

FILED DATE - AUG 17 2018

Department of Health

By: Amy L. Conway
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-09664
LICENSE NO.: ME0076635

JAMES A. COCORES, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57, Florida Statutes, on August 3, 2018, in Fort Lauderdale, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. Respondent was served with the Administrative Complaint by publication. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, Respondent waived the right to a hearing pursuant to Section 120.57, Florida Statutes. At the hearing, Petitioner was represented by Christopher Dierlam, 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:

Respondent's license to practice medicine in the State of Florida is hereby **SUSPENDED** until Respondent demonstrates compliance with the Board's previous Final Order filed in this matter on August 26, 2013.

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 \$1,327.59. 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 17th day of August, 2018.

BOARD OF MEDICINE

Claudia Kemp
Claudia Kemp, J.D., Executive Director
For Jorge J. Lopez, 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 **Certified Mail** to JAMES A. COCORES, M.D., 5219 Wallis Road, Apt. D., West Palm Beach, Florida 33415; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A.

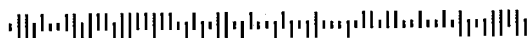
Tellechea, Chief Assistant Attorney General, at

Ed.Tellechea@myfloridalegal.com this 17th day of

August, 2018.

Amy L. Carrara

Deputy Agency Clerk



James A. Cocores, M.D.
5219 Wallis Rd.
Apt. D
West Palm Beach, FL 33415

Certified Article Number

9414 7266 9904 2104 1105 12

SENDER'S RECORD

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2017-09664

JAMES ALEXANDER COCORES, M.D.,

Respondent.

_____ /

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

The Department of Health, by and through counsel, moves the Board of Medicine for entry of a Final Order assessing costs against Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2017). 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.

2. Section 456.072(4), Florida Statutes (2017), states, in pertinent part, as follows:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, under 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 no board, shall assess costs related to the investigation and prosecution of the case. The 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....

3. As evidenced in the attached affidavit (Exhibit A), the investigation and prosecution of this case has resulted in costs in the total amount of **\$2,374.17**, based on the following itemized statement of costs:

- a. Total costs for Complaints **\$42.73**
- b. Total costs for Investigations **\$935.86**
- c. Total costs for Legal **\$1,046.58**
- d. Total costs for expenses **\$349.00**

4. The attached affidavit reflects the Department's costs for attorney time in this case as \$1,046.58 (Exhibit A). The cost of obtaining an affidavit from an outside attorney will be greater than \$2,000.00. The Department, therefore, is not seeking costs for attorney time in this case.

5. Should 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 objections are made, 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.

6. Petitioner requests that the Board grant this motion and assess costs in the amount of \$1,327.59 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 (2017).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against Respondent in the amount of \$1,327.59.

[Signatures appear on the following page.]

Respectfully submitted,



Christopher R. Dierlam
Assistant General Counsel
Florida Bar Number 102266
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(P): (850) 558-9833
(F): (850) 245-4684
(E): Christopher.Dierlam@flhealth.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been furnished via Certified U.S. Mail to Respondent: James Alexander Cocores, M.D., 5219 Wallis Road, Apt. D, West Palm Beach, Florida 33415 and 8835 NW 3rd Court, Coral Springs, Florida 33071, on this 30th day of May, 2018.



Christopher R. Dierlam
Assistant General Counsel
DOH Prosecution Services Unit

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 Senior Management Analyst II (SMAll) 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 SMAll 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) **2017-09664** (Department of Health v **James Alexander Cocores, M.D.**) is **TWO THOUSAND THREE HUNDRED SEVENTY-FOUR DOLLARS AND SEVENTEEN CENTS (\$2,374.17)**.
- 6) The costs for DOH case number **2017-09664** (Department of Health v **James Alexander Cocores, 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 **2017-09664** (Department of Health v **James Alexander Cocores, 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 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 he 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 26 day of April, 2018,
by Shane Walters, who is personally known to me.

[Signature]

Notary Signature

Name of Notary Printed

Stamp Commissioned Name of Notary Public:



Complaint Cost Summary

Complaint Number: 201709664

Subject's Name: COCORES, JAMES ALEXANDER

	**** Cost to Date ****	
	Hours	Costs
Complaint:	0.70	\$42.73
Investigation:	15.00	\$935.86
Legal:	9.60	\$1,046.58
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	25.30	\$2,025.17
Expenses to Date:		\$349.00
Prior Amount:		\$0.00
Total Costs to Date:		\$2,374.17



