

FILED DATE **AUG 18 2016**

Department of Health

By: *[Signature]*  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO. : 2014-07942  
2014-09374  
2014-10037  
LICENSE NO. : ME0070948

DIANA RAE FISCHER, M.D.,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57, Florida Statutes, on July 29, 2016, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. Respondent was served with the Administrative Complaint by personal service. Because Respondent failed to submit an Election of Rights or otherwise dispute the facts or respond in any other way, Respondent waived the right to a hearing pursuant to Section 120.57, Florida Statutes. At the hearing, Petitioner was represented by Louise St. Laurent, Assistant General Counsel. Respondent was not present and was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$5,000.00 to the Board within 30 days from the date the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent shall document completion of a Board-approved medical records course within one year from the date the Final Order is filed.

3. Respondent shall document completion of a Board-approved laws and rules course within one year from the date the Final Order is filed.

4. Respondent's license to practice medicine in the State of Florida is hereby **SUSPENDED** until such time as she provides copies of medical records to patients outlined in the

Administrative Complaint and documents such compliance to the Board.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$9,680.59. Said costs are to be paid within 30 days from the date this Final Order is filed.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

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

DONE AND ORDERED this 16<sup>th</sup> day of August, 2016.

BOARD OF MEDICINE

Claudia Kemp

Claudia Kemp, J.D., Executive Director  
For Enrique Ginzburg, M.D., Vice-Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**CASE NUMBERS: 2014-07942  
2014-09374  
2014-10037**

**DIANA RAE FISCHER, M.D.,**

**Respondent.**

\_\_\_\_\_ /

**MOTION TO ASSESS COSTS  
IN ACCORDANCE WITH SECTION 456.072(4)**

The Department of Health, by and through counsel, and moves the Board of Medicine for entry of a Final Order assessing costs against Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2015). As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board of Medicine will take up for consideration the above-styled disciplinary action and will enter a Final Order.

2. Section 456.072(4), Florida Statutes (2015), states, in pertinent part, as follows:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, under this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board,

or the department when there is no board, shall assess costs related to the investigation and prosecution of the case. The costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto....

3. As evidenced in the attached affidavit (Exhibit A), the investigation and prosecution of case number 2014-07942 has resulted in costs in the total amount of \$3,904.17 based on the following itemized statement of costs:

- a. Total costs for Complaint \$46.46
- b. Total costs for Investigations \$2,338.35
- c. Total costs for Legal \$1,519.36
- d. Total costs for Expenses \$0.00

5. As evidenced in the attached affidavit (Exhibit B), the investigation and prosecution of case number 2014-09374 has resulted in costs in the total amount of \$2,666.88 based on the following itemized statement of costs:

- a. Total costs for Complaint \$103.86
- b. Total costs for Investigations \$1,445.05
- c. Total costs for Legal \$1,117.97
- d. Total costs for Expenses \$0.00

6. As evidenced in the attached affidavit (Exhibit C), the investigation and prosecution of case number 2014-10037 has resulted in

costs in the total amount of \$3,109.04 based on the following itemized statement of costs:

- a. Total costs for Complaint \$43.72
- b. Total costs for Investigations \$1,821.42
- c. Total costs for Legal \$1,244.40
- d. Total costs for expenses \$0.00

7. The attached outside attorney affidavit (Exhibit D) indicates a review of the file and a finding that the Department's attorney time in these three cases combined is reasonable and justified in the amount of \$3,881.73.

8. Should Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion, specifying the grounds for the objections and the specific elements of the costs to which objections are made, Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

6. Petitioner requests that the Board grant this motion and assess costs in the amount of \$9,680.59 as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2015).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against Respondent in the amount of \$9,680.59.

Respectfully submitted,

/s/ Peter Delia

Peter Delia  
 Assistant General Counsel  
 DOH Prosecution Services Unit  
 4052 Bald Cypress Way, Bin C-65  
 Tallahassee, FL 32399-3265  
 Florida Bar # 104207  
 T: (850) 245-4444, Ext. 8152  
 F: (850) 245-4684  
 E: Peter.Delia@flhealth.gov

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Determination of Waiver and for Final Order by Hearing Not Involving Disputed issues of Material Fact has been furnished via certified mail to Diana Rae Fischer M.D., 7809 Massachusetts Avenue, New Port Richey, Florida 34653, this 6<sup>th</sup> day of June, 2016.

*Peter Delia*

Peter Delia  
 Assistant General Counsel

PVD/rr



**AFFIDAVIT OF FEES AND COSTS EXPENDED**

STATE OF FLORIDA  
COUNTY OF LEON:

**BEFORE ME**, the undersigned authority, personally appeared **SHANE WALTERS** who was sworn and states as follows:

- 1) My name is Shane Walters.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am the Senior Management Analyst II (SMALL) for the Consumer Services and Compliance Management Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As SMALL of the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) **2014-07942** (Department of Health v **Diana Rae Fischer, M.D.**) are **THREE THOUSAND NINE HUNDRED FOUR DOLLARS AND SEVEN-TEEN CENTS (\$3,904.17)**.
- 6) The costs for DOH case numbers **2014-07942** (Department of Health v. **Diana Rae Fischer, M.D.**) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers **2014-07942** (Department of Health v. **Diana Rae Fischer, M.D.**) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators

and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

9) Shane Walters, first being duly sworn, states that he has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Shane Walters  
Shane Walters, Affiant

State of Florida  
County of Leon

Sworn to and subscribed before me this 1 day of June, 2016, by Shane Walters, who is personally known to me.

