

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

IN RE: Emergency Action Against the
License to Practice Medicine of
Evan James Zimmer, M.D.

License Number: ME 0044139

EMERGENCY ORDER

Fred Roche, Secretary of the Department of Professional Regulation, hereby Orders the Emergency Suspension of the license to practice medicine of Evan James Zimmer, M.D. Dr. Zimmer's license number is ME 0044139. The last known permanent address of Dr. Zimmer is 3775 East Tamiami Trail, Naples, Florida 33941. This Order is based on the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Section 455.225(7), Florida Statutes, empowers the Secretary of the Department of Professional Regulation to summarily suspend Dr. Zimmer's license to practice medicine in the State of Florida in accordance with Section 120.60(7), Florida Statutes.
2. At all times pertinent to this Order, Dr. Zimmer has been a duly licensed physician pursuant to the Medical Practice Act, Chapter 458, Florida Statutes.
3. Pursuant to information received from the Naples Police Department that Dr. Zimmer was suspected of unlawfully prescribing and self-administering controlled substances, the Department initiated investigation of Dr. Zimmer in March 1985. Visits were made to pharmacies close to Dr. Zimmer's office, witnesses were interviewed and prescription files were reviewed. According to several witnesses interviewed, Dr. Zimmer had prescribed controlled substances, and later, posing as the patient, picked up the drugs himself. Allegedly, on several occasions, when the pharmacist recognized Dr. Zimmer, he would explain that he was making a house call. On several occasions, when Dr. Zimmer was picking up a prescription, he staggered and lurched, and his speech was slurred, indicating at that time that

he was under the influence of alcohol or drugs. Some of the prescriptions reviewed were written by Dr. Zimmer for known drug law violators.

4. Subsequent to obtaining this information, a subpoena for patient records was issued by the Department. Of the nine patient records requested, for which patient prescriptions had been found, Dr. Zimmer was able to produce records for only four. Those four medical records failed to justify the controlled substance prescriptions found for those patients, including, but not necessarily limited to, lack of or inadequate recording of prescriptions and/or lack of or inadequate recording of test and/or examination results.

5. Several of the patients for whom Dr. Zimmer wrote prescriptions for controlled substances never received the drugs. Dr. Zimmer himself picked up these drugs after the prescriptions were filled.

6. The medical records obtained for patient H.D. reflect that Dr. Zimmer saw her on April 2, 1985, for a complaint of constant drowsiness. Dr. Zimmer diagnosed narcolepsy by the history related by the patient, but he failed to make a proper diagnosis by examination or test or by obtaining prior records of such examinations or tests. The patient's records reflect that on April 2, Dr. Zimmer prescribed 20 Dexedrine for her, however, the actual prescription written by Dr. Zimmer was for 100 Dexedrine. Dr. Zimmer also prescribed 86 Dexedrine (10 mg.) and 31 Dexedrine (15 mg.) on June 4, 1985 which was not reflected in the patient records. Dexedrine is the brand name for a drug containing a Schedule II amphetamine, as defined by Chapter 893, Florida Statutes.

7. During June 1985, Dr. Zimmer gave a prescription for 75 Dilaudid to R.K. A pharmacist subsequently refused to fill the prescription when R.K. stated that Dr. Zimmer had given him the prescription because R.K. had had a little back pain for the last couple of days. After the pharmacist refused to fill the

prescription, R.K. returned the prescription to Dr. Zimmer. Dr. Zimmer then had an office employee pose as R.K.'s wife to get the prescription filled.

7. On June 27, 1985, the Probable Cause Panel of the Board of Medical Examiners found probable cause to believe that Dr. Zimmer was in violation of Section 458.331(1)(s), Florida Statutes. Pursuant thereto, an Order Compelling Mental and Physical Examination was issued by the Department on July 3, 1985. Dr. Zimmer was aware of the appointments scheduled for these examinations on July 10 and was given a copy of said Order by his attorney. Dr. Zimmer failed to appear for either examination. Section 458.331(1)(s), Florida Statutes, provides that:

"Failure of a physician to submit to such examination when so directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence."

