

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

MUTTAIYA DARMARAJAH, M.D.,

Respondent.

17

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Keran*
DATE 12/26/01

CASE NO.: 98-13280
LICENSE NO.: ME0046819

ORDER

This matter came before the Board of Medicine at its meeting of December 1, 2001, in Tampa, Florida. The Board considered Respondent's Motion to Set Aside Final Order and for Leave to Submit Evidence in Mitigation of the Complaint. Having fully reviewed Respondent's Motion, the Board finds that there are no grounds for reconsidering this matter.

THEREFORE, it is hereby ORDERED that the Final Order filed in this cause on September 14, 2000 remains in effect.

DONE AND ORDERED this 18 day of DECEMBER, 2001.

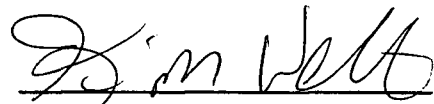
BOARD OF MEDICINE



PAMELA KING, ACTING BOARD DIRECTOR
For
GASTON ACOSTA-RUA, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Mail to Muttaiya Darmarajah, M.D., 629 East Business Highway 98, Panama City, Florida 32402; to George Drumming, Jr., Esquire, The Whitehouse, Suite 2A, 203 N. Gadsden Street, Tallahassee, Florida 32301; and by interoffice delivery to Kathryn L. Kasprzak, Chief Attorney, and Lisa Pease, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this 26 day of December, 2001.



Tab 30

STATE OF FLORIDA
BOARD OF MEDICINE

PRACTITIONER REGULATION
LEGAL

2001 SEP 18 AM 10:39

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Vicki R. Kenon*

DEPARTMENT OF HEALTH

Petitioner,

vs.

CASE NO.: 98-13280

DATE 9/18/01

LICENSE NO.: ME0046819

MUTTAIYA DARMARAJAH, M.D.,

Respondent.

MOTION TO SET ASIDE FINAL ORDER AND FOR LEAVE
TO SUBMIT EVIDENCE IN MITIGATION OF THE COMPLAINT

The Respondent, Muttaiya Darmarajah, by and through his undersigned counsel, hereby moves the State of Florida, Board of Medicine (Board) to set aside the Final Order and to allow him an opportunity to submit oral and/or written evidence in mitigation to the complaint filed against him, and as grounds therefor, states the following:

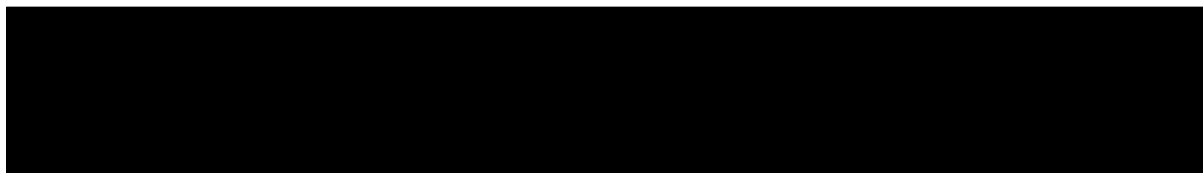
1. On March 20, 2000, the Agency for Health Care Administration (Petitioner) filed an Administrative Complaint (Complaint). Essentially the Complaint alleged that:

a. On or about May 14, 1998, Respondent entered a guilty plea to knowingly and willfully charging certain federal programs for false and fraudulent claims for reimbursement of health care services and attempting to evade or defeat tax by filing a false and fraudulent tax return.

b. On July 23, 1998, Respondent was sentenced to 30 months of incarceration and \$929,599.43 in restitution. On March 29, 1999, Respondent's sentence was reduced to 15 months because of his assistance in the prosecution of others.

2. Respondent's medical building was repossessed, his home was sold and net proceeds were captured by the federal government. He has still owes in excess of \$900,000.00 in federal restitution.

3. In September 1999, Respondent was released from prison.



4. On or about May 30, 2000, Respondent returned the Election of Rights' form. Respondent did not dispute the allegations in the Complaint but requested an opportunity to present evidence of mitigation to the Board.

