

STATE OF FLORIDA
BOARD OF MEDICINE

FILED DATE: DEC 20 2018
Department of Health
By: Amy R. Conway
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-21574

LICENSE NO.: ME0122450

SCHARAZARD GRAY, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 7, 2018, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Allison Dudley, Assistant General Counsel. Respondent was present but was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and

incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$1,000.00 to the Board within 30 days from the date the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent shall document completion of a Board-approved medical records course within one year from the date the Final Order is filed.

3. Respondent shall be and is hereby issued a letter of concern by the Board.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$170.89. Said costs are to be paid within 30 days from the date this Final Order is filed.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

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

DONE AND ORDERED this 18th day of December,
2018.

BOARD OF MEDICINE

Claudia Kemp
Claudia Kemp, J.D., Executive Director
For Jorge J. Lopez, M.D., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

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 SCHARAZARD GRAY, M.D., 101 3rd Avenue, #44, Pettibone, North Dakota 58475; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney

General, at Ed.Tellechea@myfloridalegal.com this 20th day of
December, 2018.

Amy R. Conway

Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2017-21574

SCHARAZARD GRAY, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, files this Administrative Complaint before the Board of Medicine against Respondent, Scharazard Gray, 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 122450.
3. Respondent's address of record is 101 3rd Avenue #44, Pettibone, North Dakota 58475.

4. At all times material to this Complaint, Respondent was licensed to practice medicine in the State of North Dakota, having been issued license number 12015.

5. The North Dakota Board of Medicine ("North Dakota Board") is the licensing authority regulating the practice of medicine in the State of North Dakota.

6. On or about October 4, 2017, the North Dakota Board issued a complaint against the Respondent's North Dakota license, alleging that Respondent violated the North Dakota Medical Practice Act by engaging in unethical or unprofessional conduct as proscribed by North Dakota law.

7. The North Dakota complaint alleges that Respondent showed up to Patient A's residence unannounced several times, used foul language, and disclosed information about Patient A's care to Patient A's family without a signed release from Patient A.

8. The North Dakota complaint further alleges that Respondent's medical records were not complete, because throughout the course of Respondent's treatment of Patient A, Respondent's records lack documentation regarding the history and physicals done for each visit, reasons for the increase or decrease in prescriptions for Patient A, and documentation regarding the unannounced visits to Patient A's residence.

9. On or about November 3, 2017, Respondent entered into a Stipulation with the North Dakota Board.

10. The Stipulation was offered in response to or in anticipation of the filing of administrative charges against the Respondent's North Dakota medical license.

11. The terms of the Stipulation state that Respondent's license to practice medicine in North Dakota is suspended for one (1) year, with said suspension stayed for a period of two (2) years provided Respondent successfully completes the listed continuing medical education courses within six (6) months from the date of the North Dakota Board's Order approving the Stipulation.

12. The terms of the Stipulation also require that the Respondent pay costs and attorney's fees within 30 days of being notified of any such costs by the North Dakota Board.

13. On or about November 17, 2017, the North Dakota Board entered an Order approving the Stipulation.

14. The November 17, 2017, Order approving the Stipulation constitutes action by the North Dakota Board against Respondent's North Dakota medical license.

15. Section 458.331(1)(b), Florida Statutes (2017), subjects a licensee to discipline for having the license or authority to practice medicine revoked, suspended, or otherwise acted against, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

16. The North Dakota Board acted against Respondent's license and/or authority to practice medicine by accepting the aforementioned Stipulation, the terms of which provide for a suspension of Respondent's North Dakota medical license.

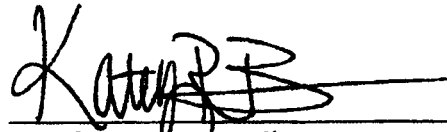
17. Based on the foregoing, Respondent violated section 458.331(1)(b), Florida Statutes (2017), by having his license and/or authority to practice medicine acted against by the North Dakota Board, through the North Dakota Board's acceptance of the November 2017, Stipulation.

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 the Respondent on probation, corrective action, refund of fees billed or collected, remedial action and/or any other relied that the Board deems appropriate.

SIGNED this 2nd day of July, 2018.

Celeste Philip, M.D., M.P.H.
Surgeon General and Secretary



Katelyn R. Boswell
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar Number 124413
(P) 850-558-9865
(F) 850-245-4684
Katelyn.Boswell@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE JUL 02 2018

PCP Date: June 29, 2018
PCP Members: Georges El-Bahri, M.D.; Gary Dolin, M.D.

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.