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STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
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DATE 12 / 12 / 02

BOARD: Medicine

CASE NUMBER: 2001-02788

COMPLAINT MADE BY: Massachusetts Board of
Registration in Medicine
10 West Street, 3rd Floor
Boston, Massachusetts 02111

RESPONDENT: Jerome Bergheim, M.D.
3100 North Ocean Blvd, Apt. 801
Fort Lauderdale, FL 33308-7194

DATE OF COMPLAINT: November 27, 2001

INVESTIGATED BY: Shane Walters

REVIEWED BY: Deborah B. Loucks, Esq.

RECOMMENDATION: Dismiss (4099)

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

COMPLAINT: On July 26, 2002, a 3 count Administrative Complaint was filed against Respondent alleging violations of Section 458.331(1)(b), Florida Statutes, having a license or the authority to practice medicine revoked, suspended or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction; (kk) failing to report disciplinary action taken by another licensing authority against a license to practice medicine in the other jurisdiction; and (g) failing to perform a statutory or legal obligation placed upon a licensed physician by failing to report disciplinary action taken by another licensing authority on licensee's profile.

FACTS: Respondent has been licensed by the State of Florida since December 1973. Respondent's license is presently inactive. On or about May 15, 1996, the Respondent submitted an affidavit of Resignation before the Commonwealth of Massachusetts, Board of Registration in Medicine. The Respondent acknowledged that his resignation of his medical license constituted disciplinary action.

Respondent's resignation of his Massachusetts license to practice medicine was based upon disciplinary action taken against his Florida license. On March 8, 1995, a Final Order was entered in Case numbers: 1992-14755; 1993-13821; and 1993-13311 imposing disciplinary sanctions upon the Respondent's Florida medical license. The Respondent was required to pay a fine and was placed on probation with obligations for one year.

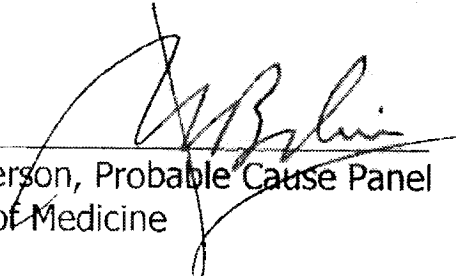
Because the resignation of his Massachusetts medical license was based on disciplinary action taken by Florida, the Department recommends this matter be dismissed without further prosecution.

Through Respondent's counsel, Respondent was advised to write to the Board of Medicine to request that his practitioner profile be updated to reflect the Massachusetts disciplinary action.

LAW: Based on the foregoing facts and findings, 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 is hereby DISMISSED.

DONE AND ORDERED this _____ day of _____, 2002.



Chairperson, Probable Cause Panel
Board of Medicine

NOVEMBER 2002 - North

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
PETITIONER,)
)
v.)
)
JEROME F. BERGHEIM, M.D.,)
)
RESPONDENT.)
_____)

DOH CASE NO. 2001-02788

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 Jerome F. Bergheim, 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.

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 12829. Presently, Respondent's medical license is in an inactive status. Respondent's last known address of record is 3100 North Ocean Boulevard, Apartment 801, Fort Lauderdale, Florida 33308-7194.

3. On or about May 15, 1996, Respondent submitted an affidavit of Resignation before the Commonwealth of Massachusetts, Board of Registration in

Medicine. The Resignation was in response to In the Matter of Jerome F. Bergheim , M. D., Docket No. 96-085.

4. Respondent acknowledged in his affidavit that the resignation of his license to practice medicine in the Commonwealth of Massachusetts constituted disciplinary action.

COUNT I

5. Petitioner realleges and incorporates paragraphs one (1) through four (4) as if fully set forth herein this Count One.

6. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes (2000), by having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

COUNT II

7. Petitioner realleges and incorporates paragraphs one (1) through four (4) as if fully set forth herein this Count Two.

8. Respondent did not notify the Florida Board of Medicine that disciplinary action was taken against his license to practice medicine in the Commonwealth of Massachusetts.

9. Based on the foregoing, Respondent has violated Section 458.331(1)(kk), Florida Statutes (2000), by failing to report to the board, in writing, within 30 days if action as defined in Section 458.331(1)(b), Florida Statutes, has been taken against

one's license to practice medicine in another state, territory, or country.

COUNT III

10. Petitioner realleges and incorporates paragraphs one (1) through four (4) as if fully set forth herein this Count Three.

11. On or about March 16, 1999, Respondent completed a Mandatory Practitioner Profile Questionnaire. Section VII of the questionnaire inquires about Final Disciplinary Action taken against the licensee. Section VII, Question A2 of the questionnaire asks: "Within the previous ten (10) years, have you ever had any final disciplinary action taken against you by the agency regulating your license, in this state or any other jurisdiction?" In response to this question, Respondent disclosed that the Florida Board of Medicine had disciplined his license. Respondent did not disclose the disciplinary action resulting from the resignation of his medical license in the Commonwealth of Massachusetts.

12. Section 456.039(1)(a)8., Florida Statutes, requires the licensee to furnish the Department of Health with a description of any final disciplinary action taken within the previous 10 years against the licensee by any agency regulating the profession that the licensee is licensed to practice whether in this state or any other jurisdiction.

13. Pursuant to Section 456.039(1)(a)8., Florida Statutes, Respondent had a legal obligation to include his Resignation of his license to practice medicine in the Commonwealth of Massachusetts on the Mandatory Practitioner Profile Questionnaire that he submitted to the Department of Health.

14. 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.


WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties, in addition to the assessment of the costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes (2000):

- a) Revocation of Respondent's license;
- b) Suspension of Respondent's license for an appropriate period;
- c) Restriction of the Respondent's practice;
- d) Imposition of an administrative fine;
- e) Issuance of a reprimand;
- f) Placement of the Respondent on probation;
- g) Administrative costs, and/or any other relief that the Board deems appropriate.

SIGNED this 25th day of July, 2002.

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

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Vicki R. K...
DATE 7/26/02


Nancy M. Snurkowski
Chief Attorney – Practitioner Regulation

Deborah B. Loucks, Senior Attorney
FI Attorney Number: 0169889
Department of Health
Bureau of Health Care Practitioner Regulation – Legal
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
PCP: July 19, 2002
PCP Members: Georges El-Bahri, M.D. – chairperson
Rafael Miguel, M.D.
Monique Long