

FLORIDA BOARD OF MEDICAL EXAMINERS

In Re

Petition for Declaratory
Statement of Stanley P.
Wegryn, M. D.

PETITION FOR DECLARATORY STATEMENT

Petitioner, STANLEY P. WEGRYN, M. D. (hereinafter "Dr. Wegryn"), by and through his undersigned counsel and pursuant to Section 120.565, Florida Statutes (1979), and Florida Administrative Code Rules 21 M-18.03 and 28-4, files this Petition for Declaratory Statement and states:

1. Dr. Wegryn is a practicing Florida licensed physician (Florida medical license number 23028), with offices at: 4301 Sanibel-Captiva Road, Sanibel Island, Florida 33957.

2. Due to the nature of his practice and pursuant to Section 458.347, Florida Statutes (1979), and rules promulgated thereunder, Dr. Wegryn has employed and will in the future employ physician's assistants, certified and approved by the Florida Board of Medical Examiners (hereinafter the "Board") pursuant to Florida Administrative Code Rules 21 M-17.02 and 21 M-17.03.

3. Dr. Wegryn is in doubt as to the meaning and applicability of various provisions of Section 458.347, Florida Statutes (1979), and Florida Administrative Code Chapter 21 M-17, as those provisions apply in his particular circumstance.

000587

4. The Board has recently adopted several new rules and amended some of its old rules on physician's assistants contained in Rule Chapter 21M-17, F.A.C.

CONCLUSIONS OF LAW

1. The instant petition can be readily answered by Petitioner's reading of Section 458.347, Florida Statutes, and the current rules in Rule Chapter 21M-17, F.A.C.
2. The petition "seeks legal advice or answers to questions propounded from curiosity." Mav v. Holley, 59 So.2d 636 (Fla. 1952). See also Williams v. Howard, 329 So.2d 277 (Fla. 1976) and Bryant v. Gray, 70 So.2d 581 (Fla. 1954). IT IS THEREFORE

ORDERED AND ADJUDGED that the Petition for Declaratory Statement, be and hereby is denied.

DONE AND ORDERED this 1 day of April, 1982.

BOARD OF MEDICAL EXAMINERS

By: 
ALBERTO M. HERNANDEZ, M.D.
Chairman

cc: All Counsel of Record.
Stanley P. Wegryn, M.D.