

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO: 0053649

PEDRO LUIS RODRIGUEZ, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, the Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Medical Examiners, against Pedro Luiz Rodriguez, M.D., hereinafter referred to as "Respondent, and alleges:

1. Petitioner, the Department of Professional Regulation, is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed physician in the State of Florida, having been issued license number ME 0036015. Respondent's last known address is 490 East 53rd Street, Hialeah, Florida 33013.

COUNT ONE

3. On or about March 13, 1980, Respondent signed a Form "B-1", which contains the following sworn statement above Respondent's signature:

"This is to certify that Jose A. Tudela born in Cuba and a graduate from the University of Santo Domingo (U.C.E.) on 1978 was legally engaged in the practice of medicine from _____ to _____ in Puerto Rico. I have known the applicant since 1968 and was acquainted with him/her during the time he practiced medicine. I was also (sic) engaged in the practice of medicine in U.S.A. during the years of 1968 and up."

4. The Form B-1 was submitted by Jose A. Tudela as a part of the applications process for licensure as a medical doctor to the Board of Medical Examiners.

5. The Form B-1, signed by Respondent for Jose A. Tudela and submitted to the Board of Medical Examiners, contains false or untrue information.

6. Based on the foregoing, Respondent violated Section 458.331(1)(f), Florida Statutes, by failing to report to the Board any person who the licensee knows is in violation of Chapter 458, Florida Statutes, or of the rules of the Department or the Board.

COUNT TWO

7. Petitioner realleges each and every paragraph above as if fully set forth herein this Count Two.

8. Based on the foregoing, Respondent violated Section 458.331(1)(g), Florida Statutes, by aiding, assisting, procuring or advising any unlicensed person to practice medicine contrary to this Chapter or to a rule of the Department or the Board.

COUNT THREE

9. Petitioner realleges each and every paragraph above as if fully set forth herein this Count Three.

10. Based on the foregoing, Respondent violated Section 458.331(1)(h), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensed physician. The specific statutory duty which Respondent is alleged to have failed to perform is the duty to disclose violations of Chapter 458, Florida Statutes, as set forth in Section 458.327 (2)(a), Florida Statutes, and Section 458.331(1)(f), Florida Statutes.

COUNT FOUR

11. Petitioner realleges each and every paragraph above as if fully set forth herein this Count Four.

12. Based on the foregoing, Respondent violated Section 458.331(1)(1), Florida Statutes, by making or filing a report which the licensee knows to be false. Such reports or records shall include only those which are signed in the capacity of a licensed physician.

COUNT FIVE

13. Petitioner realleges each and every paragraph above as if fully set forth herein this Count Five.

14. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes, by violating any provision of Chapter 458, Florida Statutes, or a rule of the Board or the Department.


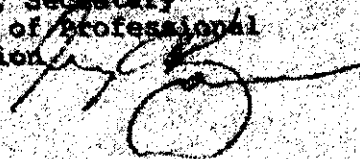
COUNT SIX

15. Petitioner realleges each and every paragraph above as if fully set forth herein this Count Six.

16. Based on the foregoing, Respondent violated Section 458.331(1)(h), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensed physician. The specific statutory or legal obligation which Respondent is alleged to have violated, is set forth in Section 837.06, Florida Statutes, which provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082, 775.083, 775.084, Florida Statutes.

WHEREFORE, Petitioner respectfully requests the Board of Medical Examiners to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 4 day of November, 1985.


FRED ROCHE, Secretary
Department of Professional
Regulation 

COUNSEL FOR DEPARTMENT:

Stephanie A. Daniel
Staff Attorney
Department of Professional
Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 488-0062

SAD/bg
03/14/85

PCR/09/19/85
LB & RF

FILED
DEPARTMENT OF PROFESSIONAL REGULATION

Melinda A. W. [Signature]
CLERK
DATE November 5, 1985

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DOAH CASE NO: 86-0216
DPR CASE NO: 0053649

PEDRO LUIS RODRIGUEZ, M.D.,

Respondent.

