

FILED DATE **OCT 29 2015**
Department of Health

By: *Angelo Saubers*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2014-14313
LICENSE NO.: ME0088622

MARTHA M. GROUT, 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 9, 2015, in Lake Buena Vista, 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 full advised in the premises, the Board rejected the Settlement Agreement and offered a Counter Settlement Agreement which Respondent was given 7 days to accept. By email dated October 27, 2015, counsel for Respondent timely accepted the Board's Counter Settlement Agreement. The Counter Settlement Agreement incorporates the original Settlement Agreement with the following amendments:

1. The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$1,294.42.

2. The requirement for the medical records course set forth in Paragraph 4 of the Stipulated Disposition shall be deleted.

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 amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as amended.

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

DONE AND ORDERED this 27th day of October, 2015.

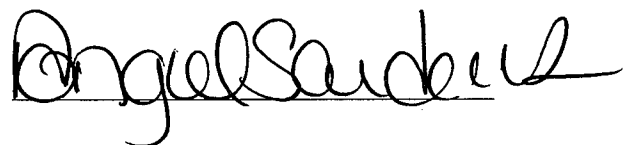
BOARD OF MEDICINE

Wendy V. Allen, for
André Ourso, J.D., M.P.H., Executive Director
For Bernardo Fernandez, 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 MARTHA M. GROUT, M.D., Arizona Center for Advanced Medicine, 8841 East Bell Road, Scottsdale, Arizona 85260; and 10200 N. 92nd Street,

Suite 120, Scottsdale, Arizona 85258; to Allen R. Grossman,
Esquire, Grossman, Furlow & Bayo, LLC, 2022-2 Raymond Diehl
Road, Tallahassee, Florida 32308; by email to Yolonda Green,
Assistant General Counsel, Department of Health, at
Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea,
Chief Assistant Attorney General, at
Ed.Tellechea@myfloridalegal.com this 29th day of
October, 2015.



Deputy Agency Clerk

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Rick Scott**

Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

TO: Adrienne Rodgers, J.D., Bureau Chief
Health Care Practitioner Regulation

FROM: André Ourso, J.D., MPH, Executive Director
Board of Medicine

SUBJECT: Delegation of Authority

DATE: October 22, 2015

This is to advise you that while I am out of the office Wednesday afternoon, October 21, 2015 through Tuesday, October 27, 2015 the following managers are delegated to serve as Executive Director for the Board of Medicine:

10/21	Crystal Sanford	Program Operations Administrator	ext. 4132
10/22	Wendy Alls	Program Operations Administrator	ext. 4135
10/23	Gloria Nelson	Regulatory Supervisor	ext. 4516
10/26-27	Wendy Alls	Program Operations Administrator	ext. 4135

Florida Department of Health

Division of Medical Quality Assurance • Bureau of Health Care Practitioner Regulation
4052 Bald Cypress Way, Bin C-03 • Tallahassee, FL 32399-3256
PHONE: 850/245-4131 • FAX 850/488-0596

www.FloridaHealth.gov

TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fldoh
FLICKR: HealthyFla
PINTEREST: HealthyFla

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Number 2014-14313

MARTHA GROUT, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Martha Grout, 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 medical doctor in the State of Florida having been issued license number ME 88622.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging 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. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in her capacity as a licensed physician, she 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.

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

STIPULATED DISPOSITION

1. **Letter Of Concern** - The Board shall issue a Letter of Concern against Respondent's license.

2. **Fine** - The Board shall impose an administrative fine of ***two thousand, five hundred dollars (\$2,500.00)*** against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). **All fines shall be paid by cashier's check or money order.** Any change in the terms of payment of

any fine imposed by the Board must be approved in advance by the Probation Committee of the Board.

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

3. Reimbursement of Costs - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is *seven hundred, seventy-eight dollars and twenty-nine cents (\$778.29) but shall not exceed two thousand, seven hundred, seventy-eight dollars and twenty-nine cents (\$2,778.29)*. Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management Unit, Bin C-76,

P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order. All costs shall be paid by cashier's check or money order. Any change in the terms of payment of costs imposed by the Board must be approved in advance by the Probation Committee of the Board.

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

4. Laws and Rules Course – Within eighteen (18) months of the date of filing of the Final Order, Respondent shall complete the 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, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board's Probation Committee.

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 Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course 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 filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, 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. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days of any changes of said addresses and shall also comply with all statutory requirements related to practitioner profile and licensure renewal updates.

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** - 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.

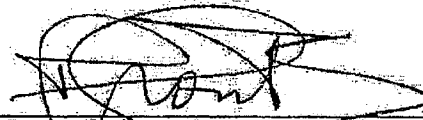
8. **No Preclusion of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative 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 Department 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.

[Signatures appear on the following page.]

