

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2001-11168

ROBERT G. SKWERER, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner, the Department of Health, by and through the Agency for Health Care Administration, for its Complaint against Robert G. Skwerer, M.D., states:

PARTIES

1. The Department of Health is the state agency charged with regulating the practice of medicine under Florida Law.
2. Respondent, whose address of record is 1807 Whispering Forest Drive, #103, Charlotte, North Carolina 28270, was issued license number ME 0053438 on June 17, 1988, and is board certified in psychiatry.

**ACTION AGAINST LICENSE
BY ANOTHER STATE**

3. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida.

4. On or about July 20, 2001, in response to an investigation by the North Carolina Medical Board, and in anticipation of the filing of administrative charges against his medical license, Respondent signed a North Carolina Medical Board Voluntary Surrender Form, in which he voluntarily surrendered his North Carolina medical license.

5. On or about August 22, 2001, the Medical Board reported that Respondent voluntarily surrendered his North Carolina medical license on July 20, 2001.

6. On or about August 14, 2001, Respondent wrote a letter to the Florida Department of Health, reporting that he voluntarily surrendered his North Carolina medical license because of chemical dependency and depression.

7. Respondent violated Section 458.331(1)(b), Florida Statutes by having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, in that Respondent voluntarily surrendered his North Carolina medical license on July 20, 2001, in response to or in anticipation of the filing of administrative charges against Respondent's North Carolina medical license.

WHEREFORE, Petitioner requests that, in order to protect the health and safety of the People of the State of Florida, Respondent be found responsible for the violations alleged, and each of them, and that one or more of the following disciplines be entered against Respondent:

(A) Permanent Revocation of Respondent's license;

- (B) Suspension of Respondent's license for an appropriate period of time;
- (C) Restriction of Respondent's practice;
- (D) Imposition of an administrative fine;
- (E) Issuance of a reprimand;
- (F) Placement of Respondent on probation, with appropriate conditions;
- (G) Assessment of the costs for investigation and prosecution of this case;
and.
- (H) Such other and further relief as is appropriate.

SIGNED this 13th day of May, 2002

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health



Nancy Snurkowski
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

Bruce A. Campbell
Senior Attorney
Agency for Health Care Administration
P. O. Box 14229
Mail Stop 39-A
Tallahassee, Florida 32317-4229
Florida Bar # 191163
BAC/bwk
PCP: May 10, 2002
PCP Members: ASHKAR, EL SANADI AND BEEBE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Vicki R. Kenon
DATE 5/14/02

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: ME 2001-11168

ROBERT G. SKWERER, M.D.,

Respondent,

STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Stipulation to the Board of Medicine as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Stipulation is issued by the Department and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed physician in the State of Florida, having been issued license number ME 053438. Respondent's last known address is 1807 Whispering Forest Drive, #103, Charlotte, North Carolina 28270.

2. The Respondent was charged in an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 456 and 458, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

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

STIPULATED LAW

1. Respondent admits that Respondent is subject to the provisions of Chapters 456 and 458, Florida Statute, and the jurisdiction of the Board, Department, and the Agency.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of law as alleged in the Administrative Complaint.

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

PROPOSED DISPOSITION

1. The Respondent shall be present when this Stipulation is presented by the Department to the Board and under oath shall answer questions by the Board concerning this case and the disposition thereof.

2. The license of the Respondent shall be reprimanded by the Board of Medicine.

3. The Board of Medicine shall impose an administrative fine of One Thousand (\$1000) dollars against the license of the Respondent, to be paid by the Respondent to the Department of Health, HMQAMS/Client Services, Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Medicine Compliance Officer, within thirty (30) days of entry of the Final Order accepting this stipulation.

4. The Respondent shall reimburse the Board of Medicine in an amount up to Five Hundred (\$500) dollars for the cost of investigation of this case within thirty (30) days from the entry of the Final Order in this cause. The costs shall be paid to the Compliance Officer at the address listed in paragraph three.

5. The Respondent's license to practice medicine in Florida is restricted to require that he continue to maintain his medical license in good standing in North Carolina.

6. In addition, Respondent's license to practice medicine in Florida is restricted in that if he comes to Florida to practice medicine, he must enroll in and comply with requirements of the Florida Physician's Recovery Network.

7. Respondent shall pay all costs necessary to comply with the terms of the Final Order issued to resolve this cause.

8. Respondent shall not in the future violate Chapter 456 and 458, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice as a physician.

9. It is expressly understood that a violation of the terms of this Stipulation shall be considered a violation of a Final Order of the Board of Medicine, for which disciplinary action may be initiated pursuant to Chapter 456 or 458, Florida Statutes.

10. It is expressly understood that this Stipulation is subject to approval of the Board and has no force or effect until a Final Order is entered by the Board approving this Stipulation.

11. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Medicine regarding the acts or omissions specifically set forth in the Administrative Complaint, attached as Exhibit A. 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 Stipulation. Respondent agrees to support this stipulation at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Stipulation not be accepted by the Board, it is agreed that the presentation and consideration of this Stipulation 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.

12. The Respondent and the Department fully understand that this Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Department against the Respondent for acts or omissions that are not the subject of the Administrative Complaint, attached as Exhibit A. This Stipulation relates solely to the current disciplinary proceedings arising from the aforementioned complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency's Medicaid Program Integrity Office.

13. The Respondent waives the right to seek attorney's fees and/or costs from the Board, Department of Health or Agency for Health Care Administration in connection with this disciplinary proceeding.

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WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 27 day of JUNE, 2002.

Robert G. Skwerer
Robert G. Skwerer, M.D.
CASE NO. ME 2001-11168

Before me, personally appeared Robert G. Skwerer
whose identity is known to me by Driver License
(type of identification) and who, under oath, acknowledges
that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 27th day of

Katherine M. Hodges
Notary Public
My Commission Expires: April 6th 2004



APPROVED this 2th day of JUNE, 2002.

John O. Agwunobi, M.D., MBA
Secretary, Department of Health

Nancy M. Smurkowski
By: Nancy M. Smurkowski
Chief Attorney
Practitioner Regulation
Agency for Health Care Administration

Deborah Loucks, Senior Attorney
Agency for Health Care Administration
Office of General Counsel - MQA
Practitioner Regulation - Medical Section
P.O. Box 14229
Tallahassee, Florida 32317-4229
(850) 487-9694

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-02-1287- 5-MOA
FILED DATE - 8/26/02
Department of Health

By: Vicki R. Kernan
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 2001-11168
LICENSE NO.: ME0053438

ROBERT G. SKWERER, 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 August 2, 2002, in Orlando, 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. The requirement for a reprimand set forth in Paragraph 2 of the Stipulated Disposition shall be deleted.
2. The requirement regarding Respondent's North Carolina license as set forth in Paragraph 5 of the Stipulated Disposition shall be deleted.

3. Respondent's license to practice to medicine in the State of Florida is hereby suspended until such time as his license in North Carolina is free and clear of all encumbrances. In addition, prior to seeking reinstatement in Florida, Respondent must be evaluated by the Physicians Recovery Network (PRN) and comply with any and all recommendations of PRN.

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 22 day of February, 2002.

BOARD OF MEDICINE



LARRY G. MCPHERSON, JR., EXECUTIVE DIRECTOR
For
ZACHARIAH P. ZACHARIAH, 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 Robert Skwerer, M.D.,