

STATE OF FLORIDA
BOARD OF MEDICINE

FILED DATE APR 24 2013
Department of Health

By: [Signature]
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO. : 2009-24433
2011-03114
LICENSE NO. : ME0030012

EULOGIO MUNCAL VIZCARRA, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on April 5, 2013, in Deerfield Beach, 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, and shall constitute discipline upon Respondent's license.

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

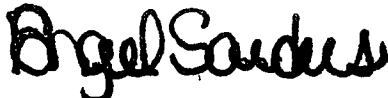
DONE AND ORDERED this 24th day of April, 2013.

BOARD OF MEDICINE


Allison M. Dudley, J.D., Executive Director
For Zachariah P. Zachariah, M.D., Chair

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 EULOGIO MUNCAL VIZCARRA, M.D., 721 S. Jefferson Street, Perry, Florida 32347; to Gregory A. Chaires, Esquire, Chaires, Brooderson & Guerrero, P.L., 283 Cranes Roost Boulevard, Suite 165, Altamonte Springs, Florida 32701; and by interoffice delivery to Doug Sunshine, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 24th day of April, 2013.



Deputy Agency Clerk

FILED

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Angela Barton*
DATE: 2/18/13

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case Nos. 2009-24433,
2011-03114

EULOGIA VIZCARRA, M.D.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Eulogia Vizcarra, M.D., license no. ME 30012, hereby voluntarily relinquishes Respondent's license to practice medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as a medical doctor in the State of Florida.
3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.


5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the

Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 18 day of February, 2013.


Eulogio Vizcarra, M.D.

STATE OF Delaware
COUNTY OF Darwin

Before me, personally appeared Eulogio Vizcarra M.D., whose identity is known to me, or who produced SELF (type of identification), and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 18 day of Feb 2013.


NOTARY PUBLIC

My Commission Expires:
July 21, 2015



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-03114

EULOGIO MUNCAL VIZCARRA, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Medical Board against the Respondent, Eulogio Muncal Vizcarra, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was licensed to practice as a physician within the State of Florida, having been issued license number ME 30012.

Eulogio Muncal Vizcarra, M.D.
2011-03114

3. Respondent's address of record is 721 South Jefferson Street, Perry, Florida 32347.
4. On or about February 17, 2011, Respondent allowed his medical license to be displayed at Chelation and Meditation Center of Ocala, Inc. (CMCOI) at 6290 SW State Road 200, Ocala, Florida 34476. Respondent did not practice medicine at CMCOI.
5. Yaser Hasan Loutfi is the registered agent and only officer of CMCOI.
6. On or about February 17, 2011, Yaser Hasan Loutfi was not a licensed healthcare practitioner under Florida Statutes as required.
7. On or about February 17, 2011, Yaser Hasan Loutfi was performing intravenous therapy on human patients using dimethyl sulfoxide (DMSO), a chemical compound commonly used in veterinary medicine and not approved by the Federal Drug Administration (FDA) for human consumption in the United States.
8. At all times material to this complaint, Yaser Hasan Loutfi was using the medical license of Respondent to order DMSO.

9. Respondent knew or should have known that Yaser Hasan Loutfi was not a licensed healthcare practitioner.

10. Section 456.072(1)(j), Florida Statutes (2010), provides that aiding, assisting, procuring, employing or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board constitutes grounds for disciplinary action.

11. Respondent aided in the unlicensed practice of a healthcare profession in one or more of the following ways:

- a) on or about February 17, 2011, Respondent allowed Yaser Hasan Loutfi to display Respondent's medical license at CMCOI where Yaser Hasan Loutfi was performing intravenous therapy on human patients using DMSO which is not approved for human use; or
- b) Respondent allowed his medical license to be used for the purpose of ordering DMSO.

12. Based on the foregoing, Respondent has violated Section 456.072(1)(j), Florida Statutes, (2010), by aiding, assisting, procuring, employing or advising any unlicensed person to practice a profession contrary to Florida Statutes.

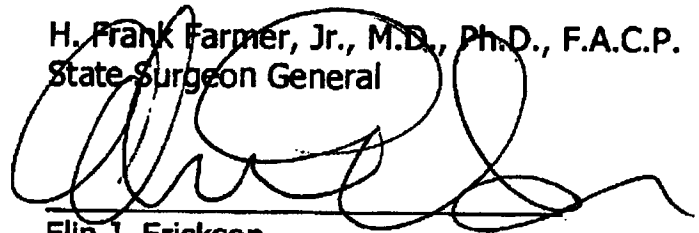
Eulogio Muncal Vizcarra, M.D.
2011-03114

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WHEREFORE, Petitioner respectfully requests that the Medical Board enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 14th day of October, 2011.

H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P.
State Surgeon General



Elin J. Erickson
Assistant General Counsel
DOH Prosecution Services Unit
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE OCT 17 2011

EJE/

PCP: October 14, 2011

PCP MEMBERS: Leon, El Sanadi & Levine

Eulogio Muncal Vizcarra, M.D.
2011-03114

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NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

Eulogio Muncal Vizcarra, M.D.
2011-03114

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE NOV 19 2012

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2009-24433

EULOGIO MUNCAL VIZCARRA, M.D.,

RESPONDENT.

AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Amended Administrative Complaint before the Board of Medicine against the Respondent, Eulogio Muncal Vizcarra, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this complaint, Respondent was a licensed physician within the State of Florida, having been issued license number 30012.

3. Respondent's address of record is 721 South Jefferson Street, Perry, Florida 32347.

4. Soma is the brand name for carisoprodol, a muscle relaxant commonly prescribed to treat muscular pain. According to Section 893.03(4), Florida Statutes, carisoprodol is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of carisoprodol may lead to limited physical or psychological dependence relative to the substances in Schedule III.

5. Vicodin and Lortab are brand names for Hydrocodone/APAP. Hydrocodone/APAP contains hydrocodone and acetaminophen, or Tylenol and is prescribed to treat pain. According to Section 893.03(3), Florida Statutes, hydrocodone, in the dosages found in hydrocodone/APAP is a Schedule III controlled substance that has a potential for abuse less than the substances in Schedules I and II and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. Percocet is the brand name for a drug that contains oxycodone and is prescribed to treat pain. According to Section 893.03(2), Florida Statutes, oxycodone is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of oxycodone to severe psychological or physical dependence.

7. Respondent prescribed Soma, Lortab, and Percocet to Patient J.C., on the dates and in the strengths and quantities described in the following table:

PATIENT J.C.

Soma 350 Mg.	Percocet 10/650 Mg.	Lortab 10/500 Mg.	Flexeril
	2/12/(2009) 10/650 Mg. 120 Tablets		
		4/8/(2009) 10/500 Mg. 120 Tablets	
	5/5/(2009) 10/650 Mg. 120 Tablets		
	6/2/(2009) 10/650 Mg. 120 Tablets		6/2/2009 10 Mg. 20 Tablets
	6/26/(2009) 10/650 Mg. 120 Tablets		6/26/2009 10 Mg. 20 Tablets
7/23/(2009) 350 Mg. 60 Tablets	5/26/(2009) 10/650 Mg. 120 Tablets		

Soma 350 Mg.	Percocet 10/650 Mg.	Lortab 10/500 Mg.	Flexeril
8/20/(2009) 350 Mg. 60 Tablets	8/20/(2009) 10/650 Mg. 120 Tablets		
9/18/(2009) 350 Mg. 60 Tablets	9/18/(2009) 10/650 Mg. 120 Tablets		
9/18/(2009) 350 Mg. 60 Tablets			

8. Respondent did not document nor did he perform a complete medical history, physical exam or neurologic examinations on Patient J.C.

9. Respondent failed to maintain complete medical records that justified the course of treatment and medications prescribed to Patient J.C.

10. Respondent did not develop nor did he document a treatment plan for Patient J.C.

COUNT ONE

11. Petitioner re-alleges and incorporates paragraphs 1 through 10 as if fully set forth herein.

12. Section 458.331(1)(m), Florida Statutes (2008-2009), provides that failing to keep legible medical records that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or

administered; and reports of consultations and hospitalizations, constitutes grounds for disciplinary action by the Board of Medicine.

13. Respondent failed to keep legible medical records justifying the course of treatment of Patient J.C., specifically by failing to document a justification for prescribing Soma, Lortab, and Percocet to Patient J.C.

14. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2008-2009), by failing to keep legible medical records that justify the course of treatment for Patient J.C.

COUNT TWO

15. Petitioner re-alleges and incorporates paragraphs 1 through 10 as if fully set forth herein.

16. Section 458.331(1)(t), Florida Statutes (2008-2009), subjects a doctor to discipline for committing medical malpractice as defined in Section 456.50. Section 456.50, Florida Statutes (2008-2009), defines medical malpractice as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure.

17. Level of care, skill, and treatment recognized in general law related to health care licensure means the standard of care specified in

Section 766.102. Section 766.102(1), Florida Statutes, defines the standard of care to mean "... The prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers. ...

18. Respondent failed to meet the required standard of care by prescribing Soma, Lortab, and/or Percocet to Patient J.C. without a known, documented medical condition requiring the prescribing of these medications.

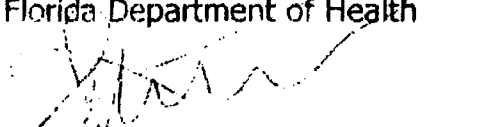
19. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes (2008-2009), by committing medical malpractice.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of

fees billed or collected, remedial education or any other relief that the Board deems appropriate.

SIGNED this 19th day of November, 2012.

John H. Armstrong, MD, FACS
Surgeon General and Secretary of Health
Florida Department of Health



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Fax (850) 245-4681

SRH/crv

PCP Date: November 16, 2012
PCP Members: Miguel, M.D. & Ms. Goersch

Eulogio M. Vizcarra, M.D.
(2009)-24433

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-37789

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.