

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JACINTA I. GILLIS, M.D., RESPONDENT

FILE No. 02-11-588

DISMISSAL ORDER

Date: August 28, 2015.

1. Respondent was issued Iowa medical license no. 36281 on July 27, 2005.
2. Respondent's Iowa medical license has been inactive due to non-renewal since July 1, 2009.
3. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced medicine in Pinellas Park and Lehigh Acres, Florida.
4. **Criminal Charges:** On April 28, 2011, Respondent was arrested and charged with racketeering, money laundering and conspiracy to traffic in controlled substances in Pinellas County, Florida. The criminal charges allege that Respondent prescribed controlled substances without proper medical reasons, without proper medical examinations, and for personal monetary gain.

5. **Florida Disciplinary Action:** On May 18, 2011, the Florida Department of Health (Florida Board) suspended Respondent's Florida medical license. The Florida Board concluded that Respondent prescribed excessive quantities of controlled substances to multiple patients without conducting or documenting complete medical histories or physical examinations, without establishing appropriate treatment plans, and without performing appropriate monitoring. The Florida Board concluded that Respondent presents a serious immediate danger to the public health, safety and welfare. See Attachment A.

6. **North Carolina Disciplinary Action:** On October 26, 2011, the North Carolina Medical Board summarily suspended Respondent's North Carolina medical license based on the disciplinary action taken by the Florida Board. See Attachment B.

7. **Iowa Disciplinary Charges:** On October 25, 2013, the Iowa Board filed formal disciplinary charges against Respondent charging her with being disciplined by the licensing authority of another state in violation of the laws and rules governing the practice of medicine in Iowa. See Attachment C.

8. **Relinquishment of Iowa Medical License:** Effective July 1, 2015, pursuant to Iowa Code section 148.8A, Respondent's Iowa medical license was relinquished because she failed to apply for renewal or reinstatement of the license within five (5) years after its expiration. See Iowa Code section 148.8A. Respondent's Iowa medical license may not be reinstated, reissued, or restored once it has been relinquished. Therefore, Respondent no longer holds an Iowa medical license.

THEREFORE IT IS ORDERED: that the Board hereby **DISMISSES** the Statement of Charges currently pending against Respondent in this matter. However, should Respondent apply for a new Iowa medical license in the future, the Board will reopen this matter and take appropriate action necessary to protect the public.

This order becomes effective on August 28, 2015.



Hamed H. Tewfik, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

Final Order No. DOH-11-1189-^{FSO} MQA
FILED DATE - 5-18-2011
Department of Health

By: Angelo Seibold
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

IN RE: Emergency Suspension of the License of
Jacinta Irene Gillis, M.D.
License No.: ME 99298
Case Nos: 2008-20661 & 2010-01128

ORDER OF EMERGENCY SUSPENSION OF LICENSE

H. Frank Farmer, Jr., M.D., Ph.D., State Surgeon General,
ORDERS the emergency suspension of the license of Jacinta Irene
Gillis, M.D. to practice as a physician in the State of Florida. Dr. Gillis
holds license number ME 99298. Her address of record is 12446
Pebble Stone Court, Fort Myers, Florida 33913. On or about April 28,
2011, Dr. Gillis was incarcerated in the Pinellas County Jail, under
docket number 1452448, location SD-CW-POD01-09-001, 14400 49th
Street North, Clearwater, Florida 33762-2877. The following Findings
of Fact and Conclusions of Law support the emergency suspension of
Dr. Gillis' license to practice as a physician in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state
agency charged with regulating the practice of medicine, pursuant to
Chapters 20, 456 and 458, Florida Statutes. Section 456.073(8),

Florida Statutes (2010), authorizes the State Surgeon General to summarily suspend Dr. Gillis' license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes (2010).

2. At all times material to this Order, Dr. Gillis was practicing as a physician, in the State of Florida, pursuant to Chapter 458, Florida Statutes.

Definitions

3. Oxycodone (opioid) is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, Oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of Oxycodone may lead to severe psychological or physical dependence.

4. Percocet (opioid) is the brand name for the formulation of Oxycodone and acetaminophen and is prescribed to treat pain.

5. Oxycontin (opioid) is a legend drug as defined by Section 465.003(8), Florida Statutes, and contains Oxycodone.

6. Alprazolam (benzodiazepine) is often sold under the brand name Xanax, and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

7. Carisoprodol, commonly known by the brand name Soma, is a muscle relaxant prescribed to treat muscular pain. According to Section 893.03(4), Florida Statutes, carisoprodol is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of carisoprodol may lead to limited physical or psychological dependence relative to the substances in Schedule III.

8. Diazepam (benzodiazepine) is often sold under the brand name Valium, and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, diazepam is a Schedule IV

controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States; abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

Patients R.S., D.H., M.N., and A.W.

9. Between June 2008 and December 2009, Dr. Gillis treated patients R.S., D.H., M.N., and A.W. A Department of Health (Department) medical expert reviewed the medical records of these patients.

10. Patient R.S., a then 38 year old male, presented to Dr. Gillis on August 27, 2008, at UR Medical Group.

11. Dr. Gillis performed only a cursory physical examination of R.S. on August 27, 2008. Dr. Gillis did not obtain any prior medical records from R.S.

12. After performing the cursory physical examination of R.S. on August 27, 2008, Dr. Gillis gave R.S. a prescription for 90 Percocet 10/325 pills.

13. Patient D.H., a then 42 year old male first presented to Dr. Gillis on August 4, 2008, and also presented to Dr. Gillis on August 27, 2008.

14. Dr. Gillis' medical records for D.H. indicate that Dr. Gillis performed only a cursory physical examination of D.H. Dr. Gillis did not obtain any prior medical records from D.H. on August 4, 2008 or August 27, 2008.

15. On August 4, 2008, Dr. Gillis prescribed 120 Oxycodone 30 mg. pills for D.H.

16. On August 27, 2008, Dr. Gillis again prescribed 120 Oxycodone 30 mg. pills for D.H.

17. Dr. Gillis' medical records for D.H. show that on August 4, 2008, D.H. indicated that his pain level was zero out of a possible ten. Dr. Gillis' records show that D.H. stated Oxycodone allows him to relax.

