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FILED
Department of Professional Regulation

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

[Signature]

DEPARTMENT OF PROFESSIONAL
REGULATION,

CLERK _____

Petitioner,

DATE 7-18-91

-vs-

DPR CASE NUMBER: 90-09173
LICENSE NUMBER: ME 0014696

JOHN C. RENICK, M.D.,

Respondent.

FINAL ORDER


THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on June 1, 1991, in Orlando, 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 18th day of July, 1991.

BOARD OF MEDICINE


ZACHARIAH P. ZACHARIAH, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified U.S. mail to John T. Renick, M.D., c/o George H. McKean, Esquire, P.O. Box 2866 Mobile, Alabama 36652, and by interoffice delivery to Larry G. McPherson, Jr., Acting Chief Medical Attorney, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this 18th day of July, 1991.


DOROTHY J. FAIRCLOTH
Executive Director

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DPR CASE NO. 90-09173

JOHN T. RENICK, M.D.,

Respondent.

STIPULATION

John T. Renick, M.D., the Respondent, and the Department of Professional Regulation, referred to as Department, stipulate and agree to the following joint Stipulation and to the entry of a Final Order of the Board of Medicine, referred to as Board, incorporating this Stipulation and the agreement in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0014646.

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 hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint attached hereto 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, 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 fine in the amount of \$500.00 against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within thirty days of the imposition by Final Order of the Board.

3. The Respondent shall receive a reprimand from the Board of Medicine.

4. Within six months of the filing of the Final Order incorporating the terms of this Stipulation, Respondent shall submit documentation to demonstrate his compliance with all of the continuing education requirements for the 1988 -1989 licensing biennium. Such documentation shall consist of certified copies of the receipts, vouchers, certificates, or other papers, such as the physician's recognition awards issued by the American Medical Association, as may be necessary to document completion of the

continuing education. In the event that Respondent fails to timely document compliance with all of the continuing education requirements for the relevant time periods Respondent's license to practice medicine shall be suspended until such time as documentation of compliance is received by the Board.

5. Prior to renewing his license at the end of the 1990 - 1991 biennium, Respondent shall be required to document compliance with the continuing education requirements for that period. Such documentation shall consist of certified copies of the receipts, vouchers, certificates, or other papers, such as the physician's recognition awards issued by the American Medical Association, as may be necessary to document completion of the continuing education.

6. It is expressly understood that this Stipulation is subject to the approval of the Board and the Department. In this regarding 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.

7. 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 purposes.

8. 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 admissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

9. 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.

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

11. 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, as well as any factual statements provided by Respondent or Respondent's counsel, 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 14th day of March, 1991.

John T. Renick, M.D.
John T. Renick, M.D.

Sworn to and subscribed
before me this 14th day
of March, 1991.

Linda Weckman
NOTARY PUBLIC

My Commission Expires: 4/7/93

APPROVED this 5 day of APRIL, 1991.

George Stuart
Secretary

Larry G. McPherson Jr.

By: Larry G. McPherson Jr.
Acting Chief Attorney
Medical Section

Revised: 12/5/90

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

CASE NO. 90-009173

v.

JOHN T. RENICK, 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 John T. Renick, 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 0014646. Respondent's last known address is 1624 Springhill Ave., Mobile, Alabama 36604-1415.

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 Section 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 Section 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 (4) 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(6), 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. Pursuant to Section 455.2226(2), Florida Statutes, the board shall require each person licensed or certified under Chapter 458 to complete an educational course approved by the board on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS).

9. Section 455.2226(7), Florida Statutes, gives the board the authority to adopt rules to carry out the provisions of Section 455.2226(2), Florida Statutes.

10. Pursuant to Rule 21M-28.005, Florida Administrative Code, promulgated by the board, all Category 1, American Medical Association continuing medical education courses which are at least three hours and which include the topics of HIV and AIDS: the disease and its spectrum of clinical manifestation; epidemiology, treatment, counseling and prevention; legal issues

related to the disease, shall satisfy the requirements of Section 455.2226(2), Florida Statutes.

11. On or about January 3, 1989, 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, 1988, through December 31, 1989, 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 hereby certify that during the period January 1, 1988, through December 31, 1989, I have completed a maximum of three (3) hours Category 1, American Medical Association continuing medical education, which consists of education on the clinical manifestations, epidemiology, transmission, control, treatment and prevention of HIV and AIDS, with emphasis on appropriate behavior and an attitude change and legal issues related to the disease, pursuant to Section 455.2226, Florida Statutes, and Rule 21M-28.005, Florida Administrative Code. I understand that I must maintain such receipts, vouchers, certificates or other papers to document completion of this requirement for a period of not less than four (4) years from the date the course was completed.

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.

12. The aforementioned statement was required as part of the renewal process for the licensing period from January 1, 1990, through December 31, 1991. Without this statement,

Respondent could not have renewed his license to practice medicine in Florida.

13. 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 (CME).

14. Thereafter, Respondent was selected randomly for audit purposes to verify his CME for the period covered in his statement (January 1, 1988 through December 31, 1989).

15. On or about July 30, 1990, Respondent submitted documentation satisfying the 35 hours of required Category I CME. However, Respondent failed to maintain and submit the documentation verifying the required five (5) hours of risk management and three (3) hours of HIV/AIDS CME.

16. Respondent failed to maintain such receipts, vouchers, certificates, or other papers to document completion of the required five (5) hours of risk management and three (3) hours of HIV/AIDS CME for the relevant time period, and thereby failed to submit the required documentation for the Board's random audit.

COUNT ONE

17. Petitioner realleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein this Count One.

18. Respondent violated a rule of the Board, in that Respondent failed to maintain and submit documentation verifying

the required five (5) hours of risk management and three (3) hours of HIV/AIDS CME for the period from January 1, 1988, through December 31, 1989, in response to the Board's random audit, and thereby failed to comply with Rule 21M-28.002, Florida Administrative Code.

19. 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

20. Petitioner realleges and incorporates paragraphs one (1) through sixteen (16) and eighteen (18) as if fully set forth herein this Count Two.

21. Respondent renewed his license by fraudulent misrepresentation, in that Respondent falsely certified that he completed the required five (5) hours of risk management and three (3) hours of HIV/AIDS CME for the period from January 1, 1988, through December 31, 1989.

22. 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 17th day of December 1990.

Larry Gonzalez, Secretary



By: Stephanie A. Daniel
Chief Medical Attorney

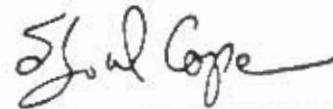
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CJR/bd/tc
PCP: December 14, 1990
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Department of Professional Regulation
AGENCY CLERK



CLERK

DATE

12-19-90