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STATE OF FLORIDA
BOARD OF MEDICINE

By: Heather Coleman
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH Case No.: 2003-04685
License No.: ME0038198

GEORGE M. KUBSKI, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on October 4, 2003, in Ft. Lauderdale, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice as a physician in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

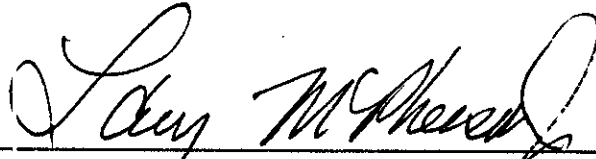
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice as a physician in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon his record.

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

DONE AND ORDERED this 17th day of OCTOBER,
2003.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for Raghavendra Vijayanagar, M.D., Chair

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 GEORGE M.
KUBSKI, M.D., c/o Lawrence E. Brownstein, Esq., Agent for
Service, 515 N. Flagler Drive, #300 - Pavillion, West Palm Beach,
Florida 33401; and by interoffice delivery to Denise O'Brien and
Pamela Page, Department of Health, 4052 Bald Cypress Way, Bin #C-
65, Tallahassee, Florida 32399-3265 this 20th day of
October, 2003.



STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2003-04685

George Kubski, M.D.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent George Kubski, M.D., license No. ME 38198, hereby voluntarily relinquishes Respondent's license to practice Medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as a medical doctor in the State of Florida.
3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the Investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution

of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 30th day of September, 2003.

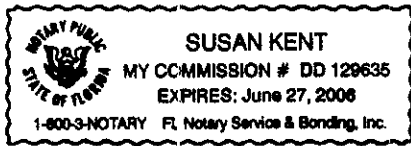
George Kubski M
George Kubski, M.D.

STATE OF FLORIDA
COUNTY OF:

Before me, personally appeared George Kubski 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 30th day of September, 2003.

Susan Kent
NOTARY PUBLIC

My Commission Expires:



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2003-04685

GEORGE M. KUBSKI, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, George M. Kubski, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida having been issued license number 38198 on May 15, 1981.
3. Respondent's address of record is 2001 Palm Beach Lakes Boulevard, Suite 501, West Palm Beach, Florida 33409.
4. Respondent is board certified in psychiatry and neurology.
5. On or about January 31, 2003, a judgment and sentence were entered against Respondent in the Circuit Court of the Fifteenth Judicial Circuit, Palm Beach

County, Florida, in the matter of State of Florida vs. George M. Kubski, Case number: 02CF010799 A02.

6. Respondent pleaded guilty to count one of the indictment filed in the case and was adjudicated guilty of manslaughter in the drug related death of Respondent's Patient JM, a violation of Section 782.07, Florida Statutes.

7. Respondent prescribed legend drugs to Patient JM in inappropriate doses over a significant period of time without adequately ascertaining the etiology of Patient JM's pain and by prescribing controlled substances in quantities, combinations, and dosages that were not in Patient JM's best interest, and Respondent did not follow the Guidelines adopted by the Board of Medicine for the use of controlled substances for treatment of pain as set forth in Rule 64B8-9.013 of the Florida Administrative Code.

8. As a result of the adjudication of guilt, Respondent is to be incarcerated for a term of 364 days and thereafter placed on probation for a term of ten (10) years with terms and conditions, including; a prohibition to practice medicine or any type of medical services and, prior to serving the prison term, Respondent to deposit \$150,000 in a trust account for the minor child of the victim.

9. Section 458.331(1)(c), Florida Statutes, sets forth grounds for disciplinary action by the Board of Medicine including being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

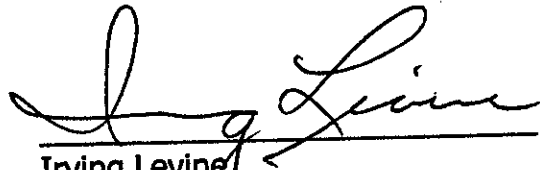
10. Based on the foregoing, Respondent has violated Section 458.331(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of nolo

contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 29th day of May, 2003.

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



Irving Levine
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0822957
(850) 414-8126
(850) 414-1989 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK W. R. Kenon
DATE 5/29/03

Reviewed and approved by: DAC (initials) 3/18/03 (date)

PCP: May 23, 2003

PCP Members: El-Bahri, Long, McMillin

Dr. Kubski, Case 2003-04685

NOTICE OF RIGHTS

Respondent has the right: to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.