Cindy J. Chandronnet  
Notary Signature

Cindy J. Chandronnet  
Name of Notary Printed

Stamp Commissioned Name of Notary Public:



## Complaint Cost Summary

Complaint Number: 201407942

Subject's Name: FISCHER, DIANA RAE

	***** Cost to Date *****	
	Hours	Costs
<b>Complaint:</b>	0.85	\$46.46
<b>Investigation:</b>	36.50	\$2,338.35
<b>Legal:</b>	14.40	\$1,519.36
<b>Compliance:</b>	0.00	\$0.00
	*****	*****
<b>Sub Total:</b>	51.75	\$3,904.17
<b>Expenses to Date:</b>		\$0.00
<b>Prior Amount:</b>		\$0.00
<b>Total Costs to Date:</b>		\$3,904.17



**\*\*\* CONFIDENTIAL \*\*\***  
**Time Tracking System**  
**Itemized Cost by Complaint**

Complaint 201407942

Report Date 06/01/2016

Page 1 of 4

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
<b>CONSUMER SERVICES UNIT</b>						
HA168	0.60	\$54.65	\$32.79	05/28/2014	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA151	0.10	\$54.65	\$5.47	06/20/2014	35	TELEPHONE CALLS
HA173	0.15	\$54.65	\$8.20	08/21/2014	144	CSU INVESTIGATIVE WORK
<b>Sub Total</b>	<b>0.85</b>		<b>\$46.46</b>			
<b>INVESTIGATIVE SERVICES UNIT</b>						
WI116	0.10	\$63.82	\$6.38	06/03/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.10	\$63.82	\$6.38	06/04/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.10	\$63.82	\$6.38	06/12/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.00	\$63.82	\$63.82	06/20/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.60	\$63.82	\$102.11	06/20/2014	58	TRAVEL TIME
WI116	0.20	\$63.82	\$12.76	06/20/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.30	\$63.82	\$19.15	06/24/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.00	\$63.82	\$63.82	06/26/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.20	\$63.82	\$76.58	06/27/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.00	\$63.82	\$63.82	06/27/2014	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
WI116	0.30	\$63.82	\$19.15	07/09/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.20	\$63.82	\$12.76	07/15/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.30	\$63.82	\$19.15	07/17/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	3.00	\$63.82	\$191.46	07/29/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.60	\$63.82	\$38.29	07/30/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.80	\$63.82	\$51.06	07/30/2014	58	TRAVEL TIME
WI116	1.20	\$63.82	\$76.58	07/31/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.70	\$63.82	\$44.67	07/31/2014	58	TRAVEL TIME
WI116	1.00	\$63.82	\$63.82	08/01/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.60	\$63.82	\$38.29	08/01/2014	76	REPORT WRITING
WI116	0.70	\$63.82	\$44.67	08/08/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.50	\$63.82	\$95.73	08/18/2014	4	ROUTINE INVESTIGATIVE WORK



**\*\*\* CONFIDENTIAL \*\*\***  
**Time Tracking System**  
**Itemized Cost by Complaint**

Complaint 201407942

Report Date 06/01/2016

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
WI116	2.00	\$63.82	\$127.64	08/18/2014	76	REPORT WRITING
WI116	1.00	\$63.82	\$63.82	08/19/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	2.00	\$63.82	\$127.64	08/19/2014	76	REPORT WRITING
WI116	1.50	\$63.82	\$95.73	08/20/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.70	\$63.82	\$44.67	08/20/2014	76	REPORT WRITING
WI116	1.50	\$63.82	\$95.73	08/20/2014	58	TRAVEL TIME
WI116	2.70	\$63.82	\$172.31	08/21/2014	76	REPORT WRITING
WI116	1.00	\$63.82	\$63.82	08/25/2014	76	REPORT WRITING
WI116	1.30	\$63.82	\$82.97	09/02/2014	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$63.82	\$12.76	10/03/2014	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$63.82	\$12.76	01/20/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	01/23/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	02/26/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	03/03/2015	6	SUPPLEMENTAL INVESTIGATION
WI110	0.10	\$65.61	\$6.56	03/12/2015	6	SUPPLEMENTAL INVESTIGATION
WI110	0.10	\$65.61	\$6.56	03/13/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	03/31/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	04/06/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	04/07/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.30	\$65.61	\$19.68	04/07/2015	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
WI116	0.30	\$65.61	\$19.68	04/08/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	04/13/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	04/15/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.40	\$65.61	\$26.24	05/08/2015	76	REPORT WRITING
WI116	0.40	\$65.61	\$26.24	05/08/2015	176	REPORT PREPARATION
WI116	0.30	\$65.61	\$19.68	05/11/2015	76	REPORT WRITING
WI116	0.20	\$65.61	\$13.12	05/11/2015	176	REPORT PREPARATION
WI116	0.20	\$65.61	\$13.12	06/01/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	06/05/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	06/10/2015	6	SUPPLEMENTAL INVESTIGATION
CI61	0.30	\$65.83	\$19.75	04/06/2016	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
CI61	0.40	\$65.83	\$26.33	04/11/2016	76	REPORT WRITING
CI61	0.30	\$65.83	\$19.75	04/11/2016	176	REPORT PREPARATION



