

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH)
CARE ADMINISTRATION,)
)
PETITIONER,)
)
v.)
DENNIS RAY PORTER, M.D.,)
)
RESPONDENT.)
_____)

CASE NO. 96-03518

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Dennis Ray Porter, 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 20.42, 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 0053424. Respondent's last known address is 48 Fiesta Way, Fort Lauderdale, Florida 33301.
3. Dilaudid contains Hydromorphone Hydrochloride, a Schedule II controlled substance. It is indicated for the relief of moderate to severe pain.

4. Percocet contains Oxycodone, a Schedule II controlled substance. It is a narcotic analgesic with multiple actions qualitatively similar to those of morphine.

5. Hydrocodone is a Schedule II controlled substance. It is an analgesic indicated for the relief of moderate to moderately severe pain.

6. Seconal contains secobarbital, a Schedule II controlled substance. It is a hypnotic.

7. Between on or about January 1, 1995, and on or about February 10, 1997, Narcotics Unit of the Broward County Sheriff's Department obtained over three thousand prescriptions written by Respondent for Schedule II controlled substances. Section 893.03(2), Florida Statutes defines a Schedule II substance as one that has a high potential for abuse and has severely restricted medical uses. The statute further states that the abuse of Schedule II drugs may lead to severe psychological or physical dependence.

8. The Narcotic Unit, through extensive data analysis, found that Respondent was exhibiting an improper dispensing pattern of many Schedule II drugs including Oxycodone, Dilaudid and Seconal. Many of the prescriptions found were for large quantities of drugs and were duplicated at several pharmacies over two or three days time. The Narcotics Unit further discovered that the prescriptions had been verified by the pharmacies with Respondent, and his office, as having been issued by Respondent.

9. During the investigation, the Narcotics Unit met with a confidential informant (CI #1) who stated that he had been going to Respondent's office located at 21301 Powerline Road, Suite 104 in Boca Raton, Florida. CI #1 stated that he had a drug addiction and had been introduced to Respondent by a mutual friend. CI #1 had been routinely obtaining prescriptions for controlled substances from Respondent. Respondent failed to perform a physical examination on

CI#1 prior to prescribing the controlled substances or at any time following the initiation of the prescribing of the controlled substances.

10. On or about January 28, 1997, CI #1 agreed with the Narcotics Unit to visit Respondent's office located at 100 NW 82nd Avenue, Plantation, Florida after being wired with a listening device. CI #1 entered Respondent's office after waiting in his waiting room. CI #1 and Respondent engaged in a conversation regarding forged prescriptions and drug choices. CI #1 then requested that Respondent write him prescriptions for Dilaudid, Percocet and Seconal.

11. Respondent asked CI #1 if he usually received a prescription from him for seventy-five (75) or ninety (90) Dilaudid tablets. CI #1 requested one hundred and twenty (120), and Respondent wrote the prescription for this amount. Respondent then asked CI #1 if he usually received a prescription from him for sixty tablets of (60) Percocet and forty-five tablets of (45) Seconal. CI #1 requested one hundred and fifty (150) tablets of Percocet and forty-five tablets of (45) Seconal. Respondent issued two prescriptions for CI #1 for Percocet: one for one hundred and twenty (120) tablets of Percocet, dated on or about January 28, 1997 and a second for thirty (30) tablets of Percocet dated on or about February 6, 1997.

12. Respondent acknowledged that he knew CI #1 would be selling these drugs on the street. Respondent then gave CI #1 a prescription for forty-five (45) tablets of Seconal.

13. On or about January 30, 1997, CI #1 contacted Respondent's office and stated that he had accidentally handed the pharmacist the post dated prescription and the pharmacist had destroyed it. Respondent issued a replacement prescription for thirty (30) Percocet in CI #1's name, dated on or about January 31, 1997. The prescription was picked up from Respondent by an undercover detective who Respondent thought to be CI #1's cousin.

14. During the course of the investigation, the Narcotics Unit met with a second confidential informant (CI #2). CI #2 stated that he could enter Respondent's office without an appointment and obtain a prescription for any drug from Respondent for which Respondent charges \$100.00. CI #2 had been obtaining controlled substances from Respondent in this manner on a regular basis. Respondent failed to perform a physical examination of any kind on CI #2. CI #2 stated that he had been introduced to Respondent by a mutual friend who was a drug addict.

15. On or about March 11, 1997, CI #2 agreed with the Narcotics Unit to visit Respondent's office located at 100 NW 82nd Avenue, Plantation, Florida after being wired with a listening device.

