

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2012-13461

SHARON ANN DAY-OSTEEN, D.D.S.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health ("Petitioner" or "Department"), files this Administrative Complaint against the Respondent, SHARON ANN DAY-OSTEEN, D.D.S. ("Respondent"), and states:

1. Petitioner is the state agency charged with regulating dentists, pursuant to Chapters 20, 456 and 466, Florida Statutes.
2. At all times material to this Order, Respondent was licensed as a dentist pursuant to Chapter 466, Florida Statutes (2011-2012), having been issued the license number DN 14278.
3. Respondent's address of record is 190 North Highway 17-92, Suite 101, Debarry, Florida 32713.

4. On or about April 12, 2012, the Department issued an Order to Compel Respondent to undergo an examination.

5. On or about May 18, 2012, Respondent was evaluated by Dr. S.T. ("Dr. T."), a Department-approved evaluator.

6. Dr. T. diagnosed Respondent with alcohol and inhalant dependence, as well as opiate and sedative abuse. Dr. T. opined that Dr. Day-Osteen was unsafe to practice dentistry because of her chemical dependency and recommended that she undergo residential treatment.

7. On or about June 11, 2012, Respondent entered treatment at Vince Carter Sanctuary ("VCS"), a Department-approved treatment provider in Bunnell, Florida, and remained in treatment until August 9, 2012, when she was discharged from Partial Hospitalization (PHP) to Intensive Outpatient Treatment (IOP) at VCS.

8. While in IOP, Respondent had three positive drug screens and, as a consequence, was referred back to residential treatment.

9. In or about August, 2012, Respondent refused to enter residential treatment, and was abusing inhalants.

COUNT I

10. Petitioner realleges and incorporates paragraphs 1 through 9 as if fully set forth herein.

11. Section 466.028(1)(s), Florida Statutes (2012), subjects a licensee to discipline, for being unable to practice her profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

12. Respondent violated Section 466.028(1)(s), Florida Statutes (2012), by being unable to practice dentistry with reasonable skill and safety to her patients due to her chemical dependency.

COUNT II

13. Petitioner realleges and incorporates paragraphs 1 through 9 as if fully set forth herein.

14. Section 466.028(1)(mm) Florida Statutes (2012), subjects a licensee to discipline, for violating any provision of chapter 466 or chapter 456, Florida Statutes (2012), or any rules adopted pursuant thereto.

15. Section 456.072(1)(hh), Florida Statutes (2012), subjects a licensee to discipline for being terminated from a treatment program for

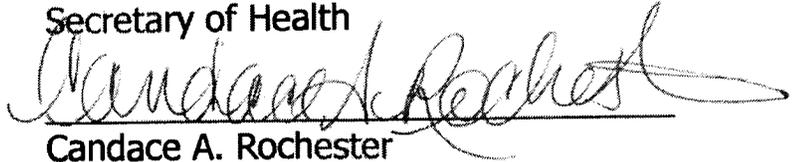
impaired practitioners, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

16. Respondent violated Section 456.072(1)(hh), Florida Statutes (2012), by not successfully completing the residential drug treatment program.

WHEREFORE, the Petitioner respectfully requests that the Board of Dentistry 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 of Dentistry deems appropriate.

SIGNED this 2nd day of November, 2012.

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



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE NOV 02 2012

PCP Date: November 2, 2012
PCP Members: Dr. Morgan, Dr. Gesek, Dr. Robinson

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.