

Department of Health  
Angela Hall, AGENCY CLERK

By Niki R. Ellison  
Deputy Agency Clerk

STATE OF FL  
BOARD OF ME

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 95-00004  
LICENSE NO.: ME0041055

GHANSHYAM D. PATEL, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 4, 2000, in Jacksonville, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board rejected the Consent Agreement and offered a Counter Consent Agreement, which was accepted on the record by the parties. The Counter Consent Agreement incorporates the original Consent Agreement with the following amendments:

1. The fine set forth in Paragraph 2 of the Stipulated Disposition of the Consent Agreement shall be increased to \$5,000.
2. The requirement for continuing medical education set forth in

Paragraph 3 of the Stipulated Disposition of the Consent Agreement shall be changed to 10 hours in the area of high risk obstetrics.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein with the amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement as amended.

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

DONE AND ORDERED this 16<sup>th</sup> day of February, 2000.

BOARD OF MEDICINE

*for* *George A. El-Bahri*  
GEORGES A. EL-BAHRI, M.D.  
CHAIRMAN

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 Ghanshyam D. Patel, M.D., 3709 West Hamilton Avenue, Tampa, Florida 33614-4061; to Christopher J. Schulte, Esquire, Shear, Newman, Hahn & Rosenkrantz, 201 East Kennedy Boulevard, Suite 1000, Tampa, Florida 33602; and by

interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney,  
Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee,  
Florida 32308-5403, on or before 5:00 p.m., this \_\_\_\_\_ day of  
\_\_\_\_\_, 2000.

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**STATE OF FLORIDA**  
DEPARTMENT OF HEALTH  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH CASE NUMBER 95-00004

GHANSHYAM D. PATEL, M.D.,

Respondent.

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**CONSENT AGREEMENT**

Ghanshyam D. Patel, M.D. referred to as the "Respondent," and the Department of Health, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

### STIPULATED FACTS

1. At all times material hereto, the Respondent was a licensed physician in the State of Florida having been issued license number ME 41055.
2. The Respondent was charged by an Administrative Complaint filed by the Department and properly served upon the Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

### STIPULATED CONCLUSIONS OF LAW

1. The Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.
2. The Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.
3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

**STIPULATED DISPOSITION**

1. **FUTURE CONDUCT.** The Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent shall read Chapters 455, 458, 893 and the Rules of the Board of Medicine, at Section 64B8, Florida Administrative Code.

2. **FINE.** The Board shall impose an administrative fine in the amount of \$2,500.00 dollars against the Respondent. The Respondent shall pay the fine to the Board of Medicine within one hundred eighty (180) days of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN ONE HUNDRED EIGHTY (180) DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH 1 OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).**

3. **CONTINUING MEDICAL EDUCATION.** Within one hundred eighty (180) days of the date of the filing of a Final Order in this cause, Respondent shall attend five (5) hours of Continuing Medical Education (CME), in ethics. Respondent shall submit a written plan to the Chairman of the Board for approval prior to the completion of said continuing education hours and course. The Board confers authority on the Chairman of the Board to approve or disapprove said continuing education hours or course. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the entry of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course shall consist of a formal, live lecture format.

4. **LETTER OF CONCERN.** Respondent shall receive a Letter of Concern from the Board of Medicine.

#### **STANDARD PROVISIONS**

This Consent Agreement shall be governed to the extent applicable by the attached "Standard Terms Applicable to Consent Agreements", Exhibit B, which is incorporated as if fully set forth herein.

1. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall

have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

2. Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

3. Respondent and the Department fully understand that this joint agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

4. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.


5. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

6. This agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and



matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

SIGNED this ~~10~~ 13<sup>th</sup> day of Sept., 1999.

  
Ghanshyam D. Patel, M.D.

Referent personally appeared GHANSHYAM D. PATEL, whose identity is known to me by FDL 1-10-10 284 43 950 (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 13<sup>th</sup> day of September, 1999.



James Ann Sheu  
Commission # 0043  
Expires June 23, 2003  
Bonded Through  
Atlantic Bonding Co., Inc.

James Ann Sheu  
NOTARY PUBLIC

My Commission Expires: 6/23/2003

APPROVED this 29 day of September, 1999.