9. On July 27, 1985, Dr. Zimmer was involved in an auto accident and arrested for driving under the influence of drugs. At the scene of the accident, Dr. Zimmer was not in control of his faculties. At that time, 556 capsules and/or tablets were found in Dr. Zimmer's vehicle, the majority of which were mixed together in unlabeled bottles. Dr. Zimmer acknowledged ownership of the substances. These capsules and/or tablets included Tuinal, Ativan, Valium, Demerol, Tylox, Vicodin, Percocet, Xanax, Talwin, Dilaudid, Noctec, Didrex, Mepergan Fortis, Percodan and Halcion, which are the brand names for drugs containing scheduled controlled substances as defined by Chapter 893, Florida Statutes.

10. Dr. Zimmer's DEA license expired May 31, 1985, and has not been renewed. Prescriptions obtained from area pharmacies reflect that Dr. Zimmer has continued to write prescriptions for scheduled controlled substances subsequent to May 31, 1985.

CONCLUSIONS OF LAW

1. The Secretary has jurisdiction over this matter pursuant to Section 455.225(7), Florida Statutes.

2. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(l), Florida Statutes, by making deceptive, untrue or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

3. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(n), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results and test results.

4. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(q), Florida Statutes, 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.

5. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(s), Florida Statutes, by being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

6. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(t), Florida Statutes, by committing gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

7. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(x), Florida Statutes, by violating any provision of Chapter 458, a

rule of the Board or Department, or a lawful order of the Board or Department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Department.

8. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(cc), Florida Statutes, by prescribing, ordering, dispensing, administering, supplying, selling or giving any drug which is an Amphetamine or Sympathomimetic Amine drug or a compound designated as a Schedule II controlled substance, pursuant to Chapter 893, to or for any person for conditions other than those specified in Subsections (1) through (3) of Section 458.331(1)(cc), Florida Statutes.

9. Based on the foregoing findings of fact, the Secretary concludes that Dr. Zimmer has violated Section 458.331(1)(h), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensed physician, in that he has written prescriptions for scheduled controlled substances without possession of a valid DEA certificate, in violation of 21 C.F.R. Section 1306.03 (1984).

10. The Florida Legislature has recognized that the practice of medicine is potentially dangerous to the public if conducted by unsafe and incompetent practitioners. The legislative purpose for enacting Chapter 458, Florida Statutes, is to ensure that every physician practicing in this state meets minimum requirements for safe practice. Furthermore, it is the stated legislative intent that physicians who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. Dr. Zimmer fails to meet the minimum legislative requirements for practicing medicine in the State of Florida.

11. The Secretary finds that Dr. Zimmer's unrestricted practice of medicine, given the above circumstances, constitutes an immediate and serious danger to the public health, safety and welfare and therefore requires an emergency suspension of his

license to practice medicine pursuant to Section 120.60(7),

Florida Statutes.

WHEREFORE, in accordance with Section 120.54(9) and
120.60(7), Florida Statutes, it is

ORDERED:

1. The license of Evan James Zimmer, M.D., license number
Me 0044139, is hereby suspended on an emergency basis.

2. Appropriate administrative proceedings shall be promptly
instituted and acted upon in compliance with Section 120.60(7),

Florida Statutes.

DONE and ORDERED this 21st day of October, 1985.

Fred Roche
Fred Roche, Secretary
Dept. of Professional Regulation
130 North Monroe St.
Tallahassee, Florida 32301
(904) 488-0062

FR/CB/lem
10/14/85

FILED
DEPARTMENT OF PROFESSIONAL REGULATION
Melinda A. S. [Signature]
CLERK October 21, 1985
DATE _____

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

CASE NO: 0057808

vs.

EVAN J. ZIMMER, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

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

1. Petitioner, 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 physician in the State of Florida, having been issued license number ME 0044139. Respondent's last known address is 3775 East Tamiami Trail, Naples, Florida 33941.

COUNT ONE

3. A subpoena for patient medical records was served on Respondent on July 29, 1985. Of the nine medical records requested, only four were produced by Respondent.

4. The medical records obtained for patient K. P. consisted only of test results. Prescriptions written by Respondent and obtained through investigation indicate K.P. received 30 Valium on April 24, 1984; 100 Tylox on October 16, 1984; 100 Valium on April 24, 1984; and 40 Tylox on May 23, 1985.