5. By letter of July 17, 2000, Petitioner informed Respondent of an informal hearing scheduled for August 4, 2000.

6. Respondent's wife, [REDACTED]

[REDACTED] visited Sri Lanka in April 2000. In July 2000, Respondent's brother-in-law telephoned him to informed that his wife [REDACTED]



7. Respondent's wife [REDACTED] and he immediately went to Sri Lanka. [REDACTED]



8. Respondent's wife was totally dependent on him [REDACTED]

[REDACTED] They were unable to returned to the United States until October 2000.

9. On or about June 22, 2000, Petitioner filed its Motion for Final Order. Respondent did not attend the informal hearing and on September 14, 2000, the Board filed the Final Order.

10. Upon his return to Panama City, Respondent found the Final Order regarding the revocation of his license. Respondent wrote to Petitioner's attorney, Laudelina McDonald, seeking assistance and information about what he should do. By letter of October 18, 2000, another of Petitioner's counsel responded advising him to seek private legal counsel.

11. Respondent has not been employed since he was released from prison. [REDACTED]

[REDACTED] he receives \$1,000.00 per month in Social Security benefits.

12. Respondent's wife is unable to work [REDACTED]

[REDACTED] Nevertheless, they were forced to relocate to New Jersey to reside with their daughter. They rely upon their daughter for additional support.

13. Respondent requests the Board to consider that he has received adequate punishment for his transgressions. Not only did he lose all the material things that he had acquired, he was professionally embarrassed before the medical community and suffered additional embarrassment in his family and the community.

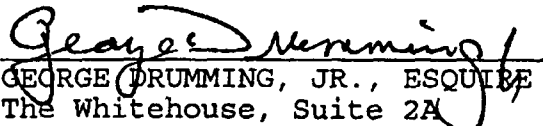
[REDACTED]

14. Further, Respondent he is unable to make payments to further reduce the restitution he owes to the federal government. Indeed, he is unable to support himself and his wife.

15. Respondent prays the Board will allow him to regain his license to practice medicine and to rebuild a professional and personal life that was so terribly changed by his past deeds.

WHEREFORE, Respondent prays the Board of Medicine will grant this motion and enter an order to set aside the final order and to allow him an opportunity to submit oral and/or written evidence in mitigation of the complaint against him.

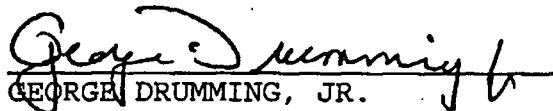
Respectfully submitted,


GEORGE DRUMMING, JR., ESQUIRE
The Whitehouse, Suite 2A
203 N. Gadsden St.
Tallahassee, FL 32301
Telephone: (850) 222-3335
Telefax: (850) 222-3459
FL BAR ID NO. 0397903

Counsel for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Danni Vogt, Esquire, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229 on this 14th day of September, 2001.


GEORGE DRUMMING, JR.

mdar.mot

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-00-1670- FoL MOA
FILED DATE - 9/14/2000
Department of Health

By: Vicki R. Kenon
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 98-13280
LICENSE NO.: ME0046819

MUTTAIYA DARMARAJAH, 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 August 4, 2000, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Senior Prosecuting Attorney. Respondent was not present nor represented by counsel at the hearing. 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:

Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

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

DONE AND ORDERED this 5th day of September, 2000.

BOARD OF MEDICINE


OR GEORGES A. EL-BAHRI, M.D.
CHAIRMAN

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. 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 AGENCY FOR HEALTH CARE ADMINISTRATION 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 Muttaiya Darmarajah, M.D., 629 East Business Highway 98, Panama City, Florida 32402; and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care Administration, and Simone Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2000.

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Number 1998-13280

MUTTAIYA DARMARAJAH, M.D.,

Respondent.

