

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2009-03823**

**ANTHONY WELSH CINCOTTA, D.O.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

COMES NOW Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Osteopathic Medicine against Respondent, Anthony Welsh Cincotta, D.O., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of osteopathic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 459, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed osteopathic physician within the State of Florida, having been issued license number OS 6508.

2/23/2010

3. Respondent's address of record is 240 First Avenue, Apt. # 10 E, New York City, NY 10009.

4. Section 459.008(4), Florida Statutes (2005-2008), provides that "the board shall, by rule, prescribe continuing education programs and courses, not to exceed 40 hours biennially, as a condition for renewal of a license."

5. Rule 64B15-13.001, Florida Administrative Code ("F.A.C."), provides in pertinent part that:

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Five of the continuing medical education hours for renewal shall include a one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances, and two hours Prevention of Medical Errors Course. . . .

(2) At least twenty (20) of the forty (40) hours of the continuing medical education required under this rule shall be American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices.

6. Rule 64B15-13.003, F.A.C., authorizes the Board to conduct random audits to ensure compliance with the above-mentioned continuing education requirements.

7. Pursuant to Rule 64B15-13.003, F.A.C., Respondent was selected for a random audit regarding the amount of continuing education he received during the April 1, 2006, through March 31, 2008, biennium.

8. Respondent failed to provide proof that the following continuing education classes were completed during the licensure audit biennium: a two (2) hour course in the Prevention of Medical Errors; a one (1) hour course in Florida Laws and Rules for Osteopathic Medicine; a one (10 hour course in laws regarding the Use And Abuse Of Controlled Substances and a one (1) hour course in Risk Management. Therefore, Respondent did not complete and/or provide proof of completion for the number of hours of continuing education or the subject types required by Rule 64B15-13.001, F.A.C.

9. Florida Administrative Code Rule 64B15-13.001 and Rule 64B15-13.003 were adopted pursuant to Chapters 456 and/or 459, Florida Statutes.

10. Section 459.015(1)(g), Florida Statutes (2005)-(2008), subjects an osteopathic physician to discipline for failing to comply with any statutory or legal obligation.

11. Section 459.015(1)(pp), Florida Statutes (2005)-(2008), provides that violating any provision of Chapter 459 or Chapter 456, or any rules adopted pursuant thereto constitutes grounds for disciplinary action by the Board of Osteopathic Medicine.

12. Respondent failed to complete and/or provide proof of completion of the continuing education courses required by Rules 64B15-13.001 and 64B15-13.003, F.A.C.

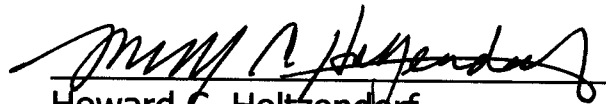
13. Based on the foregoing, Respondent has violated Section 459.015(1)(g), Florida Statutes (2005)-(2008) and/or Section 459.015(1)(pp), Florida Statutes (2005)-(2008), by violating Rule 64B15-13.001 and/or Rule 64B15-13.003, F.A.C.

WHEREFORE, 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, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 18 day of February, 2010.

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Angeles Bactor*  
DATE 2/23/2010

  
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PCP DATE: *2/18/2010*

PCP MEMBERS: *Andrioste and Malan*

## **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.**