



Jeb Bush  
Governor

John O. Agwunobi, M.D., M.B.A., M.P.H.  
Secretary

**UNIFORM NON-DISCIPLINARY CITATION**  
**BOARD OF MEDICINE**

Issued to: <u>Brian Adam Costell, MD</u>	Citation Number: <u>200500069</u>
<u>1504 Bay Road #1002</u>	Case Number: <u>2005000691</u>
<u>Miami Beach, FL 33139</u>	Date of Violation: <u>December 7, 2004</u>
License Number: <u>ME90900</u>	Profession: <u>1501</u>

Pursuant to Section 456.077 F.S., the undersigned hereby certifies that he/she has probable cause to believe that on December 7, 2004, the above referenced subject did violate the following provision(s) of law s. 458.331(1)(g)(nn), F.S., by committing the following act(s): **completing two out of the three-hours of AMA approved HIV/AIDS CME required upon initial licensure on December 11, 2004, outside of the specified six-month time frame (the deadline was December 7, 2004).**

Pursuant to Rule 64B8-8.017(3)(a)1., Florida Administrative Code, the Board/Department has set the following penalty for violation of the aforesaid provision: **\$500.00** fine plus costs in the amount of **\$89.00**; within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; and prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period..

**Total amount due \$589.00**

On behalf of: John O. Agwunobi M.D. M.B.A. M.P.H., Secretary

ISSUED this 5<sup>th</sup> day of January, 2005

by: Nicole K. Jones  
Nicole K. Jones, Investigation Specialist II

If you do not dispute the citation within, thirty (30) days of service, the citation will automatically be filed as a final order of the board but will not be considered disciplinary action against your license. If you accept this citation, it will be filed as a final order and total payment of fine and cost is due thirty (30) days from the date the citation is filed and becomes a final order. In order to dispute this citation you must do so in writing. Send the written dispute and a copy of the citation by certified mail to the following address:

Department of Health, Consumer Services Unit  
4052 Bald Cypress Way Bin C#75  
Tallahassee Florida 32399-3275

You may elect to have these charges prosecuted as a disciplinary action according to section 456.073 Florida Statutes, rather than accept this citation. In the event that you elect to have these charges prosecuted pursuant to section 456.073 Florida Statutes, the case will be presented to the appropriate probable cause panel or the Department for a determination of probable cause.

**PLEASE CHECK ONE OF THE FOLLOWING AND SIGN:**

- (1) I CHOOSE TO ACCEPT THE NON-DISCIPLINARY CITATION
- (2) I CHOOSE NOT TO ACCEPT THE NON-DISCIPLINARY CITATION AND WISH TO HAVE THIS CASE PROSECUTED UNDER SECTION 456.073, FLORIDA STATUTES.

Signed: [Signature] Date: 1/18/05

**PLEASE READ THE INFORMATION ON THE REVERSE SIDE OF THIS FORM**

**IMPORTANT INFORMATION REGARDING  
COMPLIANCE WITH THIS NON-DISCIPLINARY CITATION**

This citation automatically becomes a final order of the board if you do not dispute the citation within thirty (30) days of the date the citation was served. All fines and costs are due thirty (30) days from the date the citation becomes a final order. Please attach a copy of the citation with your payment. Payment shall be mailed to the following address:

DOH/MQAMS/Client Services  
Post Office Box 6320  
Tallahassee, Florida 32314-6320

Any continuing education requirements shall be completed within the timeframe specified in the citation and proof of compliance documented with the Department of Health. Proof of completion must be mailed to:

DOH/HMQAMS/Client Services  
Compliance - Bin C01  
4052 Bald Cypress Way  
Tallahassee, Florida 32399-3251

After this citation becomes a final order, failure to pay the fine and costs specified and provide proof of required continuing education within the timeframe specified on this citation constitutes a violation of a final order of the board, and may subject you to disciplinary action and referral to a collection agency.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Citation has been served upon: Dr. Brian Costell

At: 1504 Bay Road #1002, Miami Beach, FL 33139

( ) By Personal Service  U.S. Certified Mail, Restricted Delivery, this 8<sup>th</sup> day of January, 2004.

Signature

  
Department of Health Representative