

FILED  
Department of Health  
Angela Hall, AGENCY CLERK  
By: Vicki R. Ellerson  
Deputy Agency Clerk

STATE OF FLORIDA,  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,  
  
Petitioner,

vs.

CASE NO.: 97-21655  
LICENSE NO.: ME0028097

DICK CUADRA LARUMBE, M.D.,  
  
Respondent.

\_\_\_\_\_ /

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on April 7, 2000, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Kristy Johnson, Senior Attorney. Respondent was present and represented by A.S. Weekly, Jr., Esquire. 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:

Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 28<sup>th</sup> day of April, 2000.

BOARD OF MEDICINE

  
For GEORGES A. EL-BAHRI, 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. 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 AGENCY FOR HEALTH CARE ADMINISTRATION 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.

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 Dick Cuadra Larumbe, M.D., 2205 Carter Avenue, Ashland, Kentucky 41105; to A.S. Weekly, Jr., Esquire, Holland & Knight, 400 North Ashley Drive, Suite 2300, Post Office Box 1288, Tampa, Florida 33602-4300; and by interoffice delivery to Kathryn L. Kasprzak, Chief Medical Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_

**STATE OF FLORIDA**  
**DEPARTMENT OF HEALTH**  
**BOARD OF MEDICINE**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Number 97-21655

DICK C LARUMBE, M.D.,

Respondent.

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**MOTION FOR FINAL ORDER**

COMES NOW the Petitioner, Department of Health, by and through its agent, Agency for Health Care Administration, and requests that this Honorable Board of Medicine enter a Final Order in the above-styled cause. As grounds therefore, the Petitioner would state that:

1. On April 30, 1999, Petitioner filed an Administrative Complaint against Respondent alleging violations of Section 458.331(1)(kk) & (b), Florida Statutes.
2. The Administrative Complaint and Election of Rights was forwarded to the last known address of Respondent at 2205 Carter Avenue, Ashland, Kentucky 41105.
3. On June 3, 1999, Respondent completed an election of rights form and requested an opportunity to discuss settlement of the case.
4. The parties attempted to settle the case, however they could not reach an agreement. Because of the severity of the allegations, the Agency had sought a voluntary relinquishment of Dr. Larumbe's license.
5. Subsequent to the negotiations, the Agency received a letter dated November 9, 1999 from the Respondent's attorney requesting an informal hearing.

6. The Respondent has been advised by a copy of this motion that the Board will consider the investigative report, as well as any oral or written communication from the complainants on the issue of penalty in this matter.

WHEREFORE, the Petitioner requests that this Honorable Board, after consideration of the record, issue a Final Order concerning the Respondent's license to practice medicine in the state of Florida.

Respectfully submitted,



John E. Terrel, Senior Attorney  
Florida Bar No. 0865036  
Agency for Health Care Administration  
Office of the General Counsel  
P.O. Box 14229  
Tallahassee, FL 32317-4229  
(850) 487-9632  
(850) 414-1989 FAX

JET/tc

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail on this 30<sup>th</sup> day of December, 1999, to Michael J. Curtis, Esquire, 1544 Winchester Avenue, Post Office Box 1455, Community Trust Bank Building, Suite 1008, Ashland, Kentucky 41105-1455.



John E. Terrel, Senior Attorney

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH, )  
)  
PETITIONER, )  
)  
v. )  
)  
DICK C. LARUMBE, M.D., )  
)  
RESPONDENT. )

CASE NO. 1997-21655

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Dick C. Larumbe, M.D., hereinafter referred to as "Respondent," and alleges:

1. 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.

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 0028097. Respondent's last known address is 2205 Carter Avenue, Ashland, Kentucky 41105. Respondent is also licensed to practice medicine in the State of Kentucky.

4. In an order dated September 4, 1997, the Kentucky Board of Medical Licensure, the licensing authority in the State of Kentucky, placed Respondent's Kentucky medical license on probation for alleged sexual misconduct with four (4) patients.

5. Respondent did not notify the Florida Board of Medicine in writing that the Kentucky Board of Medical Licensure, the licensing authority in the State of Kentucky, placed his Kentucky medical license on probation.

#### COUNT ONE

6. Petitioner realleges and incorporates paragraphs one (1) through five (5), as if fully set forth herein this Count One.

7. Respondent had his license acted against by the licensing authority of another jurisdiction in that his license was placed on probation by the Kentucky Board of Medical Licensure, the licensing authority in the State of Kentucky, for alleged sexual misconduct with four (4) patients.

8. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes, by having his medical license acted against by the licensing authority of another jurisdiction. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

COUNT TWO

9. Petitioner realleges and incorporates paragraphs one (1) through five (5) and paragraph seven (7), as if fully set forth herein this Count Two.

10. Respondent failed to notify the Florida Board of Medicine in writing within thirty (30) days that his license was placed on probation by the Kentucky Board of Medical Licensure, the licensing authority in the State of Kentucky.


11. Based on the foregoing, Respondent violated Section 458.331(1)(kk), Florida Statutes, by failing to report to the board, in writing, within thirty (30) days if action as defined in Section 458.331(1)(b), Florida Statutes, has been taken against one's license to practice medicine in another state, territory, or country.

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 455.624(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 30 day of April, 1999.

Robert G. Brooks, M.D., Secretary

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Stephanie Q. Dixon*  
DATE 4/30/99

  
\_\_\_\_\_  
Larry G. McPherson, Jr.  
Chief Medical Attorney



COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.  
Chief Medical Attorney  
Agency for Health Care Administration  
P. O. Box 14229  
Tallahassee, Florida 32317-4229  
Florida Bar # 788643  
RPC/kmj  
PCP: April 23, 1999  
PCP Members: Slade, Murray, Pardue