

FILED DATE FEB 16 2016

Department of Health

By: Angela Sabes
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2013-11391

LICENSE NO.: ME0029911

ROGER ROUSSEAU, M.D.,

Respondent.

FINAL ORDER


THIS CAUSE came before the BOARD OF MEDICINE (Board) on February 5, 2016, in Orlando, 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 15 day of February, 2016.

BOARD OF MEDICINE


Adrienne Rodgers, Interim Executive Director
For Steven Rosenberg, 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 ROGER ROUSSEAU, M.D., 14707 South Dixie Highway, PH 403, Miami, Florida; and FDC Miami, #03652-104, P. O. Box 019120, Miami, Florida 33101; to Joaquin Mendez, Esquire, 100 SE 2nd Street, Suite 2700, Miami, Florida 33131; by email to Yolonda Green, Assistant General Counsel, Department of Health, at Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 16th day of February, 2016.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

CLERK
DATE

FILED
Department Of Health
Deputy Clerk
Angel Sanders
12/10/2015

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2013-11391

ROGER ROUSSEAU, M.D.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Roger Rousseau, M.D., license No. ME 29911, 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. As with any disciplinary action, this relinquishment will be reported to the National Practitioner's Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to never reapply for licensure as a Physician 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 23rd day of NOVEMBER, 20 15.



Roger Rousseau, M.D.


STATE OF _____
COUNTY OF _____

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

Sworn to and subscribed before me this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

Witnessed by: Joaquin Mendez / 
100 S.E. 25th St #2700
Miami FL 33131
FL Bar. No. 0814652
11/23/2015

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2013-11391

ROGER ROUSSEAU, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Roger Rousseau, M.D., and in support thereof alleges:

1. 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. At all times material to this Complaint, Respondent was a licensed physician assistant within the State of Florida, having been issued license number ME 29911.

3. Respondent's address of record is 14707 S. Dixie Highway, Suite 403, Miami, FL 33176.

4. On or about August 24, 2015, Respondent was convicted of one count of Conspiracy to Commit Health Care Fraud in the United States District Court for the Southern District of Florida, Case Number 13-CR-20505 ("Respondent's first conviction").

5. On or about August 24, 2015, Respondent was convicted of two counts of Health Care Fraud in the United States District Court for the Southern District of Florida, Case Number 13-CR-20505 ("Respondent's second conviction").

5. Respondent's first conviction constitutes a crime relating to health care fraud.

6. Respondent's second conviction constitutes a crime relating to health care fraud.

7. Respondent's first conviction constitutes a crime relating to Respondent's practice as a licensed physician.

8. Respondent's second conviction constitutes a crime relating to Respondent's practice as a licensed physician.

9. Respondent failed to report Respondent's first conviction to the Board of Medicine, in writing, within thirty (30) days of the date of Respondent's first conviction.

10. Respondent failed to report Respondent's second conviction to the Board of Medicine, in writing, within thirty (30) days of the date of Respondent's second conviction.

11. Respondent failed to update Respondent's profile to include information regarding Respondent's first conviction within fifteen (15) days of the conviction.

12. Respondent failed to update Respondent's profile to include information regarding Respondent's second conviction within fifteen (15) days of the conviction.

COUNT ONE

13. Petitioner re-alleges and incorporates paragraphs one (1) through twelve (12), as if fully set forth herein.

14. Section 456.072(1)(c), Florida Statutes (2015), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession constitutes grounds for disciplinary action by the Board of Medicine.

15. Respondent's first conviction relates to Respondent's practice as a licensed physician.

16. Respondent's second conviction relates to Respondent's practice as a licensed physician.

17. Based on the foregoing, Respondent violated Section 456.072(1)(c), Florida Statutes (2015).

COUNT TWO

18. Petitioner re-alleges and incorporates paragraphs one (1) through twelve (12), as if fully set forth herein.

19. Section 456.072(1)(II), Florida Statutes (2015), provides that being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud constitutes grounds for disciplinary action by the Board of Medicine.

20. Respondent's first conviction relates to health care fraud.

21. Respondent's second conviction relates to health care fraud.

22. Based on the foregoing, Respondent violated Section 456.072(1)(II), Florida Statutes (2015).

COUNT THREE

23. Petitioner re-alleges and incorporates paragraphs one (1) through twelve (12), as if fully set forth herein.

24. Section 456.072(1)(x), Florida Statutes (2015), provides that failing to report to the Board, or the Department if there is no Board, in writing within thirty (30) days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction constitutes grounds for discipline by the Board of Medicine.

25. Respondent failed to report Respondent's first conviction to the Board, in writing, within thirty (30) days.

26. Respondent failed to report Respondent's second conviction to the Board, in writing, within thirty (30) days.

27. Based on the foregoing, Respondent violated Section 456.072(1)(x), Florida Statutes (2015).

COUNT FOUR

28. Petitioner re-alleges and incorporates paragraphs one (1) through twelve (12), as if fully set forth herein.

29. Section 456.072(1)(w), Florida Statutes (2015) provides that failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial

or renewal licensure application constitutes grounds for discipline by the Board of Medicine.

30. Section 456.042, Florida Statutes (2015) states that a practitioner must submit updates of required information within 15 days after the final activity that renders such information a fact.

31. Respondent failed to update Respondent's practitioner profile to include information regarding the first conviction within fifteen (15) days of the conviction.


32. Respondent failed to update Respondent's practitioner profile to include information regarding the second conviction within fifteen (15) days of the conviction.

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.

[signature appears on the following page]

SIGNED this 9th day of November, 2015.

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



Peter V. Delia
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Florida Department of Health
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FILED
Department Of Health
Deputy Clerk
CLERK *Angel Sanders*
DATE **NOV 09 2015**

PVD
PCP Date: November 6, 2015
PCP Members: Dr. Mark Avila, Dr. Bernardo Fernandez, Ms. Joy Tootle

**DOH v. ROGER ROUSSEAU, M.D.
CASE NO. 2013-11391**

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. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

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 any other discipline imposed.