Robert G. Brooks, M.D., Secretary

  
By: Larry G. McPherson, Jr.  
Chief Medical Attorney

Exhibit B

**STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS**

The following are the standard terms applicable to all Consent Agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. PAYMENT OF FINES. Unless otherwise directed by the Consent Agreement, all fines shall be paid by check or money order and sent to the Board address set forth in paragraph E. below. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

B. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by the Consent Agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph E, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the cost of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with the Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines, reports, correspondence and inquiries shall be sent to: Board of Medicine, Department of Health, Medical Quality Assurance, 2020 Capital Circle South East, BIN #C03, Tallahassee, Florida 32399-3253, Attn: Final Order Compliance Officer.

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,	)	
	)	
PETITIONER,	)	
	)	
v.	)	CASE NO. 95-00004
	)	
GHANSHYAM D. PATEL, M.D.,	)	
	)	
RESPONDENT.	)	

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ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Ghanshyam D. Patel, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes (Supp. 1996); Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3)(f), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0041055. Respondent's last known address is 3709 West Hamilton Avenue, Tampa, Florida 33614-4061.

3. On or about June 28, 1994, Patient A.G., an eighteen (18) year old female, presented to Respondent due to pregnancy. Patient A.G. had three (3) prior children. Respondent continued to treat Patient A.G., and on or about October 6, 1994, Respondent ordered an ultrasound that revealed that Patient A.G. was pregnant with twins with an approximate gestational age of twenty eight (28) weeks.

4. Respondent treated Patient A.G. for prenatal care on or about October 11, 1994, on or about October 25, 1994, and on or about November 8, 1994.

5. On or about November 9, 1994, Patient A.G. contacted Respondent's office and advised that she had fallen down on her abdomen while playing with her children at home and was experiencing some abdominal cramping. Respondent advised Patient A.G. to present to a hospital for evaluation.

6. Patient A.G. presented to the labor and delivery department at about 4:00 p.m. that evening at a local hospital where she was found to have uterine contractions every three (3) to five (5) minutes, with a soft non-tender uterus. Respondent advised that Patient A.G. be hospitalized over night, and Patient A.G. agreed.

7. A reasonably prudent physician in a similar situation would have gone to the hospital and personally evaluated Patient A.G. himself.

8. At approximately 6:20 p.m. that evening, Respondent ordered that Patient A.G. be transferred out of the labor and delivery department. Patient A.G. was still experiencing contractions every three (3) to five (5) minutes.

9. A reasonably prudent physician in a similar situation would not have transferred Patient A.G. out of the labor and delivery department while she was experiencing contraction every three (3) to five (5) minutes.

10. Later that same evening at about 9:10 p.m., Patient A.G. advised the nursing staff that she had fallen or fainted in the bathroom and had struck her head. Patient A.G. was examined, and indicated that she felt nauseated and light-headed. Fetal heart tones were obtained, and the examination revealed no vaginal leaking or bleeding. Respondent was notified of the fall and ordered bed rest and checking of Patient A.G.'s vital signs every four (4) hours.

11. A reasonably prudent physician in a similar situation would have continuously monitored Patient A.G.'s vital signs.

12. At approximately 11:55 p.m. that evening, Respondent was notified by telephone that Patient A.G. was complaining of cramping. Within fifteen (15) minutes, Patient A.G. contacted the nurses station in the hospital and indicated that she was having her baby. Patient A.G. delivered stillborn twins just past midnight.

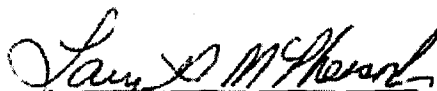
13. Respondent failed to examine Patient A.G. himself after her admission to the hospital; transferred Patient A.G. out of the labor and delivery department before a reasonably prudent physician would have transferred her; and failed to ensure that Patient A.G. was monitored or examined adequately after Patient A.G.'s fall.

14. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, in that he failed to practice medicine with an acceptable level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.624(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 24 day of September, 1997.

James T. Howell, M.D., Secretary

  
Larry G. McPherson, Jr.  
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.  
Chief Medical Attorney  
Agency for Health Care Administration  
P. O. Box 14229  
Tallahassee, Florida 32317-4229  
Florida Bar # 788643  
RPC/krt  
PCP: September 15, 1997  
PCP Members: Skinner, Dauer, Rodriguez

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Stephanie Q. Dism*  
DATE 9-24-97