

**Advisory Council of Medical Physicists
PUBLIC PROBABLE CAUSE PANEL MEETING
November 3, 2009**

The meeting was called to order by the Chairman Diane Orcutt at 10:00 a.m. Others present were Donna Erlich, Assistant General Counsel, Michael Lawrence, Assistant General Counsel, Elizabeth Hines, POA; Gail Curry, Regulatory Supervisor and Vicki R. Grant, Executive Director.

Ms. Erlich and Mr. Lawrence provided brief instructions regarding the procedures to be followed during this portion of the meeting.

Mr. Lawrence provided a list of materials that had been provided to Ms. Orcutt for her review and consideration of the cases for this portion of the meeting as well as the non-public portion of this meeting.

Court Reporting Services:

For the Record (850) 222-549.

Reconsiderations:

08-22770:

Ms. Farideh Bagne was neither present nor represented by counsel.

Mr. Lawrence explained that on March 14, 2008, the Department of Health filed a Final Order in case number 07-39803 which required the respondent to pay a fine of \$250.00 and costs of \$75.00 within 30 days from the date of the citation which became the Final Order. Respondent failed to do so.

Respondent submitted a response dated July 28, 2009 disputing the allegations contained in the administrative complaint, and including a letter dated November 29, 2006 which requested that she relinquish her four licenses in the state of Florida. Respondent retired on November 15, 2007 and currently resides outside the state of Florida.

The Final Order that was issued was a non-disciplinary citation issued due to the Respondent failing to comply with required continuing education for the biennium ending January 31, 2007. If the Department had granted the administrative voluntary relinquishment of the licenses as earlier requested, the audit would not have been conducted. The license expired on January 31, 2009 and will become null and void on February 1, 2011. Based upon the information provided, it was the Department's recommendation that there was insufficient evidence to support the continued prosecution of the allegation contained in the administrative complaint.

After much discussion, regarding whether or not Ms. Bagne actually sent the letter in question wherein she requested that her license be placed in voluntary relinquishment status, it was determined that a letter would be sent to Ms. Bagne with language stating that the Department has no record of the letter requesting voluntary relinquishment. The letter will contain language the Ms. Bagne will never return to the State of Florida to

practice in the medical physicists field, request that the licenses be returned to the Department and that there will be no refund of any fees.

Ms. Orcutt moved to reconsider the case and accepted the closing order of the Department to dismiss the case with no further action and the mailing of the letter with all conditions discussed.

There being no further business to come before the Panel this portion of the meeting was adjourned at 10:20 a.m.