious experience and did not want to further explain his behavior. Respondent stated to the investigator that he intended to sell his house and move to either Michigan or New York and work as a psychiatrist.

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10. The Physicians Recovery Network (PRN) is the impaired practitioners program for the Board of Medicine. PRN is an independent program that monitors the evaluation, care and treatment of impaired healthcare professionals. PRN provides for the exchange of information between the treatment providers, PRN and the Agency, for the protection of the public.

11. On or about June 19, 1996, Roger Goetz, M.D., Director of the PRN, reviewed this case, however, before PRN could intervene, Respondent had left his residence and could not be located.

12. Based upon the facts set forth above, Dr. Goetz opined that Respondent's continued practice of medicine constitutes an immediate and serious danger to the health, safety and welfare of the public.

14. Based on the foregoing, Respondent 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, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section

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455.227(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 16 day of July, 1996.

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 32399-0792  
Florida Bar #788643  
RPC/jto  
PCP: July 12, 1996  
PCP Members: Katims, Ashkar, Cherney

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AGENCY FOR  
HEALTH CARE ADMINISTRATION  
DEPUTY CLERK

CLERK *Stephannie G. [Signature]*  
DATE 7-16-96

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Complaint and Allegation Division

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STATE OF FLORIDA  
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Petitioner,

Final Order No. AHCA-96-01298 Date 11-7-96

FILED

Agency for Health Care Administration  
AGENCY CLERK

By: ORS. Power, Agency Clerk  
Stephen J. Dine  
Deputy Agency Clerk

vs.

CASE NO.: 96-05985  
LICENSE NO.: ME0054734

ERIC STANLEY WAUGH, M.D.,

Respondent.

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HEALTH SERVICES  
Complaint and Allegation Division

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 4, 1996, in West Palm Beach, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted<sup>1</sup> be and is hereby approved and adopted in toto and

<sup>1</sup>Paragraph 2. of the Stipulated Disposition contains a scrivener's error. This was corrected by agreement of the parties to delete the words "or the approved substitute."

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incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement.

This Final Order shall take effect upon being filed with the Clerk of the Agency for Health Care Administration.

DONE AND ORDERED this 30<sup>th</sup> day of October, 1996.

BOARD OF MEDICINE

M. Kathryn Garrett M.D.  
M. KATHRYN GARRETT, M.D.  
CHAIRPERSON

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HEALTH SERVICES  
Complaint and Allegation Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Eric Stanley Waugh, M.D., Post Office Box 2106, Palatka, Florida 32178-2106; to Grover C. Freeman, Esquire, 201 East Kennedy Boulevard, Suite 1950, Tampa, Florida 33602; and by interoffice delivery to Larry G. McPherson, Jr., Chief Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

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