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PRACTITIONER REGULATION
LEGAL

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STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-01-0640-S-MOA
FILED DATE 5/3/01
Department of Health

By: Vicki R. Kenon
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 1999-50220

LICENSE NO.: ME0041527

2001

MASOOD REHMANI, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on March 31, 2001, in Jacksonville, 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, the Board rejected the Consent Agreement and offered a Counter Consent Agreement which was accepted on the record by the parties. The Counter Consent Agreement incorporates the original Consent Agreement with the following amendments:

1. Respondent shall pay the costs associated with this matter in the amount of \$1149.33 to the Board within one (1) year from the date this Final Order is filed.

5/7/01
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2. Respondent shall receive a letter of concern from the Board.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein with the amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement as amended.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 17th day of April, 2001.

BOARD OF MEDICINE



TANYA WILLIAMS, BOARD DIRECTOR
For
GASTON ACOSTA-RUA, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Masood Rehmani, M.D., 6075 Rand Boulevard, Suite #1, Sarasota, Florida 34238; to Marvin ⁵¹⁸⁹ Tepper, Esquire, 64 Front Street, Binghamton, New York 13905; and by interoffice delivery to Nancy M. Snurkowski, Chief - Practitioner

Regulation, and Simone Marstiller, Senior Attorney - Appeals, Agency
for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida
32308-5403, on or before 5:00 p.m., this _____ day of
_____, 2001.

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

2001 FEB 20 AM 10:37

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH CASE NUMBER 1999-50220

MASOOD REHMANI, M.D.,

Respondent.
_____ /

CONSENT AGREEMENT

MASOOD REHMANI, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department," 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.

Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

STIPULATED FACTS

1. At all times material hereto, the Respondent was a licensed physician in the State of Florida having been issued license number ME 0041527.

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

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. The 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. The Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 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.** The Respondent shall not in the future violate Chapters 456, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent shall read Chapters 456, 458, 893 and the Rules of the Board of Medicine, at Section 64B8, Florida Administrative Code. .

2. **FINE.** The Board shall impose an administrative fine in the amount of \$2,000.00 against the Respondent. The Respondent shall pay the fine to the Board of Medicine within thirty (30) days of its imposition by Final Order of the Board.

THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN THIRT (30) DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH 1 OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).

3. CONTINUING MEDICAL EDUCATION. Within one (1) year of the date of the filing of a Final Order in this cause, Respondent shall attend five (5) hours of Continuing Medical Education in risk management. Respondent shall submit a written plan to the Chairman of the Board for approval prior to the completion of said continuing education hours and course. The Board confers authority on the Chairman of the Board to approve or disapprove said continuing education hours or course. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours

required for renewal of licensure. Unless otherwise approved by the Board, said continuing education course shall consist of a formal, live lecture format.

STANDARD PROVISIONS

1. 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.

2. Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

3. 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.

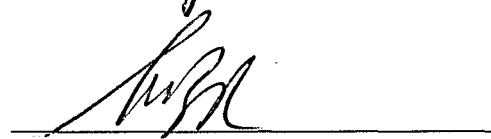
4. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

5. 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.

6. 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 Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and 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 14 day of February,
2000.


Masood Rehmani, M.D.

Before me, personally appeared MASOOD REHMANI, MD, whose identity is known to me by PERSONALLY (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 14th day of February,
2000.


NOTARY PUBLIC
My Commission Expires:

	JOYCE E. PATTOCK MY COMMISSION # CC 962543 EXPIRES: August 31, 2004 Bonded Thru Notary Public Underwriters
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APPROVED this 20th day of February,
2000.

