

**PUBLIC**

IN THE MATTER

OF

MAHER ETER, M.D.  
CO-03-08-3753-A

ORDER  
OF CONDITIONS  
PURSUANT TO  
§230 OF THE  
PUBLIC HEALTH LAW

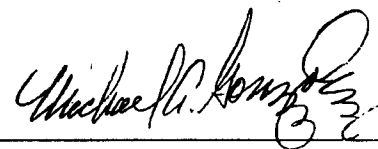
Upon the Stipulation and Application of **MAHER ETER, M.D.** (Licensee) for an Order Of Conditions Pursuant to §230 of the Public Health Law, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and SO ORDERED; and it is further

ORDERED, that this order shall take effect immediately upon issuance and shall remain in effect as set forth in the Stipulation and Application.

SO ORDERED.

DATED: 3/23/04



MICHAEL A. GONZALEZ, R.P.A.  
Vice Chair  
State Board for Professional  
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

MAHER ETER, M.D.  
CO-03-08-3753-A

STIPULATION AND  
APPLICATION  
FOR ORDER  
OF CONDITIONS  
PURSUANT TO  
§230 OF THE  
PUBLIC HEALTH LAW

**MAHER ETER, M.D.**, deposes and says:

That on or about May 14, 1996, I was licensed to practice as a physician in the State of New York, having been issued License No. 202991 by the New York State Education Department.

My current address is P.O. Box 3643, Security Forces Hospital, Anesthesia Department, Riyadh, Saudi Arabia 11481. I will advise the Director of the Office of Professional Medical Conduct of any change in my address.

The New York State Board for Professional Medical Conduct has brought charges that are currently before a Hearing Committee, that I was indefinitely Suspended from the practice of medicine in the State of Florida, based upon a default decision as set forth in Exhibit "A," attached to this application and made a part hereof.

As a condition for an adjournment for that hearing, I have agreed to a Stipulation and Order as set forth in Exhibit "B," attached to this application and made a part hereof.

This Stipulation and Order shall remain in effect until, and shall terminate upon, the issuance of a Determination and Order by the Hearing Committee that is currently hearing my case.

I am willing, and hereby offer, to cease the practice of medicine, beginning immediately, pending such resolution of the proceedings, subject to an Order of Conditions, as set forth herein, issued and ordered by the Vice Chairman of the State Board for Professional Medical Conduct, in the same manner as if subject to an Order of the Commissioner of Health issued pursuant to the authority of N.Y. Public Health Law §230(12). My offer to be bound by such Consent Order shall not be considered an admission of any act of misconduct, but is made in consideration of allowing me an adjournment in this matter.

Said Order shall be effective upon my signing this Stipulation and Application and shall remain in effect, subject to the further Order of the State Board for Professional Medical Conduct, or until the final Determination and Order of the hearing currently in progress.

Said Order shall impose the following Conditions:

That I shall fully cooperate in every respect with the Office of Professional Medical Conduct in its administration and enforcement of this Order. This condition shall be in effect beginning upon the date of my executing this Stipulation and Application and throughout the duration of the Hearing.

I further stipulate that:

Failure by me to comply with such Conditions shall constitute professional misconduct as defined in N.Y. Educ. Law §6530(29); and that


Any practice of medicine by me in the State of New York while this Order is in effect shall be *unauthorized* and shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(2); and that

Unauthorized medical practice is a felony defined by N.Y. Educ. Law §6512.

I understand that nothing contained herein shall be construed to be an admission of any act of misconduct alleged or charged against me.

I agree that in the event the Board grants my Application as set forth herein, an Order of the Vice Chair of the State Board for Professional Medical Conduct shall be issued. Such Order shall be a matter of public record and effect to the same extent as an Order issued by the Commissioner of Health of the State of New York, pursuant to the authority of §230(12) of the Public Health Law, and shall remain in effect as set forth above. I further understand and agree that the Department of Health shall notify hospitals and other health care facilities where I have privileges, and other parties or governmental agencies inquiring as to my licensure status, that I am not authorized to practice medicine and that any such practice is to be reported to the Director of the Office of Professional Medical Conduct.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, I hereby waive any right I may have to contest the validity of the instant Order for which I hereby apply, whether administratively or judicially, and agree to be bound by the Order, and ask that the Application be granted.

