

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

PETITIONER,

vs.

CASE NOS. 8909833 & 8910360

OSCAR KLEIN, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against OSCAR KLEIN, 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 0038601. Respondent's last known address is 401 Manatee Avenue, Holmes Beach, Florida 34217-1920.

3. On or about December 3, 1991, Respondent pleaded guilty to, and was found guilty of, one count of Medicare Fraud in the United States District Court, Middle District of Florida.

4. Medicare is a federal medical and hospital care program for the elderly,

5. Respondent is guilty of being found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine in that Respondent was found guilty of one count of Medicare Fraud in the United States District Court, Middle District of Florida.

6. Based on the preceding allegations, Respondent violated Section 458.331(1)(b), Florida Statutes, in that he is guilty of being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine 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 30 day of March, 1992.

George Stuart, Secretary



Larry G. McPherson, Jr.  
Chief Medical Attorney

**COUNSEL FOR DEPARTMENT:**

Larry G. McPherson, Jr.  
Chief Medical Attorney  
Department of Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-0750  
Florida Bar #788643  
CJR/DPB/tb  
PCP: March 23, 1992  
McEwen, Kaiser, Dauer

**FILED**

Department of Professional Regulation  
AGENCY CLERK



CLERK \_\_\_\_\_

DATE 3-31-92

000007

**FILED**

Department of Professional Regulation  
AGENCY CLERK

**BOARD OF MEDICINE**

*J. Wilson*

CLERK

DATE

6-25-92

**DEPARTMENT OF PROFESSIONAL  
REGULATION,**

Petitioner,

-vs-

DPR CASE NUMBERS: 89-09833

89-10360

LICENSE NUMBER: ME 0038601

OSCAR KLEIN, M.D.,

Respondent.

**FINAL ORDER**

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on June 6, 1992, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Chief Medical Attorney; Respondent was present and testified at the hearing. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's license to practice medicine in the State of Florida is REVOKED.

This order takes effect upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 15<sup>th</sup> day of June, 1992.

BOARD OF MEDICINE

  
ZACHARIAH P. ZACHARIAH, M.D.  
CHAIRMAN

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Oscar Klein, M.D., 401 Manatee Avenue, Holmes Beach, Florida 34217-1920, and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

JuneOrders/KleilnO