16. CI #2 subsequently presented to Respondent's office and was admitted via a rear exit. CI#2 engaged in conversation with Respondent's office manager. CI #2 explained that he wanted four (4) prescriptions, each for one hundred (100) tablets of Percocet. The office manager wrote out four (4) prescriptions each dated three (3) days apart. At CI#2's request, they were written for three (3) different people. The office manager then had Respondent sign each prescription. The office manager then accepted \$400.00 dollars from CI #2 for the prescriptions. CI #2 spoke briefly with Respondent while he signed the prescriptions and Respondent did not question CI #2 regarding the prescriptions.

17. On or about February 13, 1997, the Narcotics Unit and other members of law enforcement executed a lawful search warrant at the residence of H.D.

18. The search of H.D.'s residence revealed over fourteen thousand (14,000) dosage units of pharmaceutical drugs. Also found were over thirty (30) prescriptions from Respondent's office. Fourteen (14) of the prescriptions were dated on or about February 13, 1997 and were all for

controlled substances. Fifteen (15) of the prescriptions were postdated on or about February 14, 1997 and were also for controlled substances. All items were seized and H.D. was arrested on charges of Trafficking in Controlled Substances and Possession of Controlled Substances with the Intent to Deliver.

19. The Narcotics Unit has taken sworn statements from confidential informants. Two (2) of the confidential informants stated that they were introduced to Respondent by H.D.; and that after receiving no medical, physical or psychological examination, each received prescriptions for a variety of controlled substances from Respondent. Each of the two (2) confidential informants made approximately six (6) visits to Respondent for the purpose of obtaining prescriptions for controlled substances. The confidential informants each discovered that after they ceased obtaining fraudulent prescriptions from Respondent, Respondent continued to use their names on fraudulent prescriptions.

20. A confidential informant (CI #3) stated under oath to the Narcotics Unit that for over one (1) year he obtained prescriptions for controlled substances from H.D. The prescriptions were written in the CI #3's name and were signed by Respondent. CI #3 never met Respondent and was never examined in any way. CI #3 witnessed H.D. faxing lists of names and drugs to Respondent. Respondent prepared the prescriptions as requested by H.D. and H.D. would pick up the completed prescriptions from Respondent.

21. Respondent is guilty of prescribing controlled substances outside the course of his professional practice in that he prescribed excessive amounts of controlled substances to individuals without performing a complete physical examination, without obtaining a complete history, and without a legitimate medical purpose.

22. Respondent is guilty of engaging in fraud in or related to the practice of medicine and employing a trick or scheme related to the practice of medicine in that Respondent provided prescriptions to individuals without a legitimate medical purpose and provided prescriptions to individuals which were later sold.

23. Respondent is guilty of practicing medicine below the acceptable level of care in that Respondent prescribed inappropriate amounts of controlled substances to patients without performing a physical examination or obtaining patient histories.

24. Respondent is guilty of failing to maintain appropriate medical records in that Respondent did not maintain records for the medications prescribed and Respondent failed to provide medical justification in the records for the prescribing of the medications.

COUNT ONE

25. Petitioner realleges and incorporates paragraphs one (1) through twenty-four (24), as if fully set forth herein this Count One.

26. Respondent is guilty of prescribing controlled substances outside the course of his professional practice in that he prescribed controlled substances to individuals without performing a complete physical examination, without obtaining a complete history, and without a legitimate medical purpose.

27. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes, 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 TWO

28. Petitioner realleges and incorporates paragraphs one (1) through twenty-four (24) and paragraph twenty-six (26) as if fully set forth herein this Count Two.

29. Respondent is guilty of engaging in fraud in or related to the practice of medicine and employing a trick or scheme related to the practice of medicine in that Respondent provided prescriptions to individuals without a legitimate medical purpose and provided prescriptions to individuals which were later sold.

30. Based on the foregoing, Respondent violated Section 458.331(1)(k), Florida Statutes, 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 THREE

31. Petitioner realleges and incorporates paragraphs one (1) through twenty-four (24), twenty-six (26) and twenty-nine (29), as if fully set forth herein this Count Three.

32. Respondent is guilty of practicing medicine below the acceptable level of care in that Respondent prescribed inappropriate amounts of controlled substances to patients without performing a physical examination or obtaining patient histories.

33. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, 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 FOUR

34. Petitioner realleges and incorporates paragraphs one (1) through twenty-four (24), twenty-six (26), twenty-nine (29), and thirty-two (32), as if fully set forth herein this Count Four.

