

FILED

Department of Professional Regulation

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

S. Wilson

CLERK _____

DATE 5-6-91

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

-vs-

DPR CASE NUMBER: 8904861
LICENSE NUMBER: ME 0028313

MAXIMO M.R. VELASCO, Jr., M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on April 12, 1991, in Ft. Lauderdale, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Beruce D. Lamb, Attorney at Law; Respondent was present and testified at the hearing. The facts are not in dispute.

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:

1. Respondent's license to practice medicine is REPRIMANDED.

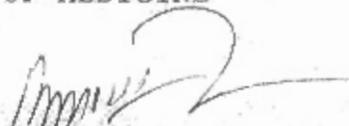
2. Respondent shall pay an administrative fine in the amount of, \$2,000 to the Executive Director within 6 months of the date this Final Order is filed.

3. Respondent's license to practice medicine in the State of Florida is placed on PROBATION for a period of one year and until such time as he reviews all statutes and rules relating to the supervision of physician assistants and submits to the Board an affidavit identifying the statutes and rules he reviewed. During the term of probation, Respondent shall not supervise a physician assistant.

This order takes effect upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 26th day of April, 1991.

BOARD OF MEDICINE


ZACHARIAH P. ZACHARIAH, M.D.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

CASE NO. 8904861

vs.

MAXIMO M.R. VELASCO, JR., 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 Maximo M.R. Velasco, Jr., 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 0028313. Respondent's last known address is P. O. Box 609, Carrabelle Medical Center, Carrabelle, Florida 32322.

3. From on or about April 20, 1989, to on or about June 15, 1989, Respondent was responsible for the supervision of Physician's Assistant Dana Holton.

4. From on or about May 1, 1989, to on or about May 12, 1989, Respondent left his medical practice in Carrabelle, Florida to attend a medical practice course (continuing medical

education) at the University of Nebraska, in Nebraska.

5. A review of Respondent's Health Insurance Claim Forms indicates that from on or about May 1, 1989, through on or about May 12, 1989, Physician's Assistant Dana Holton provided medical care and treatment to numerous patients at Respondent's medical practice, without the benefit of supervision by a licensed M.D.

6. On or about May 2, 1989, Physician's Assistant Dana Holton provided medical care and treatment to patients J.D.D., J.F.K., and E.M., without Respondent's supervision.

7. On or about May 4, 1989, Physician's Assistant Dana Holton provided medical care and treatment to patients L.W., S.S., A.R.J., L.R.M., L.W., M.J.B., N.W., A.B., S.B., F.M., and J.E., without Respondent's supervision.

8. On or about May 5, 1989, Physician's Assistant Dana Holton provided medical care and treatment to patient T.T., without Respondent's supervision.

9. On or about May 6, 1989, Physician's Assistant Dana Holton provided medical care and treatment to patients W.B., D.H., D.B., J.D.M., P.W., and V.M., without Respondent's supervision.

10. On or about May 8, 1989, Physician's Assistant Dana Holton provided medical care and treatment to R.P., J.T., L.T., W.J., L.T.L., and A.C., without Respondent's supervision.

11. On or about May 9, 1989, Physician's Assistant Dana Holton provided medical care and treatment to patients D.T., M.R.W., and E.J.H., without Respondent's supervision.

12. On or about May 11, 1989, Physician's Assistant Dana

Holton provided medical care and treatment to patients L.R.M., T.R., R.V.H., M.R.W., M.R., G.E., C.B., T.T., and M.A., without Respondent's supervision.

13. On or about May 12, 1989, Physician's Assistant Dana Holton provided medical care and treatment to patients W.J., J.T., C.C.S., S.C., G.J., C.B., T.R., R.L., and R.G.M., without Respondent's supervision.

14. Respondent admitted in an affidavit dated October 18, 1989, that he had no interaction with Physician's Assistant Dana Holton during the period from on or about May 1, 1989 to on or about May 13, 1989.

COUNT ONE

15. Petitioner realleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth herein this Count One.

16. Respondent failed to supervise adequately the activities of those physician's assistants, paramedics, emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician, in that Respondent failed to provide any supervision to Physician's Assistant Dana Holton from on or about May 1, 1989, to on or about May 12, 1989.

17. Based on the foregoing, Respondent has violated Section 458.331(1)(dd), Florida Statutes, by failing to supervise adequately the activities of those physician's assistants, paramedics, emergency medical technicians, or advanced registered nurse practitioner's acting under the supervision of the physician.

COUNT TWO

18. Petitioner realleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth herein this Count Two.

19. Respondent aided, assisted, procured or advised an unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the Board, in that Respondent allowed Physician's Assistant Dana Holton to practice medicine without supervision at Respondent's facility from on or about May 1, 1989, to on or about May 12, 1989.

20. Based on the foregoing, Respondent has 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 the board.

WHEREFORE, 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 6th day of February 1991.

George Stuart
Secretary

FILED

Department of Professional Regulation
AGENCY CLERK

BY: S. A. Daniel
Chief Medical Attorney

S. Wilson 4

CLERK _____

DATE 2-6-91

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION
REGISTRATION

Petitioner,

v.

DPR CASE NO. 89-04861

MAXIMO M.R. VELASCO, JR., M.D.,

Respondent.

MOTION FOR FINAL ORDER

COMES NOW the Department of Professional Regulation, the Petitioner, and moves this Honorable Board of Medicine to enter a Final Order in the above-styled cause. As grounds therefor, the Petitioner would state that:

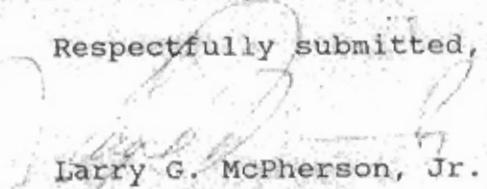
1. On February 6, 1991, the Petitioner filed an Administrative Complaint against the Respondent alleging that the Respondent violated Section 458.331(1)(f) and (dd), Florida Statutes. A copy of the Administrative Complaint is attached hereto and incorporated herein as Exhibit "A".

2. Thereafter, Respondent filed an election of rights form waiving his right to object or to be heard before the Board. A copy of the Election of Rights form is attached hereto and incorporated herein as Exhibit "B".

3. The Respondent has been advised by a copy of this Motion that the Board will consider the investigative report on the issue of penalty in this matter.

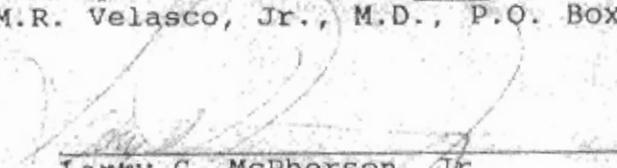
WHEREFORE, the Petitioner moves this Honorable Board to issue a Final Order after the informal hearing in this case.

Respectfully submitted,


Larry G. McPherson, Jr.
Senior Attorney
Florida Bar No. 0788643
Dept. of Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-0792
(904) 488-0062

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished by U.S. Mail this 28 day of February, 1991 to Maximo M.R. Velasco, Jr., M.D., P.O. Box 876, Carrabelle, Florida 32322.


Larry G. McPherson, Jr.
Senior Attorney

LGM/mkh