

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2009-18280

PETER CHARLES GLEASON, M.D.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

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

1. 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.

2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 51698.

3. Respondent's address of record is 1783 Forest Drive, Annapolis, Maryland 21401.

4. Respondent is board certified in Psychiatry and Neurology.

5. Respondent was a psychiatrist who treated patients for sleep-related disorders.

CONVICTION RELATED TO PRACTICE OF MEDICINE

6. Between 2003 and 2006, Respondent was paid by Orphan Medical, Inc. (Orphan) to present lectures to other physicians to promote off-label uses of Zyrem, a drug produced by Orphan. The active ingredient of Zyrem is gamma-hydroxybutyrate (GHB). GHB is well known for its use as the "date-rape drug."

7. On or about February 28, 2006, an arrest warrant was issued to arrest Respondent for health care fraud and introducing into interstate commerce, with intent to defraud and mislead, a misbranded drug in violation of 21 U.S.C. § 331(a) and 21 U.S.C. § 331(a)(1).

8. Respondent was arrested pursuant to the arrest warrant and charged with among other things, introducing into interstate commerce a misbranded drug.

9. On August 8, 2008, a Superseding Misdemeanor Information was filed in the United States District Court for the Eastern District of New York in case number M-06CR229 charging Respondent with one misdemeanor count of engaging in the Interstate Commerce of a misbranded drug.

10. On or about August 8, 2008, Respondent pled guilty to one (1) misdemeanor count of Engaging in the Interstate Commerce of a Misbranded Drug. On or about February 22, 2010, Respondent was adjudicated guilty of the offense. Respondent was sentenced to one year probation and \$25.00 special assessment fee.

11. Respondent's conviction of Engaging in the Interstate Commerce of a Misbranded Drug directly relates to his practice of medicine and/or to his ability to practice medicine in that he could not have engaged in the conduct of which he was convicted without a license to practice medicine.

12. Further, the Legislature has vested trust and confidence in licensed professionals. Engaging in conduct wherein that trust and confidence is violated presents a danger to the public health, safety, or

welfare, and does not correspond to that level of professional conduct expected of one licensed to practice medicine in this state.

13. Respondent has demonstrated, through his plea as set forth above, a disregard for the duties and responsibilities imposed upon a physician practicing in the State of Florida and for the health and welfare of patients and for the citizens of this state. Respondent's inappropriate actions of Engaging in the Interstate Commerce of a Misbranded Drug constitutes a breach of the trust and confidence that the public expects and that the Legislature placed in him by issuing him a license to practice medicine, which directly relates to the ability to practice medicine.

14. Section 458.311, Florida Statutes, requires that, as a prerequisite for licensure, an applicant be of good moral character. By virtue of his plea to the crime described above, Respondent has demonstrated that he is not of good moral character and does not meet the requirements for licensure as a physician. Good moral character directly relates to the ability to obtain a license to practice medicine, and hence directly relates to the ability to practice medicine.

DISCIPLINE IN ANOTHER STATE

15. On or about April 21, 2008, Respondent submitted an application to the Pennsylvania Board of Medicine, the medical licensing authority for the Commonwealth of Pennsylvania (Pennsylvania Board), for a medical license. However, Respondent failed to report the conviction for Engaging in the Interstate Commerce of Misbranded Drug on the application.

16. On June 9, 2009, the Pennsylvania Board filed an order to show cause alleging Respondent was subject to disciplinary action under the Medical Practice Act of Pennsylvania as a result of his conviction and failure to disclose the arrest related to the conviction on his Pennsylvania license application. On October 1, 2009, an evidentiary hearing was held before a hearing examiner for Pennsylvania regarding the allegations in the order to show cause. On or about July 20, 2010, the hearing examiner entered an order recommending suspension of Respondent's license for one year following the hearing.

17. On October 8, 2010, the Pennsylvania Board, adopted the hearing examiner's order and entered a final order regarding same.

18. On or about November 4, 2010, the Medical Board of California suspended Respondent's medical license based on the action of the Pennsylvania State Board of Medicine.

COUNT ONE

19. Petitioner realleges and incorporates paragraphs one (1) through eighteen (18), as if set forth herein.

20. Section 458.331(1)(c), Florida Statutes (2009), provides that 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 subjects a licensee to discipline by the Board of Medicine.

21. On January 29, 2010, Respondent entered a plea of guilty and was adjudicated guilty for Engaging in the Interstate Commerce of a Misbranded Drug in the United States District Court Eastern District of New York Case Number M-06CR229 which relates to his practice of medicine and/or to his ability to practice medicine in that he could not have engaged in the conduct of which he was convicted without a license to practice medicine.

22. Respondent violated Section 458.331(1)(c), Florida Statutes (2009), by entering a plea of guilty to or being convicted of a crime related to the practice of medicine.

COUNT TWO

23. Petitioner realleges and incorporates paragraphs one (1) through eighteen (18), as if set forth herein.

24. Section 458.331(1)(b), Florida Statutes (2010), provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction subjects the licensee to discipline by the Board of Medicine.

25. On or October 8, 2010, the Pennsylvania State Board of Medicine suspended Respondent's medical license.

26. Respondent violated Section 458.331(1)(b), Florida Statutes (2010), by having his Pennsylvania medical license suspended by the Pennsylvania State Board of Medicine.

COUNT THREE

27. Petitioner realleges and incorporates paragraphs one (1) through eighteen (18), as if set forth herein.

28. Section 458.331(1)(b), Florida Statutes (2010), provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against by the licensing authority of any jurisdiction subjects the licensee to discipline by the Board of Medicine.

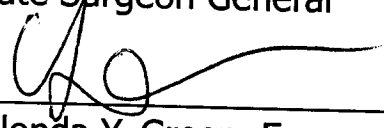
29. On or about November 4, 2010, Respondent had his California medical license suspended by the Medical Board of California.

30. Respondent violated Section 458.331(1)(b), Florida Statutes (2010), by having his California medical license suspended by the Medical Board of California.

WHEREFORE, 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 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 8th day of July, 2011.

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General



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DEPUTY CLERK
CLERK **Angel Sanders**
DATE 7-11-2011

YYG/yyg
PCP: July 8, 2011
PCP Members: *Zachary, Leon*

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.