Robert G. Brooks, M.D., Secretary

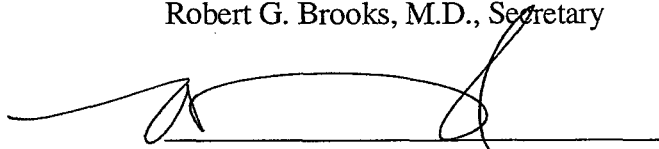

By: Kathryn L. Kasprzak
Chief Medical Attorney
Practitioner Regulation-Legal

Exhibit B

STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS

The following are the standard terms applicable to all Consent Agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. PAYMENT OF FINES. Unless otherwise directed by the Consent Agreement, all fines shall be paid by check or money order and sent to the Board address as set forth in paragraph E, below. The Board office does not have the authority to change terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the Consent Agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph E, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. ADDRESSES. The Respondent must keep current residence and practice addresses on file with the Board. The Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that the Respondent leaves the active practice of medicine in Florida.

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the cost of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with the Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines, reports, correspondence and inquires shall be sent to: **Board of Medicine, 2020 Capital Circle SE, Bin # 03, Tallahassee, Florida 32399-3253, Attn: Final Order Compliance Officer.**

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
)
 v.)
)
 MASOOD REHMANI, M.D.,)
)
 RESPONDENT.)
 _____)

CASE NO. 1999-50220

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Masood Rehmani, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

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 0041527. Respondent's last known address is 6075 Rand Blvd., Suite #1, Sarasota, Florida 34238.

3. In or about October 1998, Respondent applied to participate in the University of Miami's medical group. As a part of his application, Respondent submitted a declaration page from Frontier Insurance Company. The declaration page indicated that Respondent had medical malpractice insurance coverage from May 1, 1998 through May 1, 1999.

4. When a representative of the University of Miami medical group contacted Frontier Insurance Company, she discovered that Frontier Insurance Company had actually cancelled Respondent's medical malpractice insurance coverage on August 21, 1997. The declaration page Respondent submitted to the University of Miami had been altered to show current coverage when, in fact, Respondent's insurance policy had been cancelled.

5. Rule 64B8-12.005, Florida Administrative Code, states:

The failure to document compliance with or exception from the financial responsibility law upon request, the furnishing of false or misleading information, or the failure to timely notify the Board of a change in status shall be grounds for disciplinary action up to and including license revocation.

6. Respondent did not timely notify the Board of a change in status of his compliance with the financial responsibility law when his Frontier medical malpractice insurance policy was cancelled on August 21, 1997.

COUNT ONE

7. Petitioner realleges and incorporates paragraphs one (1) through six (6), as if fully set forth herein this Count One.

8. Respondent made deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employed a trick or scheme in the practice of medicine, in that Respondent submitted an altered medical malpractice insurance declaration page to the University of Miami in an application for participation in the University of Miami's medical group.

9. Based on the foregoing, Respondent violated Section 458.331(1)(k), Florida Statutes, by making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

COUNT TWO

10. Petitioner realleges and incorporates paragraphs one (1) through six (6), and paragraph eight (8), as if fully set forth herein this Count Two.

11. Respondent violated a rule of the board or department, in that Respondent failed to timely notify the Board of a change in status of his compliance with the financial responsibility law when his Frontier medical malpractice insurance policy was cancelled on August 21, 1997, in violation of Rule 64B8-12.005, Florida Administrative Code.

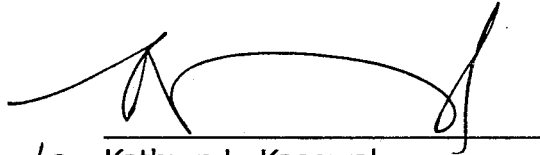
12. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes, by violating any provision of Chapter 458, Florida Statutes, a rule of the board or department, or a lawful order of the board or department previously entered in a

disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

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 as provided for in Section 456.073(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 30th day of August, 2000.

Robert G. Brooks, M.D., Secretary



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Kathryn L. Kasprzak
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Kathryn L. Kasprzak
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 937819
KLK/ess
PCP: August 28, 2000
PCP Members: Cerda, El-Bahri, Varn

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Kenon*
DATE 9/1/00