

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH, )  
 )  
 PETITIONER, )  
 )  
 v. )  
 )  
 BENJAMIN PAZ OCAMPO, M.D., )  
 )  
 RESPONDENT. )  
 \_\_\_\_\_ )

CASE NO. 2000-04023

**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 Benjamin Paz Ocampo, 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 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, 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 12995. Respondent's last known address is 12954 Farmington Trail, Seminole, Florida 33776.

3. On or about March 9, 2000, the Division of Medical Quality of the Medical Board of California adopted as its order, a Stipulated Settlement with Respondent endorsed on or about February 7, 2000.

4. The terms of the Stipulated Settlement include Respondent's license to practice medicine in California being revoked with the revocation stayed and Respondent being placed on probation for five (5) years under specified terms. The Stipulated Settlement also required an actual 30 day suspension of Respondent's license as part of the probation.

5. The underlying charges concerning the aforementioned Stipulated Settlement involved the United States Department of Health and Human Services (USDHHS) excluding Respondent from all participation the Medicare, Medicaid and all other health care programs, as defined in Section 42 U.S.C. § 1320a-7b(f) for a period of fifteen (15) years for the provision of treatment substantially in excess of patients' needs which was of little or no long-term benefit and failed to meet professional recognized standards of health care by unnecessary inpatient admissions for excessive lengths of time without medical or therapeutic necessity and failure to properly document patients' diagnoses, symptoms or courses of treatment and justifications for admission, length of admission or treatment provided for twenty-four (24) elderly patients.

6. Respondent did not report to the Florida Board of Medicine, in writing, within thirty (30) days that the Medical Board of California had taken action against his license to practice medicine.

7. On or about January 4, 2000, Respondent surrendered his medical license to practice in the state of West Virginia.

8. Respondent did not report to the Florida Board of Medicine, in writing, within thirty (30) days that he had surrendered his license to practice medicine in West Virginia.

COUNT ONE

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

10. Respondent had a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including it's agencies or subdivisions in that Respondent's license to practice medicine in the State of California had been revoked with the revocation stayed and Respondent being placed on probation for five (5) years under specified terms.

11. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes, by having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including it's agencies or subdivisions.

COUNT TWO

12. Petitioner realleges and incorporates paragraphs one (1) through eight (8), and paragraph ten (10) as if fully set forth herein this Count Two.

13. Respondent failed to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country in that Respondent failed to report to the Florida Board of Medicine, in writing, within thirty (30) days that the Medical Board of California had taken action against his license to practice medicine.

14. Based on the foregoing, Respondent has violated Section 458.331(1)(kk), Florida Statutes, by failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

COUNT THREE

15. Petitioner realleges and incorporates paragraphs one (1) through eight (8), paragraph ten (10) and paragraph (13) as if fully set forth herein this Count Three.

16. Respondent had a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including it's agencies or subdivisions in that Respondent surrendered his medical license to practice in the state of West Virginia.

17. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes, by having a license or the authority to practice medicine revoked,

suspended, or otherwise acted against, including denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

#### COUNT FOUR

18. Petitioner realleges and incorporates paragraphs one (1) through eight (8), paragraph ten (10), paragraph thirteen (13) and paragraph sixteen (16) as if fully set forth herein this Count Four.

19. Respondent failed to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country in that Respondent failed to report to the Florida Board of Medicine, in writing, within thirty (30) days that he had surrendered his license to practice medicine in the state of West Virginia.

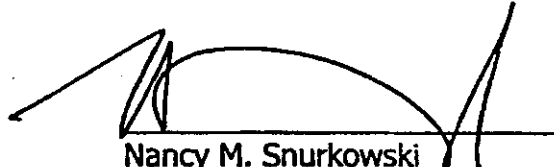
20. Based on the foregoing, Respondent has violated Section 458.331(1)(kk), Florida Statutes, by failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

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 as provided for in Section 456.072(4), Florida Statutes, and/or any other relief that the Board deems appropriate

SIGNED this 14<sup>th</sup> day of May, 2001.