18. M.N., a then 25 year old male, first presented to Dr. Gillis on June 23, 2008.

19. On June 23, 2008 Dr. Gillis prescribed M.N. 60 Xanax pills 1 mg, and 210 Oxycodone 30 mg. pills.

20. On July 18, 2008 M.N. Dr. Gillis again prescribed M.N. 210 pills of Oxycodone 30 mg.

21. On August 13, 2008 M.N. was prescribed 180 pills of Oxycodone 30 mg. by Dr. Gillis.

22. On September 10, 2008, M.N. was prescribed 210 pills of Oxycodone 30 mg. by Dr. Gillis.

23. On October 17, 2008, M.N. was prescribed 180 pills of Oxycodone 30 mg. by Dr. Gillis.

24. On November 10, 2008, M.N. was prescribed 150 pills of Oxycodone 30 mg.

25. A.W., a then 28 year-old female first presented to Dr. Gillis on June 20, 2008, with complaints of numbness, tingling, and pain shooting down her arms and hands.

26. On or about June 20, 2008, Dr. Gillis prescribed 150 pills of 30 mg. Oxycodone and 30 pills of Zoloft 50 mgs for A.W.

27. On June 27, 2008, Dr. Gillis prescribed an additional 60 pills of 1 mg. Xanax and 60 pills of 350 mg. Soma for A.W.

28. Dr. Gillis' records show that on or about July 16, 2008, A.W. complained of still having difficulty performing daily tasks and

difficulty sitting, and that A.W. reported that her pain level was seven out of ten before taking the medications Dr. Gillis had prescribed, and four or five after taking those medications. On or about July 16, 2008, Dr. Gillis gave A.W. a prescription for an additional 180 pills of Oxycodone 30 mg and 30 pills of Zoloft 50 mg.

29. On September 29, 2008, Dr. Gillis prescribed 180 pills of Oxycodone 30 mg. for A.W.

30. On October 28, 2008, Dr. Gillis prescribed 200 pills of Oxycodone 30 mg. for A.W.

31. An independent medical doctor reviewed Dr. Gillis' records for patients R.S., D.H., M.N., and A.W. That independent expert found that Dr. Gillis failed to provide an adequate standard of care in her treatment of each of the patients R.S., D.H., M.N., and A.W., in that Dr. Gillis performed only cursory examinations for each of these patients; Dr. Gillis failed to conduct an adequate review of the prior medical histories of these patients; Dr. Gillis failed to develop adequate and responsible plans for the treatment and management of these patient's complaints of pain; and Dr. Gillis failed to obtain urine samples from these patients or otherwise

monitor these patients to ensure that they were taking the medications which Dr. Gillis prescribed for them, and neither abusing (over using) or diverting those medications to others.

Patient M.G.

32. Patient M.G. first presented to Dr. Gillis on or about December 19, 2008, for complaints of pain in the left leg radiating down the buttocks as a result of a minor vehicle accident in November 2007.

33. As part of her treatment of M.G., Dr. Gillis prescribed controlled substances for M.G. M.G.'s patient profile from Bay Life Pharmacy in Largo, Florida and G & H Pharmacy in Largo, Florida indicate that Dr. Gillis prescribed the following controlled substances for M.G. on the dates and in the quantities described in the following table.

Oxycontin 40 mg	Oxycodone HCL 30 mg	Oxycodone APAP 10-650 mg	Oxycontin 60 mg	Diazepam 10 mg	Alprazolam 2 mg
1/22/09 120 pills	1/16/09 240 pills	8/16/09 40 pills	10/13/09 240 pills	2/2/09 30 pills	12/3/09 150 pills
2/16/09 120 pills	7/9/09 240 pills		12/4/09 120 pills	11/4/09 150 pills	
3/12/09 120 pills	8/6/09 240 pills		1/2/09 30 pills		
6/13/09 60 pills	9/9/09 240 pills				
6/17/09 60 pills	10/7/09 240 pills				

7/9/09 120 pills	11/4/09 240 pills				
8/7/09 120 pills	12/2/09 240 pills				
	12/30/09 240 pills				

34. An independent medical doctor reviewed Dr. Gillis' records regarding patient M.G. That independent expert found that Dr. Gillis failed to provide an adequate standard of care in her treatment of M.G., in that Dr. Gillis prescribed an inappropriate course of treatment for M.G., including potentially addictive opiate medications in dosages out of proportion to what was indicated, and Dr. Gillis failed to obtain urine samples from M.G. or otherwise monitor M.G. to ensure that M.G. was taking the medications which Dr. Gillis prescribed for M.G. and neither abusing (over using) or diverting those medications to others.

35. Also, according to the expert, Dr. Gillis' medical records for patient M.G. do not contain or show medical justification for the high frequency of such large quantities of controlled substances.

Arrest

36. During 2009 and 2010, law enforcement officers from the Pinellas County, Florida, Sheriff's Office conducted an investigation of

Dr. Gillis, because of reports and allegations that Dr. Gillis was prescribing controlled substances without proper medical reasons, without proper medical examinations, and for personal monetary gain. As part of that investigation, Pinellas County Sheriff's deputies and other law enforcement agents presented to Dr. Gillis in an undercover capacity and posing as patients seeking treatment for pain and related injuries.

37. The law enforcement officers who presented themselves to Dr. Gillis in an undercover capacity as described above at Dr. Gillis' practice location saw little of the standard medical equipment normally used and found in medical offices, and they reported that Dr. Gillis seemed not to have such equipment.

38. On approximately eleven dates from February 2009, through May 2010, law enforcement agents posing undercover as patients of Dr. Gillis received prescriptions from her for substantial amounts of Oxycodone and other controlled substances, after only cursory examinations by Dr. Gillis. These prescriptions included ones for a total of 1,260 Oxycodone 30 mg tablets, approximately 100 such tablets per visit.

39. On or about April 27, 2011, officers from the Pinellas County Sheriff's office executed a sworn affidavit in support of an application by those officers for a warrant for the arrest of Dr. Gillis, on charges of money laundering and conspiracy to traffic in controlled substances. That affidavit states that Milo Harris informed those officers that Mr. Harris worked at Dr. Gillis' practice location from 2008 through 2010. The affidavit states that Mr. Harris informed the officers that in 2010, Dr. Gillis began a practice of seeing patients via a web cam or other telecommunications means, without Dr. Gillis being present in the same room as the patient. The affidavit reports that Mr. Harris informed the officers that Dr. Gillis would then instruct Mr. Harris or another employee to give the patient a prescription, using prescription forms which Dr. Gillis had previously signed. The affidavit states that Mr. Harris said that these "web cam" sessions lasted only three to five minutes per patient.

40. Dr. Gillis' patient files show that in 2010, at least 33 different patients received prescriptions for controlled substances from unlicensed personnel at Dr. Gillis' office, after such "web cam"

conferences with Dr. Gillis but without any in-person examination or consultation with any licensed physician.

41. In the affidavit described above, the officers who prepared it state that from their review of Dr. Gillis' records and their interview of Milo Harris, those officers believe that 50 patients were seen and given prescriptions for controlled substances on each day on which Dr. Gillis conducted sessions with patients by "web cam."