 3/3/04  
\_\_\_\_\_  
MAHER ETTER, M.D.  
Respondent

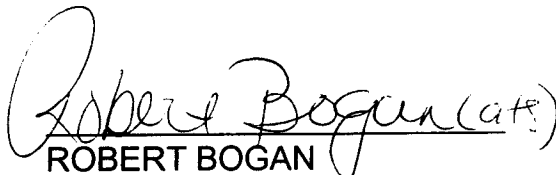
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

STIPULATION AND  
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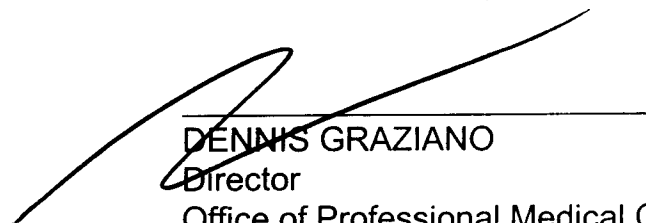
IN THE MATTER  
  
OF  
  
MAHER ETER M.D.  
CO-03-08-3753-A

The undersigned agree to the attached application of the Licensee and to the issuance of the proposed Order of Conditions Pursuant to §230 of the Public Health Law.

DATE: 3/13/04

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 3/22/04

  
DENNIS GRAZIANO  
Director  
Office of Professional Medical Conduct

"Exhibit A"

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-03-0662-F01-MQA  
FILED DATE - 6/26/03  
Department of Health

DEPARTMENT OF HEALTH,

By: Elsa Shad  
Deputy Agency Clerk

Petitioner,

vs.

DOH Case No.: 2000-12860  
License No.: ME0076298

MAHER ETER, 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 June 6, 2003, in Miami, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. Respondent was served with the Administrative Complaint by publication. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, this cause was treated as a default. At the hearing, Petitioner was represented by Ephraim Livingston, Senior Attorney. Respondent was not present. 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:

1. Respondent's license to practice medicine in the State of Florida is hereby SUSPENDED until such time as he appears before the Board and demonstrates the ability to practice medicine with skill and safety. At such time, if any, the Board determines that reinstatement is appropriate, the Board retains jurisdiction in this matter to impose any additional penalties which it deems appropriate.

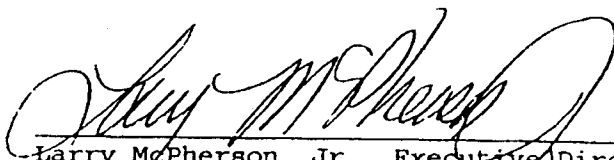
2. The Board retains jurisdiction in this matter to impose costs at a future date in accordance with §456.072(4), Florida Statutes.

(NOTE: SEE ATTACHMENT "A" FOR STANDARD TERMS APPLICABLE TO ALL FINAL ORDERS. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE STANDARD TERMS SET FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

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

DONE AND ORDERED this 20 day of June, 2003.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director  
for Raghavendra Vijayanagar, M.D., Chair



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. REVIEW 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 DEPARTMENT OF HEALTH 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 MAHER ETER, M.D., 4002 State Road 674, Sun City Center, Florida 33573; and by interoffice delivery to Ephraim Livingston and Pamela Page, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 26 day of June, 2003.

Shawn Sykes

**FILED**

DEPARTMENT OF HEALTH  
DEPUTY CLERK

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

CLERK *Nicki R. Kenon*

DATE 5/1/03

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case No. 2000-12860**

**MAHER ETER, M.D.,**

**Respondent.**

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**MOTION FOR DEFAULT**

COMES NOW the Petitioner, the Department of Health, by and through the Department of Health, and files this Motion for Default. As grounds therefore, Petitioner would state:

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 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Department of Health to provide consumer complaint, investigative, and prosecutorial services required by the Prosecution Services Unit, councils, or boards, as appropriate.
2. An Administrative Complaint was filed in this case on August 28, 2002, alleging violations of Chapter 458.331(1)(t), Florida Statutes.

