

**Department of Health  
Florida Board of Medicine Meeting  
Meeting Minutes  
Orlando Airport Marriott  
7499 Augusta National Drive  
Orlando, FL 32822  
(407) 851-9000**

**November 30 – December 1, 2007**

**Friday, November 30, 2007**

**8:00 a.m. ROLL CALL**

**Members Present:**

H. Frank Farmer, Jr., M.D., Chair  
Robert Cline, M.D., Vice Chair  
Laurie Davies, M.D.  
John Beebe, Consumer Member  
Tully Patrowicz, M.D.  
Steven Rosenberg, M.D.  
Carmel Barrau, M.D.  
Monique Long, Consumer Member  
Oneila Lage, M.D.  
Fred Bearison, M.D.  
Michael Chizner, M.D.  
Gary Winchester, M.D.

**Members Absent:**

George Thomas, M.D.  
Trina Espinola, M.D.

**Staff Present:**

Larry G. McPherson, Jr., J.D., Executive Director  
Ed Tellechea, J.D., Board Counsel  
Deborah Loucks, J.D., Board Counsel  
Nancy Murphy, Paralegal  
Crystal Sanford, CPM, Program Operations  
Administrator  
Chandra Prine, Program Operations Administrator  
Eulinda Jackson, Public Information Officer

**Others Present:**

Cindy Green – American Court  
Reporting  
2939 Peel Ave  
Orlando, FL 32806  
(407) 896-1813 Telephone  
(407) 896-1814 Facsimile  
Raymond Pomm, M.D., Director  
Practitioners Recovery Network

**Prosecuting Attorneys Present:**

Ephraim Livingston, J.D.  
Diane Keisling, J.D.  
Irving Levine, J.D.  
Greg Marr, J.D.  
Staci Braswell, J.D.  
Jennifer Forshey, J.D.  
Heidi Maynard, J.D.

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

**Penalty imposed:** letter of concern, \$5,000 fine, \$1,744.66 costs, 50 hours community service.

**Tab 8 - Ralph B. Monnett, M.D., Sebastian, FL - Settlement Agreement**

Dr. Monnett was present and represented by Alex Barker, Esquire.

No present members were recused due to participation on the probable cause panel.

Allegations of the Administrative Complaint: Violation of Florida Statutes 458.331(1)(t) by committing gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

A motion was made, seconded and carried unanimously to accept the Settlement Agreement.

**Penalty imposed:** reprimand, \$10,000 fine, \$3,560.82 costs, 6 hours CME in ophthalmology

**Other Item:**

Dr. Farmer introduced the new Florida Medical Association President, Karl Altenburger, M.D. who said a few words of thanks to the Board and staff for their hard work.

**Tab 48 - James S. Pendergraft, M.D., Orlando, FL - Recommended Order**

Dr. Pendergraft was present and represented by Kenneth Metzger, Esquire and Kathy Kasprzak, Esquire.

No current members were recused due to participation on the probable cause panel. Dr. Farmer read the Recommended Order remarks and confirmed all participating members had read the complete record.

Mr. Levine represented the Department and presented the case to the Board. Allegations of the Amended Administrative Complaint: Violation of Florida Statutes 458.331(1)(g) by failing to perform any statutory or legal obligation placed upon a licensed physician; violation of Florida Statutes 458.331(1)(t) by committing gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances; violation of Florida Statutes 458.331(1)(m) by 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; violation of s. 456.072(1)(k) by failing to perform any statutory

or legal obligation placed upon a licensee; and violation of s. 458.331(1)(l) by soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

A motion was made, seconded and carried unanimously to reject the Respondent's first exception to paragraph 14 of the Recommended Order based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's second exception to paragraph 15 of the Recommended Order based on the Department's written and verbal response.

A motion was made, seconded and carried unanimously to reject the Respondent's third exception to paragraph 19 of the Recommended Order based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's fourth exception to paragraph 21 of the Recommended Order based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's fifth exception to Findings of Fact paragraph 23 based on the Department's written response and oral response.

A motion was made, seconded and carried unanimously to reject the Respondent's sixth exception to Findings of Fact paragraph 24 based on the Department's written response, oral response and on the basis that the Board cannot re-weigh testimony.

A motion was made, seconded and carried unanimously to reject the Respondent's seventh exception to Findings of Fact paragraph 25 based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's eighth exception to Findings of Fact paragraph 26 based on the Department's written response and oral response.

A motion was made, seconded and carried unanimously to reject the Respondent's ninth exception to Conclusions of Law paragraphs 33-37 based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's tenth exception to Conclusions of Law paragraphs 33-37 based on the Department's written and oral response.

A motion was made, seconded and carried unanimously to reject the Respondent's eleventh exception to Conclusions of Law paragraphs 33-37 based on the Department's written and oral response.

A motion was made, seconded and carried with one opposed to reject the Respondent's twelfth exception to Conclusions of Law paragraphs 33-37 based on the Department's written and oral response.

A motion was made, seconded and carried with one opposed to reject the Respondent's thirteenth exception to Conclusions of Law paragraphs 33-37 based on the Department's written response.

A motion was made, seconded and carried with one opposed to reject the Respondent's fourteenth exception to Conclusions of Law paragraphs 33-37 based on the Department's written and oral response.

A motion was made, seconded and carried unanimously to reject the Respondent's fifteenth exception to Conclusions of Law paragraphs 37-39 based on the Department's written and oral response.

A motion was made, seconded and carried unanimously to reject the Respondent's sixteenth exception to Conclusions of Law paragraphs 37-39 based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's seventeenth exception to Conclusions of Law paragraphs 37-39 based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's eighteenth exception to Conclusions of Law paragraphs 37-39 based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's nineteenth exception to Conclusions of Law paragraphs 40 and 42 based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's twentieth exception to Conclusions of Law paragraphs 40 and 42 based on the Department's written response.

A motion was made, seconded and carried unanimously to reject the Respondent's twenty first exception to paragraph 21 of the Recommended Order as it relates to attorney fees and costs based on the Departments written and oral arguments.

A motion was made, seconded and carried unanimously to reject the Respondent's twenty second exception to paragraph 22 of the Recommended Order as it relates to attorney fees and costs based on the Departments written.

A motion was made, seconded and carried unanimously to adopt the Findings of Fact.

A motion was made, seconded and carried unanimously to adopt the Conclusions of Law.

A motion was made, seconded and carried unanimously to reject the Respondent's first exception of paragraph 23 of the Recommended Order regarding the penalty based on the Department's written and oral arguments.

A motion was made, seconded and carried unanimously to reject the Respondent's second exception of paragraph 24 of the Recommended Order regarding the penalty based on the Department's written and oral arguments.