BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
	)	
	)	
	)	
ANTHONY TAYCER HASAN, M.D.	)	**MBC No. 16-2012-227781**
	)	
Physician's & Surgeon's Certificate No. A 69514	)	
	)	
	)	
	)	
Petitioner.	)	
	)	

DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION

No action having been taken on the petition for reconsideration, filed by Petitioner, Anthony Taycer Hasan, M.D., and the time for action having expired at 5 p.m. on November 25, 2013, the petition is deemed denied by operation of law.

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
	)	
	)	
	)	
ANTHONY TAYCER HASAN, M.D.	)	**MBC No. 16-2012-227781**
	)	
	)	
Physician's & Surgeon's	)	
Certificate No. A 69514	)	
	)	
	)	
Respondent.	)	

ORDER GRANTING STAY

The Medical Board of California (Board) has filed a Request for a Stay of execution of the Decision in this matter with an effective date of November 15, 2013.

Execution is stayed until **November 25, 2013**.

This stay is granted solely for the purpose of allowing the Board time to consider the Petition for Reconsideration.

DATED: **November 13, 2013 .**

A. Renee Threadgill

A. Renee Threadgill
Chief of Enforcement
Medical Board of California

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ANTHONY TAYCER HASAN, M.D.** **PHYSICIAN'S AND SURGEON'S CERTIFICATE NO. A69514** **RESPONDENT.**	Case No. 16-2012-227781 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

On December 28, 2012, an employee of the Medical Board of California (Board) sent by certified mail a copy of Accusation No. 16-2012-227781, Statement to Respondent, Notice of Defense in blank, copies of the relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, and a request for discovery, to Anthony Taycer Hasan, M.D. (Respondent) at his address of record with the Board, 2898 SW 180th Terr, Miramar, FL 33029. Respondent filed a Notice of Defense. (Accusation package, proof of service, return receipt, Exhibit Package, Exhibit 1[1]; Notice of Defense, Exhibit 2.)

On July 17, 2013, a Notice of Hearing was served by certified mail on Respondent and his designated legal representative, informing them that an administrative hearing in this matter was scheduled for October 3, 2013, commencing at 9:00 a.m.. The certified mail receipts were signed and returned. (Exhibit Package, Exhibit 3, Notice of Hearing, proof of service and receipts.)

Neither Respondent nor his legal representative appeared at the October 3, 2013 hearing. Deputy Attorney General Jane Zack Simon appeared on behalf of Complainant. At 9:25 a.m., the Administrative Law Judge found that proper notice of the hearing had been provided, and declared Respondent to be in default.

/ / /

[1] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

FINDINGS OF FACT

I.

Kimberly Kirchmeyer is the Interim Executive Director of the Board. The charges and allegations in the Accusation were at all times brought and made solely in the official capacity of the Board's Executive Director.

II.

On August 13, 1999, Physician's and Surgeon's Certificate No. A69514 was issued by the Board to Anthony Taycer Hasan, M.D. The certificate is in delinquent status, having expired on March 31, 2011. (Exhibit Package, Exhibit 4, license certification.)

III.

On December 28, 2012, Respondent was duly served with an Accusation, alleging causes for discipline against Respondent. Respondent filed a Notice of Defense to contest the Board's action against him, and identified a Florida attorney as his legal representative. Neither Respondent nor his legal representative appeared at a properly noticed hearing, and Respondent was declared to be in default.

IV.

The allegations of the Accusation are true as follows:

On October 25, 2012 the State of Florida Board of Medicine issued a Final Order regarding Respondent's license to practice medicine in Florida. Under the terms of the Final Order, Respondent's Florida license was reprimanded and he was placed on probation for one year. He was ordered to pay an administrative fine, and to complete courses in law and ethics in medicine and prescribing controlled substances. During the period of probation Respondent can practice only under the indirect supervision of a monitoring physician. The Final Order resolved a pending Administrative Complaint alleging that on December 10, 2010 Respondent was convicted of knowingly and willfully combining, conspiring, confederating and agreeing with others to commit wire and mail fraud to dispense a misbranded prescription drug, sildenafil citrate (Viagra) into interstate commerce. (Exhibit Package, Exhibit 1, attachment to Accusation.)