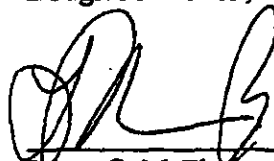
35. Respondent is guilty of failing to maintain appropriate medical records in that Respondent did not maintain records for the medications prescribed and Respondent failed to provide medical justification in the records for the prescribing of the medications.

36. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to , patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent 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, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.227(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 26 day of March, 1997.

Douglas M. Cook, Director



Larry G. McPherson, Jr.
Chief Medical Attorney

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK
CLERK Ava C. Bousquet
DATE 3/26/97

COUNSEL FOR AGENCY:

Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 788643
RPC/jto
PCP: March 25, 1997
PCP Members: Slade, El-Bahri, Pardue

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

PRACTICE REGULATION
LEGAL
CASE NO. 96-17445

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH CASE NUMBERS 96-03518
96-17445

DENNIS R. PORTER, M.D.,

Respondent.

CONSENT AGREEMENT

Dennis R. Porter, M.D. referred to as the "Respondent," and the Department of Health, 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.

Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

A

STIPULATED FACTS

1. At all times material hereto, the Respondent was a licensed physician in the State of Florida having been issued license number ME 0053424.
2. The Respondent was charged by two (2) Administrative Complaints 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 Complaints are attached hereto as Exhibit A.
3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaints.

STIPULATED CONCLUSIONS OF LAW

1. The 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. The Respondent admits that the facts set forth in the Administrative Complaints, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaints.
3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. The 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 shall read Chapters 455, 458, 893 and the Rules of the Board of Medicine, at Section 64B8, Florida Administrative Code.

2. FINE. The Board shall impose an administrative fine in the amount of \$5,000.00 dollars against the Respondent. The Respondent shall pay the fine to the Board of Medicine within six (6) months of its imposition by Final Order of the Board. THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN SIX (6) MONTHS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B, PARAGRAPH 1 OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).

3. Indefinite Suspension. Respondent's license to practice medicine shall be suspended until such time Respondent can appear before the Board and establish that he can practice medicine with reasonable skill and safety.

4. Probation. Upon Respondent's demonstration to the Board that he can practice medicine with reasonable skill and safety to patients, Respondent's license shall be reinstated and shall be placed on five (5) years probation with any terms and conditions determined by the Board at time of reinstatement.

5. Physician Recovery Network (PRN). Respondent must sign a five (5) year contract with PRN and Respondent must adhere to any and all requirements of the PRN contract throughout its term. Respondent may enter into this contract with the PRN either at the time of his reinstatement or prior to his reinstatement.

STANDARD PROVISIONS

This Consent Agreement shall be governed to the extent applicable by the attached "Standard Terms Applicable to Consent Agreements", Exhibit B, which is incorporated as if fully set forth herein.

1. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

2. Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

3. Respondent and the Department fully understand that this joint agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings against Respondent for acts or omissions not specifically set forth in the Administrative Complaints attached as Exhibit "A" herein.

4. 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.

5. 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.

6. 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.

EXHIBIT B

STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS

The following are the standard terms applicable to all consent agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. **PAYMENT OF FINES.** Unless otherwise directed by the consent agreement, all fines shall be paid by check or money order and sent to the Board address set forth in paragraph E, below. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

B. **COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS.** Unless otherwise directed by the consent agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph E, WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.

C. **ADDRESSES.** Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

D. COSTS. Pursuant to Section 458.331(2), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the costs of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative costs directly associated with Respondent's probation.

E. BOARD ADDRESS. Unless otherwise directed by the Board office, all fines, reports, correspondence and inquiries shall be sent to: Board of Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, Attn.: Final Order Compliance Officer.

F. PROBATION TERMS. If probation was imposed by the Final Order of the Board, the following provisions are applicable.

1. DEFINITIONS:

a. INDIRECT SUPERVISION is supervision by a monitoring physician (monitor) whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as the Respondent, however, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise provided by the Board and shall be readily available for consultation. The monitor shall be Board-certified in the Respondent's specialty area unless otherwise provided by the Board.

b. DIRECT SUPERVISION is supervision by a supervising physician (supervisor) whose responsibilities are set by the Board. Direct supervision requires that the

supervisor and Respondent work in the same office. The supervising physician shall be board-certified in the Respondent's specialty area unless otherwise provided by the Board.

c. PROBATION COMMITTEE or "committee" is members of the Board of Medicine designated by the Chairman of the Board to serve as the Probation Committee.

d. ENCUMBRANCE is any restriction, hindrance, requirement, burden, or responsibility placed by a state medical licensing board upon the medical license of a physician.