MOTION FOR FINAL ORDER

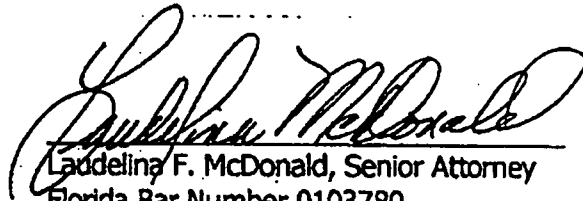
COMES NOW the Petitioner, Department of Health, by and through its agent, Agency for Health Care Administration, and requests that this Honorable Board of Medicine enter a Final Order in the above-styled cause. As grounds therefore, the Petitioner would state that:

1. On March 20, 2000, the Petitioner filed Administrative Complaints against the Respondent alleging that the Respondent violated Section 458.331(1)(c), Florida Statutes.
2. On March 10, 2000, Petitioner received an Election of Rights form from Respondent requesting that this matter be heard as an Informal proceeding before the Board.
3. The Respondent has been advised by a copy of this motion that the Board will consider the investigative report as well as any oral or written communication from the complainants on the issue of penalty in this matter.

WHEREFORE, the Petitioner requests that this Honorable Board Issue a Final Order after consideration of the record.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail, to Muttaiya Darmarajah, M.D., 629 East Business Hwy. 98, Panama City, Florida 32402, this 22 day of June, 2000

Respectfully submitted,



Laddelina F. McDonald, Senior Attorney
Florida Bar Number 0103780
Agency for Health Care Administration
P.O. Box 14229
Tallahassee, FL 32317-4229
(850) 414-8126
(850) 488-7723 FAX

LFM/lm

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
)
 v.)
)
 MUTTAIYA DARMARAJAH, M.D.,)
)
 RESPONDENT.)

CASE NO. 1998-13280

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 Muttaiya Darmarajah, 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; 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.

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 0046819. Respondent's last known address is 629 East Business Highway 98, Panama City, Florida 32402.

3. Respondent is a medical doctor trained in and practicing psychiatry in the State of Florida.

4. On or about May 14, 1998, Respondent was arraigned and entered a guilty plea to criminal charges in case number 5:98CR16LAC, in the United States District Court for the Northern District of Florida, before the Honorable Lacey A. Collier. Respondent waived prosecution by a grand jury and consented to be prosecuted by Information.

5. Count One of the Information charged Respondent with knowingly and willfully charging CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) and the Medicare program for false and fraudulent claims for reimbursement of health care services, in violation of Title 18, United States Code, Section 287. Count Two of the Information charged Respondent with attempting to evade or defeat tax by filing a false and fraudulent U.S. Tax Return, Form 1040 for the calendar year of 1993, in violation of Title 26, United States Code, Section 7201.

6. The Information alleged that on or about January 1, 1992 through December 31, 1996, the Respondent billed the CHAMPUS and Medicare programs for psychiatric group therapy sessions that never occurred, and billed at a physician's rate when, in fact, non-physicians performed the work for which he billed, and billed one (1) hour psychiatric therapy sessions when, in fact, Respondent provided limited services.

7. On July 23, 1998, Respondent was sentenced to thirty (30) months in a Federal prison and \$929,599.43 in Restitution.

8. On March 29, 1999, the United States District Court for the Northern District of Florida reduced Respondent's prison sentence from thirty (30) months to fifteen (15) months due to Respondent's assistance in the prosecution of others.

9. Respondent pled guilty to a crime directly related to the practice of medicine or to the ability to practice medicine, in that on or about May 14, 1998, Respondent pled guilty to filing false and fraudulent claims with the CHAMPUS and Medicare programs for health care services, in violation of Title 18, United States Code, Section 287.

10. Based on the foregoing, Respondent has violated Section 458.331(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

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 as provided for in Section 455.624(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 17th day of March, 2000.

Robert G. Brooks, M.D., Secretary

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Frank Casfeld

DATE March 29 2000

Kathryn U. Kasprzak
Kathryn U. Kasprzak
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Kathryn L. Kasprzak
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 937819
LFM/tlp
PCP: March 10, 2000
PCP Members: Ashkar, Miguel, Rodriguez