

FILED DATE - APR 23 2018

Department of Health

By: Bridget Coates
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-11109
LICENSE NO.: ME0036112

FRANCISCO JOSE PAGES, 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 April 6, 2018, in Tampa, 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 Geoffrey Christian, Assistant General Counsel. Respondent was present but 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 \$1,000.00 to the Board within 3 months of reinstatement of licensure. Said fine shall be paid by money order or cashier's check.

2. Respondent's license to practice medicine in the State of Florida is hereby **SUSPENDED** until Respondent documents compliance with all the terms and requirements of the previous Final Order filed in DOH Case No. 2011-18838.

3. 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 \$152.57. 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 20th day of April, 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 FRANCISCO JOSE PAGES, M.D., 151 Fairway Drive, Unit 2312, Miami Springs, Florida 33166; 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 23rd day of
April, 2018.

Bridget Cortes

Certified Article Number

9414 7266 9904 2104 1062 94

SENDER'S RECORD

Deputy Agency Clerk

|||||
Francisco Jose Pages, M.D.,
151 Fairway Drive nti 2312
Miami, FL 33166

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NUMBER 2017-11109

FRANCISCO JOSE PAGES, 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 (2016). 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 (2016), 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 \$599.54, based on the following itemized statement of costs:

- a. Total costs for Complaint \$54.93
- b. Total costs for Investigation \$97.64
- c. Total costs for Legal \$446.97
- d. Total costs for Compliance \$0.00
- e. Total costs for expenses \$0.00

4. The attached affidavit reflects the Department's costs for attorney time in this case as \$446.97 (Exhibit A). The cost of obtaining an affidavit from an outside attorney will be greater than \$2,000.00. Therefore, the Department 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 \$152.57 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 (2016).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against Respondent in the amount of \$152.57.

(Signatures appear on next page)

DATED this 31st day of January, 2018.

Respectfully submitted,

Virginia Edwards

Virginia Edwards
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar #1003243
(P) (850) 558-9892
(F) (850) 245-4684
(E) Virginia.Edwards@flhealth.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via certified mail to Francisco Jose Pages, M.D., 151 Fairway Drive, Unit 2312, Miami Springs, Florida 33166, this 31st day of January, 2018.

Virginia Edwards

Virginia Edwards
Assistant General Counsel

VE/tgc

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 **2017-11109** (Department of Health v. **Francisco Jose Pages, M.D.**) are **FIVE HUNDRED NINETY-NINE DOLLARS AND FIFTY-FOUR CENTS (\$599.54)**.
- 6) The costs for DOH case number **2017-11109** (Department of Health v. **Francisco Jose Pages, 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 **2017-11109** (Department of Health v. **Francisco Jose Pages, 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 his 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 23 day of January, 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: 201711109

Subject's Name: PAGES, FRANCISCO JOSE

***** Cost to Date *****		
	Hours	Costs
Complaint:	0.90	\$54.93
Investigation:	1.60	\$97.64
Legal:	4.10	\$446.97
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	6.60	\$599.54
Expenses to Date:		\$0.00
Prior Amount:		\$0.00
Total Costs to Date:		\$599.54

Division of
Medical Quality Assurance



*** CONFIDENTIAL ***

Time Tracking System
Itemized Cost by Complaint

Complaint 201711109

Report Date 01/19/2018

Page 1 of 2

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
CONSUMER SERVICES UNIT						
HA73	0.50	\$61.03	\$30.52	06/29/2017	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA73	0.40	\$61.03	\$24.41	08/03/2017	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE,DEPT STAFF OR ATTY GEN OFF
HA73	0.80	\$61.03	\$48.82	08/08/2017	77	PREPARATION OF DESK INVESTIGATION SYNOPSIS
HA73	0.80	\$61.03	\$48.82	10/04/2017	76	REPORT WRITING
Sub Total	2.50		\$152.57			

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
PROSECUTION SERVICES UNIT						
HLL131B	0.20	\$109.02	\$21.80	10/06/2017	25	REVIEW CASE FILE
HLL120A	0.50	\$109.02	\$54.51	11/01/2017	29	REVIEW ADMINISTRATIVE COMPLAINT
HLL147A	0.70	\$109.02	\$76.31	11/02/2017	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL120A	0.30	\$109.02	\$32.71	11/02/2017	29	REVIEW ADMINISTRATIVE COMPLAINT
HLL147A	0.50	\$109.02	\$54.51	11/06/2017	89	PROBABLE CAUSE PREPARATION
HLL147A	0.10	\$109.02	\$10.90	11/13/2017	89	PROBABLE CAUSE PREPARATION
HLL147A	0.30	\$109.02	\$32.71	11/15/2017	25	REVIEW CASE FILE
HLL147A	0.10	\$109.02	\$10.90	12/06/2017	89	PROBABLE CAUSE PREPARATION
HLL147A	0.10	\$109.02	\$10.90	12/12/2017	89	PROBABLE CAUSE PREPARATION
HLL147A	0.20	\$109.02	\$21.80	12/15/2017	70	CONFERENCES WITH LAWYERS
HLL147A	0.10	\$109.02	\$10.90	12/15/2017	63	PRESENTATION OF CASES TO PROBABLE CAUSE PANEL
HLL147A	0.30	\$109.02	\$32.71	12/18/2017	90	POST PROBABLE CAUSE PROCESSING
HLL147A	0.10	\$109.02	\$10.90	01/08/2018	37	REVIEW LETTER
HLL147A	0.20	\$109.02	\$21.80	01/08/2018	25	REVIEW CASE FILE
HLL147A	0.30	\$109.02	\$32.71	01/08/2018	36	PREPARATION OR REVISION OF LETTER
HLL147A	0.10	\$109.02	\$10.90	01/09/2018	88	PROOFING AND SIGNING LETTERS
Sub Total	4.10		\$446.97			

