

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**DOH Case No. 2018-01750**

**SHARMISTHA BARAI, M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Sharmistha Barai, M.D., and 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 127363.

3. Respondent's address of record is 3805 Shoreview Drive, Kissimmee, Florida 34744.

4. At all times material to this Complaint, Respondent was also a licensed physician within the state of California, having been issued Physician's and Surgeon's License No. 135050.

5. The Medical Board of California (California Board) is the licensing authority regulating the practice of medicine in the state of California.

6. On or about March 14, 2019, in the United States District Court for the Eastern District of California, Respondent was found guilty of two counts of Forced Labor, in violation of 18 U.S.C. § 1589(a), one count of Conspiracy to Commit Forced Labor, in violation of 18 U.S.C. § 1594(b), and one count of Fraud in Foreign Labor Contracting, in violation of 18 U.S.C. § 1351(a).

7. Respondent did not report the March 14, 2019, convictions to this Board, in writing, within 30 days.

8. On or about January 16, 2020, the California Board issued a Notice of Automatic Suspension Order against Respondent's California's medical license, as a result of the Respondent's March 14, 2019, convictions.

## **COUNT I**

9. Petitioner re-alleges and incorporates paragraphs one (1) through seven (7) as if fully set forth herein.

10. Section 456.072(1)(x), Florida Statutes (2018), subjects a licensee to discipline for failing to report to the board, or the department if there is no board, in writing within 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.

11. Respondent failed to report the March 14, 2019, convictions to this Board, in writing, within 30 days.

12. Based on the foregoing, Respondent has violated section 456.072(1)(x), Florida Statutes (2018).

## **COUNT II**

13. Petitioner re-alleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

14. Section 458.331(1)(b), Florida Statutes (2019), subjects a licensee to discipline for having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

15. On January 16, 2020, the California Board suspended Respondent's California medical license.

16. Based on the foregoing, Respondent has violated section 458.331(1)(b), Florida Statutes (2019).

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.

*[Signature appears on the following page]*

SIGNED this 22<sup>nd</sup> day of June, 2020.

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Amanda Morales*  
DATE: 06/22/2020

Scott A. Rivkees, M.D.  
State Surgeon General

*Corynn Alberto*

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PCP Date: June 19, 2020

PCP Members: Robert London, M.D.; Luz Marina Pages, M.D.; Nicholas Romanello

## **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.**