

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
)
 v.)
)
 VERONICA R. MOTIRAM, M.D.,)
)
 RESPONDENT.)
 _____)

CASE NO. ME 1999-56587

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 Veronica R. Motiram, 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 0050419,

Respondent's last known address is 1609 S. Congress Avenue., Boynton Beach, Florida, 33436.

3. On or about March 24, 1999, Patient E.L., a 70 year old male, presented to Respondent, suffering from alcohol withdrawal. Patient E.L. had a history of cardiac disease and alcohol abuse.

4. Patient E.L. was unable to give a coherent medical history to Respondent. Patient E.L. had been drinking about a gallon of whiskey a day prior to March 22, 1999 and began hallucinating shortly thereafter. Onetta Johnson, a friend of Patient E.L., gave E.L.'s medical history to Respondent. Ms. Johnson reported that Patient E.L. had not drank alcohol since March 22, 1999, and he had not eaten for three (3) days. Since Patient E.L. stopped drinking alcohol, he started hallucinating.

5. Patient E.L. was admitted by Respondent to the Fair Oaks Hospital chemical dependency unit for alcohol detoxification purposes. Respondent examined Patient E.L. and concluded he was: 1) not able to be cooperative, 2) oriented only to person and place, 3) very confused in his thinking processes, 4) actively hallucinating, and 5) experiencing active delirium tremens. Respondent did not perform a physical or neurological examination of Patient E.L., nor did she order such examinations for Patient E.L. prior to admission. Respondent did not, prior to or immediately after admission, order a complete blood count and/or a standard chemistry profile including hepatic and cardiac enzymes, for Patient E.L., or evaluate Patient E.L.'s electrolyte status.

6. According to Patient E.L.'s medical records, on or about March 25, 1999 at approximately 11:45 a.m., a nurse found Patient E.L. crawling on the floor to escape people with guns. Patient E.L. was taken to a quiet room to decrease stimulation.

7. On or about March 25, 1999 at approximately 1:30 p.m., Patient E.L. suffered cardiac arrest and expired.

8. A reasonably prudent physician under similar conditions and circumstances would have ordered and evaluated Patient E.L.'s complete blood count, electrolyte test, and chemical profile for Patient E.L., either prior to or immediately after admission, to support the conclusion that admission to this facility was safe and appropriate. A reasonably prudent physician under similar conditions and circumstances would have performed a physical and neurologic examination of Patient E.L., and/or arranged to have such examination performed immediately prior to admission.

9. Respondent failed to document a medical justification for postponement of physical and neurological examination in Patient E.L.'s medical records.

10. A reasonably prudent similar physician under similar conditions and circumstances would have monitored Patient E.L. more closely following admission given the inadequate information obtained during the initial assessment.

COUNT ONE

11. Petitioner realleges and incorporates paragraphs one (1) through ten (10), as if fully set forth herein this Count One.

12. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in that Respondent failed to do one or more of the following:

- (a) perform a physical and neurologic examination of Patient E.L. and/or arrange to have such examination performed immediately prior to admission;
- (b) monitor Patient E.L. more closely following admission given the inadequate information obtained during the initial assessment; and/or
- (c) order and evaluate a complete blood count, electrolyte test, and chemical profile for Patient E.L. either prior to or immediately following admission.

13. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

14. Petitioner realleges and incorporates paragraphs one (1) through ten (10) and paragraph twelve (12), as if fully set forth herein this Count Two.

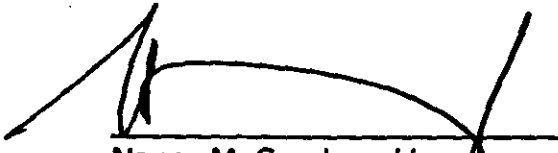
15. Respondent failed to keep legible medical records justifying the course of treatment of Patient E.L., in that Respondent failed to do one or more of the following:

- (a) document in Patient E.L.'s written medical records the fact that she failed to perform a physical and neurologic examination of Patient E.L. and/or arrange

prosecution of this case as provided for in Section 456.072(4), Florida Statutes (2000), and/or any other relief that the Board deems appropriate.

SIGNED this 3rd day of May, 2001.