DETERMINATION OF ISSUES

I.

Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the State of Florida Board of Medicine constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and 141(a).

DISCIPLINARY ORDER

Physician's and Surgeon's certificate No. A69514 issued to Anthony Taycer Hasan, M.D. Is hereby **REVOKED.**

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days of the service of this Decision.

This Decision will become effective November 15, 2013

It is so ordered on October 16, 2013.

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
Kimberly Kirchmeyer
Interim Executive Director

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
JANE ZACK SIMON
Deputy Attorney General
State Bar No. 116564
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5544
Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
Attorneys for Complainant
Medical Board of California

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 11, 2012
BY: [illegible] ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ANTHONY TAYCER HASAN, M.D.** 2898 SW 180th Terr Miramar, FL 33029 Physician's and Surgeon's Certificate No. A69514 Respondent.	Case No. 16-2012-227781 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Complainant Linda K. Whitney is the Executive Director of the Medical Board of California, Department of Consumer Affairs, and brings this Accusation solely in her official capacity.

2. On August 13, 1999, Physician's and Surgeon's Certificate No. A69514 was issued by the Medical Board of California (Board) to Anthony Taycer Hasan, M.D. (Respondent.) The certificate is delinquent with an expiration date of March 31, 2011.

///

///

///

JURISDICTION

3. This Accusation is brought before the Medical Board of California[1], under the authority of the following sections of the California Business and Professions Code ("Code") and/or other relevant statutory enactment:

A. Section 2227 of the Code provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein."

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

///

///

///

[1] The term "Board" means the Medical Board of California; "Division of Medical Quality" shall also be deemed to refer to the Board.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On October 25, 2012, the State of Florida Board of Medicine issued a Final Order regarding Respondent's license to practice medicine in Florida. Under the terms of the Final Order, Respondent's license was reprimanded and he was placed on probation for one year. He was ordered to pay an administrative fine, and to complete courses in law and ethics in medicine and prescribing controlled substances. During the period of probation, Respondent can practice only under the indirect supervision of a monitoring physician. The Final Order resolved a pending Administrative Complaint alleging that on December 10, 2010 Respondent was convicted of knowingly and willfully combining, conspiring, confederating and agreeing with others to commit wire and mail fraud to dispense a misbranded prescription drug, sildenafil citrate (Viagra) into interstate commerce. Copies of the Final Order and the Administrative Complaint issued by the Florida Board of Medicine are attached as Exhibit A.

5. Respondent's conduct and the action of the Florida Board of Medicine as set forth in paragraph 4, above, constitute unprofessional conduct within the meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A69514 issued to respondent Anthony Taycer Hasan, M.D.;

2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants;

///

///

///

///

///

3. Ordering Respondent, if placed on probation, to pay the costs probation monitoring; and

4. Taking such other and further action as the Board deems necessary and proper.

DATED: December 28, 2012

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2012403312
40629102.doc

EXHIBIT A

Final Order No. DOH-12-2332-S -MQA
FILED DATE-10-25-12
Department of Health
By: [signature]
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-04243
LICENSE NO.: ME0078230

ANTHONY TAYCER HASAN, M.D.,

Respondent.
_____/

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 12, 2012, in Deerfield Beach, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarifications:

1. The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at $2,105.31.

2. The drug course set forth in Paragraph 5 of the Stipulated Disposition shall be clarified to reflect that the course is offered by the University of Florida.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

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

DONE AND ORDERED this 24th day of October, 2012.

BOARD OF MEDICINE

Joy A. Tootle, Executive Director
For Jason J. Rosenberg, 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 ANTHONY TAYCER HASAN, M.D., 2898 SW 180th Terrace, Miramar, Florida 33029; to Julie Gallagher, Esquire, Akerman Senterfitt, 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301; and by

interoffice delivery to Sharmin Hibbert, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 25th day of October, 2012.