42. In October, 2010, officers from the Pinellas County Sheriff's office interviewed 31 persons who were present in Dr. Gillis' offices as patients on October 5, 2010. All of those patients reported that they always received prescription medication when they visited Dr. Gillis' office and paid cash for that visit. Eighty-six percent of those patients said they received prescriptions for Oxycodone on each visit, and 86 percent of those patients said that they had been given only cursory physical examinations. Fifty-four percent of the patients said that the dosages of their prescriptions increased after their first visit, and 67 percent reported that no one in Dr. Gillis' office had discussed with those patients any plan for discontinuing the use of such drugs. Seventy-two percent of the patients said they had

received prescriptions without seeing Dr. Gillis, and 94 percent of the patients said that they had never been asked to give Dr. Gillis any urine sample.

43. On or about October 5, 2010, Dr. Gillis surrendered her DEA license which allowed her to prescribe controlled substances. In January, 2011, Dr. Gillis hired another physician, Dr. A. R., and offered to pay Dr. A. R. \$1,000.00 per month, if Dr. A. R. would work for Dr. Gillis and write prescriptions for patients of Dr. Gillis. Dr. A. R. worked for Dr. Gillis for only a few days, and left after she became concerned that Dr. Gillis was using her in a scheme to operate a "pill mill."

44. The facts stated above show that the continued practice of medicine by Dr. Gillis will present a serious immediate danger to the public health, safety and welfare. This is so because, in her practice as a medical doctor, Dr. Gillis is prescribing controlled substances for patients in amounts which exceed the amounts actually needed by those patients, and without any plan to reduce the amounts prescribed for such patients, and without any monitoring to ensure that her patients are actually taking the

medications prescribed for them, instead of diverting those medications to others.

45. The fact that Dr. Gillis hired another medical doctor to write prescriptions for Dr. Gillis, after Dr. Gillis surrendered her own DEA license to prescribe controlled substances, shows that a less restrictive sanction, such as an emergency restriction order preventing Dr. Gillis from prescribing medications, would not be sufficient to protect the public from the immediate serious danger posed by Dr. Gillis' continued practice as a medical doctor. Nothing short of the immediate suspension of Dr. Gillis' license to practice medicine would be sufficient to protect the public from the danger of harm presented by Dr. Gillis.

46. Pursuant to Section 458.3265(1)(d), Florida Statutes (2010), privately owned pain management clinics which advertise in any medium for any type of pain-management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications must be fully owned by a physician licensed under Chapters 458 or 459, Florida Statutes. The immediate suspension of the license of Dr.

Gillis will prevent Dr. Gillis from owning and operating a pain management clinic in the State of Florida.

47. The operation of so-called "pill mills," which liberally provide prescriptions for controlled medications to customers / patients who pay cash for those medications and have no legitimate medical need for such medications, and who often divert and resell those medications to others, is a practice which poses a serious danger to the public health, welfare, and safety. This is so because such controlled substances, including Oxycodone, are often potentially addictive, and the misuse and overuse of these substances can cause serious and lasting medical injury and even death.

48. The facts recited above support the conclusion that Dr. Gillis is herself using her medical license to operate a "pill mill," for monetary gain to herself and without proper regard for the health, safety, and well-being of persons she sees as her patients.

49. Because controlled substances are potentially addictive and their abuse and over use may cause further medical problems, physicians must use great care in ensuring that they prescribe for

any patient only the amount of such substances that is reasonably necessary.

50. Section 458.331(1)(t), Florida Statutes (2007-2010), provides that committing medical malpractice constitutes grounds for disciplinary action by the Board of Medicine. Medical Malpractice is defined in Section 456.50, Florida Statutes (2007-2010), as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. For purposes of Section 458.331(1)(t), Florida Statutes (2007-2010), the Board shall give great weight to the provisions of Section 766.102, Florida Statutes (2007-2010), which provide that the prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

51. Dr. Gillis failed to practice medicine with that level of care, skill and treatment, in violation of Section 458.331(1)(t) Florida Statutes, (2007-2010), which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and

circumstances in the treatment of patients R.S. and/or D.H. and/or M.N. and/or A.W. and/or M.G. in one or more of the following ways: by failing to medically justify prescribing excessive and/or inappropriate quantities of opioids and/or by failing to perform a thorough and complete physical examination prior to prescribing the aforementioned controlled substance and/or substances.

52. Section 458.331(1)(q), Florida Statutes (2007-2010), subjects a licensee to discipline, including suspension, for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to her or his intent.

53. Dr. Gillis prescribed, dispensed, and/or administered inappropriately and/or excessively and/or prescribed controlled substances other than in the course of her professional practice in

violation of Section 458.331(1)(q) Florida Statutes (2007-2010) by prescribing controlled substances in excessive quantities or inappropriately to patients R.S and/or D.H. and/or M.N. and/or A.W. and/or M.G. on or about the dates and in the quantities and combinations more particularly described above in the foregoing paragraphs, that were not in the patients' best interests.

54. Section 458.331(1)(nn), Florida Statutes (2007-2010), provides that violating any provision of Chapters 456 or 458, Florida Statutes (2007-2010), or any rules adopted pursuant thereto, is grounds for discipline by the Board of Medicine (Board).

55. Rule 64B8 – 9.013(3), Florida Administrative Code (FAC) (2007-2009) provides as follows:

The Board has adopted the following standards for the use of controlled substances for pain control:

(a) Evaluation of the patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record should document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The record also shall document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician should adjust drug therapy, if necessary, to the individual medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

56. On or about the dates set forth above, Dr. Gillis violated Rule 64B8-9.013(3), FAC, by prescribing one or more of the following controlled substances: Oxycodone, Percocet, Soma and/or Xanax to patient R.S. and/or D.H. and/or M.N. and/or A.W. and/or M.G. in the quantities and combinations particularly described therein, without conducting or documenting complete medical histories or physical examinations of R.S. and/or D.H. and/or M.N. and/or A.W. and/or M.G. and without documenting one or more of the following:

- (a) the nature and intensity of the patients' pain,
- (b) current and past treatments for pain,
- (c) underlying or coexisting diseases or conditions,
- (d) the effect of the pain on physical and psychological function,

- (e) history of substance abuse,
- (f) the presence of one or more recognized medical indications for the use of a controlled substance and
- (g) without documenting written treatment plans that state objectives that will be used to determine treatment success or indicate if any further diagnostic evaluations or other treatments are planned.

57. Section 120.60(6) Florida Statutes, (2010), authorizes the State Surgeon General to suspend a license if the State Surgeon General finds that the physician presents an immediate serious danger to the public health, safety, or welfare.

