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Department of Professional Regulation
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

-vs-

EDUARDO A. SANCHEZ, M.D.,

Respondent.

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CLERK _____

DATE 12-19-90

DPR CASE NUMBER: 9005153
LICENSE NUMBER: ME 0024897

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on November 30, 1990, in Kissimmee, 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 with the Clerk of the Department.

DONE AND ORDERED this 14 day of December, 1990.

BOARD OF MEDICINE


MARGARET C.S. SKINNER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Eduardo A. Sanchez, M.D., 3599 University Boulevard South, Suite 911, Jacksonville, Florida 32216 and John R. Crawford, Attorney at Law, 225 Water Street, Suite 900, Tallahassee, Florida 32202, and by interoffice delivery to Larry G. McPherson, Jr., Attorney at Law, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this 14th day of December, 1990.



Orders/SanchezE

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

CASE NO. 9005153

v.

EDUARDO A. SANCHEZ, 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 Eduardo A. Sanchez, 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 0024897. Respondent's last known address is 3599 University Boulevard South, #911, Jacksonville, Florida 32216-4279.

3. Pursuant to Section 455.213(5), Florida Statutes, as a condition of renewal of a license, the Board of Medical Examiners (Board of Medicine) shall require licensees which it regulates to periodically demonstrate their professional competency by

completing at least forty (40) hours of continuing education every two (2) years, of which at least five (5) hours shall concern risk management. Criteria for, and content of, continuing education courses shall be approved by the Board.

4. Pursuant to Rule 21M-28.002, Florida Administrative Code, every physician licensed pursuant to Chapter 458, Florida Statutes, shall be required to complete forty (40) hours of continuing medical education approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. At least five (5) of such continuing medical education hours required for renewal shall concern risk management.

5. Pursuant to Rule 21M-28.002(2)(a), Florida Administrative Code, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating, identifiable risks.

6. Pursuant to Rule 21M-28.002(3), Florida Administrative Code, part of the application for renewal shall include a form on which the licensee shall state that he has completed the required continuing education. Additionally, the licensee must retain such receipts; vouchers, certificates, or other papers, such as physician recognition awards issued by the American Medical Association, as may be necessary to document completion of the continuing medical education listed on the renewal form for a period of not less than four years from the date the course was taken. The Board will randomly audit such numbers of licensees

as is necessary to assure that the continuing education requirements are met.

7. Pursuant to Rule 21M-28.002(5), Florida Administrative Code, the following courses have been approved by the Board of Medicine for continuing education:

a. Organized courses approved for American Medical Association Category I Continuing Medical Education credits or accepted for the American Medical Association physician recognition award.

b. Any postgraduate training program accredited by the Accreditation Council for Graduate Medical Education.

c. The following specialty training: American College of Emergency Physicians, Category I; American Academy of Family Physicians prescribed credit; and American College of Obstetricians and Gynecologists cognates.

8. On or about November 18, 1987, Respondent signed the following statement which was thereafter submitted as part of the request to renew his license to practice medicine:

I hereby certify that during the period January 1, 1986, through December 31, 1987, I have obtained no fewer than forty (40) hours of continuing medical education courses which meets the requirement of Chapter 455.213(5), Florida Statutes, and Rule 21M-28.002(6) Florida Administrative Code. I further certify that at least five (5) of the forty (40) hours concern risk management pursuant to Rule 21M-28.002(2) Florida Administrative Code. I understand that I must maintain such receipts, vouchers, certificates, or other papers to document completion of the CME requirements for a period of not less than four (4) years from the date the course was taken.

I affirm that these statements are true and correct and recognize that providing false information may result in a fine, suspension or revocation of my license as provided in Florida Statutes 455.2275, 775.082, or 775.084.

9. The aforementioned statement was required as part of the renewal process for the licensing period from January 1, 1988, through December 31, 1989. Without this statement, Respondent could not have renewed his license to practice medicine in Florida.

10. Thereafter, Respondent successfully renewed his license to practice medicine in Florida. That renewal was based, in part, on the aforementioned statement regarding completion of Continuing Medical Education.

11. Thereafter, Respondent was selected randomly for audit purposes to verify his continuing medical education for the period covered in his statement (January 1, 1986 through December 31, 1987). By letter dated November 30, 1988, from the Executive Director for the Board of Medicine, Respondent was asked to provide such verification.

