

STATE OF FLORIDA  
BOARD OF MEDICINE

By: Heather Coleman  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 1999-55914

LICENSE NO.: ME0066975

SABINE HAZAN, M.D.,

Respondent.

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FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 4, 2005, in Miami, Florida, for the purpose of considering a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,


IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement.

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

DONE AND ORDERED this 16 day of FEBRUARY,

2005.

BOARD OF MEDICINE

  
Larry McPherson, Jr., Executive Director  
for Laurie K. Davies, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to SABINE HAZAN, M.D., 85 Plaza Boulevard, Suite 102, Plattsburg, New York 12901; Robert A. Cole, Esquire, Cole, Stone, et al., 201 North Hogan Street, Suite 200, Jacksonville, Florida 32202; and by interoffice delivery to Denise O'Brien and Dana Baird, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 18<sup>th</sup> day of February, 2005.



**Deputy Agency Clerk**



Respondent's last known address is 85 Plaza Boulevard, Suite 102, Plattsburg, New York 12901.

3. Respondent is Board Certified in Internal Medicine.

4. On or about September 24, 1998, Patient G.N., an eighty (80) year-old female, presented to Oak Terrace specialty Care Center. Initial examination of Patient G.N. described two Stage II open areas on patient's mid-back over the spine, with yellowish drainage, and no odor.

5. Stage II is an ulceration in which partial thickness of skin is lost with involvement of the epidermal and/or dermal layers of skin. This ulceration may present as blistering with erythema (skin irritation) and/or induration (the process of becoming extremely firm or hard).

6. On or about September 24, 1998, The Weekly At Risk Skin Check noted that the upper decubitus (ulcerated skin) on Patient G.N.'s spinal area measured 1.6 cm x .7 x .3 cm in size, Stage II, and the lower ulcer measured 1.3 cm x .6 x 2 cm., Stage II.

7. On or about September 28, 1998, The Pressure Ulcer Report noted that the upper ulcer measured 1 x .5 x .1, Stage II, serosanguinous (fluid that has exuded out of a tissue because of injury or inflammation, or a discharge composed of or containing serum and also blood) with no odor. The lower ulcer measured .5 x .5 x .1, Stage II, serosanguinous with no odor. The ulcers were identified as old surgical wounds.

8. On or about September 29, 1998 at approximately 1:50 p.m., Respondent was "in to see resident", and ordered a bed alarm for Patient G.N.

9. On or about September 30, 1998, Respondent performed an initial examination on Patient G.N., that found no skin and extremity problems.

10. On or about October 5, 1998, Respondent examined Patient G.N., and found no ulcers and no wounds.

11. On or about October 5, 1998, The Pressure Ulcer Report noted that Patient G.N.'s upper ulcer measured .9 x .5 x .1, Stage II, serosanguinous with no odor. Patient G.N.'s lower ulcer measured .4 x .4 x .1, Stage II, serosanguinous with no odor. The ulcers were identified as pink tissue.

12. On or about October 8, 1998, The Monthly Summary noted that there were two open surgical sites on Patient G.N.'s mid back.

13. On or about October 12, 1998, Respondent examined Patient G.N. Respondent's entry of this examination in Patient G.N.'s medical records is unreadable. The entry appears to state that Patient G.N.'s vital signs were normal, respiration was good, abdominal examination was normal. Respondent diagnosed Patient G.N. with osteoporosis.

14. On or about October 12, 1998 at approximately 9:30 p.m., The Nurse's Notes reported that there was a bloody discharge and odor coming from Patient G.N.'s mid spine area.

15. On or about October 13, 1998 at approximately 2:45 a.m., a nurse found Patient G.N. pale and clammy with rapid respiration. The nurse notified Respondent of Patient G.N.'s condition. Respondent ordered the patient transferred to the emergency room at Orange Park Medical Center for evaluation.

16. On or about October 13, 1998 at approximately 4:40 a.m., Patient G.N. arrived at Orange Park Medical Center, cyanotic and unresponsive, having been intubated by the transporting medical technician.

17. On or about October 13, 1998, at approximately 7:15 p.m., Patient G.N. expired from massive sepsis (Infection), as a consequence of decubitus ulcer of back.

18. From on or about September 24, 1998, through October 13, 1998, a reasonably prudent physician under similar conditions and circumstances would have done one or more of the following:

- a) examined Patient G.N. completely during the physical examination, including her back; and/or
- b) assessed and treated the ulcers on Patient G.N.'s back.