58. A physician licensed in the State of Florida is one of a small number of licensed professionals allowed to prescribe, administer, and dispense controlled substances in Florida. The Florida Legislature has vested a trust and confidence in physicians by permitting them to prescribe controlled substances with a high potential for abuse and harm. Inappropriate prescribing of highly addictive controlled substances to patients presents a danger to the public health, safety, or welfare, and does not correspond to that

level of professional conduct expected of one licensed to practice medicine in this state.

59. Dr. Gillis' acts manifest such a pattern and propensity to practice below the appropriate standard of care that a continuation of this practice poses an immediate, serious danger to the public health, safety or welfare.

Conclusions of Law

60. Based on the Foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes, and Chapter 458, Florida Statutes.
2. Dr. Gillis violated Section 458.331(1)(t), Florida Statutes (2007-2010), by committing medical malpractice as defined in Section 456.50, Florida Statutes (2007-2010), in treating one or more of the following patients:
R.S., D.H., M.N., A.W. or M.G.
3. Dr. Gillis violated Section 458.331(1)(q), Florida Statutes (2007-2010), by inappropriately prescribing

excessive or inappropriate quantities of controlled substances to one or more of the following patients: R.S., D.H., M.N., A.W. or M.G.

4. Dr. Gillis violated Section 458.331(nn), Florida Statutes (2007-2010), by violating a rule adopted pursuant to Chapter 458, Florida Statutes, by failing to document or adhere to the Florida Board of Medicine Standards for the Use of Controlled Substances for the Treatment of Pain contained within Rule 64B8-9.013(3), FAC (2007-2009), in her treatment of one or more of the following patients R.S., D.H., M.N., A.W. or M.G.

61. Dr. Gillis's continued practice as a physician constitutes an immediate serious danger to the health, safety or welfare of the public and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, In accordance with Section 120.60(6), Florida Statutes, it is ORDERED THAT:

1. The license of Jacinta Irene Gillis, M.D., license number ME 99298 is immediately suspended.

2. A proceeding seeking formal discipline of the license of Jacinta Irene Gillis, M.D., to practice as a physician will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes.

DONE and ORDERED this 18 day of May, 2011.


H. Frank Farmer, Jr., M.D., Ph.D.,
State Surgeon General
Department of Health

Prepared by:
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BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Jacinta Irene Gillis, M.D.,) ORDER OF SUMMARY SUSPENSION
) OF LICENSE
) (N.C. Gen. Stat. § 150B-3(c))
Respondent.)

This matter is before the North Carolina Medical Board ("Board") pursuant to N.C. Gen. Stat. § 150B-3(c) and upon information that Jacinta Irene Gillis, M.D. ("Dr. Gillis") (1) repeatedly committed unprofessional conduct, by her departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession; and (2) had her license to practice medicine acted against by the licensing authority of another jurisdiction within the meaning N.C. Gen. Stat. § 90-14(a)(13). In support of this Order of Summary Suspension of License, the Board finds the following:

1. Irresponsible, excessive, and below standard prescribing of excessive amounts of narcotic medications by physicians without proper attention to diagnostic tests, documentation, and consultation with other physicians and the patients themselves can lead to a compromise in the health and safety of patients. For example, North Carolina in recent years

has experienced a steady increase in the number of overdose deaths attributable to opioid toxicity.

2. On May 18, 2011, the Florida Board of Medicine ("Florida Board") adopted an Order of Emergency Suspension of License ("Florida Order") wherein Dr. Gillis' medical license was suspended for inappropriately prescribing excessive or inappropriate quantities of controlled substances to a number of her patients as well as undercover police officers.

3. Dr. Gillis treated four patients between June 2008 and December 2009. An independent medical expert reviewed the medical records for these patients and concluded that Dr. Gillis failed to provide an adequate standard of care in her treatment of the four patients in that she: (1) only performed cursory examinations; (2) failed to conduct an adequate review of the patients' prior medical histories; (3) failed to develop adequate plans for the treatment of these patients' complaints of pain; and (4) failed to obtain urine samples from these patients to ensure that the patients were taking the medications that Dr. Gillis prescribed for them.

4. During 2009 and 2010, Dr. Gillis was under investigation by the Sheriff's Office in Pinellas County Florida for reports and allegations that Dr. Gillis was prescribing controlled substances without a proper medical examination or rationale and for monetary gain.

5. From February 2009 through May 2010, law enforcement agents posing undercover as patients of Dr. Gillis received prescriptions from her for substantial amounts of Oxycodone and other controlled substances, after only cursory examinations by Dr. Gillis. These prescriptions consisted of a total of 1,260 Oxycodone 30 mg tablets, approximately 100 such tablets per visit.

6. On or about April 27, 2011, a warrant for the arrest of Dr. Gillis was issued on charges of money laundering and conspiracy to traffic in controlled substances. An Affidavit from an employee of Dr. Gillis was obtained stating that in 2010, Dr. Gillis began a practice of seeing patients via a web cam or other telecommunication means without Dr. Gillis being present in the same room as the patient. Another unlicensed employee was instructed by Dr. Gillis to give the patient a prescription, using prescription forms that Dr. Gillis had previously signed. The police officers investigating Dr. Gillis estimated that approximately 50 patients per day were seen and given prescriptions for controlled substances on the days that Dr. Gillis conducted "web cam" sessions with patients in this manner.

7. On or about October 5, 2010, Dr. Gillis surrendered her Drug Enforcement Administration ("DEA") license which allowed her to prescribe controlled substances. In January

Order of Summary Suspension of License-Jacinta Irene Gillis, M.D. Page 3 of 5

2011, Dr. Gillis hired another physician to work for her and write prescriptions.

8. On or about April 28, 2011, Dr. Gillis was incarcerated in the Pinellas County Jail.

9. The Florida Board concluded that the continued practice of medicine by Dr. Gillis would present a serious immediate danger to the public health, safety, and welfare because she prescribed controlled substances for patients in amounts that exceeded the amounts needed by those patients and without any plan to reduce the amounts prescribed to those patients and without any monitoring to ensure that her patients were actually taking the medications she prescribed for them.

10. The May 18, 2011 Order of Emergency Suspension of License of the Florida Board constitutes Dr. Gillis having a license to practice medicine acted against by the licensing authority of another jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13) and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Gillis' license to practice medicine or to deny any application she might make in the future for a license to practice medicine.

For the foregoing reasons, the North Carolina Medical Board finds that the public health, safety, or welfare requires emergency action. The Board therefore ORDERS, pursuant to N.C. Gen. Stat. § 150B-3(c), that Dr. Gillis's license to practice be SUSPENDED effective upon service of a certified copy of this Order.

