

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

DOH CASE NO. 2020-00845

SAMEH SAAD WAHBA, 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, Sameh Saad Wahba, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine in the state of Florida 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 142173.

3. Respondent's address of record is 60 North Country Road, Suite 201, Port Jefferson, New York 11777.

4. At all times material to this Complaint, Respondent was a licensed physician within the state of New York, having been issued license number 196839.

5. The New York State Board for Professional Medical Conduct (hereinafter the "New York Board") is the licensing authority charged with regulating the practice of medicine in the state of New York.

6. On or about September 3, 2019, a Statement of Charges was entered against Respondent by the New York Board charging several specifications of professional misconduct.

7. On or about December 18, 2019, Respondent agreed to surrender his license as a physician in the state of New York in response to the Statement of Charges and in lieu of further action by the New York Board.

8. On or about December 21, 2019, the New York Board entered a Surrender Order wherein the New York Board accepted Respondent's surrender of his license as a physician in the state of New York.

9. On or about January 10, 2020, the Surrender Order became effective.

10. Section 458.331(1)(b), Florida Statutes (2019), sets forth grounds for disciplinary action by the Board of Medicine and provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction constitutes grounds for disciplinary action.

11. Section 458.331(1)(b), Florida Statutes, further provides that a licensing authority's acceptance of a physician's relinquishment of a license, 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 which constitutes grounds for disciplinary action.

12. The New York Board acted against Respondent's license as a physician in the state of New York by entering the Surrender Order on or about December 21, 2019.

13. Based on the foregoing, Respondent has violated section 458.331(1)(b), Florida Statutes, by having his license acted against by the licensing authority of the state of New York.

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 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 13th day of May, 2020.

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Amanda Morales*
DATE: 005/13/2020

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

Sarah Corrigan

Sarah Corrigan
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0085797
(850) 558 - 9828 Telephone
(850) 245 - 4683 Facsimile

SEC/
PCP: May 8, 2020
PCP Members: Mark Avila, M.D.; Shailesh Gupta, M.D.; and Andre Perez

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.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

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 any other discipline imposed.