

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 9215973

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, Montana 59701.

3. On or about April 15, 1991 Respondent was issued a license to practice medicine. In December 1991, Respondent paid for licensure renewal fee with a bad check. As of the date of this complaint, Respondent has not remitted the required funds.

4. Respondent has been previously disciplined by Petitioner (case #9201765) for failing to comply with Section 455.2226, Florida Statutes, which requires all medical licensees to submit documentation of HIV/AIDS continuing medical education credits within six (6) months of licensure.

5. After Respondent failed to submit the required documentation, Petitioner issued a citation requiring Respondent to pay a \$500.00 fine within thirty (30) days or to request an administrative hearing. The citation clearly states that Respondent had sixty (60) days from the date of service of the citation to remit the required amount. The citation provided that if Respondent did not pay the \$500.00 within sixty (60) days, the citation would become a Final Order.

6. Respondent did not respond or request a hearing within the thirty (30) day limit, and did not remit the \$500.00 fine within the sixty (60) day limit. Accordingly, the citation became a final order (case #9201765) issued on or about September 21, 1992, again requiring that he pay a \$500.00 fine.

7. As of the date of this complaint, Respondent has not paid the \$500.00 fine, requested a hearing or responded to Petitioner's allegations.

8. Respondent has been and is currently in violation of the final order issued September 21, 1992 in case number 9201765.

COUNT ONE

9. Petitioner realleges and incorporates and incorporates paragraphs one (1) through eight (8) as if fully set forth herein this Count One.

10. Respondent is guilty of making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine, in that Respondent paid for his medical licensure renewal fee with a bad check, and has not paid the required funds as of the date of the filing of this complaint.

11. Based on the preceding allegations, Respondent has violated Section 458.331(1)(k), Florida Statutes, by making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

COUNT TWO

12. Petitioner realleges and incorporates paragraphs one (1) through eight (8) and ten (10) as if fully set forth herein this Count Two.

13. Respondent is guilty of violating a lawful order of the board or department previously entered in a disciplinary hearing in that Respondent has been and is currently in violation of the final order issued September 21, 1992 in case number 9201765.

14. Based on the preceding allegations, Respondent has violated Section 458.331(1)(x), Florida Statutes, by 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 29 day of June, 1993.


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
LGM/hrb
PCP: June 23, 1993
Dauer, Diblan, Katims

FILED

Department of Professional Regulation

DEPUTY CLERK

CLERK 
DATE 6-29-93

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

DPR CASE NO. 92-15973

CECILIO D. PIZARRO, M.D.

Respondent.

CONSENT AGREEMENT

CECILIO D. PIZARRO, M.D., referred to as the "Respondent," and the Department of Business and Professional Regulation, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0059711.

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 as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

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

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent read Chapters 455, 458 and 893 and the Rules of the Board of Medicine, at Section 61F6, Florida Administrative Code.

2. FINE. The Board shall impose an administrative fine in the amount of \$2,000 against the Respondent. The fine shall be paid by the Respondent to the Board of Medicine by certified check at the time this case is presented to the Board for consideration.

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

4. Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered and demonstrate that all fees and fines imposed by the Board have been paid.

Respondent, in conjunction with the consideration of this Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff. The Respondent shall be prepared to explain the circumstances involved in this matter and what measures have been taken to prevent a recurrence.

5. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

6. Respondent and the Department fully understand that this joint Agreement 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 omissions not specifically set forth in the Administrative Complaint attached as Exhibit A herein.

7. Upon the Board's adoption of this Agreement, 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 Agreement and the Final Order of the Board incorporating said Agreement.

8. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

9. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement 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.

SIGNED this 7 day of February, 1994.

Cecilio J. Pizarro
(Respondent's Name)

Before me, personally appeared Cecilio D. Pizarro, whose identity is known to me by Personally Known (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 7 day of February, 1994.

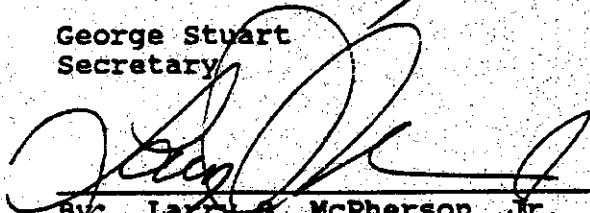
SHARON E. McNEILL
Sharon E. McNeill
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: SEPT. 10, 1994.
BOMBER FROM NOTARY PUBLIC UNDERWRITERS

APPROVED this 10 day of February, 1954

George Stuart
Secretary



By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

CECILIO D. PIZARRO, M.D.,

Respondent.

Final Order No. BPR-94-00002052

Date: 4-15-94

FILED BY AGENCY CLERK

Dept. of Business and Professional Regulation
Sarah Wachman, Agency Clerk

By: Brandon H. Moore

BPR CASE NUMBER: 92-15973
LICENSE NUMBER: ME 0059711

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on April 8, 1994, in Ft. Lauderdale, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, 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 Consent Agreement 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 Consent Agreement.

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

DONE AND ORDERED this 8th day April, 1994.

BOARD OF MEDICINE


RICHARD JAMES CAVALLARO, M.D.
VICE CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Cecilio D. Pizarro, M.D., 3336 Harrison Avenue, Butte, MT 59701 and P.O. Box 1201, Hernando, Florida 34442, Anthony D. Demma, Esquire, P.O. Box 1547, Tallahassee, Florida 32302, and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this 15th day of April, 1994.


MARM M. HARRIS, Ph.D.
Executive Director