This the 26th day of October, 2011.

NORTH CAROLINA MEDICAL BOARD

By: Janice E. Huff, MD
Janice E. Huff, M.D.
President

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JACINTA I. GILLIS, M.D., RESPONDENT

FILE No. 02-11-588

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on October 25, 2013, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 36281 on July 27, 2005. Respondent's Iowa medical license went inactive due to nonrenewal on July 1, 2009.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on January 9, 2014, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on December 4, 2013, at 9:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C.

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

12. Respondent is an Iowa-licensed physician who formerly practiced medicine in Pinellas Park and Lehigh Acres, Florida.

13. **Criminal Charges:** On April 28, 2011, Respondent was arrested and charged with racketeering, money laundering and conspiracy to traffic in controlled substances in Pinellas County, Florida. The criminal charges allege that Respondent prescribed controlled substances without proper medical reasons, without proper medical examinations, and for personal monetary gain.

14. **Florida Disciplinary Action:** On May 18, 2011, the Florida Department of Health (Florida Board) suspended Respondent's Florida medical license. The Florida Board concluded that Respondent prescribed excessive quantities of controlled substances to multiple patients without conducting or documenting complete medical histories or physical examinations, without establishing appropriate treatment plans, and without performing appropriate monitoring. The Florida Board concluded that Respondent presents a serious

immediate danger to the public health, safety and welfare. See Attachment A.

15. **North Carolina Disciplinary Action:** On October 26, 2011, the North Carolina Medical Board summarily suspended Respondent's North Carolina medical license based on the disciplinary action taken by the Florida Board. See Attachment B.

E. SETTLEMENT

16. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

17. On October 25, 2013, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JACINTA I. GILLIS, M.D., RESPONDENT

FILE No. 02-11-588

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on October 25, 2013, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 36281 on July 27, 2005. Respondent's Iowa medical license went inactive due to nonrenewal on July 1, 2009.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on January 9, 2014, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

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immediate danger to the public health, safety and welfare. See Attachment A.

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16. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

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Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

Final Order No. DOH-11-1189-^{ESO} MQA
FILED DATE - 5-18-2011
Department of Health

By: Angelo Seckel
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

IN RE: Emergency Suspension of the License of
Jacinta Irene Gillis, M.D.
License No.: ME 99298
Case Nos: 2008-20661 & 2010-01128

ORDER OF EMERGENCY SUSPENSION OF LICENSE

H. Frank Farmer, Jr., M.D., Ph.D., State Surgeon General,
ORDERS the emergency suspension of the license of Jacinta Irene
Gillis, M.D. to practice as a physician in the State of Florida. Dr. Gillis
holds license number ME 99298. Her address of record is 12446
Pebble Stone Court, Fort Myers, Florida 33913. On or about April 28,
2011, Dr. Gillis was incarcerated in the Pinellas County Jail, under
docket number 1452448, location SD-CW-POD01-09-001, 14400 49th
Street North, Clearwater, Florida 33762-2877. The following Findings
of Fact and Conclusions of Law support the emergency suspension of
Dr. Gillis' license to practice as a physician in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state
agency charged with regulating the practice of medicine, pursuant to
Chapters 20, 456 and 458, Florida Statutes. Section 456.073(8),

Florida Statutes (2010), authorizes the State Surgeon General to summarily suspend Dr. Gillis' license to practice as a physician in the State of Florida in accordance with Section 120.60(6), Florida Statutes (2010).

2. At all times material to this Order, Dr. Gillis was practicing as a physician, in the State of Florida, pursuant to Chapter 458, Florida Statutes.

Definitions

3. Oxycodone (opioid) is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, Oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States. Abuse of Oxycodone may lead to severe psychological or physical dependence.

4. Percocet (opioid) is the brand name for the formulation of Oxycodone and acetaminophen and is prescribed to treat pain.

5. Oxycontin (opioid) is a legend drug as defined by Section 465.003(8), Florida Statutes, and contains Oxycodone.

6. Alprazolam (benzodiazepine) is often sold under the brand name Xanax, and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

7. Carisoprodol, commonly known by the brand name Soma, is a muscle relaxant prescribed to treat muscular pain. According to Section 893.03(4), Florida Statutes, carisoprodol is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of carisoprodol may lead to limited physical or psychological dependence relative to the substances in Schedule III.

8. Diazepam (benzodiazepine) is often sold under the brand name Valium, and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes, diazepam is a Schedule IV

controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States; abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III.

Patients R.S., D.H., M.N., and A.W.

9. Between June 2008 and December 2009, Dr. Gillis treated patients R.S., D.H., M.N., and A.W. A Department of Health (Department) medical expert reviewed the medical records of these patients.

10. Patient R.S., a then 38 year old male, presented to Dr. Gillis on August 27, 2008, at UR Medical Group.

11. Dr. Gillis performed only a cursory physical examination of R.S. on August 27, 2008. Dr. Gillis did not obtain any prior medical records from R.S.

12. After performing the cursory physical examination of R.S. on August 27, 2008, Dr. Gillis gave R.S. a prescription for 90 Percocet 10/325 pills.

13. Patient D.H., a then 42 year old male first presented to Dr. Gillis on August 4, 2008, and also presented to Dr. Gillis on August 27, 2008.

14. Dr. Gillis' medical records for D.H. indicate that Dr. Gillis performed only a cursory physical examination of D.H. Dr. Gillis did not obtain any prior medical records from D.H. on August 4, 2008 or August 27, 2008.

15. On August 4, 2008, Dr. Gillis prescribed 120 Oxycodone 30 mg. pills for D.H.

16. On August 27, 2008, Dr. Gillis again prescribed 120 Oxycodone 30 mg. pills for D.H.

17. Dr. Gillis' medical records for D.H. show that on August 4, 2008, D.H. indicated that his pain level was zero out of a possible ten. Dr. Gillis' records show that D.H. stated Oxycodone allows him to relax.

18. M.N., a then 25 year old male, first presented to Dr. Gillis on June 23, 2008.

19. On June 23, 2008 Dr. Gillis prescribed M.N. 60 Xanax pills 1 mg, and 210 Oxycodone 30 mg. pills.

20. On July 18, 2008 M.N. Dr. Gillis again prescribed M.N. 210 pills of Oxycodone 30 mg.

21. On August 13, 2008 M.N. was prescribed 180 pills of Oxycodone 30 mg. by Dr. Gillis.

22. On September 10, 2008, M.N. was prescribed 210 pills of Oxycodone 30 mg. by Dr. Gillis.

23. On October 17, 2008, M.N. was prescribed 180 pills of Oxycodone 30 mg. by Dr. Gillis.

24. On November 10, 2008, M.N. was prescribed 150 pills of Oxycodone 30 mg.

25. A.W., a then 28 year-old female first presented to Dr. Gillis on June 20, 2008, with complaints of numbness, tingling, and pain shooting down her arms and hands.

