

DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE
Bureau of Operations, Licensure Services-Profilng Section
Summary Narrative

Michael J. Benjamin, ME 14909

Date Action Taken:

December 11, 2003

Allegation:

Allegations of a violation of Section 458.331(1)(t), F.S. by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably similar physician as being acceptable under similar conditions and circumstances in one or more of the following ways: failed to explain the abortion procedure to the first and second trimester abortion patients; failed to advise patients of the alternatives to the abortion procedure; and/or failed to advise of the substantial risks and hazards of the abortion procedure. Violation of Section 458.331(1)(g) by failing to perform any statutory or legal obligation placed upon a licensed physician as set forth in Rule 64B8-9.007, Florida Administrative Code. Violation of Section 458.331(1)(w) by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

Action:

Pursuant to a consent agreement with licensee, the following was imposed: \$5,000 fine; assessed costs in the amount of \$5,2363.00; shall not in the future violate Chapters 456, 458, and 893; letter of concern; four hours of Continuing Medical Education (CME) in Risk Management.