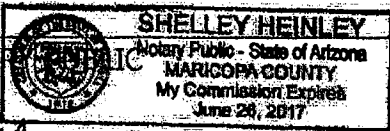
SIGNED this 8th day of April, 2015.


Martha Grout, M.D.

STATE OF ARIZONA
COUNTY OF Maricopa

BEFORE ME personally appeared Martha Grout
whose identity is known to me or who produced Known to me
(type of identification) and who, under oath, acknowledges that his/her signature
appears above.

SWORN TO and subscribed before me this 8 day of April, 2015.

My Commission Expires: Shelley D. Heinley
NOTARY PUBLIC

SHELLEY HEINLEY
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
June 28, 2017

APPROVED this 27th day of April, 2015.

John H. Armstrong, MD, FACS, FCCP
State Surgeon General & Secretary
of Health, State of Florida

By: Corynn Gasbarro
Corynn Gasbarro
Assistant General Counsel
Department of Health

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Angel Sanders*
DATE MAR 18 2015

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NUMBER 2014-14313

MARTHA M. GROUT, M.D.,

RESPONDENT.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner Department of Health hereby files this Amended Administrative Complaint before the Board of Medicine against Respondent Martha M. Grout, M.D., and alleges:

1. 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.

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 88622.

3. At all times material to this Complaint, Respondent was also a licensed physician within the State of Arizona, having been issued license number 24896.

4. Respondent's address of record is 10200 North 92nd Street, Suite 120, Scottsdale, Arizona 85258.

5. The Arizona Medical Board is the licensing authority regulating the practice of medicine in the State of Arizona.

6. On or about August 8, 2014, the Arizona Medical Board issued a Letter of Reprimand against Respondent's Arizona medical license.

7. The Arizona Medical Board's Letter of Reprimand against Respondent's Arizona medical license was action taken against Respondent's license.

8. Section 458.331(1)(b), Florida Statutes (2014), subjects a licensee to discipline for having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

9. The Arizona Medical Board took action against Respondent's Arizona medical license on or about August 8, 2014.

10. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes (2014), by having her medical license acted against by a licensing authority of another jurisdiction.

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.

[signature on following page]

SIGNED this 18th day of March, 2015.

JOHN ARMSTRONG, MD, FACS
Surgeon General and Secretary of Health



Corynn Gasbarro
Assistant General Counsel
Florida Bar Number 68814
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4444, Ext. 8243
Facsimile: (850) 245-4684
Email: Corynn.Gasbarro@flhealth.gov

PCP Date: February 20, 2015

PCP Members: Dr. Ashkar, Dr. Ginzburg & Carolyn Pardue

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 any other discipline imposed.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NUMBER 2014-14313

MARTHA M. GROUT, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

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3. At all times material to this Complaint, Respondent was also a licensed physician within the State of Arizona, having been issued license number 24896.

4. Respondent's address of record is 10200 North 92nd Street, Suite 120, Scottsdale, Arizona 85258.

5. The Arizona Medical Board is the licensing authority regulating the practice of medicine in the State of Arizona.

6. On or about August 8, 2014, the Arizona Medical Board issued a Letter of Reprimand against Respondent's Arizona medical license.

7. The Arizona Medical Board's Letter of Reprimand against Respondent's Arizona medical license was action taken against Respondent's license.

8. Respondent did not report the action taken by the Arizona Medical Board against her Arizona medical license to the Florida Board of Medicine in writing within thirty (30) days.

COUNT I

9. Petitioner re-alleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

10. Section 458.331(1)(b), Florida Statutes (2014), subjects a licensee to discipline for having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

11. The Arizona Medical Board took action against Respondent's Arizona medical license on or about August 8, 2014.

12. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes (2014), by having her medical license acted against by a licensing authority of another jurisdiction.

COUNT II

13. Petitioner re-alleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

14. Section 458.331(1)(kk), Florida Statutes (2014), subjects a licensee to discipline for failing to report to the Board, in writing, within thirty (30) days if action, as defined in in Section 458.331(1)(b), has been taken against one's license to practice medicine in another state, territory, or country.

15. On or about August 8, 2014, the Arizona Medical Board took action against Respondent's Arizona medical license.

16. Respondent failed to report the action of the Arizona Medical Board against her license to the Florida Board of Medicine in writing within thirty (30) days.

17. Based on the foregoing, Respondent violated Section 458.331(1)(kk), Florida Statutes (2014), by failing to report to the Board, in writing, within thirty (30) days, that an action as defined in Section 458.331(1)(b) was taken against her license to practice medicine in another state.

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 23rd day of February, 2015.

JOHN ARMSTRONG, MD, FACS
Surgeon General and Secretary of Health

Corynn Gasbarro

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK **Angel Sanders**
DATE **FEB 23 2015**

PCP Date: February 20, 2015

PCP Members: Dr. Ashkar, Dr. Ginzburg & Carolyn Pardue

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.

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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 any other discipline imposed.