2. REQUIRED SUPERVISION.

a. If the terms of the consent agreement include indirect monitoring of the licensee's practice (MONITORING) or direct monitoring of the licensee's practice (SUPERVISION), the Respondent shall not practice medicine without an approved monitor/supervisor, as specified by the Consent Agreement, unless otherwise ordered by the Board.

b. The monitor/supervisor must be a licensee under Chapter 458, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board or Committee may reject any proposed monitor/supervisor on the basis that he has previously been subject to any disciplinary action against his medical license in this or any other jurisdiction, is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board or Committee and be practicing

within a reasonable distance of the Respondent's practice, a distance of no more than twenty (20) miles unless otherwise specifically provided for in the consent agreement. The Board or Committee may also reject any proposed monitor/supervisor for good cause shown.

c. MECHANISM FOR APPROVAL OF MONITOR/ SUPERVISOR:

(1). TEMPORARY APPROVAL. The Board confers authority on the Chairman of the Board's Probation Committee to temporarily approve Respondent's monitor/supervisor. To obtain this temporary approval, Respondent shall submit to the Chairman of the Probation Committee the name and curriculum vitae of the proposed monitor/supervisor at the time this agreement is considered by the Board. Once a Final Order adopting this Agreement is filed, Respondent shall not practice medicine without an approved monitor/supervisor. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

(2). FORMAL APPROVAL. Respondent shall have the monitor/supervisor with him at his first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide to the monitor/supervisor a copy of the Administrative Complaint and Final Order in this case. Respondent shall submit a current curriculum vitae and a description of current practice from the proposed monitor/supervisor to the Board office no later than fourteen days before the Respondent's first scheduled probation appearance. Respondent's monitor/supervisor shall also appear before the Probation Committee at such

other times as directed by the Committee. It shall be Respondent's responsibility to ensure that the appearance of his monitor/supervisor as directed. Failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of this Stipulation and shall subject the Respondent to disciplinary action.

d. CHANGE IN MONITOR/SUPERVISOR. In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill his responsibilities as a monitor/supervisor as described above, then the Respondent shall immediately advise the Board of this fact. Respondent shall immediately submit to the Chairman of the Board's Probation Committee the name of a temporary monitor/supervisor for consideration. Respondent shall not practice pending approval of this temporary monitor/supervisor by the Chairman of the Probation Committee. Furthermore, Respondent shall make arrangements with his temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the monitor/supervisor by the Committee. Respondent shall only practice under the auspices of the temporary monitor/supervisor (approved by the Chairman) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new monitor/supervisor shall be addressed.

3. CONTINUITY OF PRACTICE

a. TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's

probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida:

(1). The time period of probation shall be tolled.

(2). The provisions regarding supervision whether direct or indirect by another physician, and required reports from the monitor/supervisor shall be tolled.

(3). The provisions regarding preparation of investigative reports detailing compliance with this Stipulation shall be tolled.

(4). Any provisions regarding community service shall be tolled.

b. ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Probation Committee may require Respondent to appear before the Probation Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

SIGNED this 26th day of December, 2000.

Dennis R Porter, M.D.
DENNIS PORTER, M.D.

Under penalties of perjury, I declare that I have read the foregoing agreement and that I agree to be bound by its terms and conditions.

Dennis R Porter, M.D.
DENNIS PORTER, M.D.

Approved this 27th day of December, 2000.

Robert G. Brooks, M.D., Secretary
Department of Health

By: Kathryn L Kasprzak
Kathryn L. Kasprzak
Chief Medical Attorney
Practitioner Regulation

3/16/01

Final Order No. DOH-01-0411-5-MOA
FILED DATE - 3/27/01
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Victi R. Kenner
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NOS.: 1996-03518
1996-17445
LICENSE NO.: ME0053424

DENNIS R. PORTER, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 2, 2001, in Tampa, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. 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 the terms and conditions of the Consent Agreement.

This Final Order shall take effect upon being filed with the

Clerk of the Department of Health.

DONE AND ORDERED this 23rd day of February, 2001.

BOARD OF MEDICINE

for *Danya Williams*
GASTON ACOSTA-RUA, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Dennis R. Porter, M.D., 48 Fiesta Lane, Ft. Lauderdale, Florida 33301; to Eugene S. Garrett, Esquire, Peninsula Plaza, Suite 314, 2424 North Federal Highway, Boca Raton, Florida 33431-7781, and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, and Simone Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2001.