**\*\*\* CONFIDENTIAL \*\*\***  
**Time Tracking System**  
**Itemized Cost by Complaint**

Complaint 201407942

Report Date 06/01/2016

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
<b>Sub Total</b>	<b>36.50</b>		<b>\$2,338.35</b>			
<b>PROSECUTION SERVICES UNIT</b>						
HLL116A	0.50	\$105.33	\$52.67	10/07/2014	103	REVIEW SUPPLEMENTAL REPORT
HLL116A	2.00	\$105.33	\$210.66	10/07/2014	25	REVIEW CASE FILE
HLL116A	0.50	\$105.33	\$52.67	01/14/2015	25	REVIEW CASE FILE
HLL116A	0.20	\$105.33	\$21.07	01/20/2015	115	CONTACT WITH INVESTIGATORS
HLL116A	0.20	\$105.33	\$21.07	01/20/2015	70	CONFERENCES WITH LAWYERS
HLL116A	0.10	\$105.33	\$10.53	01/21/2015	35	TELEPHONE CALLS
HLL116A	1.50	\$105.33	\$158.00	01/21/2015	113	CONTACT WITH WITNESSES
HLL116A	0.20	\$105.33	\$21.07	02/04/2015	35	TELEPHONE CALLS
HLL116A	0.40	\$105.33	\$42.13	02/05/2015	36	PREPARATION OR REVISION OF LETTER
HLL116A	0.10	\$105.33	\$10.53	02/06/2015	113	CONTACT WITH WITNESSES
HLL116A	0.20	\$105.33	\$21.07	02/13/2015	113	CONTACT WITH WITNESSES
HLL116A	0.40	\$105.33	\$42.13	02/26/2015	113	CONTACT WITH WITNESSES
HLL116A	0.10	\$105.33	\$10.53	03/20/2015	115	CONTACT WITH INVESTIGATORS
HLL116A	0.40	\$105.33	\$42.13	03/23/2015	112	REVIEWING & UPDATING CASELOAD INVENTORY
HLL116A	0.50	\$105.33	\$52.67	03/31/2015	115	CONTACT WITH INVESTIGATORS
HLL125B	1.00	\$105.33	\$105.33	07/30/2015	25	REVIEW CASE FILE
HLL125B	0.10	\$105.33	\$10.53	07/31/2015	35	TELEPHONE CALLS
HLL125B	0.30	\$105.33	\$31.60	07/31/2015	115	CONTACT WITH INVESTIGATORS
HLL125B	0.30	\$105.33	\$31.60	08/03/2015	35	TELEPHONE CALLS
HLL125B	0.60	\$105.33	\$63.20	10/26/2015	25	REVIEW CASE FILE
HLL125B	0.50	\$105.33	\$52.67	10/26/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.40	\$105.33	\$42.13	10/26/2015	46	LEGAL RESEARCH
HLL125B	0.30	\$105.33	\$31.60	10/27/2015	25	REVIEW CASE FILE
HLL125B	0.70	\$105.33	\$73.73	10/27/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.80	\$105.33	\$84.26	10/27/2015	46	LEGAL RESEARCH
HLL125B	0.30	\$105.33	\$31.60	10/28/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.60	\$105.33	\$63.20	11/02/2015	25	REVIEW CASE FILE
HLL125B	0.10	\$105.33	\$10.53	12/07/2015	26	PREPARE OR REVISE MEMORANDUM



**\*\*\* CONFIDENTIAL \*\*\***  
**Time Tracking System**  
**Itemized Cost by Complaint**

Complaint 201407942

Report Date 06/01/2016

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL125B	0.20	\$105.33	\$21.07	12/11/2015	89	PROBABLE CAUSE PREPARATION
HLL125B	0.20	\$105.33	\$21.07	12/15/2015	89	PROBABLE CAUSE PREPARATION
HLL125B	0.30	\$109.02	\$32.71	01/13/2016	35	TELEPHONE CALLS
HLL125B	0.20	\$109.02	\$21.80	01/13/2016	89	PROBABLE CAUSE PREPARATION
HLL125B	0.10	\$109.02	\$10.90	04/05/2016	115	CONTACT WITH INVESTIGATORS
HLL125B	0.10	\$109.02	\$10.90	04/05/2016	35	TELEPHONE CALLS
<b>Sub Total</b>	<b>14.40</b>		<b>\$1,519.36</b>			

<b>Total Cost</b>	<b>\$3,904.17</b>
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\*\*\* CONFIDENTIAL \*\*\*  
Time Tracking System  
Itemized Expense by Complaint  
Complaint 201407942

Report Date: 06/01/2016

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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SubTotal  
Total Expenses



**AFFIDAVIT OF FEES AND COSTS EXPENDED**

STATE OF FLORIDA  
COUNTY OF LEON:

**BEFORE ME**, the undersigned authority, personally appeared **SHANE WALTERS** who was sworn and states as follows:

- 1) My name is Shane Walters.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am the Senior Management Analyst II (SMALL) for the Consumer Services and Compliance Management Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As SMALL of the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) **2014-09374** (Department of Health v **Diana Rae Fischer, M.D.**) are **TWO THOUSAND SIX HUNDRED SIXTY-SIX DOLLARS AND EIGHTY-EIGHT CENTS (\$2,666.88)**.
- 6) The costs for DOH case numbers **2014-09374** (Department of Health v **Diana Rae Fischer, M.D.**) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers **2014-09374** (Department of Health v **Diana Rae Fischer, M.D.**) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators

and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

9) Shane Walters, first being duly sworn, states that he has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Shane Walters  
Shane Walters, Affiant

State of Florida  
County of Leon

Sworn to and subscribed before me this 1 day of June, 2016, by  
Shane Walters, who is personally known to me.

