

FILED

Department of Professional Regulation

Deputy BOARD CLERK
CLERK Debra Mast

DATE 12.22.86

BEFORE THE BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

MILTON E. HARVEY, M.D.,,

DPR CASE NO. 0053862
LICENSE NO. ME 0004347

Respondent.

FINAL ORDER OF THE
BOARD OF MEDICINE

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on December 5, 1986, in Tampa, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Stipulation.

This Order takes effect upon filing.

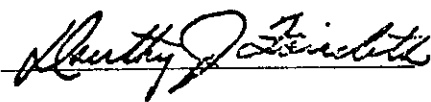
DONE AND ORDERED this 22nd day of December, 1986.

BOARD OF MEDICINE

W F Brunner
WILLIAM F. BRUNNER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to MILTON E. HARVEY, M.D., 5353 North Federal Highway, Ft. Lauderdale, Florida 33308, and 1900 South Ocean Boulevard, Pompano Beach, Florida 33062 and by interoffice mail to Bruce D. Lamb, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, at or before 5:00 P.M., this 22nd day of December, 1986.



STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner, CASE NO. 0053862

vs.

MILTON E. HARVEY, M.D.,

Respondent.

STIPULATION

Milton E. Harvey, M.D., (hereinafter the "Respondent") and the Department of Professional Regulation (hereinafter the "Department") hereby stipulate and agree to the following joint Stipulation and a Final Order of the Board of Medical Examiners (hereinafter the "Board") incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent herein, Respondent was a licensed physician in the State of Florida having been issued license number ME 0004347.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with the violation of Chapter 458, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the facts alleged in the Administrative Complaint attached hereto as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that in his capacity as a licensed physician in the State of Florida, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and Board.

2. Respondent neither admits nor denies that the facts set forth in the foregoing Stipulated Facts constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455 or 458, Florida Statutes, or the rules promulgated pursuant thereto.

2. Respondent's license to practice medicine shall be suspended for a period of one (1) year. The period of suspension shall commence on the date of the entry of the Board's Final Order. During the period of suspension Respondent shall not practice medicine in any other state, territory or jurisdiction.

3. The Board shall assess administrative costs of \$2,000.00 against Respondent which costs shall be paid by Respondent to the Executive Director of the Board within ninety (90) days of the filing of the Board's Final Order.

4. The Board shall reprimand Respondent.

5. Upon reinstatement Respondent's license to practice medicine will be placed in a probationary status for a period of two years. The terms and conditions of probation shall include the following:

(a) Respondent shall submit quarterly reports to the Board detailing the quality and composition of Respondent's practice. The quarterly reports shall address Respondent's current practice setting, Respondent's hospital admitting activities and detail Respondent's compliance with the terms of this Stipulation.

(b) Respondent shall successfully complete forty (40) hours of Category I Continuing Medical Education during the period of probation. The forty (40) hours of Category I Medical Education shall be in addition to the mandatory continuing education courses required by Chapter 458, Florida Statutes and Board rules. Respondent shall submit proof to the Board establishing to the Board's satisfaction Respondent's compliance with this provision.

(c) The Department will compile semi-annual administrative reports concerning Respondent's compliance with the

confidentiality with regard to these reports as to the Board only, thus permitting the board to review the semi-annual reports during the term of probation, notwithstanding any statutory or rule provisions to the contrary.

(d) Respondent agrees to appear before the Board at the first Board meeting following the beginning of the probationary period. Respondent also agrees to appear at the Board meeting occurring immediately prior to the end of the probationary period. At such meetings Respondent shall answer under oath any questions posed by the Board which relate to Respondent's compliance with the terms of this stipulation.

6. Respondent shall be present when the Board considers this Stipulation and shall under oath answer questions posed by the Board, counsel for the Board and counsel for Petitioner, which relate to this Stipulation, the allegations in the Administrative Complaint and any other matters relevant to the appropriate disposition of this cause.

7. If Respondent should leave Florida for a period longer than thirty (30) consecutive days then Respondent shall notify the Board in writing of the dates of departure and return. The Respondent shall also notify the Board of any change in his residence and/or office address.

8. This stipulation is subject to approval of the Board and Department and has no force and effect until a Final Order incorporating the stipulation is entered by the Board..

9. This Stipulation is executed by the Respondent for the purpose of avoiding any further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with the consideration of the Stipulation.

10. If this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings, nor shall it prejudice Respondent.

11. Respondent and the Department fully understand this Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not charged by the Administrative Complaint attached hereto as Exhibit A.

