

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-05-0186-5-MQA  
FILED DATE - 2-18-05  
Department of Health

DEPARTMENT OF HEALTH,

By: Heather Coleman  
Deputy Agency Clerk

Petitioner,

vs.

DOH CASE NO.: 2002-23995  
LICENSE NO.: ME0013658

RAYMOND HUDANICH, M.D.,

Respondent.

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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, 2005, in Miami, Florida, for the purpose of considering a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, the Board rejected the Consent Agreement and offered a Counter Consent Agreement which Respondent was given 7 days to accept. By letter dated February 10, 2005, counsel for Respondent accepted the Board's Counter Consent Agreement on behalf of Respondent. The Counter Consent Agreement incorporates the original Consent Agreement with the following amendments:

1. Paragraph 3 of the Stipulated Facts shall be amended to state that Respondent admits all of the facts set forth in the Administrative Complaint as amended by the Consent Agreement.

2. The letter of concern set forth in Paragraph 3 of the Stipulated Disposition shall be deleted.

3. The fine set forth in Paragraph 4 of the Stipulated Disposition shall be increased to \$10,000.

4. The costs set forth in Paragraph 3 of the Stipulated Disposition shall reflect the actual costs in this matter in the amount of \$793.87.

5. Within one (1) year from the date the Final Order is filed, Respondent shall document the completion of 100 hours of community service. Community service shall be provided without fee or cost to the person or entity benefitting from the service, for the good of the people of the State of Florida. A community service plan must be pre-approved by the Board's Probationer's Committee. Affidavits detailing the completion of community service requirements shall be filed with the Board's Probationer's Committee.

6. Respondent shall document completion of the laws and rules course sponsored by the Florida Medical Association (FMA) within one year from the date the Final Order is filed.

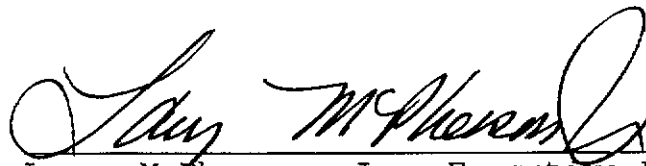
7. Respondent shall be reprimanded by the Board.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference 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 17 day of FEBRUARY, 2005.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director  
for Laurie K. Davies, 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 RAYMOND HUDANICH, M.D., 9420 NW 10<sup>th</sup> Street, Plantation, Florida 33322; to Marc Ganz, Esquire, 2801 Ponce de Leon Boulevard, Suite 1200, Coral Gables, Florida 33134; and by interoffice delivery to

Denise O'Brien and Dana Baird, Department of Health, 4052 Bald

Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this

18<sup>th</sup> day of February, 2005.

*Sharonela Lino*

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**Deputy Agency Clerk**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2002-23995**

**RAYMOND HUDANICH, M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

**COMES NOW**, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Raymond Hudanich, M.D., and in support thereof alleges:

1. Petitioner is the state department 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, the Respondent was a licensed physician within the state of Florida, having been issued license number 13658.

3. Respondent's address of record is 333 NW 70 Avenue, Suite 120, Plantation, Florida 33317-2391.

4. Respondent is board certified in gynecology and obstetrics.

5. On or about, and prior to, August 30, 2002, Respondent had performed Level II surgical procedures at Broward Women's Healthcare, Inc., d/b/a W. Broward Women's Center (hereinafter referred to as the Center), without the required registration.

6. Section 458.331(1)(nn), Florida Statutes (2002), provides that violating any provision of Chapter 458 or Chapter 456, or any rules adopted pursuant thereto, constitutes grounds for disciplinary action by the Board of Medicine.

7. As provided in Rule 64B8-9.0091(1), Florida Administrative Code, a physician who performs Level II or Level III office surgery is responsible for ensuring that every office in which the physician practices that surgery is registered and is in compliance with the requirements of Rule 64B8-9.009, Florida Administrative Code.

8. On or about August 30, 2002, the Florida Department of Health, Board of Medicine, conducted an on-site inspection of the Center pursuant to Section 358.309, Florida Statutes (2002), which resulted in numerous deficiencies.

9. The aforementioned inspection revealed, among others, the following deficiencies:

a. Lack of compliance with the Physician Office Registration standards of the Board of Medicine as set forth in Rule 64B8-9.009(1)(a), Florida Administrative Code, which requires that every Florida licensed physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in Rule 64B8-9.009, Florida Administrative Code, to register with the Board of Medicine.

b. Lack of compliance with the level II office surgery crash cart resuscitative medications requirements of Rule 64B8-9.009(4)(b)3, Florida Administrative Code, which specifically address the standards regarding which resuscitative medications must be full and current on the crash cart at the location the anesthesia is being administered.

c. Lack of compliance with the level II office surgery equipment and supplies requirements of Rule 64B8-9.009(4)(b)3.h, Florida Administrative Code, which requires an

emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

10. At the time of inspection, the aforementioned deficiencies created an immediate danger to the safety of patients.

11. Respondent failed to comply with Section 458.331(1)(nn), Florida Statutes (2002), in on or more of the following ways:

a. The Respondent failed to comply with the physician office registration requirements as set forth in Rule 64B8-9.009(1)(a), Florida Administrative Code, in that the Respondent failed to register with the Board of Medicine to perform level II office based surgeries.

