

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH CASE NO.: 2018-17794

ZOYA KOSMAN, M.D.,

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, Zoya Kosman, 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 111461.

3. Respondent's address of record is In Care Of Michael Lowery, 177 North State Street, Third Floor, Chicago, Illinois 60601.

4. On or about November 27, 2018, in case number 16-CR-403 of the United States District Court for the Northern District of Illinois, Respondent pled guilty to one count of Misuse of a Social Security Number, a felony, in violation of title 42, United States Code, section 408(a)(3).

5. Misuse of a Social Security Number as defined in title 42, United States Code, section 408(a)(3) and as applicable to Respondent's November 27, 2018, conviction is a crime related to the practice of medicine.

6. Respondent failed to report the November 27, 2018, conviction to the Board of Medicine in writing within 30 days of being convicted.

7. At all times material to this complaint, Respondent was a licensed physician within the state of Illinois, having been issued Illinois license number 036.108759.

8. The Illinois Department of Financial and Professional Regulation ("IDFPR") is the licensing authority charged with regulating the practice of medicine in Illinois.

9. On or about June 28, 2018, IDFPR entered an Order against Respondent refusing to permit her to renew her medical license.

10. The June 28, 2018, Order refusing to permit renewal of Respondent's license constitutes action against her license.

11. At all times material to this complaint, Respondent was a licensed physician within the state of California, having been issued California license number A 82420.

12. The California Department of Consumer Affairs ("CDCA") is the licensing authority charged with regulating the practice of medicine in California.

13. On February 1, 2019, CDCA entered an Order revoking Respondent's medical license.

14. The February 1, 2019, Order revoking Respondent's license constitutes action against her license.

15. Respondent failed to timely update her Florida practitioner profile to reflect the action taken by IDFPR on June 28, 2018.

16. Respondent failed to timely update her Florida practitioner profile to reflect the action taken by CDCA on February 1, 2019.

COUNT I

17. Petitioner re-alleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

18. Section 456.072(1)(c), Florida Statutes (2018), 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, to the ability to practice, a licensee's profession is grounds for discipline.

19. Respondent pled guilty to and was adjudicated guilty of a crime related to the practice of his profession, to wit: a guilty plea and adjudication of Misuse of a Social Security Number, a felony, in violation of title 42, United States Code, section 408(a)(3).

20. Based on the foregoing, Respondent violated section 456.072(1)(c), Florida Statutes (2018), by being convicted in any jurisdiction of a crime related to the practice of her profession.

COUNT II

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

22. Section 458.331(1)(b), Florida Statutes (2018), provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the

licensing authority of any jurisdiction, including its agencies and subdivisions, is grounds for discipline.

23. Respondent's medical license was acted against by the licensing authority of any jurisdiction in the following ways:

- (a) On or about June 28, 2018, IDFPR acted against Respondent's medical license by refusing to permit renewal of her Illinois medical license; and/or
- (b) On or about February 1, 2019, CDCA acted against Respondent's medical license by revoking her California medical license.

24. Based on the foregoing, Respondent violated section 458.331(1)(b), Florida Statutes (2018), by having her license acted against by licensing authority of Illinois and/or California.

COUNT III

25. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth herein.

26. Section 456.072(1)(x), Florida Statutes (2017), provides that failing to report to the board, or the department if there is no board, in writing within 30 days after a 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.

27. Respondent failed to report her November 27, 2018, conviction to the Board of Medicine in writing within 30 days of being convicted.

28. Based on the foregoing, Respondent violated section 456.072(1)(x), Florida Statutes (2018), by failing to report her conviction to the Board of Medicine in writing within 30 days of being convicted.

COUNT IV

29. Petitioner re-alleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

30. Pursuant to section 456.041(1)(a), Florida Statutes (2018), the Department of Health shall compile information submitted pursuant to section 456.039, Florida Statutes, into a practitioner profile for the applicant or licensee submitting the information.

31. Pursuant to section 456.039(1)(a)8, Florida Statutes (2018), an applicant or licensee must provide a description of any final disciplinary action taken within the previous ten (10) years against him or her by the agency regulating the profession that he or she is or has been licensed to practice, whether in the state of Florida or any other jurisdiction.

32. Section 456.042, Florida Statutes (2018), requires health care practitioners to submit updates of required information within 15 days after the final activity that renders such information a fact.

33. Section 456.072(1)(w), Florida Statutes (2018), provides that failing to comply with the requirements for profiling, including failing to timely provide updated information, is grounds for discipline.

34. Respondent failed to comply with the requirements for profiling by failing to timely provide updated information in the following ways:

- (a) Respondent failed to update her Florida practitioner profile within 15 days to reflect the final action taken by IDFPR on June 28, 2018; and/or
- (b) Respondent failed to update her Florida practitioner profile within 15 days to reflect the final action taken by CDCA on February 1, 2019.

35. Based on the foregoing, Respondent violated section 456.072(1)(w), Florida Statutes (2018), by failing to timely provide updated information to reflect the action(s) taken against his Illinois and/or California medical license as required by section 456.042, Florida Statutes (2018).

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 18th day of October, 2019.

SCOTT A. RIVKEES, M.D.
State Surgeon General



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FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: 

DATE: OCT 22 2019

PCP Date: October 18, 2019

PCP Members: Mark Avila, M.D.; Steven Rosenberg, M.D.; Mr. Nicholas Romanello

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.