

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-03007

RONALD KNAUS, D.O.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

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

1. Petitioner is the state department charged with regulating the practice of osteopathic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 459, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed osteopathic physician within the State of Florida, having been issued license number OS 1833 on or about August 5, 1969.

3. Respondent's address of record is 1301 Seminole Boulevard, Building B, Suite 112, Largo, Florida 33770.

4. On or about October 7, 2010, in case number CTC10-18354, Respondent pled nolo contendere to a misdemeanor charge of unlawful possession of cannabis in violation of Section 893.13(6)(b), Florida Statutes.

5. Respondent failed to report the October 7, 2010, plea of nolo contendere to the Board in writing within 30 days.

6. Respondent failed to timely provide updated profiling information after the October 7, 2010, plea of nolo contendere.

COUNT ONE

7. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein.

8. Section 456.072(1)(w), Florida Statutes (2010), provides that failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or

initial or renewal licensure application constitutes grounds for disciplinary action by the Board of Osteopathic Medicine.

9. Section 456.039(1), Florida Statutes (2010), provides in pertinent part as follows

Each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, except a person registered pursuant to Sections 458.345 and 459.021, Florida Statutes, must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish a description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

10. Section 456.042, Florida Statutes (2010), requires that a practitioner must submit updates of required profile information within 15 days after the final activity that renders such information a fact.

11. Respondent failed to timely provide updated practitioner profiling information after his October 7, 2010, plea of nolo contendere to misdemeanor possession of cannabis.

12. Based on the foregoing, Respondent has violated Section 456.072(1)(w), Florida Statutes (2010), by failing to comply with the requirements for profiling and credentialing by failing to timely provide updated practitioner profiling information.

COUNT TWO

13. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth therein.

14. Section 456.072(1)(x), Florida Statutes (2010), provides that failing to report to the Board in writing within thirty (30) days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction constitutes grounds for disciplinary action by the Board of Osteopathic Medicine.

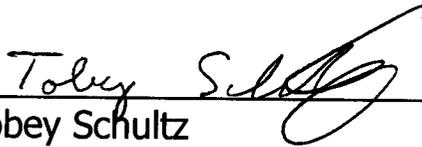
15. Respondent failed to report to the Board in writing within thirty (30) days of his October 7, 2010, plea of misdemeanor possession of cannabis.

16. Based on the foregoing, Respondent has violated Section 456.072(1)(x), Florida Statutes (2010), by failing to report to the Board in writing within thirty (30) days after entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

WHEREFORE, Petitioner respectfully requests that the Board of Osteopathic 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 31st day of August, 2011.

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Melisa Nobles*
DATE 8/31/2011

PCP: 8/30/11
Andriole & Malan

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.