12. Upon the Board's adoption of this stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of Facts, Conclusions of Law and imposition of discipline, and the Final Order incorporating the said Stipulation.

SIGNED this 3rd day of July, 1986.

Milton E. Harvey, M.D.
Milton E. Harvey, M.D.

Sworn to and subscribed before me this 3 day of July, 1986.

Janis A. Weber
NOTARY PUBLIC

Notary Public, State of Florida

My Commission Expires: My Commission Expires July 29, 1988
Expires 29th July 1988

APPROVED this 29 day of July, 1986.

Fred Roche
Fred Roche, Secretary
Dept. of Professional Regulation
[Signature]

WD/lcm
6/17/86

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

CASE NO. 0053862

Petitioner,

vs.

MILTON E. HARVEY, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medical Examiners against, Milton E. Harvey, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto, a licensed physician in the State of Florida, having been issued license number ME 0004347. Respondent's last known address is 5353 North Federal Highway, Suite 208, Ft. Lauderdale, Florida 33308.

COUNT ONE

3. At all times material hereto Respondent was acting as a medical consultant for the Center for Effective Living, Ft. Lauderdale, Florida.

4. During June and July 1983, [REDACTED] made several visits to the Center for Effective Living for the purpose of receiving medical treatment. During the relevant time period a patient-physician relationship existed between [REDACTED] and Respondent. Respondent failed to practice medicine with reasonable care, skill and treatment to [REDACTED] for one or more of the following reasons:

(a) Respondent failed to properly examine,

- diagnose and treat the patient;
- (b) Respondent delegated professional responsibilities to an unqualified individual; and/or
 - (c) Respondent failed to keep proper medical records regarding the patient's treatment.

5. Respondent submitted medical claims to the patient's insurance company which misrepresented the nature and extent of medical services provided to the patient. The insurance claims requested payment for medical services which were not provided by Respondent. The insurance claims requested payment for medical services which were provided by an unlicensed and/or unqualified individual.

6. In or about September 1983, [REDACTED] visited the Center for Effective Living for the purpose of receiving medical treatment. During the relevant time period a patient-physician relationship existed between [REDACTED] and Respondent. Respondent failed to practice medicine with reasonable care, skill and treatment to [REDACTED] for one or more of the following reasons:

- (a) Respondent failed to properly examine, diagnose and treat the patient;
- (b) Respondent delegated professional responsibilities to an unqualified individual; and/or
- (c) Respondent failed to keep proper medical records regarding the patient's treatment.

7. Respondent submitted medical claims to the patient's insurance company which misrepresented the nature and extent of medical services provided to the patient. The insurance claims requested payment for medical services which were not provided to the patient. The insurance claims requested payment for medical services which were provided by an unlicensed and/or unqualified individual.

8. Respondent failed to practice medicine with that level

of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

9. Based upon the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

10. Petitioner realleges the preceding paragraphs one through eight.

11. Based upon the foregoing, Respondent violated Section 458.331(1)(1), Florida Statutes, by making deceptive, untrue or fraudulent representations or by employing a trick or scheme in the practice of medicine.

COUNT THREE

12. Petitioner realleges the preceding paragraphs one through eight.

13. Based upon the foregoing, Respondent violated Section 458.331(1)(g), Florida Statutes, by aiding, assisting, or advising an unlicensed person to practice medicine.

COUNT FOUR

14. Petitioner realleges the preceding paragraphs one through eight.

15. Based upon the foregoing, Respondent violated Section 458.331(1)(w), Florida Statutes, by delegating professional responsibilities to a person Respondent knew or should have known was unqualified to perform them.

COUNT FIVE

16. Petitioner realleges the preceding paragraphs one through eight.

17. Based upon the foregoing allegations, Respondent violated Section 458.331(1)(o), Florida Statutes, by exercising influence on a patient or client in such a manner as to exploit the patient or client for financial gain.

COUNT FIVE

18. Petitioner realleges the preceding paragraphs one through eight.

19. Based upon the foregoing allegations, Respondent violated Section 458.331(1)(i), Florida Statutes, by making a filing a report the Respondent knows to be false.

WHEREFORE, Petitioner respectfully requests the Board of Medical Examiners to enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 17 day of March, 1986.

