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Final Order No. DOH-08-2922-^S MQA
FILED DATE DEC 19 2008
Department of Health
By: Racul Bh
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2008-09435
LICENSE NO.: ME0026002

EDWARD G. BLANKSTEIN, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on December 5, 2008, in Tampa, 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.

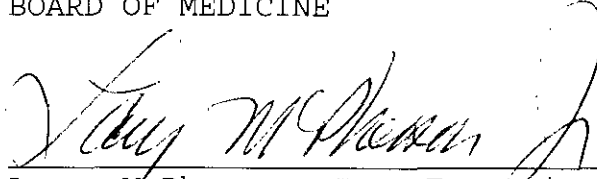
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

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, 2008.

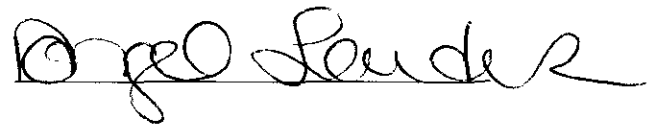
BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
For Robert Cline, 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 EDWARD G. BLANKSTEIN, M.D., 437 E. Loyola Drive, Tempe, Arizona 85282; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 19th day of December, 2008.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Rachel B*
DATE 10.30.08

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2008-09435

EDWARD G. BLANKSTEIN, M.D.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Edward G. Blankstein, M.D., license No. ME 26002, 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 disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner's Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.
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 17 day of Oct, 2008.


Edward G. Blankstein, M.D.

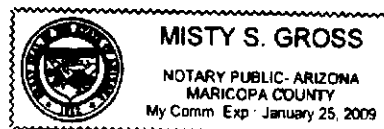
STATE OF ~~FLORIDA~~ Arizona
COUNTY OF: Maricopa

Before me, personally appeared Edward G. Blankstein, MD, whose identity is known to me by AZ drivers license (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 17th day of October, 2008.


NOTARY PUBLIC

My Commission Expires:

25th day of January 2009



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2008-09435

EDWARD G. BLANKENSTEIN, 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, Edward G. Blankenstein, 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 ME 26002.

3. Respondent's address of record is 437 East Loyola, Tempe, Arizona, 85282.

4. The Arizona Medical Board is the licensing authority regulating the practice of medicine in the State of Arizona.

5. On or about February 7, 2008, the Arizona Medical Board entered a consent order issuing a letter of reprimand to Respondent for failure to properly dispense medications and for failure to maintain adequate records. An additional term of the Board's order was that Respondent immediately surrender his dispensing certificate in the State of Arizona.

6. Section 458.331(1)(b), Florida Statutes (2007), sets forth grounds for disciplinary action by the Board of Medicine and provides that 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 another state constitutes grounds for discipline. The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of an administrative action against the physician's license, shall be construed as action against the physician's license.

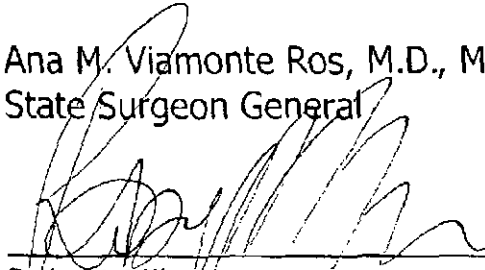
7. Respondent had his license to practice medicine acted against by the licensing authority of the State of Arizona.

8. Respondent violated Section 458.331(1)(b), Florida Statutes (2007), by having his license to practice medicine revoked, suspended or otherwise acted against by the licensing authority of another state.

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 12th day of September
2008.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General


Robert Milne
Assistant General Counsel
DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0028845
(850) 245-4640
(850) 245-4681 FAX

PCP: September 12, 2008
PCP Members: Leon, Barrau, Levine

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Amy R. Canary
DATE 9-15-08

Edward G. Blankstein, M.D., Case number 2008-09435

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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.