Angel Sanders

Deputy Agency Clerk

Rick Scott
Governor

FLORIDA DEPARTMENT OF HEALTH

John H. Armstrong, M.D.
State Surgeon General

INTEROFFICE MEMORANDUM

DATE: September 19, 2012

TO: Cassandra Pasley, BSN, J.D., Bureau Chief
Health Care Practitioner Regulation

FROM: Joy A. Tootle, Executive Director
Board of Medicine

SUBJECT: Delegation of Authority

This is to advise you that while I am out of the office Telecommuting from September 12th through October 25th, 2012. Chandra Prine and Crystal Sanford are delegated to sign on behave of Executive Director for the Board of Medicine. Ms. Prine can be reached at (850) 245-4135. Ms. Sanford can be reached at (850) 245-4132.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v. DOH Case No. 2011-04243

ANTHONY TAYCER HASAN, M.D.,

Respondent,
_____/

SETTLEMENT AGREEMENT

Anthony Taycer Hasan, 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 the 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 78230.

12298

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.

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. **Reprimand** - The Board shall reprimand the license of Respondent.

2. **Fine** - The Board of Medicine shall impose an administrative fine of ten thousand dollars ($10,000.00) against the license of Respondent, to be paid by

Respondent to Payments, Department of Health, Compliance Management Unit, Bin C-76, P. O. Box 6320, Tallahassee, FL 32314-6320, within thirty-days (30) from the date of filing of the Final Order accepting this Agreement. **All fines shall be paid by cashier's 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 SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE DATE OF 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 costs incurred in the investigation and prosecution 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 currently **seven hundred ninety-four dollars and fifty-one cents ($794.51), but shall not exceed two thousand two hundred ninety-four**

dollars and fifty-one cents ($2,294.51). Respondent will pay costs to Payments, Department of Health, Compliance Management Unit, Bin C-76, P. O. Box 6320, Tallahassee, FL 32314-6320, within thirty-days (30) from the date of filing of the Final Order in this cause. **All costs shall be paid by cashier's check or money order.** 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 SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE DATE OF 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.

4. **Laws And Rules Course** - Respondent shall complete course, "Legal and Ethical Implications in Medicine Physician's Survival Guide-Laws and Rules" administered by the Florida Medical Association, or a Board-approved equivalent, within eighteen (18) months of the date of filing of the Final Order of the Board. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition

awards, documenting completion of this medical education course within eighteen (18) months of the date of filing of the Final Order incorporating this Agreement.

5. **Drug Course** - Respondent shall complete the course, "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Misprescribing," sponsored by the University of South Florida, or a Board-approved equivalent, within one year of the date of filing of the Final Order.

16. **Probation Language** - Effective on the date of the filing of the Final Order incorporating the terms of this Agreement, Respondent's license to practice medicine shall be placed on probation for a period of one (1) year. The purpose of probation is not to prevent Respondent from practicing medicine. Rather, probation is a supervised educational experience designed by the Board to make Respondent aware of certain obligations to Respondent's patients and the profession and to ensure Respondent's continued compliance with the high standards of the profession through interaction with another physician in the appropriate field of expertise. To this end, during the period of probation, Respondent shall comply with the following obligations and requirements:

(A) **Restrictions During Probation** - During the period of probation, Respondent's license shall be restricted as follows:

i. **Indirect Supervision** - Respondent shall practice only under the indirect supervision of a Board-approved physician, hereinafter referred to as the "monitor", whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as

Respondent, however, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise provided by the Board and shall be readily available for consultation. The monitor shall be Board Certified in Respondent's specialty area unless otherwise provided by the Board. In this regard, Respondent shall allow the monitor access to Respondent's medical records, calendar, patient logs or other documents necessary for the monitor to supervise Respondent as detailed below.

ii. **Required Supervision:**

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

b) The monitor/supervisor must be a licensee under Chapter 458, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board may reject any proposed monitor/supervisor on the basis that he has previously been subject to any disciplinary action against his 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 provided by the Board and be practicing within a reasonable distance of Respondent's practice, a distance of twenty (20) miles unless otherwise specifically provided for in the

Settlement Agreement. The Board may also reject any proposed monitor/supervisor for good cause shown.

