

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-11-3055-<sup>FOI</sup>MQA  
FILED DATE - 12-14-11  
Department of Health  
By: Ango Sander  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2010-11215

LICENSE NO.: ME0019342

ENGIN G. AKSU, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 2, 2011, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Carol Gregg, Assistant General Counsel. Respondent was not present and was not represented by counsel. The facts are not in dispute.

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 \$5,000.00 to the Board within 30 days from the date this Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent shall document completion of the Laws and Rules course sponsored by the Florida Medical Association (FMA) within one year from the date this Final Order is filed.

3. Respondent's license to practice medicine in the State of Florida is hereby SUSPENDED until such time as he documents full reimbursement to the Agency for Health Care Administration for the overpayments.

4. Respondent shall be and hereby is REPRIMANDED by the Board.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$1,466.02. Said costs are to be paid within 30 days from the date this Final Order is filed.

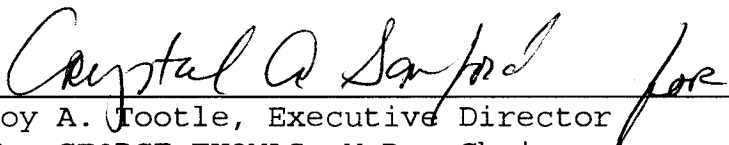
(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

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

DONE AND ORDERED this 12<sup>th</sup> day of December,

2011.

BOARD OF MEDICINE

  
Joy A. Tootle, Executive Director  
For GEORGE THOMAS, M.D., Chair

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. REVIEW 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 ENGIN G. AKSU, M.D., 637 Hibiscus Drive, Hallandale, Florida 33009; and by interoffice delivery to Veronica Donnelly, Department of

Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida

32399-3253 this 14<sup>th</sup> day of Dec., 2011.

Angel Sanders

**Deputy Agency Clerk**

7009 3410 0001 4584 5034

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City, S  
Street,  
or PO  
Suff.

To:

Post  
(Encl.)

End





Rick Scott  
Governor

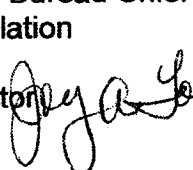
H. Frank Farmer, Jr., MD, PhD, FACP  
State Surgeon General

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**INTEROFFICE MEMORANDUM**

**DATE:** December 9, 2011

**TO:** Cassandra Pasley, BSN, J.D., Bureau Chief  
Health Care Practitioner Regulation

**FROM:** Joy A. Tootle, Executive Director  
Board of Medicine 

**SUBJECT:** Delegation of Authority

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This is to advise you that while I am out of the office on Monday December 12, 2011, Crystal Sanford is delegated to serve as acting Executive Director for the Board of Medicine. Ms. Sanford can be reached at (850) 245-4132.

JAT

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2010-11215**

**ENGIN G. AKSU, M.D.,**

**RESPONDENT.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health (Department), by and through its undersigned counsel, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Engin G. Aksu, 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 ME 19342. Respondent's license status is currently clear and active.

3. Respondent's address of record is 637 Hibiscus Drive, Hallandale, Florida 33009.

4. At all times material to this Complaint, Respondent was board certified by the American Board of Psychiatry and Neurology.

5. On or about May 8, 2008, the Florida Agency for Health Care Administration (AHCA) issued a Final Order in Case Numbers 07-1752MPI and 07-1754MPI ("Final Order") against Respondent. The Final Order arose from the alleged failure of Respondent to reimburse overpayments received by him from the Florida Medicaid program. The Final Order provided that a reimbursement of \$1,896.48, a fine of \$500, and a corrective action plan were due in Case Number 07-1754MPI, and that reimbursement of \$88,161.91 was due in Case Number 07-1752MPI. The Final Order imposed costs of \$1,000, in each case. The combined total due, for both cases, was \$92,558.39.