Robert G. Brooks, M.D., Secretary



Nancy M. Snurkowski
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

Britt L. Thomas
Senior Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 0962899
BT/bwk
PCP: April 27, 2001
PCP Members: El-Bahri, Tucker, Pardue

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Vicki R. Kenon
DATE 5/4/01

**STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH CASE NO. 1999-56587

VERONICA R. MOTIRAM, M.D.,

Respondent.

_____ /

CONSENT AGREEMENT

Veronica R. Motiram, 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 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.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0050419.
2. Respondent was charged by Administrative Complaint filed by the Agency and properly served upon Respondent with a violation 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. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.
2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute a violation of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.
3. The parties admit that the Stipulated Disposition in this case is fair, appropriate, and acceptable.

STIPULATED DISPOSITION

1. **FUTURE CONDUCT.** 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, Respondent shall read Chapters 456, 458, 893 and the Rules of the Board of Medicine, at Section 64B8, Florida Administrative Code.

2. **FINE.** Respondent shall pay an administrative fine in the amount of **\$1,000** to the Board. Respondent shall pay this fine within sixty (60) days of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HER 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 SIXTY 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. **COST OF INVESTIGATION AND PROSECUTION.** Respondent shall pay costs of investigation and prosecution in the amount of \$1,000. Respondent shall pay the costs of investigation and prosecution to the Board of Medicine within sixty (60) days of its imposition by Final Order of the Board.

4. **CONTINUING MEDICAL EDUCATION.** Within one year of the date of the filing of a Final Order in this cause, Respondent shall attend ten (10) hours of Continuing Medical Education (CME). These courses shall be in the following areas: five

(5) hours in risk management and five (5) hours in treatment of substance abuse patients. 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 entry 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 medical 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 agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings

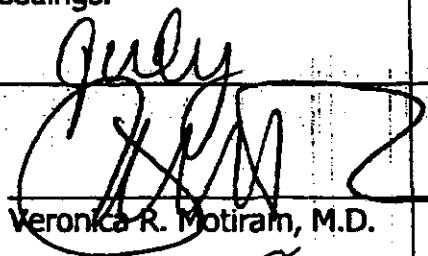
against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

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, 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 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 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 30th day of July, 2001.


Veronica R. Motiram, M.D.

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

Sworn to and subscribed before me this 30th day of July, 2001, 2001.



Barbara A. Cruse
My Commission DC879413
Expires October 13, 2003

Barbara A. Cruse

NOTARY PUBLIC
My Commission Expires:

APPROVED this 16th day of August, 2001.

Robert G. Brooks, M.D., Secretary

[Signature]

By: Nancy M. Snurkowski,
Chief Attorney - Practitioner Regulation

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

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, 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 Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines, costs shall be sent to: **Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, FL 32314 ATT: Medical Compliance Officer.** Any reports, correspondence, inquiries or communications other than for the payment of fines and costs shall be sent to: **Board of Medicine, HMQAMS/Client Services Unit /BIN C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, ATTN: Medical Compliance Officer.**

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-01-1773-5-MOA
FILED DATE - 10/30/01
Department of Health
By: Wicki R. Kenon
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 1999-56587
LICENSE NO.: ME0050419

VERONICA R. MOTIRAM, M.D.,

Respondent.

_____ /

FINAL ORDER

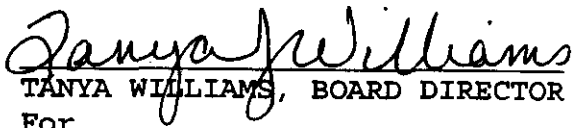
THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 5, 2001, in Miami, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration 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 be and is hereby approved and adopted in toto and 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 Department of Health.

DONE AND ORDERED this 23RD day of October, 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 Veronica Motiram, M.D., 1609 S. Congress Avenue, Boynton Beach, Florida 33436; to Thomas Bowden, Esquire, Weidner, Bowden & Weidner, P.A., 11265 Alumni Way, Suite 201, Jacksonville, Florida 32246; and by interoffice delivery to Nancy M. Snurkowski, Chief - Practitioner Regulation, and Lisa Pease, 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.