ii. **Mechanism For Approval Of Monitor/Supervisor:**

a) **Temporary Approval** - The Board confers authority on the Chairman of the Probation Committee to temporarily approve Respondent's monitor/supervisor. To obtain this temporary approval, Respondent shall submit to the Chairman of the Probation Committee the name and curriculum vitae of the proposed monitor/supervisor at the time this agreement is considered by the Board. **Once a Final Order adopting the Agreement is filed, Respondent shall not practice medicine without an approved monitor/supervisor. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.**

b) **Formal Approval** - Respondent shall have the monitor/supervisor with Respondent at Respondent's first probation appearance before the Probation Committee. Prior to the consideration of the monitor/supervisor by the Probation Committee, Respondent shall provide to the monitor/supervisor a copy of the Administrative Complaint and Final Order in this case. Respondent shall submit a current curriculum vita and a description of current practice from the proposed monitor/supervisor to the Board office no later than fourteen (14) days before Respondent's first scheduled probation appearance. Respondent's monitor/supervisor shall also appear before the Probation Committee at such other times as directed by the Probation Committee. It shall be

Respondent's responsibility to ensure the appearance of the monitor/supervisor as directed. Failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of this Settlement Agreement and shall subject Respondent to disciplinary action.

iii. **Change In Monitor/Supervisor** - In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill the responsibilities of a monitor/supervisor as described above, Respondent shall immediately advise the Probation Committee of this fact. Respondent shall immediately submit to the Chairman of the Probation Committee the name of a temporary monitor/supervisor for consideration. Respondent shall not practice pending approval of this temporary monitor/supervisor by the Chairman of the Probation Committee. Furthermore, Respondent shall make arrangements with his temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the monitor/supervisor by the Probation Committee. Respondent shall only practice under the auspices of the temporary monitor/supervisor (approved by the Chairman) until the next regularly scheduled meeting of the Probation Committee at which the issue of the Probation Committee's approval of Respondent's new monitor/supervisor shall be addressed.

iv. **Responsibilities Of The Monitor/Supervisor** - The Monitor shall:

a) Review twenty-five (25) percent of Respondent's active patient records at least once every month for the purpose of ascertaining

that Respondent performed and documented adequate histories and physical examinations of patients. The monitor shall go to Respondent's office once every month and shall review Respondent's calendar or patient log and shall select the records to be reviewed.

b) Maintain contact with Respondent on a frequency of at least once per month. In the event that the monitor is not timely contacted by Respondent, then the monitor shall immediately report this fact in writing to the Probation Committee.

c) Submit reports on a quarterly basis, in affidavit form, which shall include:

1) A brief statement of why Respondent is on probation;

2) A description of Respondent's practice (type and composition);

3) A statement addressing Respondent's compliance with the terms of probation;

4) A brief description of the monitor's relationship with Respondent;

5) A statement advising the Probation Committee of any problems which have arisen; and

6) A summary of the dates the monitor went to Respondent's office, the number of records reviewed, and the overall quality of the records reviewed, and the dates Respondent contacted the monitor pursuant to subsection c), 3), above.

e) Report immediately to the Board any violations by Respondent of Chapters 456 or 458, Florida Statutes, and the rules promulgated thereto.

f) Respondent's monitor shall appear before the Probation Committee at the first meeting of said committee following commencement of the probation, and at such other times as directed by the Committee. It shall be Respondent's responsibility to ensure the appearance of Respondent's monitor to appear as requested or directed. If the approved monitor fails to appear as requested or directed by the Probation Committee, **Respondent shall immediately cease practicing medicine until such time as the approved monitor or alternate monitor appears before the Probation Committee.**

v. **Reports From Respondent** - Respondent shall submit quarterly reports, in affidavit form, the contents of which may be further specified by the Board, but which shall include:

a) A brief statement of why Respondent is on probation;

b) A description of practice location;

c) A description of current practice (type and composition);

d) A brief statement of compliance with probationary terms;

e) A description of the relationship with monitoring physician;

f) A statement advising the Board of any problems which have arisen; and

g) A statement addressing compliance with any restrictions or requirements imposed.

vi. **Continuity Of Practice:**

a) **Tolling Provisions** - In the event Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida:

1) The time period of probation shall be tolled;