6. On or about April 6, 2010, in Case Number CI 10-1257-300, and on or about April 7, 2010, in Case Number CI 10-1258-100, AHCA issued a certified Final Agency Action letter which imposed sanctions against

Respondent, in each case, in the amount of \$5,000.00, for his failure to comply with the May 8, 2008, Final Order.

7. The April 6, 2010, and April 7, 2010, Final Agency Action letters advised Respondent that failure to pay each \$5,000.00 sanction within 30 days of his receipt of the letters could result in fines, suspension and termination from the Medicaid Program.

8. On or about June 28, 2010, AHCA filed an Amended Final Order in Case Numbers CI 10-1257-300 and CI 10-1258-100 ("Amended Final Order") against Respondent. The Amended Final Order imposed a fine in the amount of \$10,000 against Respondent which was immediately due and owing. The Amended Final Order arose from the April 6, 2010, and April 7, 2010, Final Agency Action letters. The Amended Final Order provided Respondent with a notice of his right to appeal the order within 30 days.

9. In a certified letter dated July 21, 2010, AHCA imposed immediate suspension from participation in the Medicaid program until Respondent showed proof of having remedied the violation(s) that gave rise to the suspension. The July 21, 2010, letter arose from Respondent's failure to comply with the April 6 and 7, 2010, Final Agency Action letters.



10. On or about October 12, 2010, AHCA filed a Suspension Final Order in Case Number CI 11-1325-600, suspending Respondent from participation in the Florida Medicaid program, pursuant to Rule 59G-9.070, Florida Administrative Code. The Suspension Final Order arose from Respondent's failure to show proof of having remedied the violation(s) that gave rise to the suspension.

11. Section 458.331(1)(g), Florida Statutes (2010), provides that failing to perform any statutory or legal obligation placed upon a licensed physician constitutes grounds for discipline by the Board. Respondent violated Section 458.331(1)(g), Florida Statutes (2010), in one or more of the following ways:

(a) By failing to comply with the May 8, 2008, Final Order, by failing to pay AHCA the amount of \$92,558.39 and failing to submit a corrective action plan; and/or

(b) By failing to comply with the October 12, 2010, Amended Final Order, by failing to pay a fine imposed in the amount of \$10,000.00.

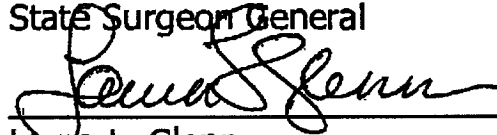
12. Based on the foregoing, Respondent has violated Section 458.311(1)(g), Florida Statutes (2010), by failing to comply with AHCA's

May 8, 2008, Final Order, and AHCA's October 12, 2010, Amended Final Order.

**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 and/or any other relief that the Board deems appropriate.

**SIGNED** this 9<sup>th</sup> day of September, 2011.

H. Frank Farmer, Jr., MD, PhD, FACP  
State Surgeon General



Laura L. Glenn  
Assistant General Counsel  
DOH, Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Florida Bar No. 0861413  
Telephone: (850) 245-4640  
Facsimile: (850) 245-4683

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Melisa Nobles*  
DATE *9-12-2011*

LLG:  
PCP: September 9, 2011  
PCP Members: Dr. Leon, Dr. Orr, Mr. Levine

DOH VS. ENGIN G. AKSU, M.D., Case No. 2010-11215

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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.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2010-11215

ENGIN G. AKSU, M.D.

Respondent.

\_\_\_\_\_ /

**MOTION TO ASSESS COSTS  
IN ACCORDANCE WITH SECTION 456.072(4)**

COMES NOW the Department of Health, by and through its undersigned counsel, and moves the Board of Medicine for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2003). As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board of Medicine will take up for consideration the above-styled disciplinary action and will enter a Final Order therein.

2. Section 456.072(4), Florida Statutes (2003),<sup>1</sup> states as follows:

<sup>1</sup> Ch. 2003-416, § 19, Laws of Fla., effective September 15, 2003, amended Section 456.072(4), Florida Statutes (2003), to include the underlined language.