STIPULATION

Pedro Luis Rodriguez, M.D., hereinafter referred to as the "Respondent", and the Department of Professional Regulation, hereinafter referred to as the "Department", hereby stipulate and agree to the following joint Stipulation and a Final Order of the Board of Medical Examiners, hereinafter referred to as the "Board", incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent herein, Respondent was a licensed physician in the State of Florida, having been issued license number ME 0036015.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto and made a part hereof by reference thereto as Exhibit "A".
3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint attached hereto as Exhibit "A".

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed physician admits that in such capacity he is subject to the provisions of

Chapter 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent neither admits nor denies that the facts set forth in the foregoing Stipulated Facts constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455 and 458, Florida Statutes, or the rules promulgated pursuant thereto.

2. Respondent's license to practice medicine in the State of Florida shall be placed on probation for period of one (1) year. The terms and condition of probation are as follows:

a. The Respondent shall submit semi-annual reports by affidavit (the contents of which shall be sworn to and subscribed to by the licensee before a notary public as being true and correct), summarizing his practice activities. Such reports shall contain the following:

- i. Respondent's current practice address.
- ii. Respondent's current practice setting.
- iii. A specific statement addressing compliance with all other terms and conditions of the Final Order placing Respondent on probation, together with the required supporting documentation.

b. Respondent shall perform community service in the form of addressing foreign medical graduates in the medical community regarding the importance and significance of affidavits executed by Florida licensed physicians which are to be relied upon by the Board in licensing foreign medical graduates. Respondent shall perform 12 such lectures during the one (1) year period of probation. The lectures shall be performed on an average of approximately one (1) lecture per month during the probation period.

c. Respondent shall consult with a designated member of the Board of Medical Examiners for guidance as to the appropriate setting for his addresses.

3. The Respondent shall receive a reprimand from the Board of Medical Examiners.

4. It is expressly understood that this Stipulation is subject to approval of the Board and the Department and has no force and effect until an Order is based upon it by the Board.

5. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, the Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that the presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

6. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto as Exhibit "A" issued in this cause.

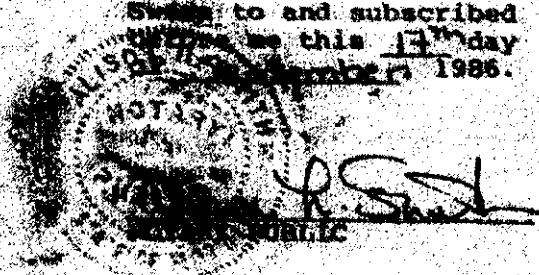
7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of facts, conclusions of law and imposition of

discipline, and the Final Order of the Board incorporating said Stipulation.

SIGNED this 17 day of September, 1986.

Pedro Luis Rodriguez, M.D.
Pedro Luis Rodriguez, M.D.

Sworn to and subscribed
before me this 17 day
of September, 1986.



My Commission Expires: Notary Public, State of New Jersey

APPROVED this 2 day of October, 1986.

Fred Roche
FRED ROCHE, Secretary
Department of Professional
Regulation

SAD/bs

FILED

BEFORE THE BOARD OF MEDICINE
Department of Professional Regulation
BOARD CLERK

CLERK

DATE

Jorge Alcala
2-20-87

EX: Legal Board

DEPARTMENT OF PROFESSIONAL REGULATION,

Petitioner,

VS.
PERRO LOIS RODRIGUEZ, M.D.,

DPR CASE NO. 0053649
LICENSE NO. ME 36015

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on December 6, 1986, in Tampa, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board rejected the Stipulation proposed and offered an amendment at the hearing, which amendment was accepted without objection by the parties.

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein with the following deletion:


Respondent shall not be required to perform the community service specified in paragraph (2)(b) of the Stipulated Disposition of the Stipulation.

Accordingly, the parties shall adhere to and abide by the terms and conditions of the Stipulation as amended.

This Order takes effect upon filing.

DONE AND ORDERED this 20 day of February, 1987.

BOARD OF MEDICINE


WILLIAM F. SCHERER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Pedro Luis Rodriguez, M.D., 491 East 53rd Street, Hialeah, Florida 33013 and by interoffice delivery to Stephanie A. Daniel, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, at or before 5:00 P.M., this 20 day of February, 1987.


Dorothy J. Partridge
Executive Director