3. The Administrative Complaint and Election of Rights was forwarded to the last known address of Respondent, 4002 State Road 674, Sun City Center, Florida 33573, via Certified Mail.

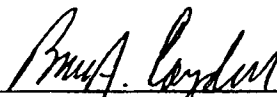
4. On September 5, 2002, the Department received the certified green card signed, by someone other than Respondent.

5. The Department was unable to verify Respondent actually receiving the Administrative Complaint, so a Notice of Action was published in Hillsborough County with a return date of February 22, 2003.

6. Respondent has failed to establish contact with the Department regarding this matter.

WHEREFORE, Petitioner respectfully requests that this Board of Medicine enter an Order finding Respondent in default. Furthermore, Petitioner requests that the Board find, based on the information contained in the investigative report, that Respondent has violated the provisions of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint. Petitioner would respectfully request that the Board enter an Order suspending the Respondent's license to practice medicine until he can present himself to the Board and establish that he can practice medicine with reasonable skill and safety. At that time, Respondent should be placed on probation, with terms appropriate to this case. The Board should also assess an appropriate fine and assess costs for this case.

Respectfully submitted,



Bruce Campbell  
Assistant General Counsel  
Florida Bar # 191163  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
(850) 414-8126 (850) 414-1989 Fax

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via:  postage-paid U.S. Mail, to Maher Eter, 4002, State Road 674, Sun City Center, Florida 33573 dated this 6 day of March, 2003.



Bruce Campbell  
Assistant General Counsel

AUG 28 2002

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,  
PETITIONER,

v.

CASE NO. 2000-12860

MAHER ETER, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through the Agency for Health Care Administration, for its Complaint against Maher Eter, M.D., states as follows:

**PARTIES**

1. The Department of Health is the state agency charged with regulating the practice of medicine under Florida Law.
2. Respondent, whose address of record is 4002 State Road 674, Sun City Center, Florida 33573, was issued license number ME 0076298 on July 16, 1998. Respondent is board certified in internal medicine, with a specialty in critical care and pulmonary disease.

**STANDARD OF CARE VIOLATION**

3. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida.

4. On or about August 25, 2000, Patient J.V., a forty seven (47) year-old male, presented to Blake Medical Center emergency room (ER), in Bradenton, Florida, with tightness and pain in the left side of his chest and a history of pneumothorax (air or gas in the pleural space lining the thoracic cavity).

5. An ER physician diagnosed Patient J.V. with spontaneous left pneumothorax.

6. In the ER a tube was inserted through the ribs of Patient J.V., providing immediate relief.

7. After admission, Doctor M.R., Respondent's partner, recommended a pleurodesis procedure for Patient J.V. to prevent recurrence of pneumothorax

8. A pleurodesis procedure is designed to seal the two layers of the pleura together to obliterate the pleural space, thereby preventing fluid re-accumulation and reducing the likelihood of recurrent pneumothorax. It is accomplished by injection an irritant into the pleura which causes a scarring effect and a resultant adhesion of the pleural layers.

9. On or about August 27, 2000, the Doctor M.R. wrote an order for 50 ccs of 10% Lidocaine with 4 gms of talc, plus 50 cc of normal saline to be injected into the pleura of Patient J.V.

10. The pleurodesis procedure was scheduled to be performed by Respondent the next day.

11. On or about August 28, 2000, Respondent performed the pleurodesis procedure by injecting the 50 cc of 10% Lidocaine mixed with 4 gms talc, plus 50 cc NS

into Patient J.V.

12. The ordered solution delivered an excessive amount of Lidocaine to Patient J.V.

13. Within a few minutes after the injection, Patient J.V. experienced a seizure and coded.

14. Despite Immediate CPR and Intubation, Patient J.V. remained unresponsive.

15. On August 31, 2000, Patient J.V. expired.

16. Autopsy listed the cause of death as complication of Lidocaine toxicity.

17. The Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment recognized by a reasonably prudent similar physician as acceptable under similar conditions and circumstances, in one or more of the following ways:

- (a) Respondent administered medication to Patient J.V. containing excessive concentration of Lidocaine in solution.