Cindy J. Chandronnet  
Notary Signature

Cindy J. Chandronnet  
Name of Notary Printed

Stamp Commissioned Name of Notary Public:



## Complaint Cost Summary

Complaint Number: 201409374

Subject's Name: FISCHER, DIANA RAE

	***** Cost to Date *****	
	Hours	Costs
<b>Complaint:</b>	1.90	\$103.86
<b>Investigation:</b>	22.50	\$1,445.05
<b>Legal:</b>	10.60	\$1,117.97
<b>Compliance:</b>	0.00	\$0.00
	*****	*****
<b>Sub Total:</b>	35.00	\$2,666.88
<b>Expenses to Date:</b>		\$0.00
<b>Prior Amount:</b>		\$0.00
<b>Total Costs to Date:</b>		\$2,666.88



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**Time Tracking System  
Itemized Cost by Complaint**

Complaint 201409374

Report Date 06/01/2016

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
<b>CONSUMER SERVICES UNIT</b>						
HA151	0.40	\$54.65	\$21.86	06/20/2014	60	MISCELLANEOUS
HA151	0.30	\$54.65	\$16.40	06/20/2014	35	TELEPHONE CALLS
HA151	0.10	\$54.65	\$5.47	06/20/2014	35	TELEPHONE CALLS
HA151	0.10	\$54.65	\$5.47	07/02/2014	25	REVIEW CASE FILE
HA151	0.30	\$54.65	\$16.40	07/03/2014	60	MISCELLANEOUS
HA151	0.20	\$54.65	\$10.93	07/09/2014	60	MISCELLANEOUS
HA151	0.50	\$54.65	\$27.33	07/10/2014	60	MISCELLANEOUS
<b>Sub Total</b>	<b>1.90</b>		<b>\$103.86</b>			

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
<b>INVESTIGATIVE SERVICES UNIT</b>						
LJ98	0.20	\$63.82	\$12.76	07/16/2014	4	ROUTINE INVESTIGATIVE WORK
LJ98	0.50	\$63.82	\$31.91	07/17/2014	4	ROUTINE INVESTIGATIVE WORK
LJ98	0.10	\$63.82	\$6.38	07/29/2014	4	ROUTINE INVESTIGATIVE WORK
LJ98	1.00	\$63.82	\$63.82	07/29/2014	76	REPORT WRITING
LJ98	0.20	\$63.82	\$12.76	07/29/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	0.80	\$63.82	\$51.06	07/30/2014	58	TRAVEL TIME
WT116	1.00	\$63.82	\$63.82	07/30/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	2.00	\$63.82	\$127.64	07/31/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	0.60	\$63.82	\$38.29	07/31/2014	58	TRAVEL TIME
WT116	0.10	\$63.82	\$6.38	07/31/2014	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
LJ98	0.20	\$63.82	\$12.76	08/01/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	1.20	\$63.82	\$76.58	08/01/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	0.40	\$63.82	\$25.53	08/01/2014	76	REPORT WRITING
WT116	0.10	\$63.82	\$6.38	08/08/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	0.10	\$63.82	\$6.38	08/20/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	0.50	\$63.82	\$31.91	09/02/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	0.50	\$63.82	\$31.91	09/03/2014	4	ROUTINE INVESTIGATIVE WORK
WT116	0.50	\$63.82	\$31.91	09/08/2014	4	ROUTINE INVESTIGATIVE WORK



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**Time Tracking System  
Itemized Cost by Complaint**

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
WI116	0.10	\$63.82	\$6.38	09/16/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	2.00	\$63.82	\$127.64	09/19/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.60	\$63.82	\$38.29	09/26/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	2.50	\$63.82	\$159.55	09/30/2014	76	REPORT WRITING
WI116	1.50	\$63.82	\$95.73	09/30/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.10	\$63.82	\$6.38	10/02/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.50	\$63.82	\$31.91	10/06/2014	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$63.82	\$12.76	01/20/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	01/23/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	02/26/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	03/03/2015	6	SUPPLEMENTAL INVESTIGATION
WI110	0.10	\$65.61	\$6.56	03/12/2015	6	SUPPLEMENTAL INVESTIGATION
WI110	0.10	\$65.61	\$6.56	03/13/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	03/31/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	04/06/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	04/07/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.30	\$65.61	\$19.68	04/07/2015	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
WI116	0.30	\$65.61	\$19.68	04/08/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	04/13/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	04/15/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.40	\$65.61	\$26.24	05/08/2015	76	REPORT WRITING
WI116	0.40	\$65.61	\$26.24	05/08/2015	176	REPORT PREPARATION
WI116	0.30	\$65.61	\$19.68	05/11/2015	76	REPORT WRITING
WI116	0.20	\$65.61	\$13.12	05/11/2015	176	REPORT PREPARATION
WI116	0.20	\$65.61	\$13.12	06/01/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	06/05/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	06/10/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	06/24/2015	6	SUPPLEMENTAL INVESTIGATION
CI61	0.30	\$65.83	\$19.75	04/06/2016	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
CI61	0.40	\$65.83	\$26.33	04/11/2016	76	REPORT WRITING
CI61	0.30	\$65.83	\$19.75	04/11/2016	176	REPORT PREPARATION