Robert G. Brooks, M.D., Secretary



Nancy M. Snurkowski  
Chief Attorney, Practitioner Regulation  
Agency for Health Care Administration

COUNSEL FOR DEPARTMENT:

John E. Terrel, Senior Attorney  
Practitioner Regulation  
Agency for Health Care Administration  
P. O. Box 14229  
Tallahassee, Florida 32317-4229  
Florida Bar #0865036  
JET/rtn  
PCP: May 11, 2001  
PCP Members: Ashkar, Glotfelty, Rodriguez

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Vicki R. Kenon*  
DATE 5/15/01

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-02-0629- S -MOA  
FILED DATE - 5/16/02  
Department of Health  
By: Victi R. Keno  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 2000-04023  
LICENSE NO.: ME0045316

BENJAMIN P. OCAMPO, M.D.,

Respondent.

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FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on April 5, 2002, in Ft. Lauderdale, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by John Terrel, Senior Attorney. Respondent was not present nor was he represented by counsel. A Motion for Formal Hearing was submitted by the Respondent; however, the Board determined that no disputed issues of material fact were set forth in the Motion for Formal Hearing, and the Motion was denied.

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:

1. Respondent shall pay an administrative fine in the amount of \$1,000 within 6 months from the date this Final Order is filed.

2. Respondent shall pay costs in the amount of \$689.38 within 6 months from the date this Final Order is filed.

3. Respondent shall be placed on probation for a period of five (5) years subject to the following terms and conditions:

a. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation, semiannually, and at such other times requested by the committee. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action. Unless otherwise provided in the Final Order, appearances at the Probationer's Committee shall be made quarterly.

b. Respondent shall not practice except under the indirect supervision of a physician fully licensed under Chapter 458 to be



approved by the Board's Probationer's Committee. Absent provision for and compliance with the terms regarding temporary approval of a monitoring physician set forth below, Respondent shall cease practice and not practice until the Probationer's Committee approves a monitoring physician. Respondent shall have the monitoring physician present at the first probation appearance before the Probationer's Committee. Prior to approval of the monitoring physician by the committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. A failure of the Respondent or the monitoring physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the monitoring physician by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed monitoring physician. Said materials shall be received in the Board office no later than fourteen days before the Respondent's first scheduled probation appearance. The attached definition of a monitoring physician is incorporated herein. The responsibilities of a monitoring physician shall include:

(1) Submit semiannual reports, in affidavit form, which shall include:

- (A) Brief statement of why physician is on probation.
- (B) Description of probationer's practice.
- (C) Brief statement of probationer's compliance with terms of probation.

- (D) Brief description of probationer's relationship with monitoring physician.
- (E) Detail any problems which may have arisen with probationer.
- (2) Be available for consultation with Respondent whenever necessary, at a frequency of at least once per month.
- (3) Review 25 percent of Respondent's patient records selected on a random basis at least once every month. In order to comply with this responsibility of random review, the monitoring physician shall go to Respondent's office once every month. At that time, the monitoring physician shall be responsible for making the random selection of the records to be reviewed by the monitoring physician.
- (4) Review all (100 percent) patient records for patients who are subject to involuntary examination pursuant to §394.463, Florida Statutes.
- (5) Report to the Board any violations by the probationer of Chapter 456 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

Respondent may petition the Board for early termination of probation, provided that his license to practice medicine in the State of California is free from all encumbrances.

**(NOTE: SEE "ATTACHMENT A" FOR STANDARD TERMS APPLICABLE TO ALL FINAL ORDERS. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE STANDARD TERMS SET FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THE FINAL ORDER.)**

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

DONE AND ORDERED this 1 day of May, 2002.

BOARD OF MEDICINE



LARRY G. MCPHERSON, JR., BOARD DIRECTOR  
For  
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. 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 HEALTH 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 Final Order has been provided by U.S. Mail to Benjamin P. Ocampo, M.D., 12954 Farmington Trail, Seminole, Florida 33776; and by

interoffice delivery to Nancy M. Snurkowski, Chief Medical Attorney,  
and Lisa Pease, Senior Attorney - Appeals, Agency for Health Care  
Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on  
or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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