26. On or about June 20, 2008, Dr. Gillis prescribed 150 pills of 30 mg. Oxycodone and 30 pills of Zoloft 50 mgs for A.W.

27. On June 27, 2008, Dr. Gillis prescribed an additional 60 pills of 1 mg. Xanax and 60 pills of 350 mg. Soma for A.W.

28. Dr. Gillis' records show that on or about July 16, 2008, A.W. complained of still having difficulty performing daily tasks and

difficulty sitting, and that A.W. reported that her pain level was seven out of ten before taking the medications Dr. Gillis had prescribed, and four or five after taking those medications. On or about July 16, 2008, Dr. Gillis gave A.W. a prescription for an additional 180 pills of Oxycodone 30 mg and 30 pills of Zoloft 50 mg.

29. On September 29, 2008, Dr. Gillis prescribed 180 pills of Oxycodone 30 mg. for A.W.

30. On October 28, 2008, Dr. Gillis prescribed 200 pills of Oxycodone 30 mg. for A.W.

31. An independent medical doctor reviewed Dr. Gillis' records for patients R.S., D.H., M.N., and A.W. That independent expert found that Dr. Gillis failed to provide an adequate standard of care in her treatment of each of the patients R.S., D.H., M.N., and A.W., in that Dr. Gillis performed only cursory examinations for each of these patients; Dr. Gillis failed to conduct an adequate review of the prior medical histories of these patients; Dr. Gillis failed to develop adequate and responsible plans for the treatment and management of these patient's complaints of pain; and Dr. Gillis failed to obtain urine samples from these patients or otherwise

monitor these patients to ensure that they were taking the medications which Dr. Gillis prescribed for them, and neither abusing (over using) or diverting those medications to others.

Patient M.G.

32. Patient M.G. first presented to Dr. Gillis on or about December 19, 2008, for complaints of pain in the left leg radiating down the buttocks as a result of a minor vehicle accident in November 2007.

33. As part of her treatment of M.G., Dr. Gillis prescribed controlled substances for M.G. M.G.'s patient profile from Bay Life Pharmacy in Largo, Florida and G & H Pharmacy in Largo, Florida indicate that Dr. Gillis prescribed the following controlled substances for M.G. on the dates and in the quantities described in the following table.

Oxycontin 40 mg	Oxycodone HCL 30 mg	Oxycodone APAP 10-650 mg	Oxycontin 60 mg	Diazepam 10 mg	Alprazolam 2 mg
1/22/09 120 pills	1/16/09 240 pills	8/16/09 40 pills	10/13/09 240 pills	2/2/09 30 pills	12/3/09 150 pills
2/16/09 120 pills	7/9/09 240 pills		12/4/09 120 pills	11/4/09 150 pills	
3/12/09 120 pills	8/6/09 240 pills		1/2/09 30 pills		
6/13/09 60 pills	9/9/09 240 pills				
6/17/09 60 pills	10/7/09 240 pills				

7/9/09 120 pills	11/4/09 240 pills				
8/7/09 120 pills	12/2/09 240 pills				
	12/30/09 240 pills				

34. An independent medical doctor reviewed Dr. Gillis' records regarding patient M.G. That independent expert found that Dr. Gillis failed to provide an adequate standard of care in her treatment of M.G., in that Dr. Gillis prescribed an inappropriate course of treatment for M.G., including potentially addictive opiate medications in dosages out of proportion to what was indicated, and Dr. Gillis failed to obtain urine samples from M.G. or otherwise monitor M.G. to ensure that M.G. was taking the medications which Dr. Gillis prescribed for M.G. and neither abusing (over using) or diverting those medications to others.

35. Also, according to the expert, Dr. Gillis' medical records for patient M.G. do not contain or show medical justification for the high frequency of such large quantities of controlled substances.

Arrest

36. During 2009 and 2010, law enforcement officers from the Pinellas County, Florida, Sheriff's Office conducted an investigation of

Dr. Gillis, because of reports and allegations that Dr. Gillis was prescribing controlled substances without proper medical reasons, without proper medical examinations, and for personal monetary gain. As part of that investigation, Pinellas County Sheriff's deputies and other law enforcement agents presented to Dr. Gillis in an undercover capacity and posing as patients seeking treatment for pain and related injuries.

37. The law enforcement officers who presented themselves to Dr. Gillis in an undercover capacity as described above at Dr. Gillis' practice location saw little of the standard medical equipment normally used and found in medical offices, and they reported that Dr. Gillis seemed not to have such equipment.

38. On approximately eleven dates from February 2009, through May 2010, law enforcement agents posing undercover as patients of Dr. Gillis received prescriptions from her for substantial amounts of Oxycodone and other controlled substances, after only cursory examinations by Dr. Gillis. These prescriptions included ones for a total of 1,260 Oxycodone 30 mg tablets, approximately 100 such tablets per visit.

39. On or about April 27, 2011, officers from the Pinellas County Sheriff's office executed a sworn affidavit in support of an application by those officers for a warrant for the arrest of Dr. Gillis, on charges of money laundering and conspiracy to traffic in controlled substances. That affidavit states that Milo Harris informed those officers that Mr. Harris worked at Dr. Gillis' practice location from 2008 through 2010. The affidavit states that Mr. Harris informed the officers that in 2010, Dr. Gillis began a practice of seeing patients via a web cam or other telecommunications means, without Dr. Gillis being present in the same room as the patient. The affidavit reports that Mr. Harris informed the officers that Dr. Gillis would then instruct Mr. Harris or another employee to give the patient a prescription, using prescription forms which Dr. Gillis had previously signed. The affidavit states that Mr. Harris said that these "web cam" sessions lasted only three to five minutes per patient.

40. Dr. Gillis' patient files show that in 2010, at least 33 different patients received prescriptions for controlled substances from unlicensed personnel at Dr. Gillis' office, after such "web cam"

conferences with Dr. Gillis but without any in-person examination or consultation with any licensed physician.

41. In the affidavit described above, the officers who prepared it state that from their review of Dr. Gillis' records and their interview of Milo Harris, those officers believe that 50 patients were seen and given prescriptions for controlled substances on each day on which Dr. Gillis conducted sessions with patients by "web cam."