Time Tracking System
Itemized Cost by Complaint

Complaint 201709664

Report Date 04/26/2018

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
CONSUMER SERVICES UNIT						
HA52	0.50	\$61.03	\$30.52	06/07/2017	25	REVIEW CASE FILE
HA52	0.70	\$61.03	\$42.72	07/28/2017	76	REPORT WRITING
HA23	0.20	\$61.03	\$12.21	08/01/2017	2	OFFICE SUPERVISORY DUTIES
Sub Total	1.40		\$85.45			

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
INVESTIGATIVE SERVICES UNIT						
WI110	0.20	\$64.46	\$12.89	12/07/2017	176	REPORT PREPARATION
WI110	0.60	\$64.46	\$38.68	12/07/2017	6	SUPPLEMENTAL INVESTIGATION
WI110	0.50	\$64.46	\$32.23	12/07/2017	76	REPORT WRITING
WI110	0.80	\$64.46	\$51.57	12/11/2017	58	TRAVEL TIME
WI110	0.20	\$64.46	\$12.89	12/11/2017	6	SUPPLEMENTAL INVESTIGATION
WI110	0.50	\$64.46	\$32.23	12/11/2017	6	SUPPLEMENTAL INVESTIGATION
WI110	0.30	\$64.46	\$19.34	12/11/2017	76	REPORT WRITING
WI130	0.90	\$64.46	\$58.01	12/20/2017	58	TRAVEL TIME
WI130	0.20	\$64.46	\$12.89	12/20/2017	4	ROUTINE INVESTIGATIVE WORK
WI110	0.30	\$64.46	\$19.34	12/20/2017	6	SUPPLEMENTAL INVESTIGATION
WI110	0.70	\$64.46	\$45.12	12/20/2017	76	REPORT WRITING
WI110	0.40	\$64.46	\$25.78	12/20/2017	6	SUPPLEMENTAL INVESTIGATION
WI110	0.30	\$64.46	\$19.34	12/21/2017	176	REPORT PREPARATION
WI110	0.50	\$64.46	\$32.23	12/21/2017	76	REPORT WRITING
LI120	1.40	\$50.82	\$71.15	02/09/2018	58	TRAVEL TIME
LI120	0.30	\$50.82	\$15.25	02/09/2018	4	ROUTINE INVESTIGATIVE WORK
WI130	3.60	\$64.46	\$232.06	02/12/2018	6	SUPPLEMENTAL INVESTIGATION
WI110	0.20	\$64.46	\$12.89	02/12/2018	6	SUPPLEMENTAL INVESTIGATION
LI120	0.40	\$50.82	\$20.33	02/14/2018	4	ROUTINE INVESTIGATIVE WORK
WI130	0.30	\$64.46	\$19.34	02/19/2018	6	SUPPLEMENTAL INVESTIGATION
WI121	0.70	\$64.46	\$45.12	02/22/2018	58	TRAVEL TIME
WI121	0.20	\$64.46	\$12.89	02/22/2018	6	SUPPLEMENTAL INVESTIGATION



Time Tracking System
Itemized Cost by Complaint

Complaint 201709664

Report Date 04/26/2018

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
WI130	0.80	\$64.46	\$51.57	03/06/2018	6	SUPPLEMENTAL INVESTIGATION
Sub Total	14.30		\$893.14			

PROSECUTION SERVICES UNIT

HLL131B	0.20	\$109.02	\$21.80	08/02/2017	25	REVIEW CASE FILE
HLL124B	0.70	\$109.02	\$76.31	08/31/2017	25	REVIEW CASE FILE
HLL124B	0.30	\$109.02	\$32.71	08/31/2017	35	TELEPHONE CALLS
HLL124B	0.50	\$109.02	\$54.51	08/31/2017	28	PREPARE OR REVISE ADMINISTRATIVE COMP
HLL124B	2.00	\$109.02	\$218.04	09/05/2017	28	PREPARE OR REVISE ADMINISTRATIVE COMP
HLL124B	0.30	\$109.02	\$32.71	09/07/2017	29	REVIEW ADMINISTRATIVE COMPLAINT
HLL124B	0.30	\$109.02	\$32.71	09/13/2017	89	PROBABLE CAUSE PREPARATION
HLL124B	0.30	\$109.02	\$32.71	09/25/2017	89	PROBABLE CAUSE PREPARATION
HLL124B	1.10	\$109.02	\$119.92	10/23/2017	89	PROBABLE CAUSE PREPARATION
HLL124B	0.20	\$109.02	\$21.80	10/24/2017	89	PROBABLE CAUSE PREPARATION
HLL122A	0.20	\$109.02	\$21.80	10/27/2017	63	PRESENTATION OF CASES TO PROBABLE CAU
HLL124B	0.20	\$109.02	\$21.80	10/30/2017	36	PREPARATION OR REVISION OF LETTER
HLL124B	0.40	\$109.02	\$43.61	12/06/2017	6	SUPPLEMENTAL INVESTIGATION
HLL124B	0.20	\$109.02	\$21.80	01/19/2018	103	REVIEW SUPPLEMENTAL REPORT
HLL124B	0.30	\$109.02	\$32.71	02/09/2018	25	REVIEW CASE FILE
HLL124B	0.20	\$109.02	\$21.80	02/12/2018	115	CONTACT WITH INVESTIGATORS
HLL124B	0.40	\$109.02	\$43.61	03/05/2018	103	REVIEW SUPPLEMENTAL REPORT
HLL124B	0.50	\$109.02	\$54.51	03/05/2018	25	REVIEW CASE FILE
HLL124B	0.60	\$109.02	\$65.41	03/21/2018	74	MEETINGS WITH DEPARTMENT STAFF
HLL124B	0.70	\$109.02	\$76.31	03/22/2018	74	MEETINGS WITH DEPARTMENT STAFF
Sub Total	9.60		\$1,046.58			