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**Time Tracking System  
Itemized Cost by Complaint**

Complaint 201409374

Report Date 06/01/2016

Activity Description

Activity Code

Activity Date

Cost

Staff Rate

Activity Hours

Staff Code

Sub Total \$1,445.05

**PROSECUTION SERVICES UNIT**

HLL116A	0.50	\$105.33	\$52.67	01/14/2015	25	REVIEW CASE FILE
HLL116A	0.20	\$105.33	\$21.07	01/20/2015	115	CONTACT WITH INVESTIGATORS
HLL116A	0.20	\$105.33	\$21.07	01/20/2015	70	CONFERENCES WITH LAWYERS
HLL116A	0.10	\$105.33	\$10.53	01/21/2015	35	TELEPHONE CALLS
HLL116A	1.60	\$105.33	\$168.53	01/21/2015	113	CONTACT WITH WITNESSES
HLL116A	0.20	\$105.33	\$21.07	02/04/2015	35	TELEPHONE CALLS
HLL116A	0.40	\$105.33	\$42.13	02/05/2015	36	PREPARATION OR REVISION OF LETTER
HLL116A	0.10	\$105.33	\$10.53	02/06/2015	113	CONTACT WITH WITNESSES
HLL116A	0.20	\$105.33	\$21.07	02/13/2015	113	CONTACT WITH WITNESSES
HLL116A	0.40	\$105.33	\$42.13	02/26/2015	113	CONTACT WITH WITNESSES
HLL116A	0.10	\$105.33	\$10.53	03/20/2015	115	CONTACT WITH INVESTIGATORS
HLL116A	0.40	\$105.33	\$42.13	03/23/2015	113	CONTACT WITH WITNESSES
HLL116A	0.50	\$105.33	\$52.67	03/31/2015	115	CONTACT WITH INVESTIGATORS
HLL125B	1.00	\$105.33	\$105.33	07/30/2015	25	REVIEW CASE FILE
HLL125B	0.30	\$105.33	\$31.60	08/06/2015	35	TELEPHONE CALLS
HLL125B	0.30	\$105.33	\$31.60	08/12/2015	35	TELEPHONE CALLS
HLL125B	0.80	\$105.33	\$84.26	10/26/2015	25	REVIEW CASE FILE
HLL125B	0.50	\$105.33	\$52.67	10/26/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.40	\$105.33	\$42.13	10/27/2015	25	REVIEW CASE FILE
HLL125B	0.80	\$105.33	\$84.26	10/27/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.40	\$105.33	\$42.13	10/28/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.40	\$105.33	\$42.13	11/02/2015	25	REVIEW CASE FILE
HLL125B	0.10	\$105.33	\$10.53	12/07/2015	26	PREPARE OR REVISE MEMORANDUM
HLL125B	0.20	\$105.33	\$21.07	12/11/2015	89	PROBABLE CAUSE PREPARATION
HLL125B	0.10	\$105.33	\$10.53	12/15/2015	89	PROBABLE CAUSE PREPARATION
HLL125B	0.20	\$109.02	\$21.80	01/13/2016	89	PROBABLE CAUSE PREPARATION
HLL125B	0.10	\$109.02	\$10.90	04/05/2016	115	CONTACT WITH INVESTIGATORS
HLL125B	0.10	\$109.02	\$10.90	04/05/2016	35	TELEPHONE CALLS



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Time Tracking System  
Itemized Cost by Complaint  
Complaint 201409374

Report Date 06/01/2016

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
Sub Total	10.60		\$1,117.97			
Total Cost			\$2,666.88			



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Time Tracking System  
Itemized Expense by Complaint

Complaint 201409374

Report Date: 06/01/2016

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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SubTotal

Total Expenses



**AFFIDAVIT OF FEES AND COSTS EXPENDED**

STATE OF FLORIDA  
COUNTY OF LEON:

**BEFORE ME**, the undersigned authority, personally appeared **SHANE WALTERS** who was sworn and states as follows:

- 1) My name is Shane Walters.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am the Senior Management Analyst II (SMALL) for the Consumer Services and Compliance Management Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As SMALL of the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case number(s) **2014-10037** (Department of Health v **Diana Rae Fischer, M.D.**) are **THREE THOUSAND ONE HUNDRED NINE DOLLARS AND FIFTY-FOUR CENTS (\$3,109.54)**.
- 6) The costs for DOH case numbers **2014-10037** (Department of Health v. **Diana Rae Fischer, M.D.**) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers **2014-10037** (Department of Health v. **Diana Rae Fischer, M.D.**) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.
- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators

and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)

- 9) Shane Walters, first being duly sworn, states that he has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Shane Walters  
Shane Walters, Affiant

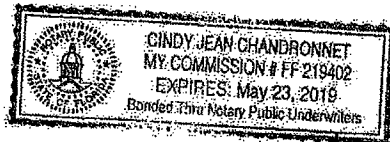
State of Florida  
County of Leon

Sworn to and subscribed before me this 1 day of June, 2016, by Shane Walters, who is personally known to me.