5. Tylox, Vicodin, Valium and Xanax are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

6. K. P. did not receive the aforesaid prescriptions nor did he have any knowledge of the prescriptions.

7. Respondent had no medical records for patient J. P. However, prescriptions written by Respondent and obtained through investigation indicate J. P. received 60 Percodan on February 24, 1985; 60 Didrex on April 6, 1985; and 80 Percocet on June 5, 1985.

8. Percodan, Percocet and Didrex are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

9. The medical records obtained for a patient S. P. and prescriptions written by Respondent and obtained through investigation indicate S. P. received 30 Valium and 10 Tylox on September 6, 1984, and 40 Tylox on February 25, 1985, and that she received 60 Percodan and 40 Dilaudid on June 5, 1985. However, S. P. never received these medications.

10. Percodan, Dilaudid, Tylox, and Valium are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

11. Respondent had no medical records for patients D. W. and H. W. However, prescriptions written by Respondent and obtained through investigation indicate D. W. was given 75 Tylox on March 22, 1985. Such prescriptions also indicate H. W. was given 60 Tylox on December 27, 1984.

12. Tylox, Bancap, and Valium are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

13. The medical records obtained for patient T. C. do not reflect the prescriptions written by Respondent and obtained through investigation. These prescriptions indicate T. C. was given 50 Tylox on November 22, 1984; 75 Percodan on March 3, 1985; 60 Didrex on March 25, 1985; 75 Percodan on May 18, 1985; and 60 Dilaudid on June 2, 1985.

14. Percodan, Dilaudid, Tylox, and Didrex are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

15. Respondent had no medical records for patient R. S. However, prescriptions written by Respondent and obtained through investigation, indicate R. S. received 50 Tylox on November 9, 1984, and 10 Tuinal and 20 Percocet on January 13, 1985.

16. Percocet, Tuinal and Tylox are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

17. The medical records obtained for patient H. D. reflect that Respondent saw her on April 2, 1985, for a complaint of constant drowsiness. Respondent diagnosed narcolepsy by the history related by the patient, but the records fail to reflect that Respondent confirmed this diagnosis by any examination or test or by obtaining prior records of such examinations or tests.

18. H. D.'s records indicate that Respondent prescribed 20 Dexedrine for H. D. on April 2; however, the prescription written by Respondent and obtained through investigation reflects 100 Dexedrine. Other such prescriptions reflect that H. D. was given 86 Dexedrine 10 mg. and 31 Dexedrine on June 4, 1985.

19. Dexedrine is the brand name for a drug containing a Schedule II Amphetamine, pursuant to Chapter 893, Florida Statutes.

20. Respondent had no medical records for patient J. L. However, prescriptions written by Respondent, and obtained through investigation, indicate J. L. was given 30 Halcion and 60 Bancaps on November 12, 1984.

21. Bancap and Halcion are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

22. Based on the foregoing allegations, Respondent is in violation of Section 458.331(1)(1), Florida Statutes, in that he is guilty of making deceptive, untrue or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

COUNT TWO

23. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one through twenty-one, as set forth above.

24. Based upon the foregoing allegations, Respondent has violated Section 458.331(1)(n), Florida Statutes, in that he has failed to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results and test results.

COUNT THREE

25. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one through twenty-one, as set forth above.

26. Based upon the foregoing allegations, Respondent is in violation of Section 458.331(1)(q), Florida Statutes, in that he is guilty of 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.

COUNT FOUR

27. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one through twenty-one, as set forth above.

28. Based upon the foregoing allegations, Respondent has violated Section 458.331(1)(cc), Florida Statutes, in that he is guilty of prescribing, ordering, dispensing, administering, supplying, selling or giving any drug which is an Amphetamine or Sympathomimetic Amine drug or a compound designated as a Schedule II controlled substance, pursuant to Chapter 893, to or for any person for conditions other than those specified in Subsections (1)-(3) of Section 458.331(1)(cc), Florida Statutes.

COUNT FIVE

29. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one and two, as set forth above.

30. Between approximately March 4, 1985, and May 23, 1985, Respondent wrote prescriptions for J.M., Kay W., and Keith W. Said prescriptions indicated that J. M. received a total of 70 Percodan on April 6 and April 8, 1985; Kay W. received a total of 125 Percodan on March 4 and May 23, 1985; and Keith W. received 50 Mepergan Fortis on April 4, 50 Tylox on April 6, 70 Percocet and 30 Tuinal on April 11, 60 Percodan on April 19, and 40 Dilaudid on May 26, 1985.