42. In October, 2010, officers from the Pinellas County Sheriff's office interviewed 31 persons who were present in Dr. Gillis' offices as patients on October 5, 2010. All of those patients reported that they always received prescription medication when they visited Dr. Gillis' office and paid cash for that visit. Eighty-six percent of those patients said they received prescriptions for Oxycodone on each visit, and 86 percent of those patients said that they had been given only cursory physical examinations. Fifty-four percent of the patients said that the dosages of their prescriptions increased after their first visit, and 67 percent reported that no one in Dr. Gillis' office had discussed with those patients any plan for discontinuing the use of such drugs. Seventy-two percent of the patients said they had

received prescriptions without seeing Dr. Gillis, and 94 percent of the patients said that they had never been asked to give Dr. Gillis any urine sample.

43. On or about October 5, 2010, Dr. Gillis surrendered her DEA license which allowed her to prescribe controlled substances. In January, 2011, Dr. Gillis hired another physician, Dr. A. R., and offered to pay Dr. A. R. \$1,000.00 per month, if Dr. A. R. would work for Dr. Gillis and write prescriptions for patients of Dr. Gillis. Dr. A. R. worked for Dr. Gillis for only a few days, and left after she became concerned that Dr. Gillis was using her in a scheme to operate a "pill mill."

44. The facts stated above show that the continued practice of medicine by Dr. Gillis will present a serious immediate danger to the public health, safety and welfare. This is so because, in her practice as a medical doctor, Dr. Gillis is prescribing controlled substances for patients in amounts which exceed the amounts actually needed by those patients, and without any plan to reduce the amounts prescribed for such patients, and without any monitoring to ensure that her patients are actually taking the

medications prescribed for them, instead of diverting those medications to others.

45. The fact that Dr. Gillis hired another medical doctor to write prescriptions for Dr. Gillis, after Dr. Gillis surrendered her own DEA license to prescribe controlled substances, shows that a less restrictive sanction, such as an emergency restriction order preventing Dr. Gillis from prescribing medications, would not be sufficient to protect the public from the immediate serious danger posed by Dr. Gillis' continued practice as a medical doctor. Nothing short of the immediate suspension of Dr. Gillis' license to practice medicine would be sufficient to protect the public from the danger of harm presented by Dr. Gillis.

46. Pursuant to Section 458.3265(1)(d), Florida Statutes (2010), privately owned pain management clinics which advertise in any medium for any type of pain-management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications must be fully owned by a physician licensed under Chapters 458 or 459, Florida Statutes. The immediate suspension of the license of Dr.

Gillis will prevent Dr. Gillis from owning and operating a pain management clinic in the State of Florida.

47. The operation of so-called "pill mills," which liberally provide prescriptions for controlled medications to customers / patients who pay cash for those medications and have no legitimate medical need for such medications, and who often divert and resell those medications to others, is a practice which poses a serious danger to the public health, welfare, and safety. This is so because such controlled substances, including Oxycodone, are often potentially addictive, and the misuse and overuse of these substances can cause serious and lasting medical injury and even death.

48. The facts recited above support the conclusion that Dr. Gillis is herself using her medical license to operate a "pill mill," for monetary gain to herself and without proper regard for the health, safety, and well-being of persons she sees as her patients.

49. Because controlled substances are potentially addictive and their abuse and over use may cause further medical problems, physicians must use great care in ensuring that they prescribe for

any patient only the amount of such substances that is reasonably necessary.

50. Section 458.331(1)(t), Florida Statutes (2007-2010), provides that committing medical malpractice constitutes grounds for disciplinary action by the Board of Medicine. Medical Malpractice is defined in Section 456.50, Florida Statutes (2007-2010), as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. For purposes of Section 458.331(1)(t), Florida Statutes (2007-2010), the Board shall give great weight to the provisions of Section 766.102, Florida Statutes (2007-2010), which provide that the prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

51. Dr. Gillis failed to practice medicine with that level of care, skill and treatment, in violation of Section 458.331(1)(t) Florida Statutes, (2007-2010), which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and

circumstances in the treatment of patients R.S. and/or D.H. and/or M.N. and/or A.W. and/or M.G. in one or more of the following ways: by failing to medically justify prescribing excessive and/or inappropriate quantities of opioids and/or by failing to perform a thorough and complete physical examination prior to prescribing the aforementioned controlled substance and/or substances.

52. Section 458.331(1)(q), Florida Statutes (2007-2010), subjects a licensee to discipline, including suspension, for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to her or his intent.

53. Dr. Gillis prescribed, dispensed, and/or administered inappropriately and/or excessively and/or prescribed controlled substances other than in the course of her professional practice in

violation of Section 458.331(1)(q) Florida Statutes (2007-2010) by prescribing controlled substances in excessive quantities or inappropriately to patients R.S and/or D.H. and/or M.N. and/or A.W. and/or M.G. on or about the dates and in the quantities and combinations more particularly described above in the foregoing paragraphs, that were not in the patients' best interests.

54. Section 458.331(1)(nn), Florida Statutes (2007-2010), provides that violating any provision of Chapters 456 or 458, Florida Statutes (2007-2010), or any rules adopted pursuant thereto, is grounds for discipline by the Board of Medicine (Board).

55. Rule 64B8 – 9.013(3), Florida Administrative Code (FAC) (2007-2009) provides as follows:

The Board has adopted the following standards for the use of controlled substances for pain control:

(a) Evaluation of the patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record should document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The record also shall document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician should adjust drug therapy, if necessary, to the individual medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

56. On or about the dates set forth above, Dr. Gillis violated Rule 64B8-9.013(3), FAC, by prescribing one or more of the following controlled substances: Oxycodone, Percocet, Soma and/or Xanax to patient R.S. and/or D.H. and/or M.N. and/or A.W. and/or M.G. in the quantities and combinations particularly described therein, without conducting or documenting complete medical histories or physical examinations of R.S. and/or D.H. and/or M.N. and/or A.W. and/or M.G. and without documenting one or more of the following:

- (a) the nature and intensity of the patients' pain,
- (b) current and past treatments for pain,
- (c) underlying or coexisting diseases or conditions,
- (d) the effect of the pain on physical and psychological function,

- (e) history of substance abuse,
- (f) the presence of one or more recognized medical indications for the use of a controlled substance and
- (g) without documenting written treatment plans that state objectives that will be used to determine treatment success or indicate if any further diagnostic evaluations or other treatments are planned.

57. Section 120.60(6) Florida Statutes, (2010), authorizes the State Surgeon General to suspend a license if the State Surgeon General finds that the physician presents an immediate serious danger to the public health, safety, or welfare.