Cindy J. Chandronnet  
Notary Signature

Cindy J. Chandronnet  
Name of Notary Printed

Stamp Commissioned Name of Notary Public:



## Complaint Cost Summary

Complaint Number: 201410037

Subject's Name: FISCHER, DIANA RAE

	***** Cost to Date *****	
	Hours	Costs
<b>Complaint:</b>	0.80	\$43.72
<b>Investigation:</b>	28.40	\$1,821.42
<b>Legal:</b>	11.80	\$1,244.40
<b>Compliance:</b>	0.00	\$0.00
	*****	*****
<b>Sub Total:</b>	41.00	\$3,109.54
<b>Expenses to Date:</b>		\$0.00
<b>Prior Amount:</b>		\$0.00
<b>Total Costs to Date:</b>		\$3,109.54



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 Time Tracking System  
 Itemized Cost by Complaint

Complaint 201410037

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
<b>CONSUMER SERVICES UNIT</b>						
HA167	0.40	\$54.65	\$21.86	06/30/2014	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA167	0.20	\$54.65	\$10.93	07/30/2014	35	TELEPHONE CALLS
HA167	0.20	\$54.65	\$10.93	04/11/2016	35	TELEPHONE CALLS
<b>Sub Total</b>	<b>0.80</b>		<b>\$43.72</b>			
<b>INVESTIGATIVE SERVICES UNIT</b>						
WI116	0.80	\$63.82	\$51.06	07/30/2014	58	TRAVEL TIME
WI116	2.00	\$63.82	\$127.64	07/30/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.70	\$63.82	\$108.49	07/31/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.60	\$63.82	\$38.29	07/31/2014	58	TRAVEL TIME
WI116	0.10	\$63.82	\$6.38	07/31/2014	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
WI116	2.00	\$63.82	\$127.64	08/01/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.40	\$63.82	\$25.53	08/01/2014	76	REPORT WRITING
WI116	0.20	\$63.82	\$12.76	08/07/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.50	\$63.82	\$95.73	08/08/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	2.50	\$63.82	\$159.55	08/08/2014	76	REPORT WRITING
WI116	0.70	\$63.82	\$44.67	08/11/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.30	\$63.82	\$19.15	08/13/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.70	\$63.82	\$108.49	08/20/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.50	\$63.82	\$31.91	09/02/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.50	\$63.82	\$31.91	09/05/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.50	\$63.82	\$31.91	09/08/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	2.00	\$63.82	\$127.64	09/08/2014	58	TRAVEL TIME
WI116	2.50	\$63.82	\$159.55	09/09/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	1.00	\$63.82	\$63.82	09/10/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.60	\$63.82	\$38.29	09/26/2014	4	ROUTINE INVESTIGATIVE WORK
WI116	0.50	\$63.82	\$31.91	09/30/2014	76	REPORT WRITING
WI116	0.70	\$63.82	\$44.67	09/30/2014	4	ROUTINE INVESTIGATIVE WORK



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**Time Tracking System  
Itemized Cost by Complaint**

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
WI116	0.20	\$63.82	\$12.76	01/20/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	01/23/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	02/26/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	03/03/2015	6	SUPPLEMENTAL INVESTIGATION
WI110	0.10	\$65.61	\$6.56	03/12/2015	6	SUPPLEMENTAL INVESTIGATION
WI110	0.10	\$65.61	\$6.56	03/13/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	03/31/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	04/06/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.30	\$65.61	\$19.68	04/07/2015	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
WI116	0.20	\$65.61	\$13.12	04/07/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.30	\$65.61	\$19.68	04/08/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	04/13/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	04/15/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.40	\$65.61	\$26.24	05/08/2015	76	REPORT WRITING
WI116	0.40	\$65.61	\$26.24	05/08/2015	176	REPORT PREPARATION
WI116	0.30	\$65.61	\$19.68	05/11/2015	76	REPORT WRITING
WI116	0.20	\$65.61	\$13.12	05/11/2015	176	REPORT PREPARATION
WI116	0.20	\$65.61	\$13.12	06/01/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.20	\$65.61	\$13.12	06/05/2015	6	SUPPLEMENTAL INVESTIGATION
WI116	0.10	\$65.61	\$6.56	06/10/2015	6	SUPPLEMENTAL INVESTIGATION
CI61	0.30	\$65.83	\$19.75	04/06/2016	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
CI61	0.40	\$65.83	\$26.33	04/11/2016	76	REPORT WRITING
CI61	0.30	\$65.83	\$19.75	04/11/2016	176	REPORT PREPARATION
<b>Sub Total</b>	<b>28.40</b>		<b>\$1,821.42</b>			

**PROSECUTION SERVICES UNIT**

HLL116A	0.50	\$105.33	\$52.67	01/14/2015	25	REVIEW CASE FILE
HLL116A	0.20	\$105.33	\$21.07	01/20/2015	115	CONTACT WITH INVESTIGATORS
HLL116A	0.20	\$105.33	\$21.07	01/20/2015	70	CONFERENCES WITH LAWYERS
HLL116A	0.10	\$105.33	\$10.53	01/21/2015	35	TELEPHONE CALLS
HLL116A	0.90	\$105.33	\$94.80	01/21/2015	25	REVIEW CASE FILE

Florida Department of Health

-- FOR INTERNAL USE ONLY --

Itemizedcost

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Time Tracking System  
Itemized Cost by Complaint