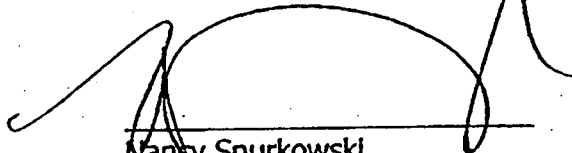
**WHEREFORE,** the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties, in addition to the assessment of the costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes (2001):

- a) Revocation of Respondent's license;
- b) Suspension of Respondent's license for an appropriate period of time;

- c) Restriction of the Respondent's practice;
- d) Imposition of an administrative fine;
- e) Issuance of a reprimand;
- f) Placement of the Respondent on probation;
- g) Administrative costs, and/or any other relief that the Board deems appropriate.

SIGNED this 26th day of August, 2002

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



Nancy Snurkowski  
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

Bruce A. Campbell  
Senior Attorney  
Agency for Health Care Administration  
P. O. Box 14229  
Mail Stop 39-A  
Tallahassee, Florida 32317-4229  
Florida Bar # 191163  
BAC/bwk  
PCP: August 16, 2002  
PCP Members: El-Bahri, Tucker, and Long

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Vicki R. Kenon  
DATE 8/28/02



ATTACHMENT A  
STANDARD TERMS APPLICABLE TO ALL FINAL ORDERS

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The following are the standard terms applicable to all Final Orders, including supervision and monitoring provisions applicable to licensees on probation.

A. COMPLIANCE WITH STATE AND FEDERAL LAWS AND RULES.

Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including Chapters 456, 458, 893, Florida Statutes, and Rule Chapter 64B8, Florida Administrative Code. If Respondent is subject to criminal probation, Respondent shall comply with all terms and conditions of said criminal probation.

B. PAYMENT OF FINES AND COSTS. Unless otherwise directed by Final Order, all fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, WITHIN 30 DAYS OF THE FILING OF THE FINAL ORDER. The Board/Compliance office does NOT have the authority to change the terms of payment of any fine imposed by the Board.

C. ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of

any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice of medicine in Florida.

D. COMPLIANCE ADDRESS. Unless otherwise directed, all reports, correspondence and inquiries shall be sent to: DOE, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

E. CONTINUITY OF PRACTICE

1. TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Final Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida.

Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida.

Unless otherwise set forth in the Final Order, the following requirements and only the following requirements shall be tolled until the Respondent returns to active practice:

- a. The time period of probation shall be tolled.
- b. The provisions regarding supervision whether direct

or indirect by the monitor/supervisor, and required reports from the monitor/supervisor shall be tolled.

c. The requirement for quality assurance review of Respondent's practice shall be tolled.

d. Any provisions regarding community service shall be tolled.

e. Any requirements regarding lectures on the subject of wrong-site surgery.

2. ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

F. COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. Unless otherwise directed by Final Order, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in paragraph D., WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.

1. DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of medical services directly to patients, or the delivery of other volunteer services to an entity which is exempt

from federal taxation under 26 U.S.C. s. 501(c)(3); without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician's regular practice setting.

2. CONTINUING EDUCATION. Continuing education imposed by Final Order shall be in addition to those hours required for biennial renewal of licensure. Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

G. PROBATION TERMS. If probation was imposed by the Final Order, the following provisions are applicable.

1. DEFINITIONS:

a. INDIRECT SUPERVISION is supervision by a monitoring physician (monitor), as set forth in the Final Order, whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent. However, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise approved by the Board and shall be readily available for consultation. The monitor shall be board-certified in the Respondent's specialty

area unless otherwise approved by the Board or its designee.

b. DIRECT SUPERVISION is supervision by a supervising physician (supervisor), as set forth in the Final Order, whose responsibilities are set by the Board. Direct supervision requires that the supervisor and Respondent work in the same office. The supervisor shall be board-certified in the Respondent's specialty area unless otherwise approved by the Board or its designee.

c. PROBATION COMMITTEE or "Committee" are members of the Board of Medicine designated by the Chair of the Board to serve as the Probation Committee.

## 2. REQUIRED SUPERVISION.

a. If the terms of the Final Order include indirect monitoring of the licensee's practice (monitoring) or direct monitoring of the licensee's practice (supervision), the Respondent shall not practice medicine without an approved monitor/supervisor, as specified by the Final Order, unless otherwise ordered by the Board.

b. The monitor/supervisor must be licensed under Chapter 458, Florida Statutes, in good standing, and without restriction or limitation on his/her license.