[Redacted]

***** CONFIDENTIAL *****

**Time Tracking System
Itemized Cost by Complaint**

Complaint 201711109

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
Total Cost						
			\$599.54			

Division of
Medical Quality Assurance



*** CONFIDENTIAL ***

Time Tracking System
Itemized Expense by Complaint

Complaint 201711109

Report Date: 01/19/2018

Page 1 of 1

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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SubTotal

Total Expenses

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2017-11109

FRANCISCO JOSE PAGES, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Francisco Jose Pages, M.D., and 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 medical doctor within the state of Florida, having been issued license number ME 36112
3. Respondent's address of record is 151 Fairway Drive, Unit 2312, Miami Springs, FL 33166.

4. Respondent is board certified in Family Medicine by the American Board of Family Medicine.

5. On May 27, 2014, the Department filed a three count Administrative Complaint against Respondent's medical license in case number 2011-18838.

6. Count one of the Administrative Complaint in case number 2011-18838 alleged a violation of Section 458.331(1)(t), Florida Statutes (2009-2011), by committing medical malpractice as defined in Section 456.50 and/or by failing to practice medicine in accordance with the level of care, skill, and treatment which is recognized as acceptable and appropriate by reasonably prudent similar health care providers for nine patients.

7. Count two of the Administrative Complaint in case number 2011-18838 alleged a violation of Section 458.331(1)(m), Florida Statutes (2009-2011), by failing to maintain complete medical records for nine patients.

8. Count three of the Administrative Complaint in case number 2011-18838 alleged a violation of Section 458.331(1)(q), Florida Statutes (2009-2011), 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 for nine patients.

9. On March 3, 2015, the Board filed Final Order Number DOH-15-0350-S-MQA in case number 2011-18838 (Final Order). The Final Order imposed, among other things, the following discipline on Respondent:

- (a) The payment of \$7,869.63 in costs by April 2, 2015;
- (b) A two (2) year probation be placed on the Respondent's license, which shall remain in effect until the Respondent appears before the Board with a Florida CARES evaluation;
- (c) Completion of a Board-approved Laws and Rules Course to be completed by September 2, 2016; and
- (d) Completion of five (5) hours of Continuing Medical Education (CME) in Risk Management.

10. The probation required additional terms including:

- (a) the Respondent shall only practice under the supervision of a Board-approved physician as a "Monitor", who shall be Board certified in the same specialty area, practice within twenty (20) miles, and be readily available for consultation;

(b) Respondent shall notify the Board of any change in Monitor immediately, and submit the name of a temporary Monitor for consideration;

(c) Respondent must submit tri-annual reports, and ensure the Monitor submits tri-annual reports to the Board;

(d) Respondent shall appear before the Probation Committee at the first meeting of said Committee following the commencement of the probation, at the last meeting preceding scheduled termination of the probation, and as directed by the Committee; and

(e) Respondent is responsible to ensure the Monitor is present at the first meeting of said Committee following the commencement of the probation and other times as directed by the Committee.

11. As of the filing of this Complaint, Respondent has not paid the full amount of costs as required by the Final Order, and has a remaining balance of \$389.63.

12. As of the filing of this Complaint, the Respondent and Monitor have not made an appearance before the Board with a completed Florida CARES evaluation as required by the Final Order.

13. As of the filing of this Complaint, the temporary Monitor moved, and Respondent has not been under the supervision of a monitor since December 2016.

14. Respondent has since failed to provide the Board with the name and curriculum vitae of a temporary monitor.

15. As of the filing of this complaint, Respondent and the Monitor have failed to submit any tri-annual reports.

16. As of the filing of this complaint, Respondent has failed to complete the required CME in Risk Management.

17. As of the filing of this complaint, Respondent has failed to complete the required Laws and Rules course.

18. Respondent failed to comply with the Final Order of the Board.

19. Section 458.331(1)(x), Florida Statutes (2016-2017), provides that violating a lawful order of the Board previously entered in a disciplinary hearing constitutes grounds for disciplinary action by the Board.

20. Respondent has failed to comply with the Final Order in one or more of the following ways:

- (a) Respondent has failed to pay the full cost as required by the Final Order, and maintains an outstanding balance of \$389.63;
- (b) Respondent has failed to make an appearance with an approved Monitor in front of the Board with a completed Florida CARES evaluation as required by the Final Order;
- (c) Respondent has failed to work under the supervision of a Board-approved monitor as of December of 2016 as required by the Final Order;
- (d) Respondent has failed to provide the Board with the name and curriculum vitae of a replacement temporary monitor as required by the Final Order;
- (e) Respondent and the Monitor have failed to submit tri-annual reports as required by the Final Order;
- (f) Respondent has failed to complete the five (5) hours CME in Risk Management; and/or
- (g) Respondent has failed to complete the Laws and Rules Course.

21. Based on the foregoing, respondent has violated Section 458.331(1)(x), Florida Statutes (2016-2017), by violating a lawful order of the Board previously entered in a disciplinary hearing.

22. 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 18th day of December, 2017.

Celeste Philip, MD, MPH
Surgeon General and Secretary

Virginia Edwards

Virginia Edwards
Assistant General Counsel
Florida Bar No. 1003243
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 558-9892
Facsimile: (850) 245-4684
Email: Virginia.Edwards@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE DEC 18 2017

PCP Date: December 15, 2017

PCP Members: Georges El-Bahri, M.D., Hector Vila, M.D., Ms. Brigitte Goersch

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.