


Final Order No. DOH-12-2286-<sup>S</sup>-MQA  
FILED DATE - 10-24-12  
Department of Health  
By:   
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,  
  
Petitioner,

vs.

DOH CASE NO.: 2011-03053  
LICENSE NO.: ME0034239

ALBERTO ANDRES AYALA, M.D.,  
  
Respondent.

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FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on October 12, 2012, in Deerfield Beach, 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 24<sup>th</sup> day of October, 2012.

BOARD OF MEDICINE

Capital A. Bufad for  
Joy A. Tootle, Executive Director  
For Jason J. Rosenberg, 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 ALBERTO ANDRES AYALA, M.D., 1900 Coral Way, Suite 401, Miami, Florida 33145; and Reg. #96358-004, FDC Miami, P.O. Box 019120, Miami, Florida 33145; and by interoffice delivery to Sharmin Hibbert, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 24<sup>th</sup> day of October, 2012.

Brygel Sanders

**Deputy Agency Clerk**

FDC Miami

7012 1640 0000 3561 1281



Rick Scott  
Governor

John H. Armstrong, M.D.  
State Surgeon General

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**INTEROFFICE MEMORANDUM**

**DATE:** September 19, 2012

**TO:** Cassandra Pasley, BSN, J.D., Bureau Chief  
Health Care Practitioner Regulation

**FROM:** Joy A. Tootle, Executive Director  
Board of Medicine

**SUBJECT:** Delegation of Authority

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This is to advise you that while I am out of the office Telecommuting from September 12<sup>th</sup> through October 25<sup>th</sup>, 2012. Chandra Prine and Crystal Sanford are delegated to sign on behave of Executive Director for the Board of Medicine. Ms. Prine can be reached at (850) 245-4135. Ms. Sanford can be reached at (850) 245-4132.

**Mission Statement:** To protect and promote the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties.

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**Division of Medical Quality Assurance • Board of Medicine**  
**4052 Bald Cypress Way, Bin C03 • Tallahassee, Florida 32399-3253**  
**Phone: (850) 245-4131 • Fax: (850) 488-0596 • <http://www.doh.state.fl.us/mqa/medical/index.html>**

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE AUG 17 2012

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,  
Petitioner,

v.

DOH Case No. 2011-03053

ALBERTO ANDRES AYALA, M.D.,  
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Alberto Andres Ayala, M.D., license No. ME 34239, 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 medicine in the State of Florida. However, the parties agree that if his criminal conviction is overturned pursuant to the current appeal, upon proper motion this Voluntary Relinquishment shall be vacated and DOH Case No. 2011-03053 shall proceed as if no Voluntary Relinquishment had been filed.
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. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the Investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10), Florida Statutes.

5. 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; however the parties agree that if the Respondent is successful in his criminal appeal and the underlying criminal conviction is overturned, upon proper motion, this Voluntary Relinquishment shall be vacated and Respondent's license shall be reinstated, subject to appropriate administrative action by the Department of Health.

6. 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.

7. 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 16 day of August, 2012.

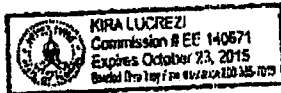
  
ALBERTO ANDRES AYALA, M.D.

STATE OF FLORIDA  
COUNTY OF:

Before me, personally appeared ALBERTO ANDRES AYALA, M.D., whose identity is known to me by FDIC # (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 16 day of August, 2012.

  
NOTARY PUBLIC

My Commission Expires:





**INVESTIGATIVE REPORT**

Office: CONSUMER SERVICES		Date of Complaint: June 4, 2012		Case Number: ME 2011-03053	
Subject: ALBERTO ANDRES AYALA M.D. 1900 Coral Way Suite 401 Miami, FL 33145			Complainant/Source: DEPARTMENT OF HEALTH/MEDIA		
Prefix: ME	License #: 34239	Profession: Allopathic Physician	Board: Medicine	Report Date: June 4, 2012	
Period of Investigation: June 4, 2012 through June 4, 2012			Type of Report: FINAL		
Alleged Violation: § 458.331(1)(c)(g)(nn)... Florida Statutes. Convicted of a crime related to the practice of medicine... Failure to perform a legal obligation... Violation of any provision of Chapter 456....					
<p><b>Synopsis:</b> This investigation is predicated on the receipt of a complaint from the Department of Health through an article in the Miami Herald (Ex. #1) alleging that DR AYALA was charged with defrauding Medicare. It was alleged that DR. AYALA falsified records and schemed to take \$200 million from Medicare. Charges were brought by the Justice Department. According to the Miami Herald article posted on June 1, 2012, DR. AYALA was convicted of conspiring to defraud Medicare.</p> <p>DR. AYALA was notified of this complaint by letter dated June 4, 2012 sent certified mail (Ex. #2) including a copy of the U.C.F. and initial complaint.</p> <p>DOH computer information obtained reflects that DR. AYALA is licensed to practice Medicine in the State of Florida with a license that is CLEAR and ACTIVE.</p> <p>There is no patient involved in this case, therefore notification is not required.</p> <p>DR. AYALA is not known to be represented by an attorney at this time.</p> <p>No response has been received from DR. AYALA as of the date of this report.</p>					
RECEIVED-LEGAL 12 JUN 22 PM 2:58					
Related Case: none					
Investigator/Date: Ronnie Shipp Government Analyst I (HA-123)			Approved By/Date:  6-5-12		
Distribution: Legal/CSU					