

Final Order No. DOH-12-2331-⁵ MOA
FILED DATE - 1 OCT 25 2012
Department of Health
By: Ronald Sander
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-12975
LICENSE NO.: ME0073414

CARLOS ALBERTO SALGUEIRO, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on October 12, 2012, in Deerfield Beach, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$2,066.97.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

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

DONE AND ORDERED this 21st day of October, 2012.

BOARD OF MEDICINE

Cynthia A. Sampedro 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 CARLOS ALBERTO SALGUEIRO, M.D., 208 North Fifth Street, P.O. Box 305, Blytheville, AR 72315; to Donna Blanton, Esquire, Rady, Thomas, et al., 301 South Bronough Street, Suite 200, Tallahassee, Florida 32301; and by interoffice delivery to Sharmin Hibbert, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 25th day of October, 2012.

Angela Sanders
Deputy Agency Clerk



Rick Scott
Governor

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

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

This is to advise you that while I am out of the office Telecommuting from September 12th through October 25th, 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.

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>

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No: 2011-12975

CARLOS ALBERTO SALGUEIRO, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Carlos Alberto Salgueiro, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department" stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 73414.

2. The Department charged Respondent with an Amended Administrative Complaint that was filed and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Amended Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Amended Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Amended Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Amended Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Letter Of Concern** - Respondent shall receive a Letter of Concern from the Board of Medicine.

2. Fine - The Board of Medicine shall impose an administrative fine of two thousand dollars and zero cents (\$2,000.00) against the license of Respondent, to be paid by Respondent to Payments, Department of Health, Compliance Management Unit, Blm C-76, P. O. Box 6320, Tallahassee, FL 32314-6320, within thirty-days (30) from the date of filing of the Final Order accepting this Agreement. All fines shall be paid by cashiers check or money order. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

3. Reimbursement Of Costs - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any costs incurred in the investigation and prosecution of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this

case is currently **one thousand four hundred one dollars and thirty-three cents (\$1,401.33)**, but shall not exceed **two thousand nine hundred one dollars and thirty-three cents (\$2,901.33)**. Respondent will pay costs to Payments, Department of Health, Compliance Management Unit, Bln C-76, P. O. Box 6320, Tallahassee, FL 32314-6320, within thirty-days (30) from the date of filing of the Final Order in this cause. All costs shall be paid by cashiers check or money order. Any post-Board costs, such as the costs associated with probation, are not included in this agreement.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY, AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

4. Laws And Rules Course - Respondent shall complete course, "Legal and Ethical Implications In Medicine Physician's Survival Guide-Laws and Rules" administered by the Florida Medical Association, or a Board-approved equivalent, within eighteen (18) months of the date of filing of the Final Order of the Board. In addition, Respondent shall submit documentation in the form of certified copies of

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the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical education course within eighteen (18) months of the date of filing of the Final Order Incorporating this Agreement.

STANDARD PROVISIONS

1. **Appearance:** Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No force or effect until final order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this written agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said continuing medical education course(s). Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the date of filing of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the

Board, said continuing medical education course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of terms considered** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

Furthermore, should this Agreement not be accepted by the Board, It is agreed that presentation to and consideration of this Agreement 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.

8. **No preclusion of additional proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order Incorporating same will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Amended Administrative Complaint attached as Exhibit A.

9. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their 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 Department and the Board in connection with this matter.

10. **Waiver of further procedural steps** - Upon the Board's adoption of this Agreement, 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 Agreement and the Final Order of the Board Incorporating said Agreement.

SIGNED this 06 day of August, 2012.

[Signature]
Carlos Alberto Salgueiro, M.D.

STATE OF FLORIDA
COUNTY OF Broward

Before me, personally appeared Carlos Alberto Salgueiro, M.D. whose identity is known to me or by known (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 06 day of August, 2012.

[Signature]
NOTARY PUBLIC

My Commission Expires:



DOLORES BRACHE
MY COMMISSION # DD 026703
EXPIRES: September 21, 2013
Broward thru Budget History Services

APPROVED this 06 day of August, 2012.

JOHN H. ARMSTRONG, MD
Surgeon General and Secretary of Health
Department of Health

[Signature]
By: Laura L. Glenn
Assistant General Counsel
Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE JUL 25 2012

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-12975

CARLOS ALBERTO SALGUEIRO, M.D.,

RESPONDENT.

_____ /

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, hereby files this Amended Administrative Complaint before the Board of Medicine against Respondent, Carlos Alberto Salgueiro, 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 physician within the state of Florida, having been issued license number ME 73414.

3. Respondent's address of record is P.O. Box 305, Blytheville, Arizona 72316.

4. At all times material to this Complaint, Respondent's Florida practitioner profile indicated that he was board certified by The American Board of Internal Medicine and by The American Board of Psychiatry and Neurology with a certification in Psychiatry.

5. The State Board of Registration for the Healing Arts, Division of Professional Registration, State of Missouri (Missouri Board) is the licensing authority regulating the practice of medicine in the State of Missouri.

6. On or about August 12, 2011, the Missouri Board issued its Findings of Fact, Conclusions of Law and Disciplinary Order ("Order") in which the Missouri Board imposed a public reprimand against Respondent's Missouri license (Case Number 2009-002687).

7. The Order issued by the Missouri Board was based on stipulations and a probationary term contained in a settlement agreement which Respondent had entered into with the Bureau of Narcotics and Dangerous Drugs ("BNDD"), an agency of the State of Missouri.

8. Respondent timely notified the Florida Board of Medicine, in writing, within 30 days of the August 12, 2011, that disciplinary action was taken by the Missouri Board.

9. Section 458.331(1)(b), Florida Statutes (2011), sets forth the grounds for disciplinary action by the Board of Medicine and provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction constitutes grounds for discipline.

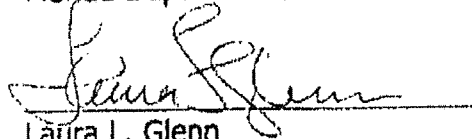
10. The Missouri Board acted against Respondent's Missouri medical license on or about August 12, 2011, by entering the above-referenced order.

11. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes (2011), by having his medical license acted against by the licensing authority of Missouri.

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 25th day of July, 2012.

JOHN H. ARMSTRONG, MD
Surgeon General and Secretary of Health
Florida Department of Health



Laura L. Glenn
Assistant General Counsel
Fla. Bar No. 0861413
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4681
Email: Laura_Glenn@doh.state.fl.us

LLG

PCP: July 20, 2012
PCP Members: Mr. Levine (Chair) and Dr. Tucker

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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.