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL116A	0.10	\$105.33	\$10.53	01/23/2015	35	TELEPHONE CALLS
HLL116A	0.20	\$105.33	\$21.07	01/23/2015	115	CONTACT WITH INVESTIGATORS
HLL116A	0.60	\$105.33	\$63.20	01/23/2015	113	CONTACT WITH WITNESSES
HLL116A	0.20	\$105.33	\$21.07	02/04/2015	35	TELEPHONE CALLS
HLL116A	0.40	\$105.33	\$42.13	02/05/2015	36	PREPARATION OR REVISION OF LETTER
HLL116A	0.10	\$105.33	\$10.53	02/06/2015	113	CONTACT WITH WITNESSES
HLL116A	0.20	\$105.33	\$21.07	02/13/2015	113	CONTACT WITH WITNESSES
HLL116A	0.40	\$105.33	\$42.13	02/26/2015	113	CONTACT WITH WITNESSES
HLL116A	0.10	\$105.33	\$10.53	03/20/2015	115	CONTACT WITH INVESTIGATORS
HLL116A	0.40	\$105.33	\$42.13	03/23/2015	113	CONTACT WITH WITNESSES
HLL116A	0.50	\$105.33	\$52.67	03/31/2015	115	CONTACT WITH INVESTIGATORS
HLL125B	0.50	\$105.33	\$52.67	08/07/2015	70	CONFERENCES WITH LAWYERS
HLL125B	0.60	\$105.33	\$63.20	10/26/2015	25	REVIEW CASE FILE
HLL125B	0.70	\$105.33	\$73.73	10/26/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.60	\$105.33	\$63.20	10/26/2015	46	LEGAL RESEARCH
HLL125B	0.20	\$105.33	\$21.07	10/27/2015	25	REVIEW CASE FILE
HLL125B	0.70	\$105.33	\$73.73	10/27/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	1.20	\$105.33	\$126.40	10/27/2015	46	LEGAL RESEARCH
HLL125B	0.90	\$105.33	\$94.80	10/28/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL125B	0.30	\$105.33	\$31.60	11/02/2015	25	REVIEW CASE FILE
HLL125B	0.10	\$105.33	\$10.53	12/07/2015	26	PREPARE OR REVISE MEMORANDUM
HLL125B	0.20	\$105.33	\$21.07	12/11/2015	89	PROBABLE CAUSE PREPARATION
HLL125B	0.10	\$105.33	\$10.53	12/11/2015	25	REVIEW CASE FILE
HLL125B	0.20	\$105.33	\$21.07	12/15/2015	90	POST PROBABLE CAUSE PROCESSING
HLL125B	0.20	\$109.02	\$21.80	01/13/2016	89	PROBABLE CAUSE PREPARATION
HLL125B	0.10	\$109.02	\$10.90	04/05/2016	115	CONTACT WITH INVESTIGATORS
HLL125B	0.10	\$109.02	\$10.90	04/05/2016	35	TELEPHONE CALLS
<b>Sub Total</b>	<b>11.80</b>		<b>\$1,244.40</b>			



\*\*\* CONFIDENTIAL \*\*\*  
Time Tracking System  
Itemized Cost by Complaint  
Complaint 201410037

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
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Total Cost

\$3,109.54



\*\*\* CONFIDENTIAL \*\*\*  
Time Tracking System  
Itemized Expense by Complaint  
Complaint 201410037

Report Date: 06/01/2016

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
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SubTotal

Total Expenses



**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,  
PETITIONER,**

**v.**

**2014-07942  
CASE NOS. 2014-09374  
2014-10037**

**DIANA RAE FISCHER, M.D.,  
RESPONDENT.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Diana Rae Fischer, M.D., and in support alleges:

1. Petitioner is the state agency 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 70948.

3. Respondent's address of record is 3898 Via Poinciana Drive, Suite 16, Lake Worth, Florida 33467.

4. In or about May, 2014, Respondent abandoned her medical practice and began practicing at a new location.

5. Respondent did not provide notice to her patients of her relocation.

6. Respondent did not place an advertisement in the local newspaper indicating that she was terminating her practice and relocating in order to offer her patients the opportunity to obtain copies of their medical records.

7. Respondent did not inform the Board of Medicine that she was terminating her practice and relocating and was therefore no longer available to patients visiting the prior location.

8. Respondent did not inform the Board of Medicine of any new owner of patient medical records or where the medical records could be found.

**CASE NO. 2014-07942**

9. On or about May 8, 2014, Patient S.M. presented to Respondent's office after attempting to contact Respondent by telephone to reschedule a

May 5, 2014, appointment and discovering the office telephone line was out of service.

10. Patient S.M. was told by staff that Respondent had "moved out overnight."

11. Respondent allegedly abandoned her practice without providing an address where Patient S.M. could obtain her medical records.

12. Patient S.M. executed a patient consent and release form authorizing the Department to obtain copies of all of her medical records from Respondent.

13. Respondent has failed to provide the Department with records for Patient S.M. for any treatment dates during the period from January 1, 2013 through December 31, 2014.

**COUNT ONE – PATIENT S.M.**

14. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 13 as if fully set forth herein.

15. Section 456.072(1)(dd), Florida Statutes (2012-2013), provides that violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto is grounds for disciplinary action by the Board of Medicine.

16. Rule 64B8-10.002(2), Florida Administrative Code (2012-2013),

states:

A licensed physician shall maintain the full and total responsibility for and control of all files and records relating to his patients and his medical practice. All such records shall remain confidential except as otherwise provided by law and shall be maintained in the licensed physician's office or in the possession of the licensed physician.

17. Respondent failed to maintain full and total responsibility for and control of all records relating to her care of Patient S.M.

18. Based on the foregoing, Respondent violated Section 456.072(1)(dd), Florida Statutes (2012-2013), by violating Rule 64B8-10.002(2), Florida Administrative Code (2012-2013).

