

STATE OF FLORIDA
BOARD OF MEDICINE

FILED DATE **OCT 22 2015**
Department of Health

By: *Angela Sanders*
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-18719
LICENSE NO.: ME0038613

HUBERTO ESTEBAN MERAYO, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on October 9, 2015, in Lake Buena Vista, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

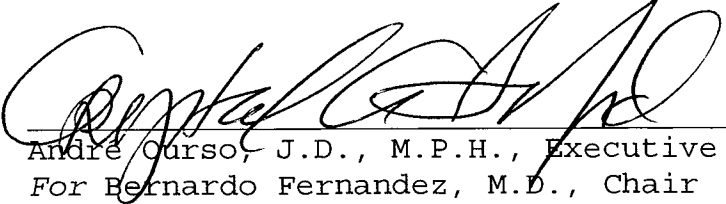
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon Respondent's license.

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

DONE AND ORDERED this 21st day of October, 2015.


BOARD OF MEDICINE



André Corso, J.D., M.P.H., Executive Director
For Bernardo Fernandez, M.D., Chair

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 HUBERTO ESTEBAN MERAYO, M.D., 717 Ponce de Leon Boulevard, #307, Coral Gables, Florida 33134; by email to Yolonda Green, Assistant General Counsel, Department of Health, at Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 22 day of October, 2015.



Deputy Agency Clerk

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

TO: Adrienne Rodgers, J.D., Bureau Chief
Health Care Practitioner Regulation

FROM: André Ourso, J.D., MPH, Executive Director
Board of Medicine

SUBJECT: Delegation of Authority

DATE: October 21, 2015

This is to advise you that while I am out of the office Wednesday afternoon, October 21, 2015 through Tuesday, October 27, 2015 Crystal Sanford is delegated to serve as Executive Director for the Board of Medicine. Mrs. Sanford can be reached at (850) 245-4132. I will return back to the office on Wednesday, October 28, 2015.

Florida Department of Health

Division of Medical Quality Assurance • Bureau of Health Care Practitioner Regulation
4052 Bald Cypress Way, Bin C-03 • Tallahassee, FL 32399-3256
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YOUTUBE: fldoh
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STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK **Angel Sanders**
DATE **AUG 18 2015**

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No.: 2011-18719

HUBERTO ESTEBAN MERAYO, M.D.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Huberto Esteban Merayo, M.D., license number ME 38613, hereby voluntarily relinquishes Respondent's license to practice medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner's Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to never reapply for licensure as a Medical Doctor in the State of Florida.

3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from

the practice of Medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the

Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 17th day of August, 2015.


Huberto Esteban Merayo, M.D.

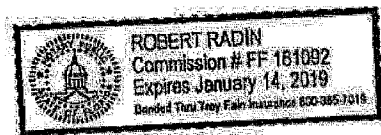
STATE OF Florida
COUNTY OF Miami-Dade

Before me, personally appeared Huberto Merayo, whose identity is known to me or who produced FBOP register (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 17 day of August, 2015.


NOTARY PUBLIC

My Commission Expires:



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2011-18719

HUBERTO ESTEBAN MERAYO, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Huberto Esteban Merayo, 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 medical doctor within the state of Florida, having been issued license number ME 38613.
3. Respondent's address of record is 717 Ponce De Leon Boulevard, #307, Coral Gables, Florida 33134.

4. At all times material to this Administrative Complaint, Respondent was employed at his private psychiatry practice, Merayo Medical Arts Group, located at 3860 South West 8th Street, Suite 300, Coral Gables, Florida 33134.

FACTS SPECIFIC TO PATIENT R.A.

5. On or about July 1, 2009, R.A., a fifty-one year old male presented to Respondent's practice for an initial visit.

6. Respondent diagnosed R.A. with schizophrenia, chronic paranoid type, and polysubstance abuse.

7. Respondent prescribed the following medications to R.A.: 60 tablets of Seroquel¹ 300mg, 90 tablets of Xanax² 2mg, 30 tablets of Flurazepam³ 30mg, and 30 tablets of Lexapro⁴ 20mg.

¹ Seroquel is the brand name for quetiapine which is an atypical antipsychotic approved for the treatment of schizophrenia, bipolar disorder, and major depressive disorder. Seroquel is a legend drug.

² Xanax is the brand name for alprazolam and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of alprazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

³ Flurazepam is commonly prescribed to treat insomnia. According to Section 893.03(4), Florida Statutes, flurazepam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of flurazepam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

⁴ Lexapro is the brand name for escitalopram, which is an antidepressant of the selective serotonin reuptake inhibitor class. Lexapro is a legend drug.