12. Between on or about December 13, 1988, and on or about February 20, 1989, Respondent submitted documentation of his continuing medical education for the relevant time period; however, Respondent failed to submit documentation of the required risk management credits for the relevant time period.

COUNT ONE

13. Petitioner realleges and incorporates paragraphs one (1) through twelve (12) as if fully set forth herein this Count One.

14. Respondent violated a rule of the Board, in that Respondent failed to submit documentation verifying the risk management requirement of his continuing medical education for the period from January 1, 1986, through December 31, 1987, in response to the Board's random audit, and thereby failed to comply with Rule 21M-28.002, Florida Administrative Code.

15. Based on the preceding allegations, Respondent violated Section 458.331(1)(x), Florida Statutes, by violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

COUNT TWO

16. Petitioner realleges and incorporates paragraphs one (1) through twelve (12) and fourteen (14) as if fully set forth herein this Count Two.

17. Respondent renewed his license by fraudulent misrepresentation, in that Respondent falsely certified that he completed the continuing medical education requirements for the period from January 1, 1986, through December 31, 1987.

18. Based on the preceding allegations, Respondent violated Section 458.331(1)(a), Florida Statutes, attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

WHEREFORE, 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 Saturday of September, 1990.

Larry Gonzalez, Secretary



By: Stephanie A. Daniel
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson
Senior Attorney
Florida Bar No. 788643
Dept. of Professional Regulation
1940 N. Monroe Street, Ste. 60
Tallahassee, Florida 32399-0792
(904) 488-0062

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STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DPR CASE NO. 90-05153

EDUARDO A. SANCHEZ, M.D.,

Respondent.

STIPULATION

Eduardo A. Sanchez, M.D., referred to as Respondent, and the Department of Professional Regulation, referred to as Department, stipulate and agree to the following joint Stipulation and Final Order of the Board of Medicine, referred to as Board, incorporating this Stipulation and agreement in this case.

STIPULATED FACTS

1. At all times material to this matter, Respondent was a licensed physician in the State of Florida having been issued license number ME 0024897.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint attached as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

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

2. Respondent admits that the facts set forth in the Administrative Complaint, attached hereto as Exhibit "A", if proven, 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, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. The Board shall impose an administrative cost in the amount one thousand dollars (\$1,000) against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within thirty (30) days of its imposition by Final Order of the Board.

3. The Respondent shall personally appear when this stipulation is considered by the Board of Medicine and demonstrate to the board that all Continuing Medical Education (CME) requirements for the renewal period in question have been completed. If Respondent cannot demonstrate compliance,

his license to practice medicine shall be suspended until such time as he can demonstrate full compliance with the CME requirements for licensure renewal.

4. Prior to appearing before the board, the Respondent shall submit to the Department such receipts, vouchers, certificates, or other papers to document completion of the CME requirements no later than 21 days prior to the board meeting.

5. The Respondent shall complete five (5) hours of Category I CME in the area of Risk Management within 180 days of the filing of the Final Order in this case.

6. CME courses taken to correct the deficiencies alleged in the Administrative Complaint or taken pursuant to this stipulation shall be in addition to that amount required for subsequent licensure renewal periods.

7. Respondent shall attach to subsequent applications for license renewal, copies of such receipts, vouchers, certificates or other papers to document completion of the CME requirements.

8. It is expressly understood that this Stipulation is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs of the Stipulated Facts, Stipulated Conclusions of Law and Stipulated Disposition) shall have no force and effect unless a Final Order is entered incorporating the terms of this Stipulation, by the Board.

9. Respondent shall appear before the Board at the meeting of the Board where this Stipulation is considered. Respondent, in conjunction with the consideration of this Stipulation by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

10. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation, by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment only.

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

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 of the Board incorporating said Stipulation.

13. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution and/or defense of this proceeding. Respondent waives the right to

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seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

14. This Stipulation is executed by the Respondent for the purpose of avoiding 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 consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters 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.

SIGNED this 5th day of November, 1990.



Eduardo A. Sanchez, M.D.

Sworn to and subscribed
before me this 5th day
of November, ~~1989~~ 1990



NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: MAY 15, 1992.
BONDED TO AND BY NOTARY PUBLIC UNDERWRITERS.

My Commission Expires:

APPROVED this 7th day of November, 1990.

Larry Gonzalez
Secretary


By: Stephanie A. Daniel
Chief Medical
Attorney