

BEFORE THE BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

AMOR L. RUMBAUA, M.D.,

Respondent.

FILED

Department of Professional Regulation
AGENCY CLERK

CLERK Melinda H. Wagner

DATE 6/10/88

DPR CASE NO. 0073256
LICENSE NO. ME 0041533

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on June 4, 1988, in Tallahassee, 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,

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

This Order takes effect upon filing with the Clerk of the Department.

DONE AND ORDERED this 4th day of June, 1988.

BOARD OF MEDICINE

Emilio D. Echevarria
EMILIO D. ECHEVARRIA, 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 Amor L. Rumbaua, M.D., Northeast Florida State Hospital, Macclenny, Florida 32063 and Robert J. Link, Attorney at Law, 901 Blackstone Building, Jacksonville, Florida 32202 and by interoffice delivery to Don Hyman, Attorney at Law, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32399-0750, at or before 5:00 P.M., this 10 day of June, 1988.

[Signature]

AOG/RumbauaA

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

DOAH CASE NO: 87-4095
DPR CASE NO: 0073256

vs.

AMOR L. RUMBAUA, M.D.,

Respondent.

STIPULATION

Amor L. Rumbaua, M.D., hereinafter referred to as "Respondent", and the Department of Professional Regulation, hereinafter referred to as "Department", hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Medicine, hereinafter referred to as "Board", incorporating this Stipulation and agreement in the above-styled matter.

The Department expressly stipulates to the terms of this Stipulation in consideration of the full and complete cooperation which was tendered by the Respondent with regard to the consolidated cases of Department of Professional Regulation vs. Amor L. Rumbaua, M.D., Case No. 87-4095 and Department of Professional Regulation vs. Briccio D. Valdez, M.D., Case No. 87-4096.

STIPULATED FACTS

1. At all times pertinent herein Respondent was a licensed medical doctor in the State of Florida, having been issued license number ME 0041533.

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2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon the 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 as Exhibit "A".

3. Respondent admits the allegations of facts are correct as contained in the Administrative Complaint attached hereto as Exhibit "A", with the exception of paragraphs 23, 25 and 27 under Count Four of said Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that in his capacity as a licensed physician, in the State of Florida, he is subject to the provisions of Chapter 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits 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, 458, or 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. The Respondent shall receive a reprimand from the Board of Medicine.

3. The respondent shall appear before the Board at such time as when the Stipulation is considered. Respondent in conjunction with the consideration of the Stipulation by the

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Board shall respond to questions under oath from the Board, Board Staff, or Department Staff. The Board may, in its discretion waive the personal appearance by the Respondent. Respondent's license shall be placed on probation for a period of one (1) year, commencing on date of filing of the Final Order adopting this stipulation. The terms of the probation are as follows:

- a. Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including, but not limited to Chapter 893, 455, 458, Florida Statutes.
- b. Respondent shall appear before the Board at the first meeting after said probation commences and at the last meeting of the Board proceeding termination of probation.
- c. In the event Respondent leaves the State of Florida for a period of thirty days or more, Respondent's probation shall be tolled and shall remain in a tolled status until Respondent returns to the State of Florida, at which time the probationary status shall resume.
- d. Respondent understands that during the course of the probation, quarterly reports shall be prepared by investigators with the Department detailing Respondent's compliance with the terms and conditions of the probation. Respondent waives confidentially of these reports as to the Department only so that the Board may review these reports.
- e. Respondent agrees to pay all reasonable cost of compiling and preparing these investigative reports, including the time spent by investigators in gathering necessary information for said reports.
- f. Respondent shall comply with all the terms and conditions of the Stipulation. Respondent shall complete twenty five (25) hours of Category One continuing medical education courses within the field of psychiatry within the prescribed probationary period. This is an addition to that required for renewal of licensure.

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4. It is expressly understood that this Stipulation is subject to approval of the Board and the Department and has no force and effect unless an order adopting same is entered by the Board.

5. The 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 the Department against the Respondent for acts or admissions not specifically set forth in the Amended Administrative Complaint attached hereto as Exhibit "A" herein.

6. Upon the Board's adoption of this Stipulation, 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 29th day of April, 1988.

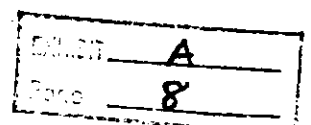
Amor L. Rumbaua, M.D.
Amor L. Rumbaua, M.D.

Sworn to and subscribed
before me this 29th day
of April, 1988.

J. Leon Lewis
NOTARY PUBLIC

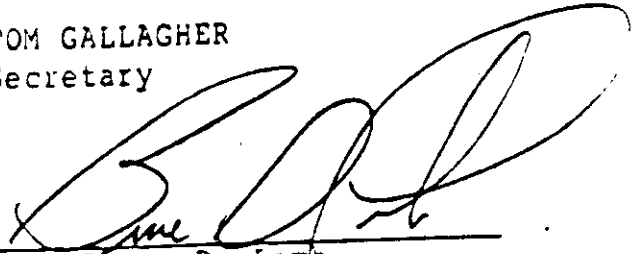
My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP SEPT 21, 1991
BONDED THRU GENERAL INS. CO.



APPROVED this 13th day of May, 1988.

TOM GALLAGHER
Secretary


By: Bruce D. Lamb
Chief Medical Attorney

DAH/gs
4/25/88

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STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0072256

AMOR L. RUMBAUA, 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 Medicine against Amor L. Rumbaua, M.D., hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulation the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 459, 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 0041503. Respondent's last known address is 1661 Riverside Avenue, Jacksonville, Florida 32205.