Total Cost	\$2,025.17
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Time Tracking System
Itemized Cost by Complaint

Complaint 201709664

Report Date 04/26/2018

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Descripti
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[REDACTED]						
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Time Tracking System
Itemized Expense by Complaint

Complaint 201709664

Report Date: 04/26/2018

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
PROSECUTION SERVICES UNIT				
HLL124B	03/22/2018	\$349.00	133100	LEGAL & OFFICIAL ADVERTISEMENTS
	SubTotal	\$349.00		
	Total Expenses	\$349.00		

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2017-09664

JAMES A. COCORES, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through undersigned counsel, files this Administrative Complaint before the Florida Board of Medicine against Respondent, James A. Cocores, 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 within the State of Florida, having been issued license number ME 76635.

3. Respondent's address of record is 5219 Wallis Rd., Apt. D, West Palm Beach, FL 33415.

4. On or about March 13, 2013, the Department filed a three-count Administrative Complaint against Respondent's Florida medical license in Department of Health case number 2011-08787.

5. The Administrative Complaint in case number 2011-08787 alleged Respondent violated section 458.331(1)(t)1, Florida Statutes (2011-2012) by committing medical malpractice, section 458.331(1)(q), Florida Statutes (2011-2012) by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice, and section 458.331(1)(m), Florida Statutes (2011-2012) by failing to keep legible medical records that justify the course of treatment of the patient.

6. On or about August 26, 2013, the Florida Board of Medicine filed Final Order Number DOH-13-1729-FOF-MQA, in case number 2011-08787 (Final Order).

7. The Final Order, among other things, required Respondent to pay a \$10,000 administrative fine within 30 days from the filing date of the Final Order and document completion of the Laws and Rules course sponsored by the Florida Medical Association within one year from the filing date of the Final Order.

8. On or about December 19, 2013, an order approving a payment plan for Respondent was approved. Pursuant to the payment plan the Respondent was required to make monthly payments in the amount of \$500.00 starting on April 1, 2014 with the final payment to be made on or before November 1, 2015.

9. To date, Respondent has failed to pay the administrative fine and has failed to document completion of the Laws and Rules course.

10. Section 458.331(1)(x), Florida Statutes (2014-2015), provides in pertinent part, violating a lawful order of the board or department previously entered in a disciplinary hearing constitutes grounds for disciplinary action by the Florida Board.

11. Respondent violated a lawful order of the board or department previously entered in a disciplinary hearing by failing to pay the administrative fine by November 1, 2015, and by failing to document completion of the Laws and Rules course within one year of the filing date of the Final Order.

12. Based on the foregoing, Respondent has violated section 458.331(1)(x), Florida Statutes (2014-2015), by failing to pay the administrative fine by November 1, 2015, and by failing to document

completion of the Laws and Rules course within one year of the filing date of the Final Order.

WHEREFORE, 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 27th day of October, 2017.

CELESTE PHILIP, MD, MPH
State Surgeon General and Secretary

Christopher Alberto

for

Christopher R. Dierlam 068814
Assistant General Counsel
Office of the General Counsel
Prosecution Services Unit
Florida Department of Health
4052 Bald Cypress Way, Bin #C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640, Ext. 8220
Facsimile: (850) 245-4684
Email: Christopher.Dierlam@flhealth.gov
Florida Bar Number: 102266

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK.

Anber Greene

DATE OCT 27 2017

PCP Date: October 27, 2017

PCP Members: Georges El-Bahri, M.D.; Gary Dolin, M.D., Bradley Levine

DOH v. James A. Cocores, M.D.

Case No. 2017-09664

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 to any other discipline imposed.