

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
)
 v.)
)
 JACK W. KENSINGER, M.D.,)
)
 RESPONDENT.)
 _____)

CASE NO. 1999-58710

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 Jack W. Kensinger, 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 0016094. Respondent's last known address is 4302 Acton Road, Suite 700, Miami Beach, Florida 33140.
3. Respondent is not board certified.

4. On or about March 27, 1998, in the Circuit Court of the Tenth Judicial Circuit in and for Highlands County, Florida, Respondent was charged in a two count information, in Case No. CF98-00210A-XX, with one count of grand theft, in violation of Section 812.014, Florida Statutes, a second degree felony, and one count of Medicaid provider fraud, in violation of Section 409.920(2)(d), Florida Statutes, a third degree felony, in the name and by the authority of the state of Florida and Statewide Prosecutor for the State of Florida.

5. On or about March 30, 1999, Respondent signed a plea agreement, which included a plea of guilty to one count of Medicaid provider fraud, with an adjudication of guilt. Respondent agreed to serve one year on community control followed by five years of probation, restitution, court costs, cost of investigation, and cost of prosecution. Respondent also agreed to request voluntary relinquishment of his medical license from the Board of Medicine.

6. On or about May 18, 1999, a plea of guilty to Medicaid Provider Fraud was entered by Respondent. Respondent was sentenced as provided above, except probation was reduced to four years.


7. Based on the foregoing, Respondent violated Chapter 458.331(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

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 as provided for in Section 455.624(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 15th day of December, 1999.

Robert G. Brooks, M.D., Secretary


Kathryn L. Kasprzak
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Kathryn L. Kasprzak
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 937819
EDL/edl
PCP: December 8, 1999
PCP Members: Skinner, Zachariah, Cherney

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Vicki R. Ellison
DATE 12/15/99

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

AGENCY FOR HEALTH
CARE ADMINISTRATION,

Petitioner,

v.

AHCA Case Number: 99-58710

JACK W. KENSINGER, M.D.

Respondent.

2000 APR 10 AM 11:35

PRACTITIONER REGULATION
LEGAL

VOLUNTARY RELINQUISHMENT OF LICENSE

To avoid the necessity of further administrative proceeding in this case, the Respondent herein files this Voluntary Relinquishment of his license to practice as a physician in the State of Florida, with the provision that the Respondent agrees never again to apply for licensure as a physician in the State of Florida.

When relinquishments are offered to the Board of Medicine to avoid further administrative prosecution, this is considered to be disciplinary action against the Respondent's license to practice medicine in the State of Florida. As such, any and all disciplinary actions taken by the Board of Medicine are reported to the Federation of State Medical Boards and the National Practitioner Data Bank.

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

Upon the Board's adoption of this Relinquishment, 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 Agency in connection with this matter.

This Relinquishment 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 of Medicine to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Relinquishment. Furthermore, should this Relinquishment not be accepted by the Board, it is agreed that presentation to and consideration of this Relinquishment 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.

DATED this 7th day of April, 2000.

Jack W. Kensinger, MD
JACK W. KENSINGER, M.D.

STATE OF FLORIDA

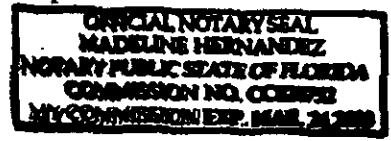
COUNTY OF: Dade

Before me, personally appeared Jack Kensinger whose identity is known to me by driver's license / personally (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 7th day of April, 2000.

Madelin H
NOTARY PUBLIC

My Commission Expires:



STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

Final Order No. DOH-00-1116-S-MQA
FILED DATE 6.28.00
Department of Health

By: 
Deputy Agency Clerk

vs.

CASE NO.: 99-58710
LICENSE NO.: ME0016094

JACK KENSINGER, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) on June 2, 2000, in Ft. Lauderdale, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED

That Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED.

This Final Order shall take effect upon being filed with the

Clerk of the Department of Health.

DONE AND ORDERED this 23rd day of June, 2000.

BOARD OF MEDICINE

Janyal Williams
for GEORGES A. EL-BAHRI, 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 Jack Kensinger, M.D., 4302 Acton Road, Suite 70, Miami Beach, Florida 33140, 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 28th day of June, 2000.

Connie Singletary