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant to this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is not board, shall assess costs related to the investigation and prosecution of the case. Such costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. . . . (emphasis added)

3. The investigation and prosecution of this case has resulted in costs in the total amount of \$1,466.02, based on the following itemized statement of costs:

- a. Total costs for Complaints \$130.18
- b. Total costs for Investigations \$64.07
- c. Total costs for Legal \$1,271.77
- d. Total costs for expenses \$1,466.02

Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of \$1,466.02, as evidenced in the attached affidavit. (Exhibit A).

4. Should the Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion,

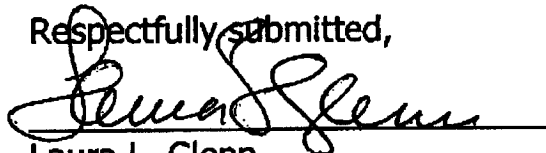
specifying the grounds for the objections and the specific elements of the costs to which the objections are made, the Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

5. Petitioner requests that the Board grant this motion and assess costs in the amount of \$1,466.02 as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2003).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against the Respondent in the amount of \$1,466.02.

DATED this 19th day of October, 2011.

Respectfully submitted,



Laura L. Glenn  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, FL 32399-3265  
Florida Bar # 0861413  
(850) 245-4640 / (850) 245-4681 FAX

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been provided by U.S. Certified Mail, return receipt requested, this 19<sup>th</sup> day of October, 2011, to: Engin G. Aksu, M.D., 637 Hibiscus Drive, Hallandale, Florida 33009.

  
Laura L. Glenn

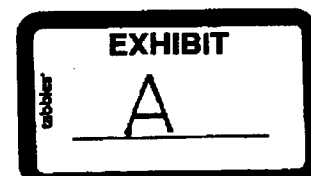
## AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA  
COUNTY OF LEON:

**BEFORE ME**, the undersigned authority, personally appeared **SHANE WALTERS** who was sworn and states as follows:

- 1) My name is Shane Walters.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am the Operations and Management Consultant Manager (OMCM) for the Consumer Services and Compliance Management Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As OMCM of the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) **2010-11215** (Department of Health v Engin G. Aksu, M.D.) are **ONE THOUSAND FOUR HUNDRED SIXTY-SIX DOLLARS AND TWO CENTS (\$1,466.02)**.
- 6) The costs for DOH case number **2010-11215** (Department of Health v. Engin G. Aksu, M.D) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case number **2010-11215** (Department of Health v. Engin G. Aksu, M.D) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators

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and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

- 9) Shane Walters, first being duly sworn, states that she has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Shane Walters  
Shane Walters, Affiant

State of Florida  
County of Leon

Sworn to and subscribed before me this 18 day of October, 2011,  
by Shane Walters, who is personally known to me.

Kristie L. Butler  
Notary Signature

Kristie L. Butler  
Name of Notary Printed

Stamp Commissioned Name of Notary Public:



## Complaint Cost Summary

Complaint Number: 201011215

Subject's Name: AKSU. ENGIN G

	***** Cost to Date *****	
	Hours	Costs
<b>Complaint:</b>	2.20	\$130.18
<b>Investigation:</b>	1.10	\$64.07
<b>Legal:</b>	11.40	\$1,271.77
<b>Compliance:</b>	0.00	\$0.00
	*****	*****
<b>Sub Total:</b>	14.70	\$1,466.02
<b>Expenses to Date:</b>		\$0.00
<b>Prior Amount:</b>		\$0.00
<b>Total Costs to Date:</b>		\$1,466.02

**Time Tracking System  
Itemized Cost by Complaint**

Complaint 201011215

Report Date 10/18/2011

Staff Code Activity Hours Staff Rate Cost Activity Date Activity Code Activity Description