19. From on or about September 24, 1998, through October 13, 1998, Respondent failed to document:

- a) the treatment utilized in the care Patient G.N.;
- b) the decubitus ulcers on Patient G.N.'s back; and/or
- c) assessment and treatment of the ulcers on Patient G.N.'s back.

## COUNT ONE

### STANDARD OF CARE

20. Petitioner realleges and incorporates paragraphs one (1) through nineteen (19), as if fully set forth herein this Count One.

21. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances from on or about September 24, 1998, through October 13, 1998, in that Respondent failed to:

a) examined Patient G.N. completely during the physical examination, including her back; and/or

b) assessed and treated the ulcers on Patient G.N.'s back.

22. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

## COUNT TWO

### MEDICAL RECORDS

23. Petitioner realleges and incorporates paragraphs one (1) through nineteen (19), and paragraph twenty-one (21), as if fully set forth herein this Count Two.

24. Respondent failed to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or

are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of Patient G.N., in that from on or about September 24, 1998, through October 13, 1998, Respondent failed to document in Patient G.N. medical records justification for:

- a) the treatment utilized in the care Patient G.N.;
- b) the decubitus ulcers on Patient G.N.'s back; and/or
- c) assessment and treatment of the ulcers on Patient G.N.'s back.

25. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

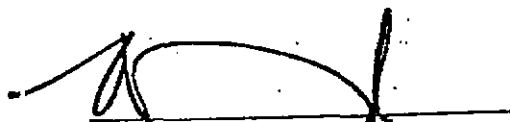
WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and



prosecution of this case as provided for in Section 456.072(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 18th day of January, 2002.

John O. Agwunobi, M.D., M.B.A.  
Secretary, BOARD OF MEDICINE



Nancy M. Snurkowski  
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

Bruce A. Campbell  
Senior Attorney, Practitioner Regulation  
Agency for Health Care Administration  
P. O. Box 14229  
Tallahassee, Florida 32317-4229  
Florida Bar # 191163  
BAC/bwk  
PCP Date: January 11, 2002 (SOUTH)  
PCP PANEL MEMBERS: ASHKAR & RODRIGUEZ

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Vicki R. Kenan  
DATE 1/18/02

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case No. 1999-55914**

**SABINE HAZAN, M.D.**

**Respondent.**

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**CONSENT AGREEMENT**

SABIN HAZAN, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department" stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

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

**STIPULATED FACTS**

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 66975.

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

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

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

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

3. **Reimbursement Of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any administrative costs incurred in the investigation and preparation of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this case is \$5,151.72. Respondent will pay costs to the Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320,

Attention: Board of Medicine Compliance Officer within thirty-days (30) from the entry of the Final Order in this cause. Any post-Board costs, such as the costs associated with probation, are not included in this agreement.

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

4. **Laws And Rules Course** - Respondent shall read the Laws and Rules Course, administered by the Florida Medical Association, within one (1) year of the 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 one (1) year of the Final Order incorporating this Agreement. **All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department.** These hours shall be in addition to those

**required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education courses shall consist of a live, lecture format.**

5. **Records Course** - Respondent shall complete the course, "Quality Medical Record Keeping for Health Care Professionals," sponsored by the Florida Medical Association, or a Board-approved equivalent, within one year of the filing of the Final Order.

#### **STANDARD PROVISIONS**

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

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

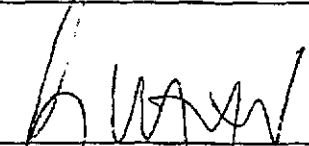
12. **No preclusion of additional proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board

and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

13. **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.

14. **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 1<sup>st</sup> day of December, 2004.

  
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SABINE HAZAN, M.D.

Before me, personally appeared Sabine Hazan MD, whose identity is known to me by BANK Client (type of identification) and who, under oath, acknowledges that his/her signature appears above.



Sworn to and subscribed before me this 1<sup>st</sup> day of December,  
2004.

*Dawn C Banker*  
NOTARY PUBLIC

My Commission Expires:

*DAWN C. BANKER*  
NOTARY PUBLIC, State of New York  
No. 4719307  
Qualified in Clinton County  
Commission Expires *3/30/06*

APPROVED this 5<sup>th</sup> day of January, 2005.

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

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