

PLS2

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

Final Order No. DOH-99-0730-S -MOA Date 6-29-99

FILED

Department of Health  
Angela Hall, AGENCY CLERK

By Stephane J. DeL  
Deputy Agency Clerk

vs.

CASE NO.: 97-15120  
LICENSE NO.: ME0047885

JOSEPH ALTIERI, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 5, 1999, in Tampa, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Upon consideration of the Consent Agreement, 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 Consent Agreement 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 the terms and conditions of the Consent Agreement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 25 day of June, 1999.

BOARD OF MEDICINE



JAMES CERDA, 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 Joseph Altieri, M.D., c/o Joe Alfred Izen, Esquire, 5222 Spruce Street, Bellaire, Texas 77401, and by interoffice delivery to Larry G. McPherson, Jr., Chief Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_

**AMENDED CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Joseph Altieri, M.D., 1600 - 36th Street, Suite B, Vero Beach, FL 32960-4851, Joe A. Izen, Esquire, 5222 Spruce Street, Bellaire, TX 77401, and interoffice delivery to Larry McPherson, Jr. , Chief Attorney, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, at or before 5:00 p.m., this 29 day of June, 1999.

*VKEllison*

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**STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
BOARD OF MEDICINE**

**DEPARTMENT OF HEALTH,  
Petitioner,**

v.

**AHCA CASE NO: 97-15120**

**JOSEPH J. ALTIERI,  
Respondent.**

\_\_\_\_\_ /

**CONSENT AGREEMENT**

Joseph Altieri, M.D. referred to as the "Respondent," and the Agency for Health Care Administration, referred to as "Agency," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

**STIPULATED FACTS**

1. At all times material hereto, the Respondent was a licensed physician in the State of Florida having been issued license number M.E. 0047885.
2. The Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon the Respondent with violations of Chapter 458.331(1)(w)(aa), Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. The Respondent admits the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

**STIPULATED CONCLUSIONS OF LAW**

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

Board.

2. The Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

### **STIPULATED DISPOSITION**

1. **FUTURE CONDUCT.** The Respondent shall not in the future violate Chapters 455 and 458, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent read Chapters 455 and 458 and the Rules of the Board of Medicine, at Section 64B, Florida Administrative Code.

2. **FINE** . The Board shall impose an administrative fine in the amount of **three thousand dollars (\$3,000)**, against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine within **ONE HUNDRED EIGHTY (180) DAYS** of the filing of the Final Order of the Board. THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN 180 DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH 1 OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).

4. **LAWS AND RULES EXAMINATION.** Within ninety (90) days of the filing of the Final Order, Respondent shall take and achieve a ████████ grade on the multiple choice, open

book Board of Medicine Laws and Rules Examination. For the purpose of this Consent Agreement, a passing score on this examination shall be [REDACTED].

5. It is expressly understood that this Agreement is subject to the approval of the Board and the Agency. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

6. The Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered.

7. Should this Agreement be rejected, no statement made in furtherance of this Agreement 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. The Respondent and the Agency fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Agency against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A herein.

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

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

11. This Agreement is executed by the Respondent for the purpose of avoiding further

administrative action with respect to this cause. In this regard, the Respondent authorizes the Board to review and examine all investigative file materials concerning the Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement 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 6<sup>th</sup> day of May, 1999.

*Joseph Altieri M.D.*  
Joseph Altieri, M.D.

Before me, personally appeared \_\_\_\_\_, whose identity is known to me by \_\_\_\_\_ (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 6<sup>th</sup> day of MAY, 1999.

*Camille R. O'Farrell*  
NOTARY PUBLIC

My Commission Expires:

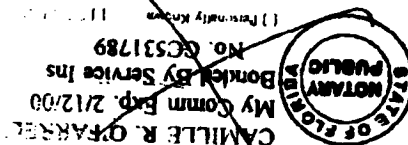
APPROVED this 7 day of May, 1999.



CAMILLE R. O'FARRELL  
My Comm Exp. 2/12/00  
Bonded By Service Ins  
No. EC531789

Personally Known

Director  
Ruben King-Shaw



By: Larry G. McPherson, Jr.

*Larry G. McPherson, Jr.*

Chief Attorney  
Medical Section

Exhibit B

STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS

The following are the standard terms applicable to all Consent Agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. **PAYMENT OF FINES.** Unless otherwise directed by the Consent Agreement, all fines shall be paid by check or money order and sent to the Board address as set forth in paragraph E, below. The Board office does not have the authority to change terms of payment of any fine imposed by the Board.

B. **LAWS AND RULES EXAMINATION.** Unless otherwise directed by the consent agreement, the Respondent shall take and obtain a score of at least 70% correct on the Laws and Rules Examination within six months of the Final Order. The Respondent shall notify the Agency at least one week prior to the date he/she wishes to take the examination to schedule a time for the examination at one of the Agency's Investigative Offices. The Respondent may take the examination as many times as needed to obtain a passing score of 70%. Contact Donna S. Brown, (904) 487-9672, at the Agency for Health Care Administration, to schedule a time for the examination, or to answer any questions.

C. **ADDRESSES.** The Respondent must keep current residence and practice addresses on file with the Board. The Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that the Respondent leaves the active practice of medicine in Florida.



**D. BOARD ADDRESS.** Unless otherwise directed by the Board office, all fines, reports, correspondence and inquires shall be sent to: Board of Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, Attn: Final Order Compliance Officer.

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

JOSEPH JOHN ALTIERI, M.D.,

RESPONDENT.

CASE NO. 97-15120

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 Joseph John Altieri, 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 authority 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 0047885. Respondent's last known address is 1600 36th Street, Suite B, Vero Beach, FL 32960-4851.
3. In or about August 1997, G.M., the estranged wife of Respondent's medical assistant, reported finding prescription medications, and signed blank prescription forms in the

medical bag of Respondent's medical assistant. On or about August 18, 1997, the signed blank prescription forms were provided to the City of Sebastian, Florida Police Department.

4. The signatures on the blank signed prescription forms match Respondent's signature on previously filled prescriptions.

5. Respondent's medical assistant confirmed that Respondent signed the blank signed prescription forms.

6. Respondent admitted keeping signed blank prescription forms in his office for use by office staff.

7. Respondent permitted and assisted office staff personnel, who were not qualified by training, experience, or licensure, to prescribe medication for patients by using signed blank prescription forms which he provided specifically for such use.

#### COUNT ONE

8. Petitioner realleges and incorporates paragraphs one (1) through seven (7), as if fully set forth herein this Count One.

9. Respondent signed blank prescription forms and provided them to office staff for completion in the care of patients.

10. Based on the foregoing, Respondent violated Chapter 458.331(1)(aa), Florida Statutes, by pre-signing blank prescription forms.

#### COUNT TWO

11. Petitioner realleges and incorporates paragraphs one (1) through seven (7), and paragraph nine (9), as if fully set forth herein this Count Two.

12. Respondent delegated professional responsibilities to office personnel who were not qualified by training, experience, or licensure, by allowing them to prescribe medication for patients by using signed blank prescription forms that he provided specifically for such use.

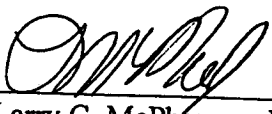
13. Based on the foregoing, Respondent violated Chapter 458.331(1)(w), Florida Statutes, by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

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 8 day of March, 1999.

Robert G. Brooks, M.D., Secretary

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Stephanie Q. Dim*  
DATE 3/8/99

  
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Larry G. McPherson, Jr.  
Chief Medical Attorney