

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-21-1851-<sup>S</sup>-MQA  
FILED DATE - **DEC 27 2021**  
Department of Health  
By: *Amy R. Carraway*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2017-02770  
LICENSE NO.: ME0016269

EMILIO F. MONTERO, M.D.,

Respondent.

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FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on December 3, 2021, 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 22nd day of December, 2021.

BOARD OF MEDICINE

*Paul A. Vazquez*

Paul A. Vazquez (Dec 22, 2021 12:04 EST)

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Paul A. Vazquez, 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: Emilio F. Montero, M.D., 1812 Lakeland Hills Blvd., Lakeland, FL 33805-3004; 3116 Grasslands Drive, Lakeland, FL 33803; by email to: Chad Dunn, Chief Legal Counsel, Department of Health, at Chad.Dunn@flhealth.gov; and Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 27 day of December, 2021.



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Deputy Agency Clerk

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Bridget Coates*  
DATE: **SEP 17 2021**

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

2021 SEP 16 PM 1:20

PRACTITIONER REGULATION  
LEGAL

DEPARTMENT OF HEALTH,  
Petitioner,

v.

DOH Case No. 2017-02770

EMILIO F. MONTERO, M.D.,  
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Emilio F. Montero, M.D., license No. ME 16269, 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 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 medicine 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. If Respondent is a records owner, Respondent agrees to notify the Board specifying the new records owner and where medical records can be found.

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, 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 by the public. Respondent understands that this waiver of confidentiality is a permanent, non-revocable waiver.

5. 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 a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes.

6. 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.

7. 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.

8. 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.

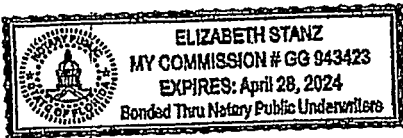
DATED this 2nd day of September, 2021.

Emilio F. Montero  
EMILIO F. MONTERO M.D.

STATE OF Florida  
COUNTY OF Polk

Before me, personally appeared Emilio F. Montero, whose identity is known to me or who produced 542319031 (type of identification) and who, under passport oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 2 day of September, 2021.



Elizabeth Stanz  
NOTARY PUBLIC

My Commission Expires:

2021 SEP 16 PM 1:20

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NUMBER 2017-02770**

**EMILIO F. MONTERO, M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Emilio F. Montero, 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 physician within the State of Florida, having been issued license number ME 16269.
3. Respondent's address of record is 1812 Lakeland Hills Blvd., Lakeland, Florida 33805-3004.

4. On or about December 30, 2016, the Agency for Health Care Administration ("AHCA") informed Respondent that AHCA was terminating Respondent's participation in the Florida Medicaid program and that this decision was based on the Federal Government's November 10, 2016, decision to terminate Respondent's participation in the Federal Medicare program.

5. On or about February 15, 2017, AHCA filed a Termination Final Order which formally terminated Respondent from participation in the Florida Medicaid program pursuant to section 409.913, Florida Statutes (2016), and Rule 59G-9.070, Florida Administrative Code (2016).

6. Section 456.072(1)(kk), Florida Statutes (2016), subjects any person to discipline for being terminated from the state Medicaid program pursuant to section 409.913, any other state Medicaid program, or the Federal Medicare program, unless eligibility to participate in the program has been restored.

7. The Federal Government and AHCA terminated Respondent from the Federal Medicare program and the Florida Medicaid program and Respondent has not had his eligibility to participate in either program restored.



8. Based on the foregoing, Respondent has violated section 456.072(1)(kk), Florida Statutes (2016), by being terminated from the Federal Medicare program and the Florida Medicaid program and not having his eligibility to participate in either restored.

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 BLOCK ON FOLLOWING PAGE]**

SIGNED this 20<sup>th</sup> day of April, 2018.

CELESTE PHILIP, MD, MPH  
State Surgeon General and Secretary



Christopher R. Dierlam  
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 **Amber Greene**  
DATE **APR 23 2018**

PCP: April 20, 2018

PCP Members: Stephanie Haridopolos, M.D.; 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.**