

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-07-2594-9-MQA
FILED DATE - 12-11-07
Department of Health
By: Rebecca Johnson
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2006-36461
LICENSE NO.: ME0094659

ISHMEAL MAJOR, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on November 30, 2007, in Orlando, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine 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.

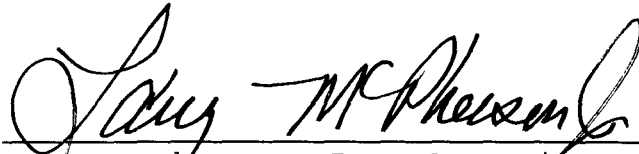
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

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

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

DONE AND ORDERED this 18 day of DECEMBER,
2007.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for H. FRANK FARMER, JR., 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 ISHMEAL MAJOR, M.D., 551 River Hill Circle, Columbia, South Carolina 29210; to Gregory A. Chaires, Esquire, Chaires & Hammond, Altamonte Lakeside Park, 283 Cranes Roost Boulevard, #165, Altamonte Springs, Florida 32701; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 19 day of December, 2007.



Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2007-36461

Ishmeal Major, M.D.,

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Ishmeal Major, M.D., license number 94659, hereby voluntarily relinquishes his license to practice as a physician 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 disciplinary action against Respondent's license pursuant to Section 456.072(1) (f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as a physician in the State of Florida.
3. Respondent will immediately refrain from practicing as a physician following his execution of this Voluntary Relinquishment. Respondent further

agrees to refrain from practicing as a physician 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 28th day of August, 2007.

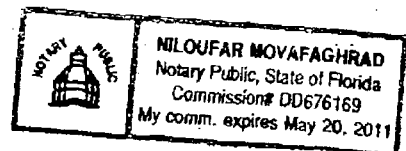

Ishmeal Major, M.D.

STATE OF FLORIDA:
COUNTY OF Duval :

Before me, personally appeared ISHMEL MAJOR, whose identity is known to me by Florida Driver Lic (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 28 day of August, 2007.

NILOUFAR MovafaghRad
NOTARY PUBLIC

My Commission Expires: May 20, 2011



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STATE OF FLORIDA
DEPARTMENT OF HEALTH

RECEIVED

AUG 31 2007

DOH / MCA
TALLAHASSEE

INVESTIGATIVE REPORT

Office: Jacksonville		Date of Complaint: 06/01/07		Complaint Number: ME 2006-36461	
Subject: ISHMEAL MAJOR, MD 551 River Hill Circle, #433 Columbia, SC 29210			Source: JOSEPH TEPEDINO New York State Education Department 475 Park Ave. South, 2nd Floor New York, New York 10016-6901 (W) (212) 951-6453		
Prefix: ME	License #: 94659	Profession: Medical Physician	Board: Medicine	Report Date: 08/30/07	

Period of Investigation: 06/05/07--08/30/07 Type of Report: FINAL

Alleged Violation: F.S. 458.331 "Grounds for disciplinary action; action by the board and department.-- (1) The following acts... (t) Notwithstanding... (q) Prescribing, dispensing, administering, mixing... (g) Failing to perform any statutory or legal obligation... (nn) Violating any provision..." and F.A.C. 64B8-9.0014 "Standards for Telemedicine Prescribing..." and F.S. 456.035 "Address of record...."

Synopsis:

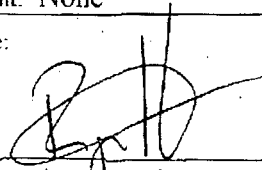
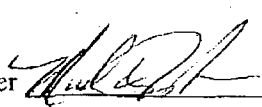
This investigation is predicated upon receipt of a complaint submitted by JOSEPH TEPEDINO, Supervising Investigator for the New York State Education Department, Office of Professional Discipline, in regard to ISHMEAL MAJOR, MD, alleging MAJOR wrote a prescription for Sonata 5mg on 07/08/06 to a patient over the internet without a valid examination or patient / physician relationship. MAJOR's address on the prescription is 11798 San Jose Blvd., Ste 2, Jacksonville, FL 32223. Therefore, it appears that MAJOR has failed to update the Board office with his current address as required, (Exhibit 1).

MAJOR was notified of the investigation by letter dated 06/05/07 and was provided with a copy of the Department of Health's Uniform Complaint Form and a copy of the originating documents submitted by TEPEDINO, (Exhibit 2).

A check of DOH computer records revealed MAJOR is currently licensed as a medical doctor, (Exhibit 3). MAJOR's specialty area is Psychiatry. MAJOR is Board certified in his specialty area, (Exhibit 5).