**CONSUMER SERVICES UNIT**

HA123	0.50	\$61.04	\$30.52	06/08/2010	25	REVIEW CASE FILE
HA123	0.50	\$61.04	\$30.52	06/30/2010	25	REVIEW CASE FILE
HA123	0.50	\$57.62	\$28.81	07/28/2010	25	REVIEW CASE FILE
HA123	0.70	\$57.62	\$40.33	10/18/2010	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA123	0.90	\$57.62	\$51.86	11/24/2010	77	PREPARATION OF DESK INVESTIGATION SYNOPSIS
HA110	0.20	\$61.04	\$12.21	11/24/2010	4	ROUTINE INVESTIGATIVE WORK
<b>Sub Total</b>	<b>3.30</b>		<b>\$194.25</b>			

**PROSECUTION SERVICES UNIT**

HLL85B	0.20	\$111.56	\$22.31	04/21/2011	74	MEETINGS WITH DEPARTMENT STAFF
HLL85B	0.20	\$111.56	\$22.31	04/21/2011	88	PROOFING AND SIGNING LETTERS
HLL85B	0.30	\$111.56	\$33.47	04/22/2011	88	PROOFING AND SIGNING LETTERS
HLL85B	0.20	\$111.56	\$22.31	05/02/2011	37	REVIEW LETTER
HLL85B	0.20	\$111.56	\$22.31	05/09/2011	26	PREPARE OR REVISE MEMORANDUM
HLL85B	0.20	\$111.56	\$22.31	07/20/2011	25	REVIEW CASE FILE
HLL85B	0.30	\$111.56	\$33.47	07/20/2011	36	PREPARATION OR REVISION OF LETTER
HLL85B	0.50	\$111.56	\$55.78	07/28/2011	35	TELEPHONE CALLS
HLL85B	2.00	\$111.56	\$223.12	07/31/2011	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL85B	2.00	\$111.56	\$223.12	08/01/2011	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL85B	0.40	\$111.56	\$44.62	08/01/2011	115	CONTACT WITH INVESTIGATORS
HLL85B	0.20	\$111.56	\$22.31	08/02/2011	115	CONTACT WITH INVESTIGATORS
HLL23B	0.20	\$111.56	\$22.31	08/03/2011	29	REVIEW ADMINISTRATIVE COMPLAINT
HLL85B	0.30	\$111.56	\$33.47	08/04/2011	89	PROBABLE CAUSE PREPARATION
HLL85B	0.20	\$111.56	\$22.31	08/06/2011	89	PROBABLE CAUSE PREPARATION
HLL85B	0.70	\$111.56	\$78.09	09/08/2011	89	PROBABLE CAUSE PREPARATION
HLL85B	0.30	\$111.56	\$33.47	09/09/2011	62	REVIEW OF CASES FOR PROBABLE CAUSE PANEL
HLL85B	0.50	\$111.56	\$55.78	09/13/2011	91	BOARD MEETING PREPARATION
HLL85B	1.00	\$111.56	\$111.56	09/14/2011	90	POST PROBABLE CAUSE PROCESSING

**Time Tracking System  
Itemized Cost by Complaint**

Complaint 201011215

Report Date 10/18/2011

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL85B	0.30	\$1111.56	\$33.47	09/14/2011	90	POST PROBABLE CAUSE PROCESSING
HLL85B	0.20	\$1111.56	\$22.31	09/14/2011	90	POST PROBABLE CAUSE PROCESSING
HLL85B	0.60	\$1111.56	\$66.94	10/12/2011	91	BOARD MEETING PREPARATION
HLL85B	0.20	\$1111.56	\$22.31	10/12/2011	74	MEETINGS WITH DEPARTMENT STAFF
HLL85B	0.20	\$1111.56	\$22.31	10/12/2011	37	REVIEW LETTER
<b>Sub Total</b>	<b>11.40</b>		<b>\$1,271.77</b>			

<b>Total Cost</b>	<b>\$1,466.02</b>
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**\*\*\* CONFIDENTIAL \*\*\***  
**Time Tracking System**  
**Itemized Expense by Complaint**  
**Complaint**

Report Date: 10/18/2011

Page 1 of 1

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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SubTotal  
Total Expenses