

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2020-31933

FRANCO SICURO, M.D.,

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Franco Sicuro, M.D., and alleges in support therein:

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 130284.

3. Respondent's address of record is 14798 Brook Hill Drive, Chesterfield, MO, 63017.

4. On or about November 12, 2022, in the United States District Court for the Eastern District of Missouri, in case number 4:20-CR-00568-SEP(1), Respondent pled guilty to one count of Conspiracy to Commit Offense Against the United States, in violation of 18 U.S.C. § 371.

5. The Conspiracy was to defraud the United States, the Centers for Medicare and Medicaid Services through deceit, craft, or trickery to obtain payment for health care benefits, items, or services.

6. Health Care Fraud (including Medicare and Medicaid) is a crime that relates to Respondent's practice of, or his ability to practice, medicine.

7. Section 456.072(1)(c), Florida Statutes (2022), subjects a licensee to discipline for 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.

8. On November 12, 2022, Respondent pled guilty to one count of Conspiracy to Commit Offense Against the United States, in violation of 18

U.S.C. § 371; a crime which relates to his practice of, or his ability to practice, medicine.

9. Based on the foregoing, Respondent violated section 456.072(1)(c), Florida Statutes (2022).

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 on following page]

SIGNED this 27th day of September 2023.

Joseph A. Ladapo, MD, PhD
State Surgeon General

Kathryn Ball

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FILED

**DEPARTMENT OF HEALTH
DEPUTY CLERK**

CLERK: *Elizabeth Eubanks*

DATE: September 27, 2023

PCP Date: September 22, 2023

PCP Members: Dr. El-Bahri, Dr. Vila, Mr. Perez

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.