MAJOR is represented by Attorney GREGORY CHAIRES, Phone (407) 834-2777, Chaires Hammond, P.L. 283 Cranes Roost Blvd. Ste 165, Altamonte Springs, FL 32701. CHAIRES has requested a complete copy of the investigative file pursuant to F.S. 456.073 (10), (Exhibit 7).

In a written response from CHAIRES on behalf of MAJOR, dated 08/02/07, CHAIRES stated "Dr. MAJOR does not know nor has he worked for US-Meds.com." MAJOR has been unable to locate the records for this patient at that time.

Related Complaint: None	
Investigator/Date: Ryan F. Heal  Medical Malpractice Investigator (JI-81) 08/30/07	Approved By/Date: Mark A. Thacker  8/30/07 Investigator Supervisor
Distribution: HQ/ISU	

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*** EXHIBITS CONTAIN INFORMATION WHICH IDENTIFIES PATIENT(S) BY NAME AND ARE SEALED PURSUANT TO SECTION 456.057(8), FLORIDA STATUTES.**

INVESTIGATIVE DETAILS

Summary of Records

Exhibit 1 is the UCF and attachments. The attachments include the following:

- A letter from TEPEDINO, essentially stating that during a pharmacy investigation, he noted US-Meds.com to be providing internet service for prescription medications, with a large amount being for controlled substance. He notes he had attached a sample of prescriptions which were written by Medical Doctors licensed in Florida.
- A photocopy of a generated prescription for MF, prescribing 30 count 5mg Sonata tablets on 07/08/06. The prescription is from MAJOR, and appears to be signed by MAJOR.

Exhibit 5 is the American Board of Medical Specialties website printout, which essentially states ~~ISHMEAL MAJOR, MD, is certified by the American Board of Psychiatry & Neurology.~~

Exhibit 6 is the subpoena requesting medical records for MF from MAJOR.

Exhibit 8 is the response packet from CHAIRES on behalf of MAJORS. The exhibit includes a written response and a copy of MAJOR's Curriculum Vitae.

INTERVIEW OF JOSEPH TEPEDINO

New York State Education Department
475 Park Ave. South, 2nd Floor
New York, New York 10016-6901
(W) (212) 951-6453

On 08/28/07, this Investigator interviewed TEPEDINO via telephone at the number noted above. TEPEDINO essentially stated the following:

- He was investigating a New York pharmacist who was participating in online dispensing.
- The pharmacist has since either given up his license or had it suspended.
- It was a typical system, the customer/patient goes to the computer, USMeds.com in this case, fills out a typical questionnaire, including what medications they want, and gives a credit card. A few days later, they receive their medication request.
- The pharmacy in question may still be open, but the pharmacist is no longer able to practice.
- Most of the patients he spoke to did not remember the specific orders in question, and none remembered what doctors had filled the prescriptions for them.
- He does not know how to prove MAJORS did or did not write the prescription, or if there was a professional relationship between MAJORS and USMeds.com.
- He suggested this Investigator contact RICHARD SPRINGER, DEA, to see if he had any further information in this investigation.

TEPEDINO had nothing further to add to this investigation at that time.

INTERVIEW OF RICHARD SPRINGER

DEA Diversion Program
New York Field Division
99 Tenth Avenue
New York, NY 10011
(W) (212) 337-1578

On 08/28/07, this Investigator spoke to SPRINGER via telephone. SPRINGER essentially stated the name ISHMEAL MAJOR did not come to mind, but he would do a little research and see if he had any further information on him. He would contact this Investigator if he found anything.

~~SPRINGER had nothing further to add to this investigation at that time.~~

As of this writing, no response has been received from SPRINGER.

WRITTEN STATEMENT OF GREGORY CHAIRES

Chaires Hammond P.L.
283 Cranes Roost Blvd. Ste 165
Altamonte Springs, FL 32701
(W) (407) 834-2777

A written response packet, dated 08/02/07, was received from CHAIRES on the same, (Exhibit 8). Included was MAJOR's C.V. which indicated he graduated with Medical Degree from the University of South Carolina School of Medicine in 2000. MAJOR is Board certified by the American Board of Psychiatry & Neurology. On behalf of MAJOR, CHAIRES stated the following:

- "Dr. MAJOR does not know nor has he worked for US-Meds.com."
- MAJOR has been unable to locate the records for this patient at that time.
- In the event MAJOR is able to locate the patient records, they will promptly furnish a copy to this Investigator.
- He has attached MAJOR's C.V., which shows he is an accomplished psychiatrist.
- This letter is a renewed request for a copy of the investigative file.

Exhibit 9 is the Confidential Index to Names.