31. Percodan, Mepergan Fortis, Tylox, Percocet, Tuinal and Dilaudid are brand names for drugs containing scheduled controlled substances, pursuant to Chapter 893, Florida Statutes.

32. Respondent failed to keep any and/or adequate records for patients J.M., Kay W. and Keith W.

33. Based on the foregoing allegations, Respondent is in violation of Section 458.331(1)(n), Florida Statutes, in that he has failed to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results and test results.

COUNT SIX

34. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one and two, and thirty through thirty-two.

35. Based upon the foregoing allegations, Respondent has violated Section 458.331(1)(q), Florida Statutes, in that he is guilty of 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.

COUNT SEVEN

36. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one through two and thirty through thirty-two.

37. Based upon the foregoing allegations, Respondent has violated Section 458.331(1)(t), Florida Statutes, in that he has committed gross or repeated malpractice or failed to practice medicine with that level of care, skill and treatment which is

recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT EIGHT

38. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one and two, as set forth above.

39. In June 1985, R. K. obtained a prescription for 75 Dilaudid from Respondent. R. K. presented the prescription to a pharmacist who refused to fill this prescription and R. K. returned it to Respondent.

40. R. K. had told the pharmacist that Respondent prescribed the Dilaudid because R. K. had had a little back pain for the past couple of days.

41. Respondent subsequently had an office employee pose as R. K.'s wife and get said prescription filled.

42. Dilaudid is the brand name for a drug containing a scheduled controlled substance, pursuant to Chapter 893, Florida Statutes.

43. Based upon the foregoing allegations, Respondent is in violation of Section 458.331(1)(1) Florida Statutes, by making deceptive, untrue or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

COUNT NINE

44. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one and two and thirty-nine through forty-two.

45. Based upon the foregoing allegations, Respondent has violated Section 458.331(1)(q), Florida Statutes, in that he is guilty of 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.

COUNT TEN

46. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one and two and thirty-nine through forty-two.

47. Based upon the foregoing allegations, Respondent has violated Section 458.331(1)(t), Florida Statutes by committing gross or repeated malpractice or failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT ELEVEN

48. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one and two, as set forth above.

49. Pursuant to a finding of probable cause by the Board of Medical Examiners Probable Cause Panel at its meeting on June 27, 1985, that Respondent was in violation of Section 458.331(1)(s), Florida Statutes, an Order was issued by Petitioner on July 3, 1985, directing Respondent to have mental and physical examinations on July 10. Respondent was aware of said Order and was given a copy of said Order by his attorney. Respondent failed to appear on July 10 as directed for the scheduled examinations.

50. Based upon the foregoing allegations, Respondent is in violation of Section 458.331(1)(s), in that he is guilty of being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

COUNT TWELVE

51. Petitioner realleges and incorporates by reference the allegations contained in paragraphs one and two and forty-nine, as set forth above.

52. Based upon the foregoing allegations, Respondent has violated Section 458.331(1)(x), Florida Statutes, in that he has violated a provision of Chapter 458, a rule of the Board or

Department, or a lawful order of the Board or Department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Department.

COUNT THIRTEEN

53. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one and two, as set forth above.

54. On or about July 27, 1985, Respondent was involved in an auto accident and was arrested for driving while under the influence of drugs. At that time, a total of 556 drugs were found in Respondent's vehicle. Included in these drugs were Tuinal, Ativan, Valium, Demerol, Tylox, Vicodin, Percocet, Xanax, Talwin, Dilaudid, Noctec, Didrex, Mepergan Fortis, Percodan and Halcion.

55. Tuinal, Demerol, Tylox, Percocet, Dilaudid, Mepergan Fortis, Percodan, Ativan, Valium, Xanax, Talwin, Noctec and Halcion are brand names for drugs containing scheduled controlled substances pursuant to Chapter 893, Florida Statutes.

56. Based upon the foregoing allegations, Respondent is in violation of Section 458.331(1)(s), Florida Statutes, in that he is guilty of being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

COUNT FOURTEEN

57. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one and two, as set forth above.

58. On or about May 31, 1985, Respondent's DEA license expired and has not been renewed. Respondent has continued to write prescriptions for scheduled controlled substances subsequent to that date.

