STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

VS.

DOH CASE NO.: 2013-19572
LICENSE NO.: ME0094985

GARY BARSKY, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on
February 5, 2016, in Orlando, Florida, for the purpose of
considering Respondent's offer to voluntarily relinquish his
license to practice medicine in the State of Florida. (Attached
hereto as Exhibit A.) Said written offer of relinquishment
specifically provides that Respondent agrees never again to
apply for licensure as a physician in the State of Florida.

Upon consideration of the written offer of voluntary
relinquishment, the charges, and the other documents of record,
and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary
Relinquishment of his license to practice medicine in the State
of Florida is hereby ACCEPTED, and shall constitute discipline
upon Respondent's license.
This Final Order shall take effect upon being filed with
the Clerk of the Department of Health.

DONE AND ORDERED this 15 day of February,
2016.

BOARD OF MEDICINE

Adrienne Rodgers, Interim Executive Director
For Steven Rosenberg, 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 GARY
BARSKY, M.D., 25 Tamarisk Lane, Deerfield, Illinois 60015; to
John Shea Coghlan, Esquire, Marek, Meyer & Coghlan, Ltd., One
Dearborn Square, Suite 400, Kankakee, Illinois 60901; by email
to Yolonda Green, Assistant General Counsel, Department of
Health, at Yolonda.Green@flhealth.gov; and by email to Edward A.
Tellechea, Chief Assistant Attorney General, at
Ed.Tellechea@myfloridalegal.com this 11th day of
February, 2016.

Deputy Agency Clerk
STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2013-19572

GARY BARSKY, M.D.,
Respondent.

/________________________/

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Gary Barsky, M.D., license No. ME 94985, hereby voluntarily relinquishes Respondent’s license to practice medicine in the State of Florida and states as follows:

1. Respondent’s purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent’s license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner’s Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to never reapply for licensure as a Physician in the State of Florida.

3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of Medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.
4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the Investigative report of the Department of Health, and all other information obtained pursuant to the Department’s Investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

5. Upon the Board’s acceptance of this Voluntary Reinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Reinquishment and of the Final Order of the Board incorporating this Voluntary Reinquishment.

6. Petitioner and Respondent hereby agree that upon the Board’s acceptance of this Voluntary Reinquishment, each party shall bear its own attorney’s fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board’s consideration of this Voluntary Reinquishment. Respondent agrees that consideration of this Voluntary Reinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Reinquishment are not accepted by the Board.
DATED this 10th day of December, 2015.

STATE OF ILLINOIS
COUNTY OF DUPAGE

Before me, personally appeared GARY BARSKY, whose identity is known to me or who produced ILLINOIS DRIVERS LICENSE (type of Identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 10th day of December, 2015.

NOTARY PUBLIC

My Commission Expires:

OFFICIAL SEAL
BARBARA R BLAKE
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 01/18/17
STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v. CASE NO. 2013-19572

GARY BARSKY, M.D.,

RESPONDENT.

______________________________________

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Gary Barsky, M.D., and in support thereof alleges:

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

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 94985.

3. Respondent’s address of record is 25 Tamarisk Lane, Deerfield, Illinois 60015.
4. On or about December 8, 2010, Respondent entered into a Consent Order (Order) with the Department of Financial and Professional Regulation of the state of Illinois. The Order required Respondent to pay a fine in the amount of $5,000.00.

5. The Department of Financial and Professional Regulation of the state of Illinois is the licensing authority for licensed physicians in Illinois.

6. The December 8, 2010, Order constitutes an action against Respondent's medical license by the licensing authority of another jurisdiction.

7. Respondent failed to notify the Florida Board of Medicine in writing within thirty days from the date the Order was issued.

8. Respondent failed to submit an update to his practitioner profile within fifteen days from the date the Order was issued to disclose the action taken against his license to practice medicine in the state of Illinois.

**COUNT I**

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

10. Section 458.331(1)(b), Florida Statutes (2010), provides that having a license or the authority to practice medicine revoked, suspended,
or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies and subdivisions, is grounds for discipline.

11. As set forth above, on or about December 8, 2010, Respondent entered into an Order with the state of Illinois' Department of Financial and Professional Regulation which required Respondent to pay a $5,000.00 fine.

12. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes (2010).

COUNT II

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

14. Section 458.331(1)(kk), Florida Statutes (2010), provides that failing to report to the Board of Medicine, in writing within thirty days, when action, as defined in Section 458.331(1)(b), Florida Statutes, is taken against one's license to practice as a physician in another state, territory or country, constitutes grounds for discipline.

15. Respondent failed to notify the Board of Medicine in writing within thirty days from the date of the December 8, 2010, Order.
16. Based on the foregoing, Respondent violated Section 458.331(1)(kk), Florida Statutes (2010).

**COUNT III**

17. Petitioner re-alleges and incorporates paragraphs one through eight as if fully set forth herein.

18. Section 456.072(1)(k), Florida Statutes (2010), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action.

19. Section 456.042, Florida Statutes (2010), provides that a practitioner must submit updates of information required on their practitioner profiles within fifteen days after the final activity that renders such information a fact.

20. Respondent failed to update his practitioner profile within fifteen days from the date of the December 8, 2010, Order.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent’s license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23rd day of January, 2015.

John H. Armstrong, MD, FACS
State Surgeon General and Secretary of Health

Lauren A. Leikam
Assistant General Counsel
DOH Prosecution Services Unit
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Tallahassee, Florida 32399-3265
Florida Bar Number 0088700
(850) 245 - 4444 Telephone
(850) 245 - 4683 Facsimile

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK
DATE

LAL/
PCP: January 23, 2015
PCP Members: Georges El-Bahri M.D., James Orr M.D., Brigitte Goersch

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2013-19572
NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition any other discipline imposed.