Fred Roche
FRED ROCHE, SECRETARY
DEPARTMENT OF PROFESSIONAL
REGULATION

COUNSEL FOR DEPARTMENT:

W. Douglas Beason
Staff Attorney
Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 488-0062

WDB/lcm

3/10/86
PCP: EE, HRL

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

Melinda H. Wagner
CLERK

DATE March 19, 1986

MEMORANDUM

TO: Compliance Tracking File

FROM: Compliance Management Unit

DATE: Friday, July 7, 2006

SUBJECT: Closing Document

Due to the history and age of this file, it is apparent that it should have been closed; however, no closing order or notice of completion was entered into this file during the normal course of business. In the absence of this documentation, this memorandum will serve as the official closing document and terminates compliance tracking activities for the attached Final Order.

FILED

Department of Professional Regulation

Deputy BOARD CLERK
CLERK Debra Mast

DATE 12-22-86

BEFORE THE BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

MILTON E. HARVEY, M.D.,,

DPR CASE NO. 0053862
LICENSE NO. ME 0004347

Respondent.

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THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on December 5, 1986, in Tampa, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Stipulation.

This Order takes effect upon filing.

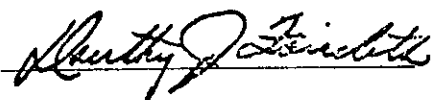
DONE AND ORDERED this 22nd day of December, 1986.

BOARD OF MEDICINE

W F Brunner
WILLIAM F. BRUNNER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to MILTON E. HARVEY, M.D., 5353 North Federal Highway, Ft. Lauderdale, Florida 33308, and 1900 South Ocean Boulevard, Pompano Beach, Florida 33062 and by interoffice mail to Bruce D. Lamb, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, at or before 5:00 P.M., this 22nd day of December, 1986.



STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner, CASE NO. 0053862

vs.

MILTON E. HARVEY, M.D.,

Respondent.

STIPULATION

Milton E. Harvey, M.D., (hereinafter the "Respondent") and the Department of Professional Regulation (hereinafter the "Department") hereby stipulate and agree to the following joint Stipulation and a Final Order of the Board of Medical Examiners (hereinafter the "Board") incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent herein, Respondent was a licensed physician in the State of Florida having been issued license number ME 0004347.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with the violation of Chapter 458, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the facts alleged in the Administrative Complaint attached hereto as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that in his capacity as a licensed physician in the State of Florida, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and Board.

2. Respondent neither admits nor denies that the facts set forth in the foregoing Stipulated Facts constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455 or 458, Florida Statutes, or the rules promulgated pursuant thereto.

2. Respondent's license to practice medicine shall be suspended for a period of one (1) year. The period of suspension shall commence on the date of the entry of the Board's Final Order. During the period of suspension Respondent shall not practice medicine in any other state, territory or jurisdiction.

3. The Board shall assess administrative costs of \$2,000.00 against Respondent which costs shall be paid by Respondent to the Executive Director of the Board within ninety (90) days of the filing of the Board's Final Order.

4. The Board shall reprimand Respondent.

5. Upon reinstatement Respondent's license to practice medicine will be placed in a probationary status for a period of two years. The terms and conditions of probation shall include the following:

(a) Respondent shall submit quarterly reports to the Board detailing the quality and composition of Respondent's practice. The quarterly reports shall address Respondent's current practice setting, Respondent's hospital admitting activities and detail Respondent's compliance with the terms of this Stipulation.

(b) Respondent shall successfully complete forty (40) hours of Category I Continuing Medical Education during the period of probation. The forty (40) hours of Category I Medical Education shall be in addition to the mandatory continuing education courses required by Chapter 458, Florida Statutes and Board rules. Respondent shall submit proof to the Board establishing to the Board's satisfaction Respondent's compliance with this provision.

(c) The Department will compile semi-annual administrative reports concerning Respondent's compliance with the

confidentiality with regard to these reports as to the Board only, thus permitting the board to review the semi-annual reports during the term of probation, notwithstanding any statutory or rule provisions to the contrary.

(d) Respondent agrees to appear before the Board at the first Board meeting following the beginning of the probationary period. Respondent also agrees to appear at the Board meeting occurring immediately prior to the end of the probationary period. At such meetings Respondent shall answer under oath any questions posed by the Board which relate to Respondent's compliance with the terms of this stipulation.

6. Respondent shall be present when the Board considers this Stipulation and shall under oath answer questions posed by the Board, counsel for the Board and counsel for Petitioner, which relate to this Stipulation, the allegations in the Administrative Complaint and any other matters relevant to the appropriate disposition of this cause.