59. Based on the foregoing allegations, Respondent is in violation of 21 C.F.R. S1306.03(1984) and thereby in violation of Section 458.331(1)(h), Florida Statutes, in that he is guilty of

failing to perform any statutory or legal obligation placed upon a licensed physician.

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 of 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 21st day of October, 1985.

Fred Roche
Fred Roche, Secretary

COUNSEL FOR DEPARTMENT:

Cecilia Bradley
Staff Attorney
Dept. of Professional Regulation
130 N. Monroe St.
Tallahassee, Fla. 32301
(904) 488-0062

PCP:

FILED
DEPARTMENT OF PROFESSIONAL REGULATION
Melinda H. Wagner
CLERK October 21, 1985
DATE _____

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DPR CASE NO. 0057808

EVAN J. ZIMMER, M.D.,

Respondent.

MOTION FOR DEFAULT

COMES NOW the Petitioner, the Department of Professional Regulation, by and through the undersigned counsel, and moves the Board of Medical Examiners for entry of an Order of Default against Respondent, and as grounds therefore would state:

1. On or about October 21, 1985, an Administrative Complaint was filed in this case, a true and correct copy of which is attached hereto and incorporated herein as Exhibit "A".

2. Service of the Administrative Complaint on the Respondent was attempted by a certified mail, return receipt, to the Respondent's last known addresses. The returned receipts, attached hereto and incorporated herein as Exhibit "B" were returned to the Department indicating that Respondent was not at the aforesaid addresses.

3. An investigator for the Department of Professional Regulation subsequently attempted to locate Respondent. The search, however, failed to reveal Respondent's whereabouts. A copy of the Affidavit of Diligent Search is attached hereto and incorporated herein as Exhibit "C".

4. Notice of filing of the Administrative Complaint was then published in the Naples Daily News and stated that Respondent must contact the Department by February 6, 1986, or the matter would be presented for an informal hearing before the Board of Medical Examiners. The Affidavit of Publication is attached hereto and incorporated herein as Exhibit "D".

5. To date, Respondent has failed to contact the Department of Professional Regulation.

6. The charges contained in the Administrative Complaint are based upon and supported by the investigative report, attached hereto and incorporated herein as Exhibit "E".

WHEREFORE, The Petitioner moves that the Board of Medical Examiners enter in order finding Respondent, Evan James Zimmer, M.D., in default, and revoking Respondent's license to practice medicine in the State of Florida.

Respectfully submitted,

William M. Fenton
for Cecilia Bradley
Staff Attorney
Department of Professional
Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 488-0062

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Evan J. Zimmer, 3775 E. Tamiami Trail, Naples, Florida, 33941, by U.S. mail this 18th day of March, 1986.

William M. Fenton
for Cecilia Bradley
Staff Attorney
Department of Professional
Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 488-0062

PL 00

FILED

BEFORE THE BOARD OF MEDICAL EXAMINERS
Department of Professional Regulation
BOARD CLERK

DEPARTMENT OF PROFESSIONAL
REGULATION,

CLERK *Joyce Woods*

Petitioner,

DATE 8-22-86

vs.

DPR CASE NUMBER: 0057808
LICENSE NUMBER: ME 0044139

EX: Legal
Board

EVAN J. ZIMMER, M.D.,
Respondent.

FINAL ORDER OF THE
BOARD OF MEDICAL EXAMINERS

This cause came before the Board of Medical Examiners (Board) pursuant to Section 120.57(2), Florida Statutes, on April 4, 1986, in Tampa, Florida for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Samantha Boge Cummings, Esquire; Respondent did not make an Election of Rights and did not appear at the final hearing. No dispute of material facts has been asserted.

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:

That Respondent's license to practice medicine in Florida is REVOKED. Respondent's failure to appear for a mental and physical examination constitutes an admission of guilt, pursuant to Section 458.331(1)(s), Florida Statutes.

failing to perform any statutory or legal obligation placed upon a licensed physician.

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 of 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 21st day of October, 1985.

Fred Roche
Fred Roche, Secretary

COUNSEL FOR DEPARTMENT:

Cecilia Bradley
Staff Attorney
Dept. of Professional Regulation
130 N. Monroe St.
Tallahassee, Fla. 32301
(904) 488-0062

PCP:

FILED
DEPARTMENT OF PROFESSIONAL REGULATION
Melinda H. Wagner
CLERK October 21, 1985
DATE _____