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Final Order No. DOH-07-2213-5-MQA

FILED DATE - 10/15/07

Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Lillian M. Mink
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2003-02791
LICENSE NO.: ME0012759

JOSEPH A. VIRZI, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on October 5, 2007, in Orlando, 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.

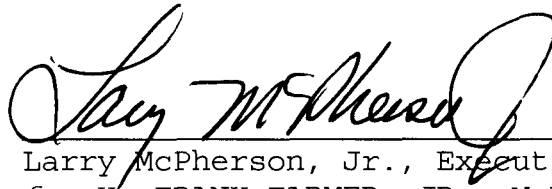
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon Respondent's license.

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

DONE AND ORDERED this 17 day of OCTOBER,
2007.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for H. FRANK FARMER, JR., M.D., Chair

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 JOSEPH A.
VIRZI, M.D., 9770 Baymeadows Road, Suite 121, Jacksonville,
Florida 32256; to A. S. Weekley, Jr., Esquire, Holland & Knight,
LLP, 100 North Tampa Street, Suite 4100, Tampa, Florida 33602-
3664; and by interoffice delivery to Ephraim Livingston,
Department of Health, 4052 Bald Cypress Way, Bin #C-65,
Tallahassee, Florida 32399-3265 this 18th day of
October, 2007.


Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,
Petitioner,**

v.

DOH Case No. 2003-02791

**JOSEPH A. VIRZI, M.D.,
Respondent.**

2007 AUG 13 11:10:26
REGISTRATION
LEGAL

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Joseph A. Virzi, M.D., license no. ME 12759, hereby voluntarily relinquishes Respondent's license to practice medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as a medical doctor in the State of Florida.
3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.
4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the



validity of, this Voluntary Relinquishment and of the Final Order of the Board Incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 16th day of August, 2007.

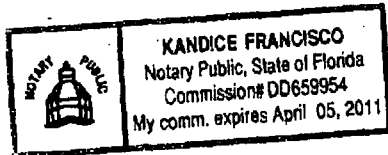
[Signature]
Joseph A. Virzi, M.D.

STATE OF FLORIDA
COUNTY OF:

Before me, personally appeared Joseph A. Virzi, whose identity is known to me by FDL 1620487 310 290 (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 16th day of August, 2007.

[Signature]
NOTARY PUBLIC

My Commission Expires:



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2003-02791

JOSEPH A. VIRZI, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Joseph A. Virzi, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed medical doctor within the state of Florida, having been issued license number ME 12759.

24093

3. Respondent's address of record is 9770 Baymeadows Rd, Suite 121, Jacksonville, FL 32256.

4. Respondent is board certified in psychiatry.

5. On or about July 29, 2002, Patient M.F. presented to Respondent with complaints of knee and hip pain, allegedly due to chronic use of prednisone. Patient M.F. was also noted to have a history of Bipolar Disorder and Panic Disorder.

6. During the July 29, 2002, visit, Respondent reviewed medical records that Patient M.F. had brought with her documenting her previous treatment and diagnoses. At that time, Respondent diagnosed Patient M.F. with Bipolar Disorder, chronic pain syndrome with psychological and medical condition, and possible history of drug abuse.

7. Respondent prescribed Patient M.F. Zyprexa 10 mg (28 tablets), Phenegren 50 mg (60 tablets), Xanax 1 mg (150 tablets), Oxycontin 80 mg (180 tablets), Oxydocodone 5 mg (90 tablets), Nuerontin 80 mg (90 tablets), and Dyserel 100 mg (30 tablets).

8. Respondent prescribed narcotic medications to Patient M.F. in these large quantities, despite his notation of a possible history of drug abuse by Patient M.F.

9. Respondent did not conduct any type of inquiries or attempts to verify Patient M.F.'s drug abuse history or past addiction problems during his examination of Patient M.F.

10. On or about August 1, 2002, Patient M.F. expired. An autopsy concluded that Patient M.F. died from a drug overdose and the manner of death was accidental.

11. Section 458.331(1)(t), Florida Statutes (2003), provides that the 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 is grounds for discipline by the Florida Board of Medicine.

12. Respondent failed to practice medicine with reasonable skill and safety in one or more of the following ways:

- (a) failing to properly evaluate Patient M.F. for possible addiction;

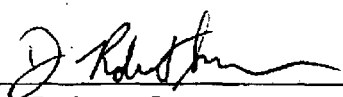
- (b) giving large amounts of prescription medication to Patient M.F. even though she had a history of addiction and/or;
- (c) failing to verify Patient M.F.'s history of treatment and/or addiction.

13. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes (2003), for 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.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 1st day of June
2007.

Ana M. Viamonte Ros, M.D., M.P.H.
Secretary, Department of Health


D. Robert Swanson
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0678597
(850) 245-4640
(850) 245-4680 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Ramers*
DATE 6.1.07

PCP: May 25, 2007

PCP Members: *Ei-Bahr, Davies, Long*

DOH v. James A. Virzi, M.D. DOH case No. 2003-02791

24097

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.