

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

IN RE: THE PETITION FOR DECLARATORY
STATEMENT OF:
ROBERT J. GOLDSTONE, M.D.
Petitioner.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.565, Florida Statutes, and Rule Chapter 28-4, Florida Administrative Code, on October 9, 1988, in Tampa, Florida, for the purpose of considering the Petition for Declaratory Statement filed on behalf of Robert J. Goldstone, M.D. (hereinafter Petitioner). Petitioner was represented by Steve Ballinger, Attorney at Law, of the law firm of Morris & Green in Hollywood, Florida. No person or entity sought to intervene as a party.

Having considered the petition and supporting documentation, the testimony and argument of the Petitioner, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions:

FINDINGS OF FACT

1. Petitioner is a medical doctor licensed in the State of Florida under Chapter 458, Florida Statutes, holding license number ME 0026690. Petitioner's business address is Belle Terre East, 2509 University Drive, Coral Springs, Florida 33065.

2. Petitioner intends to become employed as an Associate Medical Director of Blood Shield, Inc., which proposes to establish a business venture involving the storage of blood and other body fluids.

2. Petitioner sets forth in the Petition for Declaratory Statement six paragraphs numbered 6 through 12, which set forth the proposed business venture by the corporation and the corporation's relationship with physicians other than Petitioner himself.

3. Petitioner's role with the business venture will be that he will serve as an independent contractor for the corporation as Associate Medical Director. He will be responsible for overseeing the drawing and storing of blood, as well as other medical aspects of the venture.

4. Petitioner states that he has the requisite interest to seek a declaratory statement on the legality of his participation in the venture and the legality of the participation of other physicians in such venture.

5. Petitioner specifically asks whether the venture, and his participation therein, would violate Section 458.331(1)(k), Florida Statutes, or Section 458.331(1)(n), Florida Statutes, or any other portion of the Medical Practice Act.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Rule Chapter 28-4, Florida Administrative Code.

2. The petition filed by Petitioner is in substantial compliance with the requirements of Section 120.565, Florida Statutes, and Rule Chapter 28-4, Florida Administrative Code. Petitioner has the requisite interest to maintain this proceeding insofar as he requests an interpretation of specific statutory provisions as they relate to his participation in the business venture outlined.

3. The Board finds that Petitioner does not have the

