

BEFORE THE BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

RENATO ROMERO-DEL VALLE,
M.D., License Number: ME 22945,

Respondent.

FILED

Department of Professional Regulation
BOARD CLERK

CLERK *Ann Mayne*

DATE 1-4-82

*xc: Medical
Legal x4
Records*

FINAL ORDER OF
THE BOARD OF MEDICAL EXAMINERS

This matter came for final action by the Board of Medical Examiners at a public meeting on December 4, 1981, in St. Petersburg Beach, Florida. It was alleged that the Respondent violated Sections 458.331(1)(h), 458.331(1)(l), 458.331(1)(t), and 458.331(1)(q), Florida Statutes. At the licensee's election, the hearing was conducted in accordance with the provisions of Section 120.57(2), Florida Statutes. Respondent was duly notified of the hearing. The facts are uncontested.

FINDINGS OF FACT

1. The Respondent is a licensed medical doctor having been issued license number ME 0022945. The last known address of the Respondent is 10157 Lem Turner Road, Jacksonville, Florida 32218.
2. On or about July 21, 1981, Respondent issued a prescription to Mrs. R S for "Quibon". Mrs. S had the prescription filled at Respondent's office and was given a container labeled "Quibron #100 (gen)".
3. An analysis of the prescription drug dispensed by Respondent showed it contained Phenobarbital. Phenobarbital is not contained in Quibron or its generic equivalent.

4. Respondent has dispensed an improperly labeled drug to a patient. Respondent has dispensed an improper drug to a patient.

5. On or about August 14, 1981, an inspection of the drugs possessed by Respondent for dispensing to patients demonstrated that the drugs were mislabeled in that the lot numbers and expiration dates of the drugs were not placed on the bottles containing the drugs. Furthermore, bottles containing generic drugs were mislabeled by being labeled by incorrect trade names.

CONCLUSIONS OF LAW

The conduct of the Respondent as set forth above constitutes a violation of Sections 458.331(1)(h), 458.331(1)(l), 458.331(1)(t) 458.331(1)(q), Florida Statutes. IT IS THEREFORE

ORDERED AND ADJUDGED that the license to practice medicine in the State of Florida of Renato Romero-Del Valle, M.D., be and hereby is reprimanded, and that Respondent pay administrative costs of two-hundred dollars (\$200.00) and whenever legend drugs are broken down from large lots into small packages to be dispensed by the Respondent that it be done under the supervision of a licensed registered nurse, physician, or pharmacist.

DONE AND ORDERED this 29 day of December, 1981.

BOARD OF MEDICAL EXAMINERS

By

[Signature]
J. J. [Signature]

cc: All Counsel of Record.
Renato Romero-Del Valle, M.D.

COUNT TWO

7. The Petitioner realleges as if fully set forth herein the allegations of fact contained in Paragraphs 3 through 6 above.

8. Based upon the foregoing, Respondent has violated Section 458.331(1)(1), F.S. (1979) by making deceptive, untrue or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

COUNT THREE

9. The Petitioner realleges as if fully set forth herein the allegations contained in Paragraphs 3 and 6 above.

10. Based upon the foregoing, the Respondent has violated Section 458.331(1)(q), F.S. (1979) by 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.

COUNT FOUR

11. The Petitioner realleges as if fully set forth herein the allegations contained in Paragraphs 3 through 6 above.

12. Based upon the foregoing, the Respondent has violated Section 458.331(1)(t), F.S. (1979) by gross or repeated failure 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 FIVE

13. On or about August 14, 1981, an inspection of the drugs possessed by Respondent for dispensing to patients demonstrated that the drugs were mislabeled in that the lot numbers and expiration dates of the drugs were not placed on the bottles containing the drugs. Furthermore, bottles containing generic drugs were mislabeled by being labeled by incorrect trade names.

14. Based upon the foregoing, Respondent has violated Section 458.331(1)(h), F.S. by failing to perform any statutory or legal obligation placed upon a licensed physician, to wit, by violating Chapter 500, F.S.

COUNT SIX

15. The Petitioner realleges as if fully set forth herein the allegations of fact contained in Paragraph 13 above.

16. Based upon the foregoing, Respondent has violated Section 458.331(1)(l), F.S. by making deceptive, untrue or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

COUNT SEVEN

17. The Petitioner realleges as if fully set forth herein the allegations of fact contained in Paragraph 13 above.

18. Based upon the foregoing, Respondent has violated Section 458.331(1)(g), F.S. by 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.

COUNT EIGHT

19. The Petitioner realleges as if fully set forth herein the allegations of fact contained in Paragraph 13 above.

20. Based upon the foregoing, Respondent has violated Section 458.331(1)(t), F.S. (1979) by gross or repeated failure 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.

Signed this 22 day of October, 1981.

Nancy Kelley Wittenberg
Nancy Kelley Wittenberg, Secretary
Department of Professional Regulation

COUNSEL FOR DEPARTMENT:

Joseph W. Lawrence, II
Deputy General Counsel
Department of Professional Regulation
130 North Monroe Street
Tallahassee, FL 32301
(904) 488 0062

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

Susan Penquite, Clerk
CLERK

DATE October 23, 1981

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

RE: Department of Professional Regulation CASE NO. 16675
v. Renato Romero-Del Valle

ELECTION OF RIGHTS

I have read the Explanation of Rights form and understand my options. (If you do not understand these options, please consult with your attorney or contact the Office of Legal Services of the Department of Professional Regulation, telephone number, 904/488-0062, before executing this form.)

1. I do not dispute the allegations of fact in the Administrative Complaint but do wish to be accorded an informal hearing or proceeding, pursuant to Section 120.57(2), Florida Statutes (1979), at which time I will be permitted to submit oral and/or written evidence in mitigation of the complaint to the Board.
2. I do dispute the allegations of fact contained in the Administrative Complaint and request this to be considered a petition for a formal hearing, pursuant to Section 120.57(1), Florida Statutes (1979), before a hearing officer appointed by the Division of Administrative Hearings.
3. I do not dispute the allegations of fact in the Administrative Complaint and waive my right to object or to be heard.

Regardless of which option I have selected, I understand that I will be given notice of the time, date and place when this matter is being considered by the Board for final action at a regularly scheduled monthly meeting.

Renato J. Romero
RESPONDENT

PLEASE FILL IN CURRENT ADDRESS:

Renato J. Romero, M.D., P.A.

10157 Lem Turner Road

Jacksonville, Florida 32218

SWORN AND SUBSCRIBED to before me
this 9th day of November, 1981.

Joseph W. Lawrence, II
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My Commission Expires: Mar 29, 1984
Notary Public, State of Florida at Large
Bonded by American Fire & Casualty Company

PLEASE MAIL FORM TO:

JOSEPH W. LAWRENCE, II
Deputy General Counsel
130 North Monroe Street
Tallahassee, Florida 32301
904/488-0062

DPR/LGL/002

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