

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 9201765

CECILIO D. PIZARRO, 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 CECILIO D. PIZARRO, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner 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 0059711. Respondent's last known address is 3336 Harrison Avenue, Butte, MT 59701.

3. Pursuant to Section 455.2226(6), Florida Statutes, the board shall require as a condition of granting a license under the chapters specified in subsection (1) that an applicant making initial application for licensure complete an educational course

acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed six (6) months to complete this requirement.

4. Pursuant to 455.2226(7), Florida Statutes, the board shall have the authority to adopt rules to carry out the provisions of this section.

5. Pursuant to Rule 21M-28.005, Florida Administrative Code, any physician who is required to complete an educational course on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) as a condition of initial licensure must submit a notarized statement attesting to completion of three (3) hours of Category I, American Medical Association Continuing Medical Education which includes the topics of HIV and AIDS: the disease and its spectrum of clinical manifestations; epidemiology, treatment, counseling, and prevention; and legal issues related to the disease.

6. In April 1991, the Florida Board of Medicine approved and certified Respondent for licensure to practice medicine in the State of Florida.

7. The Board subsequently activated Respondent's license with the condition that he would obtain and submit documentation of the required three (3) hours of HIV/AIDS course by October 11, 1991.

8. As of May 20, 1992, Respondent had not submitted documentation to the Board of Medicine verifying that he took the required course.

9. Respondent is guilty of violating any provision of this chapter, 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 in that he failed to present documentation verifying that he obtained three (3) hours of HIV/AIDS CME credit to the Board of Medicine by October 11, 1991, contrary to Rule 21M-28.005, Florida Administrative Code.

10. Based on the preceding allegations, Respondent violated Section 458.331(1)(x), Florida Statutes, in that Respondent is guilty of violating any provision of this chapter, 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.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine 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 _____ day of _____, 1992.

George Stuart, Secretary

Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
CJR/DPB/tb
PCP: June 23, 1992
McEwen, Kaiser, and Dauer

PROF. CODE CITATION NO.
ME19201765
DATE OF COMPLAINT
January 23, 1992

FILED
Department of Professional Regulation
AGENCY CLERK

J. Wilson

CLERK _____

DATE 7-21-92

DEPARTMENT OF PROFESSIONAL REGULATION
Board of Medicine

UNIFORM DISCIPLINARY CITATION

ISSUED TO: Cecilio D. Pizarro, M.D.

3336 Harrison Avenue

Butte, MT 59701

LICENSE NUMBER(S): ME 0059711

Pursuant to Section 455.224, Florida Statutes (1991), the undersigned hereby certifies that he/she has probable cause to believe that on the 12 day of October, 1991, the person(s) whose name(s) appear above did violate the following provisions of law: 458.331(1)(a), Florida Statutes.

by committing the following act(s): Failing to submit documentation of attending HIV/AIDS course within six months of licensure pursuant to Section 455.2226, Florida Statutes.

Pursuant to Rule 21M-20.017, Florida Administrative Code, the Board/Department has set the following penalty for violation of the aforesaid provision: \$500.00
plus costs in the amount of \$00.00. Total amount due = \$500.00

ISSUED this 14 day of July, 1992. GEORGE STUART, SECRETARY

By *Charlene G. Willoughby*
CHARLENE G. WILLOUGHBY, INVESTIGATION SPECIALIST II, HA 08

IF YOU DO NOT DISPUTE THE CITATION WITHIN THIRTY (30) DAYS OF SERVICE, THE CITATION AUTOMATICALLY BECOMES A FINAL ORDER OF THE BOARD. IN ORDER TO DISPUTE THIS CITATION, YOU MUST DO SO IN WRITING, BY CERTIFIED MAIL, ENCLOSED A COPY OF THE CITATION.

NOTICE: YOU MAY ELECT TO HAVE THESE CHARGES PROSECUTED AS A DISCIPLINARY ACTION ACCORDING TO SEC. 455.225, FLORIDA STATUTES, RATHER THAN ACCEPT THIS CITATION. In the event that you elect to have these charges prosecuted pursuant to s. 455.225, Florida Statutes, the case will be presented to the appropriate probable cause panel or the department for review. This will result in a finding of probable cause or no probable cause.

CHECK (1) I CHOOSE TO PAY THE PENALTIES ON THE CITATION.
(1) (2) I CHOOSE NOT TO PAY THE CITATION, AND WISH TO HAVE THIS CASE PROSECUTED UNDER s. 455.225, FL. STAT.

Signed: _____
CECILIO D. PIZARRO, M.D.

Date Signed _____

NOTICE

YOU HAVE A TOTAL OF SIXTY (60) DAYS FROM THE DATE THIS CITATION WAS SERVED UPON YOU TO PAY THE FINE AND COSTS SPECIFIED. THIS CITATION AUTOMATICALLY BECOMES A FINAL ORDER OF THE BOARD IF YOU DO NOT DISPUTE THE CITATION WITHIN THIRTY (30) DAYS OF THE DATE THIS CITATION WAS SERVED UPON YOU. AS A FINAL ORDER, THE FINE AND COSTS SHALL BE DUE TO THE BOARD WITHIN THIRTY (30) DAYS OF THE DATE OF THE FINAL ORDER. AFTER THIS CITATION HAS BECOME A FINAL ORDER, FAILURE TO PAY THE FINE AND COSTS SPECIFIED CONSTITUTES A VIOLATION OF A FINAL ORDER OF THE BOARD, AND MAY SUBJECT YOU TO FURTHER DISCIPLINARY ACTION. ALL PAYMENTS SHALL BE MADE TO THE DEPARTMENT OF PROFESSIONAL REGULATION, Revenue/Validation Unit, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0783. PLEASE ATTACH A COPY OF THIS CITATION WITH YOUR PAYMENT.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Citation has been served upon: Cecilio D. Pizarro, M.D.

at: 3336 Harrison Avenue, Butte, MT 59701

by Personal Service/U.S. Certified Mail, Restricted Delivery, this 14 day of

July, 1992.

Signature

Charlene G. Willoughby
CHARLENE G. WILLOUGHBY HA 087

NOTICE OF APPELLATE RIGHTS

This citation becomes a Final Order of the Board if you have not contested it within thirty (30) days of the date upon which the Citation was served upon you. If this Citation becomes a Final Order of the Board, you have the right to appeal to the District Court of Appeal in your area or to the First District Court of Appeal.

YOU ARE HEREBY NOTIFIED, pursuant to Section 120.59, Florida Statutes, and 120.68, Florida Statutes, that you may appeal the Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, and by filing one copy of the Notice of Appeal and the filing fee (\$ 250.00, pursuant to Sec. 35.22(3), Florida Statutes) with the District Court of Appeal within thirty (30) days of the effective date of the Final Order.