

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK *Vicki R. Kenon*  
DATE 2 / 25 / 03

BOARD: Medicine

CASE NUMBER: 2001-00892

COMPLAINT MADE BY: DOH/Board of Medicine  
4052 Bald Cypress Way, Bin C-03  
Tallahassee, Florida 32399-1753

RESPONDENT: Josephine Kouri-Pelleya, M.D.  
3300 Segovia Street, Apt. 1  
Coral Gables, Florida 33134

DATE OF COMPLAINT: January 23, 2001

INVESTIGATED BY: Shane Walters  
Consumer Services

REVIEWED BY: Deborah B. Loucks  
Assistant General Counsel

RECOMMENDATION: Dismiss (4015)

**NOTICE OF DISMISSAL/CLOSING ORDER ON  
RECONSIDERATION**

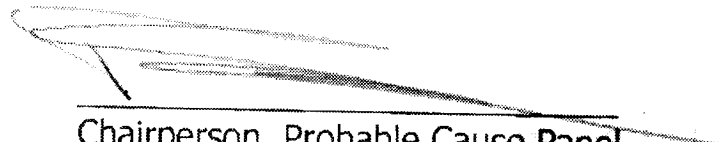
THE COMPLAINT: On May 14, 2002, a three count Administrative Complaint was filed against the Respondent alleging violations of Section 458.331(1)(g)(x), Florida Statutes, by violating a rule of the board through a violation of rule 64B8-13.004, Florida Administrative Code, by failing to complete the required number of continuing medical education hours to reactivate her medical license; and Section 458.331(1)(a), Florida Statutes, by failing to pay her license renewal fee in a timely manner.

THE FACTS: On September 4, 2002, the Respondent died. A copy of her obituary is enclosed.

THE LAW: The Department requests that the Probable Cause Panel close this case without requiring further prosecution of the matter.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE AND ORDERED this 14<sup>th</sup> day of February, 2003.

  
\_\_\_\_\_  
Chairperson, Probable Cause Panel  
Board of Medicine

PCP: February 14, 2003

MAY 14 2002

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2001-00892**

**JOSEPHINE KOURI-PELLEYA, M.D.**

**RESPONDENT.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

**NOW COMES Petitioner**, the Department of Health, by and through the Agency for Health Care Administration, and for its Complaint against Josephine Kouri-Pelleya, M.D., states as follows:

**PARTIES**

1. The Department of Health is the state agency charged with regulating the practice of medicine under Florida Law.
2. Respondent, whose address of record is 3300 Segovia Street, Apartment 1, Coral Gables, Florida 33134, was issued license number ME 0013320 on December 31, 1973, and is not board certified in any specialty.

**GENERAL ALLEGATIONS**

3. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida.

4. On or about February 14, 1998, Respondent's license became delinquent.
5. On or about December 20, 1999, Respondent paid the renewal fees for the 1998-2000 and 2000-2002 renewal periods.
6. On or about February 17, 2000, Licensure issued Respondent a license in error and without confirming with the Board of Medicine that Respondent had completed all of the necessary continuing education requirements.
7. The Board then requested Respondent to provide documentation to show completion of the required 80 hours of continuing education.
8. Respondent failed to provide any certificates to show completion of any of the 80 hours of continuing medical education.
9. Rule 64B8-13.004, Florida Administrative Code, provides that an inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee and has submitted proof of successful completion of twenty (20) hours per year of Category I, American Medical Association approved continuing medical education for each year of inactive status.

#### **COUNT ONE – RULE VIOLATION**

10. Petitioner realleges and incorporates paragraphs one (1) through nine (9), as if fully set forth herein this Count One.
11. Respondent violated Rule 64B8-13.004, Florida Administrative Code, in that she failed to complete the requirements for reactivation of an inactive license in that she did not complete the required 80 hours of continuing medical education.

12. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes, by violating any provision of Chapter 458, Florida Statutes, 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 - STATUTORY OR LEGAL OBLIGATION**

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

14. Respondent failed to perform any statutory or legal obligation placed upon a licensed physician, in that Respondent failed to complete the requirements for reactivation of an inactive license in that she did not complete the required 80 hours of continuing medical education.

15. Based on the foregoing, Respondent has violated Section 458.331(1)(g), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensed physician.

### **COUNT THREE - RENEWAL BY BOARD ERROR**

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

17. On or about February 14, 1998, Respondent's license to practice medicine became Delinquent due to Respondent's failure to pay the renewal fee.

18. On or about December 20, 1999, Respondent submitted payment for the renewal fees for the 1998-2000 and 2000-2002 renewal periods.

19. On or about February 17, 2000, the Licensure Maintenance Unit reactivated Respondent's license to practice medicine.

20. The reactivation of Respondent's license was an error of the Department or Board because the Licensure Maintenance Unit did not verify with the Board of Medicine office that Respondent had documented completion of 80 hours of continuing medical education.

21. Based on the foregoing, Respondent has violated Section 458.331(1)(a), Florida Statutes, by attempting to obtain, obtaining, or renewing a license to practice through an error of the Board.

**WHEREFORE,** Petitioner requests that, in order to protect the health and safety of the People of the State of Florida, Respondent be found responsible for the violations alleged, and each of them, and that one or more of the following disciplines be entered against Respondent:

- (A) Permanent Revocation of Respondent's license;
  - (B) Suspension of Respondent's license for an appropriate period of time;
  - (C) Restriction of Respondent's practice;
  - (D) Imposition of an administrative fine;
  - (E) Issuance of a reprimand;
  - (F) Placement of Respondent on probation, with appropriate conditions;
  - (G) Assessment of the costs for investigation and prosecution of this case;
- and,

(H) Such other and further relief as is appropriate.

SIGNED this 13<sup>th</sup> day of May, 2002

John O. Agwunobi, M.D., M.B.A.  
Secretary, Department of Health



Nancy Snurkowski  
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

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Senior Attorney  
Agency for Health Care Administration  
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Florida Bar # 0169889

**FILED**  
DEPARTMENT OF HEALTH-  
DEPUTY CLERK  
CLERK *Vicki R. Kenon*  
DATE 5/14/02

PCP: May 10, 2002  
PCP Members: ASHKAR, EL SANADI AND BEEBE