

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-19554**

**DANUTA B. FABISIAK, D.O.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

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

1. Petitioner is the state agency 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 8474.

3. Respondent's address of record is 2110 58<sup>th</sup> Street West, Bradenton, Florida 34209.

4. At all times material to this Administrative Complaint, Respondent practiced as a psychiatrist in Bradenton, Florida.

5. From on or about June 25, 2010, through on or about May 29, 2015, Respondent prescribed sertraline, mirtazapine, atenolol, bupropion, warfarin, citalopram, and/or azithromycin to W.R.

6. Sertraline, brand name Zoloft, is a selective serotonin reuptake inhibitor (SSRI) drug commonly prescribed to treat depression, obsessive-compulsive disorder, posttraumatic stress disorder, social anxiety disorder, and/or panic disorder, among other indications. Sertraline is a legend drug.

7. Mirtazapine is an antidepressant commonly prescribed to treat depression. Mirtazapine is a legend drug.

8. Atenolol, brand name Tenormin, is a beta blocker commonly prescribed to treat high blood pressure and chest pain. Atenolol is a legend drug.

9. Bupropion, brand name Welbutrin, is commonly prescribed to treat depression and/or as a smoking cessation aid. Bupropion is a legend drug.

10. Warfarin, brand name Coumadin, is a blood thinner commonly prescribed to treat and prevent blood clots. Warfarin is a legend drug.

11. Citalopram, brand name Celexa, is a selective serotonin reuptake inhibitor (SSRI) drug commonly prescribed to treat depression. Citalopram is a legend drug.

12. Azithromycin, brand name Zithromax, commonly called "Z-pak," is an antibiotic commonly used to treat various infections. Azithromycin is a legend drug.

13. Respondent did not keep records of W.R. being a patient, or records of treatment, including but not limited to copies of prescriptions.

14. Section 459.015(1)(o), Florida Statutes (2009 – 2014), provides that failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or

administered; and reports of consultations and hospitalizations, constitutes grounds for disciplinary action.

15. As set forth above, Respondent failed to keep medical records for W.R.

16. Based on the foregoing, Respondent violated Section 459.015(1)(o), Florida Statutes (2009-2014), by failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed osteopathic physician or the osteopathic physician extender and supervising osteopathic physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

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 14 day of April, 2017.

Celeste Philip, MD, MPH  
Surgeon General and Secretary



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**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Angel Sanders*  
DATE: **APR 17 2017**

/ALP

PCP: April 14, 2017

PCP Members: Dr. Moran (chair) & Dr. Hayden

## **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.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

## **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.**