7. If Respondent should leave Florida for a period longer than thirty (30) consecutive days then Respondent shall notify the Board in writing of the dates of departure and return. The Respondent shall also notify the Board of any change in his residence and/or office address.

8. This stipulation is subject to approval of the Board and Department and has no force and effect until a Final Order incorporating the stipulation is entered by the Board..

9. This Stipulation is executed by the Respondent for the purpose of avoiding any further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with the consideration of the Stipulation.

10. If this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings, nor shall it prejudice Respondent.

11. Respondent and the Department fully understand this Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not charged by the Administrative Complaint attached hereto as Exhibit A.

12. Upon the Board's adoption of this stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of Facts, Conclusions of Law and imposition of discipline, and the Final Order incorporating the said Stipulation.

SIGNED this 3rd day of July, 1986.

Milton E. Harvey, M.D.
Milton E. Harvey, M.D.

Sworn to and subscribed before me this 3 day of July, 1986.

Janis A. Weber
NOTARY PUBLIC

Notary Public, State of Florida

My Commission Expires: My Commission Expires July 29, 1988
Expires 29th July 1988

APPROVED this 29 day of July, 1986.

Fred Roche
Fred Roche, Secretary
Dept. of Professional Regulation
[Signature]

WD/lcm
6/17/86

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

CASE NO. 0053862

Petitioner,

vs.

MILTON E. HARVEY, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

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2. Respondent is and has been at all times material hereto, a licensed physician in the State of Florida, having been issued license number ME 0004347. Respondent's last known address is 5353 North Federal Highway, Suite 208, Ft. Lauderdale, Florida 33308.

COUNT ONE

3. At all times material hereto Respondent was acting as a medical consultant for the Center for Effective Living, Ft. Lauderdale, Florida.

4. During June and July 1983, [REDACTED] made several visits to the Center for Effective Living for the purpose of receiving medical treatment. During the relevant time period a patient-physician relationship existed between [REDACTED] and Respondent. Respondent failed to practice medicine with reasonable care, skill and treatment to Richard Wingerson for one or more of the following reasons:

(a) Respondent failed to properly examine,

- diagnose and treat the patient;
- (b) Respondent delegated professional responsibilities to an unqualified individual; and/or
 - (c) Respondent failed to keep proper medical records regarding the patient's treatment.

5. Respondent submitted medical claims to the patient's insurance company which misrepresented the nature and extent of medical services provided to the patient. The insurance claims requested payment for medical services which were not provided by Respondent. The insurance claims requested payment for medical services which were provided by an unlicensed and/or unqualified individual.

6. In or about September 1983, [REDACTED] visited the Center for Effective Living for the purpose of receiving medical treatment. During the relevant time period a patient-physician relationship existed between [REDACTED] and Respondent. Respondent failed to practice medicine with reasonable care, skill and treatment to Linda Gerlach for one or more of the following reasons:

- (a) Respondent failed to properly examine, diagnose and treat the patient;
- (b) Respondent delegated professional responsibilities to an unqualified individual; and/or
- (c) Respondent failed to keep proper medical records regarding the patient's treatment.

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8. Respondent failed to practice medicine with that level

of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

9. Based upon the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

10. Petitioner realleges the preceding paragraphs one through eight.

11. Based upon the foregoing, Respondent violated Section 458.331(1)(1), Florida Statutes, by making deceptive, untrue or fraudulent representations or by employing a trick or scheme in the practice of medicine.

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14. Petitioner realleges the preceding paragraphs one through eight.

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COUNT FIVE

16. Petitioner realleges the preceding paragraphs one through eight.

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WHEREFORE, Petitioner respectfully requests the Board of Medical Examiners to enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 17 day of March, 1986.

Fred Roche
FRED ROCHE, SECRETARY
DEPARTMENT OF PROFESSIONAL
REGULATION

COUNSEL FOR DEPARTMENT:

W. Douglas Beason
Staff Attorney
Department of Professional Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 488-0062

WDB/lcm

3/10/86
PCP: EE, HRL

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

Melinda H. Wagner
CLERK

DATE March 19, 1986

MEMORANDUM

TO: Compliance Tracking File

FROM: Compliance Management Unit

DATE: Friday, July 7, 2006

SUBJECT: Closing Document

Due to the history and age of this file, it is apparent that it should have been closed; however, no closing order or notice of completion was entered into this file during the normal course of business. In the absence of this documentation, this memorandum will serve as the official closing document and terminates compliance tracking activities for the attached Final Order.