

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
)
 v.)
)
 WALTER FREDERICK ANGELL, M.D.,)
)
 RESPONDENT.)
 _____)

CASE NO. 97-08297

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Walter Frederick Angell, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

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 0055211. Respondent's last known address is 1870 Aloma Avenue-#10, Winter Park, Florida 32789.

3. On or about December 24, 1996, the Board of Medicine filed a Final Order in Case No. 95-02001, finding that the Respondent practiced below an acceptable standard of care, failed

to maintain adequate medical records, and inappropriately prescribed to two patients, in violation of the Medical Practice Act.

4. In the aforementioned Final Order, the Respondent's license was suspended "until such time as he personally appears before the Board and demonstrates the ability to practice with skill and safety".

5. In the aforementioned Final Order, the Respondent was ordered to pay an administrative fine in the amount of \$5, 000.00 within thirty (30) days of the effective day of the order.

6. On or about April 17, 1997, the Medical Compliance Officer filed a complaint, stating that the Respondent had not paid the administrative fine of \$5, 000.00 as ordered by the Board of Medicine.

7. On or about June 2, 1997, Respondent was notified that a complaint had been filed regarding the nonpayment of the administrative fine.

8. As of December 22, 1997, the Respondent had not sent a response regarding the complaint.


9. The Respondent was under a statutory obligation to follow a legal order of the Board of Medicine. The Respondent failed to meet his statutory obligation by not paying his administrative fine. Thus, the Respondent breached the Final Order of the Board of Medicine.

10. Based on the foregoing allegations, the 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.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent 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, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.624(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 5 day of March, 1999.

Robert G. Brooks, M.D., Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 788643
RPC/dcb
PCP: February 27, 1999
PCP Members: Skinner, Leon, Rodriguez

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Stephanie Q. Dinn*
DATE 3/5/99

MEMORANDUM OF FINDING OF PROBABLE CAUSE

TO: DEPARTMENT OF HEALTH AND AGENCY FOR HEALTH CARE
ADMINISTRATION, GENERAL COUNSEL, MEDICAL SECTION

FROM: CHAIRMAN, BOARD OF MEDICINE

RE: WALTER FREDERICK ANGELL, M.D. CASE NO. 97-08297

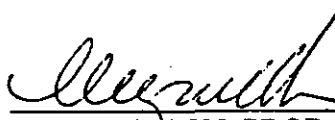
DATE OF PROBABLE CAUSE PANEL MEETING: FEBRUARY 27, 1999

THIS MATTER WAS BROUGHT BEFORE THE PROBABLE CAUSE PANEL MEMBERSHIP COMPOSED OF MARGARET SKINNER, M.D., CHAIRPERSON, GUSTAVO LEON, M.D., AND GILBERT RODRIGUEZ ON THE DATE SET FORTH ABOVE. THE PANEL, HAVING RECEIVED THE COMPLETE INVESTIGATIVE REPORT, HAVING CAREFULLY REVIEWED THAT REPORT, HAVING REVIEWED THE RECOMMENDATION OF THE AGENCY, AND HAVING HAD THE OPPORTUNITY TO INQUIRE OF COUNSEL AND BEING OTHERWISE DULY ADVISED IN THE PREMISES THEREOF, FIND THAT:

_____ PROBABLE CAUSE WAS NOT FOUND IN THIS CASE.

XXX PROBABLE CAUSE WAS FOUND ON THE FOLLOWING STATUTORY AND REGULATORY GROUNDS, INCLUDING BUT NOT LIMITED TO SECTION(S):

458.331(1)(x), Florida Statutes



CHAIRPERSON, PROBABLE CAUSE PANEL
BOARD OF MEDICINE

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Number 97-08297

Walter Angell, M.D.,

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

To avoid the necessity of further administrative proceeding in this case, the Respondent herein files this Voluntary Relinquishment of his/her license to practice as a physician in the State of Florida, with the provision that the Respondent agrees never again to apply for licensure as a physician in the State of Florida. The licensee shall turn in his/her license to the appropriate Board within three (3) business days after the Final Order is issued by the Board accepting the relinquishment.

When relinquishments are offered to the Board of Medicine to avoid further administrative prosecution, this is considered to be disciplinary action against the Respondent's license to practice medicine in the State of Florida. As such, any and all disciplinary actions taken by the Board of Medicine are reported to the Federation of State Medical Boards and the National Practitioner Data Bank.

Upon the Board's adoption of this Relinquishment, 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 Relinquishment and the Final Order of the Board incorporating said Relinquishment.

Upon the Board's adoption of this Relinquishment, the parties hereby agree that each party will bear his/her own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Agency in connection with this matter.

This Relinquishment 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 of Medicine to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Relinquishment. Furthermore, should this Relinquishment not be accepted by the Board, it is agreed that presentation to and consideration of this Relinquishment 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.

DATED this 12 day of OCTOBER, 1999.

Walter Angell, M.D.
Walter Angell, M.D.

STATE OF FLORIDA

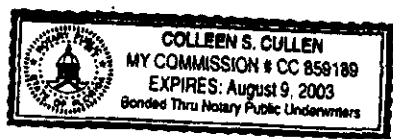
COUNTY OF: OSCEOLA

Before me, personally appeared Walter Angell, M.D. whose identity is known to me by CANADA/INT. DR. Lic. (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 12 day of OCTOBER, 1999.

Colleen S. Cullen
NOTARY PUBLIC

My Commission Expires:



STATE OF FLORIDA
BOARD OF MEDICINE

FILED
Department of Health
Angela Hall, AGENCY CLERK
By: Vicki R. Ellerton
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 97-08297
LICENSE NO.: ME0055211

WALTER F. ANGELL, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) on April 7, 2000, in Orlando, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED

That Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED.

This Final Order shall take effect upon being filed with the

Clerk of the Department of Health.

DONE AND ORDERED this 28th day of April, 2000.

BOARD OF MEDICINE

FOR Janyal Williams
GEORGES A. EL-BAHRI, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Walter F. Angell, M.D., 417-429 Danforth Avenue, Toronto, Ontario, Canada M4K1P1; and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2000.