8. Respondent instructed R.A. to take two 300mg tablets of Seroquel and three 2mg tablets of Xanax daily.

9. The standard of care for prescribing Xanax and Seroquel required Respondent to begin R.A.'s treatment by initially prescribing a lower dosage of each medication, and then gradually increasing the amount of medication taken.

10. Respondent prescribed an excessive dosage of Seroquel to R.A. without adequate medical justification.

11. Respondent failed to titrate the dosage of Seroquel he prescribed to R.A.

12. Respondent prescribed an excessive dosage of Xanax to R.A. without adequate medical justification.

13. Respondent failed to titrate the dosage of Xanax he prescribed to R.A.

14. Respondent failed to document whether R.A. had previously been treated with any of the aforementioned medications.

15. On or about July 29, 2009, R.A. returned to Respondent's office for a follow up appointment.

16. On or about July 29, 2009, Respondent discontinued R.A.'s Seroquel prescription and prescribed 30 tablets of Zyprexa⁵ 20mg, to R.A. without adequate medical justification.

17. R.A. continued to treat with Respondent until in or about May of 2011.

18. Respondent failed to conduct, or maintain documentation showing that Respondent conducted consistent, thorough, and complete psychiatric evaluations of R.A.

19. Respondent failed to obtain, or maintain documentation showing that Respondent obtained, a complete medical history of R.A.

20. The medical records Respondent maintained with regard to R.A. are not fully legible.

FACTS SPECIFIC TO PATIENT R.C.

21. On or about July 7, 2009, R.C. a forty-six year old male, presented to Respondent's practice for an initial visit.

22. Respondent diagnosed R.C. with social anxiety disorder and post-traumatic stress disorder (PTSD).

⁵ Zyprexa is the brand name for olanzapine which is an atypical antipsychotic drug used in the treatment of schizophrenia, bipolar disorder, and psychosis. Zyprexa is a legend drug.

23. On or about July 7, 2009, Respondent prescribed the following medications to R.C.: 60 tablets of Seroquel 300mg, 90 tablets of Xanax 2mg, and 30 tablets of Zyprexa 20mg.

24. Respondent instructed R.C. to take two 300mg tablets of Seroquel, three 2mg tablets of Xanax, and one 20mg tablet of Zyprexa daily.

25. Respondent prescribed an excessive dosage of Seroquel to R.C. without adequate medical justification.

26. Respondent failed to titrate the dosage of Seroquel he prescribed to R.C.

27. Respondent prescribed an excessive dosage of Xanax to R.C. without adequate medical justification.

28. Respondent failed to titrate the dosage of Xanax he prescribed to R.C.

29. Respondent prescribed an excessive dosage of Zyprexa to R.C. without adequate medical justification.

30. Respondent inappropriately prescribed a combination of two anti-psychotic medications (Seroquel and Zyprexa), at high dosages, to R.C.

31. Respondent inappropriately prescribed a combination of a high dosage of a benzodiazepine (Xanax) to R.C., in addition to two antipsychotic medications.

32. R.C. continued to treat with Respondent until in or about March of 2010.

33. Respondent failed to consistently to conduct, or maintain documentation showing that Respondent conducted consistent, thorough, and complete psychiatric evaluations of R.C.

34. Respondent failed to obtain, or maintain documentation showing that Respondent obtained a complete medical history of R.C.

35. The medical records Respondent maintained with regard to R.C. are not fully legible.

Section 458.331(1)(t), Florida Statutes

36. Section 458.331(1)(t), Florida Statutes (2009), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50(1)(g), Florida Statutes. Section 456.50(1)(g), Florida Statutes (2009), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102,

Florida Statutes (2009), provides that the prevailing standard of care for a given healthcare provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

COUNT I – PATIENT R.A.
Violation of Section 458.331(1)(t)

37. Petitioner realleges and incorporates paragraphs 1 through 20 and paragraph 36 as if fully set forth herein.

38. Respondent practiced below the minimum standard of care in his treatment of R.A. in one or more of the following ways:

- a. by prescribing an excessive dosage of Seroquel to R.A. without adequate medical justification;
- b. by failing to titrate the dosage of Seroquel he prescribed to R.A.;
- c. by prescribing an excessive dosage of Xanax to R.A. without adequate medical justification;
- d. by failing to titrate the dosage of Xanax he prescribed to R.A.;
- e. by discontinuing R.A.'s Seroquel prescription without adequate medical justification;
- f. by prescribing Zyprexa to R.A. without adequate medical justification;

- g. by failing to conduct consistent, thorough, and complete psychiatric evaluations of R.A. and/or;
- h. by failing to obtain a complete medical history of R.A.

39. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2009).

COUNT II- PATIENT R.C.
Violation of Section 458.331(1)(t)

40. Petitioner realleges and incorporates paragraphs 1 through 4, 21 through 36, as if fully set forth herein.

41. Respondent practiced below the minimum standard of care in his treatment of R.C. in one or more of the following ways:

- a. by prescribing an excessive dosage of Seroquel to R.C. without adequate medical justification;
- b. by failing to titrate the dosage of Seroquel he prescribed to R.C.;
- c. by prescribing an excessive dosage of Xanax to R.C. without adequate medical justification;
- d. by failing to titrate the dosage of Xanax he prescribed to R.C.;
- e. by prescribing an excessive dosage of Zyprexa without adequate medical justification;

- f. by inappropriately prescribing a combination of two antipsychotic medications and a benzodiazepine, at high dosages, to R.C.;
- g. by failing to conduct consistent, thorough, and complete psychiatric evaluations of R.C. and/or;
- h. by failing to obtain a complete medical history of R.C.

42. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2009).

Section 458.331(1)(q), Florida Statutes

43. Section 458.331(1)(q), Florida Statutes (2009), subjects a licensee to discipline for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of the paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

COUNT III- PATIENT R.A.
Section 458.331(1)(q), Florida Statutes

44. Petitioner realleges and incorporates paragraphs 1 through 20 and paragraph 43 as if fully set forth herein.

45. Respondent prescribed a legend drug other than in the course of his professional practice by prescribing excessive amounts and inappropriate combinations of psychotropic medications, including controlled substances to R.A.

46. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes (2009).

COUNT IV- PATIENT R.C.
Section 458.331(1)(q), Florida Statutes

47. Petitioner realleges and incorporates paragraphs 1 through 4, 21 through 36, and paragraph 43 as if fully set forth herein.

48. Respondent prescribed a legend drug other than in the course of his professional practice by prescribing excessive amounts and inappropriate combinations of psychotropic medications, including controlled substances to R.C.

49. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes (2009).

Section 458.331(1)(m), Florida Statutes

50. Section 458.331(1)(m), Florida Statutes (2009), subjects a licensee to discipline for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

COUNT V – PATIENT R.A.

Section 458.331(1)(m), Florida Statutes

51. Petitioner realleges and incorporates paragraphs 1 through 20 and paragraph 50, as if fully set forth herein.

52. Respondent failed to maintain adequate medical records that justified the course of treatment for R.A. in one or more of the following ways:

- a. by failing to maintain documented medical justification for prescribing an excessive dosage of Seroquel to R.A.;

- b. by failing to maintain documented medical justification for prescribing an excessive dosage of Xanax to R.A.;
- c. by failing to maintain documented medical justification for discontinuing R.A.'s Seroquel prescription;
- d. by failing to maintain documented medical justification for prescribing Zyprexa to R.A.;
- e. by failing to maintain medical records showing that Respondent conducted consistent, thorough, and complete psychiatric evaluations of R.A. and/or;
- f. by failing to maintain medical records showing that Respondent obtained a complete medical history of R.A.

53. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2009),

COUNT VI – PATIENT R.C.
Section 458.331(1)(m), Florida Statutes

54. Petitioner realleges and incorporates paragraphs 1 through 4, 21 through 36, and paragraph 50, as if fully set forth herein.

55. Respondent failed to maintain adequate medical records that justified the course of treatment for R.C. in one or more of the following ways:

- a. by failing to maintain documented medical justification for prescribing an excessive dosage of Seroquel to R.C.;
- b. by failing to maintain documented medical justification for prescribing an excessive dosage of Xanax to R.C.;

- c. by failing to maintain documented medical justification for prescribing Zyprexa to R.C.;
- d. by failing to maintain medical records showing that Respondent conducted consistent, thorough, and complete psychiatric evaluations of R.C. and/or;
- e. by failing to maintain medical records showing that Respondent obtained a complete medical history of R.C.

56. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2009).

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

[Signatures appear on following page.]

SIGNED this 23rd day of January, 2015.

John H. Armstrong, MD, FACS
State Surgeon General and Secretary of Health



Lauren A. Leikam
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK **Angel Sanders**
DATE **JAN 26 2015**

/LAL
PCP: January 23, 2015
PCP Members: Georges El-Bahri M.D., James Orr M.D., Brigitte Goersch

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.

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.