58. A physician licensed in the State of Florida is one of a small number of licensed professionals allowed to prescribe, administer, and dispense controlled substances in Florida. The Florida Legislature has vested a trust and confidence in physicians by permitting them to prescribe controlled substances with a high potential for abuse and harm. Inappropriate prescribing of highly addictive controlled substances to patients presents a danger to the public health, safety, or welfare, and does not correspond to that

level of professional conduct expected of one licensed to practice medicine in this state.

59. Dr. Gillis' acts manifest such a pattern and propensity to practice below the appropriate standard of care that a continuation of this practice poses an immediate, serious danger to the public health, safety or welfare.

Conclusions of Law

60. Based on the Foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes, and Chapter 458, Florida Statutes.
2. Dr. Gillis violated Section 458.331(1)(t), Florida Statutes (2007-2010), by committing medical malpractice as defined in Section 456.50, Florida Statutes (2007-2010), in treating one or more of the following patients:
R.S., D.H., M.N., A.W. or M.G.
3. Dr. Gillis violated Section 458.331(1)(q), Florida Statutes (2007-2010), by inappropriately prescribing

excessive or inappropriate quantities of controlled substances to one or more of the following patients: R.S., D.H., M.N., A.W. or M.G.

4. Dr. Gillis violated Section 458.331(nn), Florida Statutes (2007-2010), by violating a rule adopted pursuant to Chapter 458, Florida Statutes, by failing to document or adhere to the Florida Board of Medicine Standards for the Use of Controlled Substances for the Treatment of Pain contained within Rule 64B8-9.013(3), FAC (2007-2009), in her treatment of one or more of the following patients R.S., D.H., M.N., A.W. or M.G.

61. Dr. Gillis's continued practice as a physician constitutes an immediate serious danger to the health, safety or welfare of the public and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, In accordance with Section 120.60(6), Florida Statutes, it is ORDERED THAT:

1. The license of Jacinta Irene Gillis, M.D., license number ME 99298 is immediately suspended.

2. A proceeding seeking formal discipline of the license of Jacinta Irene Gillis, M.D., to practice as a physician will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes.

DONE and ORDERED this 18 day of May, 2011.


H. Frank Farmer, Jr., M.D., Ph.D.,
State Surgeon General
Department of Health

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BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Jacinta Irene Gillis, M.D.,) ORDER OF SUMMARY SUSPENSION
) OF LICENSE
) (N.C. Gen. Stat. § 150B-3(c))
Respondent.)

This matter is before the North Carolina Medical Board ("Board") pursuant to N.C. Gen. Stat. § 150B-3(c) and upon information that Jacinta Irene Gillis, M.D. ("Dr. Gillis") (1) repeatedly committed unprofessional conduct, by her departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession; and (2) had her license to practice medicine acted against by the licensing authority of another jurisdiction within the meaning N.C. Gen. Stat. § 90-14(a)(13). In support of this Order of Summary Suspension of License, the Board finds the following:

1. Irresponsible, excessive, and below standard prescribing of excessive amounts of narcotic medications by physicians without proper attention to diagnostic tests, documentation, and consultation with other physicians and the patients themselves can lead to a compromise in the health and safety of patients. For example, North Carolina in recent years

has experienced a steady increase in the number of overdose deaths attributable to opioid toxicity.

2. On May 18, 2011, the Florida Board of Medicine ("Florida Board") adopted an Order of Emergency Suspension of License ("Florida Order") wherein Dr. Gillis' medical license was suspended for inappropriately prescribing excessive or inappropriate quantities of controlled substances to a number of her patients as well as undercover police officers.

3. Dr. Gillis treated four patients between June 2008 and December 2009. An independent medical expert reviewed the medical records for these patients and concluded that Dr. Gillis failed to provide an adequate standard of care in her treatment of the four patients in that she: (1) only performed cursory examinations; (2) failed to conduct an adequate review of the patients' prior medical histories; (3) failed to develop adequate plans for the treatment of these patients' complaints of pain; and (4) failed to obtain urine samples from these patients to ensure that the patients were taking the medications that Dr. Gillis prescribed for them.

4. During 2009 and 2010, Dr. Gillis was under investigation by the Sheriff's Office in Pinellas County Florida for reports and allegations that Dr. Gillis was prescribing controlled substances without a proper medical examination or rationale and for monetary gain.

5. From February 2009 through May 2010, law enforcement agents posing undercover as patients of Dr. Gillis received prescriptions from her for substantial amounts of Oxycodone and other controlled substances, after only cursory examinations by Dr. Gillis. These prescriptions consisted of a total of 1,260 Oxycodone 30 mg tablets, approximately 100 such tablets per visit.

6. On or about April 27, 2011, a warrant for the arrest of Dr. Gillis was issued on charges of money laundering and conspiracy to traffic in controlled substances. An Affidavit from an employee of Dr. Gillis was obtained stating that in 2010, Dr. Gillis began a practice of seeing patients via a web cam or other telecommunication means without Dr. Gillis being present in the same room as the patient. Another unlicensed employee was instructed by Dr. Gillis to give the patient a prescription, using prescription forms that Dr. Gillis had previously signed. The police officers investigating Dr. Gillis estimated that approximately 50 patients per day were seen and given prescriptions for controlled substances on the days that Dr. Gillis conducted "web cam" sessions with patients in this manner.

7. On or about October 5, 2010, Dr. Gillis surrendered her Drug Enforcement Administration ("DEA") license which allowed her to prescribe controlled substances. In January

2011, Dr. Gillis hired another physician to work for her and write prescriptions.

8. On or about April 28, 2011, Dr. Gillis was incarcerated in the Pinellas County Jail.

9. The Florida Board concluded that the continued practice of medicine by Dr. Gillis would present a serious immediate danger to the public health, safety, and welfare because she prescribed controlled substances for patients in amounts that exceeded the amounts needed by those patients and without any plan to reduce the amounts prescribed to those patients and without any monitoring to ensure that her patients were actually taking the medications she prescribed for them.

10. The May 18, 2011 Order of Emergency Suspension of License of the Florida Board constitutes Dr. Gillis having a license to practice medicine acted against by the licensing authority of another jurisdiction within the meaning of N.C. Gen. Stat. § 90-14(a)(13) and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Gillis' license to practice medicine or to deny any application she might make in the future for a license to practice medicine.

For the foregoing reasons, the North Carolina Medical Board finds that the public health, safety, or welfare requires emergency action. The Board therefore ORDERS, pursuant to N.C. Gen. Stat. § 150B-3(c), that Dr. Gillis's license to practice be SUSPENDED effective upon service of a certified copy of this Order.

This the 26th day of October, 2011.

NORTH CAROLINA MEDICAL BOARD

By:

Janice E. Huff, MD

Janice E. Huff, M.D.

President