b. The Respondent failed to comply with the level II office surgery crash cart resuscitative medications requirements as set forth in Rule 64B8-9.009(4)(b)3, Florida Administrative Code, in that there were insufficient amounts of Epinephrine 1:1000 and Isuprel to supply three (3) operating rooms.

c. The Respondent failed to comply with level II office surgery equipment and supplies requirements as set forth in Rule 64B8-9.009(4)(b)3.h, Florida Administrative Code, in that



the facility lacked an adequate emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

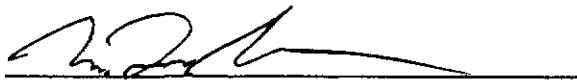
12. Based on the foregoing, Respondent has violated Section 458.331(1)(nn), Florida Statutes (2002), by failing to comply with several provisions of Rule 64B8-9.009, Florida Administrative Code, as set forth above.

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

SIGNED this 11<sup>th</sup> day of October, 2004.

John O. Agwunobi, M.D., M.B.A., M.P.H.  
Secretary, Department of Health

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Neathes Coleman  
DATE 10-11-04

  
William F. Miller  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Florida Bar # 0421080  
(850) 414-8126  
(850) 414-1991 FAX

Reviewed and approved by: sm (initials) 8/25/04 (date)

PCP: October 8, 2004

PCP Members: Gustavo Leon, M.D. (Chairperson), Kriston Kent, M.D., and John Beebe

## **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 to any other discipline imposed.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case No. 2002-23995**

**RAYMOND HUDANICH, M.D.**

**Respondent.**

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**CONSENT AGREEMENT**

Raymond Hudanich, 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.

Petitioner is a state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

**STIPULATED FACTS**

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 13658.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent with violations of

Chapter 458, Florida Statutes, and the rules adopted 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 for purposes of these proceedings only.

4. The Administrative Complaint did not charge violations of § 458.331(1)(t), Florida Statutes.

### **STIPULATED CONCLUSIONS OF LAW**

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

### **STIPULATED DISPOSITION**

1. Paragraph nine (9) of the administrative complaint shall be amended to read as follows:

9. The aforementioned inspection revealed, among others, the following deficiencies:

a. Lack of compliance with the level II office surgery crash cart resuscitative medications requirements of Rule 64B8-9.009(4)(b)3, Florida Administrative Code, which specifically address the standards regarding which resuscitative medications must be full and current on the crash cart at the location the anesthesia is being administered.

b. Lack of compliance with the level II office surgery equipment and supplies requirements of Rule 64B8-9.009(4)(b)3.h, Florida Administrative Code, which requires an emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

2. Paragraph eleven (11) of the administrative complaint shall be amended to read as follows:

11. Respondent failed to comply with Section 458.331(1)(nn), Florida Statutes (2002), in on or more of the following ways:

a. The Respondent failed to comply with the level II office surgery crash cart resuscitative medications requirements as set forth in Rule 64B8-9.009(4)(b)3, Florida Administrative Code, in that there were insufficient amounts of Epinephrine 1:1000 and Isuprel to supply three (3) operating rooms.

b. The Respondent failed to comply with level II office surgery equipment and supplies requirements as set forth in Rule 64B8-9.009(4)(b)3.h, Florida Administrative Code, in that the facility lacked an adequate emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

3. **Letter Of Concern** - Respondent shall receive a Letter of Concern from the Board of Medicine.

4. **Fine** - The Board of Medicine shall impose an administrative fine of \$2,500.00 against the license of Respondent, to be paid by Respondent to the Department of Health, HMQAMS/Client Services, Post Office Box 6320, Tallahassee,

Florida 32314-6320, Attention: Board of Medicine Compliance Officer, within thirty-days (30) of the Final Order accepting this Agreement. All fines shall be paid by check or money order. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.**

3. **Reimbursement Of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any administrative costs incurred in the investigation and preparation of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this case is \$588.35. Respondent will pay costs to the Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Medicine Compliance Officer within thirty-days (30) from the

entry of the Final Order in this cause. Any post-Board costs, such as the costs associated with probation, are not included in this agreement.

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.**

**STANDARD PROVISIONS**

4. **Appearance:** Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

5. **No force or effect until final order** - 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 the Board enters a Final Order incorporating the terms of this Agreement.

6. **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.



7. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

8. **Violation of terms considered** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

9. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. 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. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this 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.

10. No preclusion of additional proceedings - Respondent and the Department fully understand that this Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

11. Waiver of attorney's fees and costs - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their 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 and the Board in connection with this matter.

12. Waiver of further procedural steps - 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.

SIGNED this 24 day of November, 2004.

Raymond Hudanich, M.D.  
 RAYMOND HUDANICH, M.D.

Before me, personally appeared Raymond Hudanich, MD whose identity is known to me by \_\_\_\_\_ (type of



Danielle Mogan  
 My Commission CC998822  
 Expires April 27 2005

Danielle Mogan

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identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

APPROVED this 22<sup>nd</sup> day of December, 2004.

John O. Agwunobi, M.D., M.B.A., M.P.H.  
Secretary, Department of Health

Wings S. Benton  
By: Wings S. Benton  
Deputy General Counsel  
Department of Health