In addition, the Board or Committee may reject any proposed monitor/supervisor on the basis that he/she has previously been subject to any disciplinary action against his/her medical license in this or any other jurisdiction; is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise approved by the Board or Committee and be practicing within a reasonable distance of the Respondent's practice, a distance of no more than 20 miles unless otherwise specifically provided for in the Final Order. The monitor/supervisor must not be a relative or employee of the Respondent. The Board, Committee or designee may also reject any proposed monitor/supervisor for good cause shown.

3. TEMPORARY APPROVAL. The Board confers authority on the Chair of the Probation Committee to temporarily approve Respondent's monitor/supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed monitor/supervisor. This information shall be furnished to the Chair of the Probation Committee by way of the Compliance Officer, within 48

hours after Respondent receives the Final Order in this matter. This information may be faxed to the Compliance Officer at (850) 414-0864, or may be sent by overnight mail to the Compliance address as set forth in paragraph D. above. In order to provide time for Respondent's proposed supervisory/monitoring physician to be approved or disapproved by the Chair of the Probation Committee, Respondent shall be allowed to practice medicine while approval is being sought, but only for a period of five working days after Respondent receives the Final Order. If Respondent's supervising/monitoring physician has not been approved during that time frame, then Respondent shall cease practicing until such time as the supervising/monitoring physician is temporarily approved. In the event that the proposed monitoring/supervising physician is not approved, then Respondent shall cease practicing immediately. Should Respondent's monitoring/supervising physician be approved, said approval shall only remain in effect until the next meeting of the Probationer's Committee. Absent said approval, Respondent shall not practice medicine until a monitoring/supervising physician is approved. Temporary approval shall only remain in

effect until the next meeting of the Probation Committee.

4. FORMAL APPROVAL. Respondent shall have the monitor/supervisor with him/her at the first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide the monitor/supervisor a copy of the Administrative Complaint and the Final Order in this case.

Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed monitor/supervisor to the Compliance Officer no later than fourteen days before the Respondent's first scheduled probation appearance. Respondent's monitor/supervisor shall also appear before the Probation Committee at such times as directed by the Committee. It shall be the Respondent's responsibility to ensure the appearance of his/her monitor/supervisor as directed. Failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of the Final Order and may subject the Respondent to additional disciplinary action.

5. CHANGE IN MONITOR/SUPERVISOR. In the event that



Respondent's monitor/supervisor is unable or unwilling to fulfill his/her responsibilities as a monitor/supervisor as described above, the Respondent shall immediately advise the Compliance Office of this fact. Respondent shall immediately submit to the Compliance Office the name of a temporary monitor/supervisor for consideration. Respondent shall not practice pending approval of this temporary monitor/supervisor by the Chair of the Probation Committee. Furthermore, Respondent shall make arrangements with his/her temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the monitor/supervisor by the Committee. Respondent shall only practice under the supervision of the temporary monitor/supervisor (approved by the Chair) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new monitor/supervisor shall be addressed.

6. REPORTS.

a. If directed by Final Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

- (1) Brief statement of why physician is on probation.
- (2) Practice location.
- (3) Describe current practice (type and composition).
- (4) Brief statement of compliance with probationary terms.
- (5) Describe relationship with monitoring/supervising physician.
- (6) Advise Compliance Officer of any problems including office incident reports filed, loss or restriction of hospital staff privileges, loss or restriction of DEA registration, or any Medicare/Medicaid program exclusions, restrictions or limitations.

b. MONITOR/SUPERVISOR REPORTS. If directed by Final Order, monitor/supervisor reports, in affidavit form shall include the following:

- (1) Brief statement of why physician is on probation.
- (2) Description of probationer's practice.
- (3) Brief statement of probationer's compliance with terms of probation.
- (4) Brief description of probationer's relationship with monitoring physician.
- (5) Detail any problems which may have arisen with probationer.

7. INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

8. COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Final Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Final Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Final Order, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), Florida Statutes.

9. SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of

a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

- I. RETURN OF LICENSE. Any Final Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.