2) The provisions regarding supervision whether direct or indirect by another physician, and required reports from the monitor/supervisor shall be tolled;

3) The provisions regarding preparation of investigative reports detailing compliance with this Settlement Agreement shall be tolled; and

4) Any provisions regarding community service shall be tolled.

b) **Active Practice** - In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Board may require Respondent to appear before the Board and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

(B) **Obligations/Requirements Of Probation** - During the period of probation, Respondent shall comply with the following obligations and requirements:

I. Respondent shall appear before the Probation Committee of the Board of Medicine at the first Committee meeting after probation commences, at the last meeting of the Committee preceding scheduled termination of the probation, and at such other times as requested by the Committee. Respondent shall be noticed by the Board staff of the date, time and place of the Committee meeting at which Respondent's appearance is required.

Failure of Respondent to appear as requested or directed or failure of Respondent to comply with **any** of the terms of this agreement shall be considered a violation of the terms of this Agreement, and shall subject Respondent to disciplinary action.

STANDARD PROVISIONS

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

2. **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.

3. **Continuing Medical Education** - Unless otherwise provided in this written agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said continuing medical education course(s). Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the date of filing of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the

Board, said continuing medical education course(s) shall consist of a formal, live lecture format.

4. **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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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 17th day of August, 2012.

Anthony Taycer Hasan, M.D.

Before me, personally appeared Anthony Taycer Hasan, M.D. whose identity is known to me by Florida Driver License (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 3rd day of August, 20012.

NOTARY PUBLIC

My Commission Expires: 12/16/2014

Notary Public State of Florida
Marie D Ramirez De Arellano
My Commission EE047987
Expires 12/16/2014

APPROVED this 20 day of August, 2012.

Steven L Harris, MD, M.Sc.
Interim State Surgeon General
Department of Health

By: John B. Fricke, Jr.
Assistant General Counsel
Department of Health

AUG 17 2012 12:41PM HP LASERJET FAX

A-17

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v. CASE NO. 2011-04243

ANTHONY TAYCER HASAN, M.D.,

RESPONDENT.
_____/

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, Anthony Taycer Hasan, 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, Respondent was a licensed physician within the State of Florida, having been issued license number 78230 on June 7, 1999.

3. Respondent's address of record is 2898 S.W. 180th Terrace, Miramar, Florida 33029.

4. On or about December 10, 2010, in the United States District Court for the Southern District of Florida, Ft. Lauderdale Division, in Case Number 0:09-60344-CR-MARRA-3, Respondent pled to and was adjudicated guilty of knowingly and willfully combining, conspiring, confederating, and agreeing with other persons to commit wire and mail fraud to dispense a misbranded prescription drug, sildenafil citrate, into interstate commerce, in violation of Title 18, United States Code, Section 371.

5. Section 458.331(1)(c), Florida Statutes (2010), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession is grounds for discipline by the Board of Medicine.

6. Respondent was found guilty of crimes that relate to the practice of medicine. Respondent's license to practice medicine in the state of Florida enabled him to commit the crimes detailed in the aforementioned paragraphs.

7. Based on the foregoing, Respondent has violated Section 458.331(1)(c), Florida Statutes (2010), by being found guilty of a crime

that is directly related to the practice of medicine or to the ability to practice medicine, which is Respondent's profession.

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 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 20 **day of** April, **2012.**

STEVEN L. HARRIS, M.D., M.Sc.
Interim State Surgeon General
Florida Department of Health

NICHOLAS W. ROMANELLO
General Counsel
Florida Department of Health

VERONICA E. DONNELLY
Attorney Supervisor
Prosecution Services Unit

JOHN B. FRICKE, JR.
Assistant General Counsel
Fla. Bar No. 0901910
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4681
Email: John_FrickeJr@doh.state.fl.us

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE APR 23 2012

JBF

PCP: April 20, 2012
PCP Members: Dr. Avila, Dr. Thomas, and Mr. Levine

DOH. v. Anthony Taycer Hasan, M.D.; CASE NO. 2011-04243

DOH. v. Anthony Taycer Hasan, M.D.; CASE NO. 2011-04243

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.