3. Ericcio D. Valdez is a licensed physician having been issued license number ME 0032289.

4. At all times material to this complaint Respondent's and Valdez's names appeared together on a sign attached to the front of the building located at 1661 Riverside Avenue, Jacksonville, Florida 32209, such sign identifying them both as M.D.'s. A similar sign appeared on their office door, in that same location.

5. At all times material to this complaint Respondent and Valdez listed the location of their office in both the white and yellow pages of the Jacksonville telephone book.

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6. On or about June 25, 1985, the Board of Medical Examiners, issued a final order suspending Valdez's license to practice medicine for three years.

7. Between on or about July 16, 1986 and July 30, 1986, Respondent provided psychiatric treatment for patient F.G., an undercover investigator for the department, at the aforementioned address.

8. On or about July 16, 1986, Valdez administered, graded and interpreted a level of depression test on patient F.G. He diagnosed her as being depressed, told her to stop taking Premarin, that she needed an antidepressant, and began questioning her about her sex life.

9. Respondent arrived approximately 40 minutes into the therapy session. He reviewed the level of depression test, was briefed by Valdez and spent approximately 20 minutes questioning patient F.G.

10. On or about July 16, 1986, Valdez tested, diagnosed and treated patient F.G. with Respondent's knowledge.

11. On or about July 23, 1986, Valdez held a second therapy session with patient F.G., questioning her about her childhood and sex life.

12. Respondent arrived approximately 10 minutes into the therapy session. He did not take an active part in the session, but rather took notes as Valdez questioned patient F.G.

13. During the therapy session, Valdez openly stated in the presence of patient F.G. and the Respondent that he was not licensed to practice medicine.

14. With Respondent's aid and assistance, Valdez provided patient F.G. with psychiatric treatment.

15. Respondent at no time during either of the above described office visits or at any other time indicated to patient F.G. that anything Valdez was doing was illegal.

COUNT ONE

16. Petitioner realleges and incorporates paragraphs one through fifteen above as if fully set forth herein this Count One.

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17. Based on the foregoing allegations, Respondent violated Section 458.331(1)(f), 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 board.

COUNT TWO

18. Petitioner realleges and incorporates paragraphs one through fifteen above as if fully set forth herein this Count Two.

19. Based on the foregoing, Respondent violated Section 458.311(1)(w), Florida Statutes, by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.

COUNT THREE

20. Petitioner realleges and incorporates by reference paragraphs one through fifteen set forth above as set forth herein this Count Three.

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

COUNT FOUR

22. Petitioner realleges and incorporates paragraphs one, two and seven above as if fully set forth herein this Count Four.

23. On or about July 23, 1986, based on Valdez's recommendation, Respondent dispensed Norpramin to patient F.G. and advised her to take up to 300 mg. per day.

24. Norpramin dosages of 300 mg. per day are extremely dangerous and require close monitoring of the patient.

25. Respondent failed to properly monitor patient F.G.

26. Norpramin is the product name for desipramine hydrochloride tablets, an antidepressant, and is defined as a legend drug by Chapter 465, Florida Statutes.

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27. Respondent inappropriately and/or excessively prescribed Norpramin to patient F.G.

28. Based on the foregoing, Respondent violated Section 458.331(1)(g), 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.

COUNT FIVE

29. Petitioner realleges and incorporates paragraphs one through three and six through fifteen above as if fully set herein this Count Five.

30. Respondent 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.

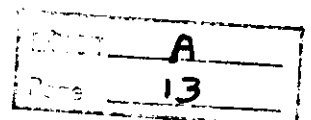
31. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions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

COUNT SIX

32. Petitioner realleges and incorporates paragraphs one through five above as if fully set forth herein this Count Six.

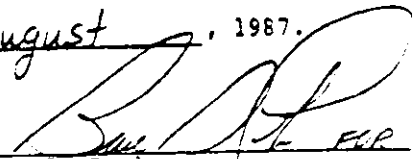
33. Respondent engaged in false, deceptive, or misleading advertising.

34. Based on the foregoing, Respondent violated Section 458.331(1)(d), by engaging in false, deceptive or misleading advertising.



WHEREFORE, Petitioner respectfully requests the Board of Medicine to enter an Order imposing one or more of the following penalties: revocation or suspension of 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 August, 1987.


Van E. Poole
Secretary

COUNSEL FOR DEPARTMENT:

Leslie Brookmeyer
Senior Attorney
Department of Professional
Regulation
130 North Monroe Street
Tallahassee, Florida 32399-0750
(904) 488-0062

PCP:

LB:SM/aw

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Department of Professional Regulation
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BEFORE THE BOARD OF MEDICINE

CLERK

DATE

6/13/89

DEPARTMENT OF
PROFESSIONAL REGULATION
PETITIONER

DOAH CASE NO.
DPR CASE NO.

V.

Amor L. Rumbaua
RESPONDENT

ORDER OF TERMINATION

Upon review of the terms and conditions of the final order of the Board of Medicine rendered June 10, 1988 the documentation offered on behalf of Respondent, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED:**

That Respondent completed his period of probation on June 9, 1989 and has complied with all terms of the Final Order rendered June 10, 1988.

DONE AND ORDERED this 19 day of May, 1989.

BOARD OF MEDICINE

[Signature]

Fuad S. Ashkar, M.D., Chairman,
Board of Medicine

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Amor L. Rumbaua, 580 W. 8th Street, Suite 803, Jacksonville, Fl 32209 at or before 5:00 p.m., this 9 day of June, 1989.

[Signature]

Executive Director, Board of
Medicine