**COUNT TWO – PATIENT S.M.**

19. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 13 as if fully set forth herein.

20. Section 456.072(1)(k), Florida Statutes (2012-2013), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action by the Board of Medicine.

21. Section 456.057(12), Florida Statutes (2012-2013), provides that records owners shall place an advertisement in the local newspaper or notify patients, in writing, when they are terminating practice, retiring, or

relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record.

22. Respondent failed to place an advertisement in the local newspaper or notify patients, in writing, when she terminated her practice and relocated and was no longer available to her patients.

23. Based on the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2012-2013), by violating Section 456.057(12), Florida Statutes (2012-2013).

### **COUNT THREE – PATIENT S.M.**

24. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 13 as if fully set forth herein.

25. Section 456.072(1)(k), Florida Statutes (2012-2013), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action by the Board of Medicine.

26. Section 456.057(13), Florida Statutes (2012-2013), provides that record owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

27. Respondent failed to notify the Board of Medicine when she terminated her practice and relocated and was no longer available to her patients. Respondent also failed to notify the Board of Medicine of any new records owner and where the medical records could be found.

28. Based on the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2012-2013), by violating Section 456.057(13), Florida Statutes (2012-2013).

**CASE NO. 2014-09374**

29. In or about April, 2013, Patient T.B. presented to Respondent's office for a scheduled appointment.

30. Patient T.B. alleged that the office was closed and there was no indication of when or if it would be reopening.

31. Patient T.B. alleged that she called both office numbers provided for Respondent and Respondent's cell phone number and received no answer to or response from any call.

32. Patient T.B. executed a patient consent and release form authorizing the Department to obtain copies of her medical records from Respondent for the period ranging from January 1, 2011 through December 31, 2014.

33. Respondent has provided Patient T.B. and the Department with records for Patient T.B. for the treatment period from on or about June 13, 2011 through on or about December 11, 2012.

34. To date, Respondent has failed to provide records for Patient T.B. for any treatment dates during the period from January 1, 2013 through December 31, 2014.

**COUNT FOUR – PATIENT T.B.**

35. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 8 and 29 through 34, as if fully set forth herein.

36. Section 456.072(1)(dd), Florida Statutes (2012-2013), provides that violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto is grounds for disciplinary action by the Board of Medicine.

37. Rule 64B8-10.002(2), Florida Administrative Code (2012-2013), states:

A licensed physician shall maintain the full and total responsibility for and control of all files and records relating to his patients and his medical practice. All such records shall remain confidential except as otherwise provided by law and shall be maintained in the licensed physician's office or in the possession of the licensed physician.

38. Respondent failed to maintain full and total responsibility for and control of all records relating to her care of Patient T.B.

39. Based on the foregoing, Respondent violated Section 456.072(1)(dd), Florida Statutes (2012-2013), by violating Rule 64B8-10.002(2), Florida Administrative Code (2012-2013).

**COUNT FIVE – PATIENT T.B.**

40. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 8 and 29 through 34, as if fully set forth herein.

41. Section 456.072(1)(k), Florida Statutes (2012-2013), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action by the Board of Medicine.

42. Section 456.057(12), Florida Statutes (2012-2013), provides that records owners shall place an advertisement in the local newspaper or notify patients, in writing, when they are terminating practice, retiring, or relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record.

43. Respondent failed to place an advertisement in the local newspaper or notify patients, in writing, when she terminated her practice and relocated and was no longer available to her patients.



44. Based on the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2012-2013), by violating Section 456.057(12), Florida Statutes (2012-2013).

**COUNT SIX – PATIENT T.B.**

45. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 8 and 29 through 34, as if fully set forth herein.

46. Section 456.072(1)(k), Florida Statutes (2012-2013), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action by the Board of Medicine.

47. Section 456.057(13), Florida Statutes (2012-2013), provides that record owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

48. Respondent failed to notify the Board of Medicine when she terminated her practice and relocated and was no longer available to her patients. Respondent also failed to notify the Board of Medicine of any new records owner and where the medical records can be found.

49. Based on the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2012-2013), by violating Section 456.057(13), Florida Statutes (2012-2013).

**CASE NO. 2014-10037**

50. On or about November 11, 2013, Patient J.F. and her mother, M.F., presented to Respondent's office for an appointment scheduled for Patient J.F.

51. Respondent was not present at her office to treat Patient J.F. at her scheduled appointment time.

52. Patient J.F. executed a patient consent and release form authorizing the Department to obtain copies of her medical records from Respondent for the period ranging from January 1, 2011 through December 31, 2013.

53. Respondent has provided the Department with records for Patient J.F. for the treatment period from on or about March 22, 2012 through on or about December 12, 2012.

54. To date, Respondent has failed to provide records for Patient J.F. for the period from January 1, 2013 through December 31, 2013.

**COUNT SEVEN – PATIENT J.F.**

55. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 8 and 50 through 54, as if fully set forth herein.

56. Section 456.072(1)(dd), Florida Statutes (2012-2013), provides that violating any provision of this chapter, the applicable practice act, or any rules adopted pursuant thereto is grounds for disciplinary action by the Board of Medicine.

57. Rule 64B8-10.002(2), Florida Administrative Code (2012-2013), states:

A licensed physician shall maintain the full and total responsibility for and control of all files and records relating to his patients and his medical practice. All such records shall remain confidential except as otherwise provided by law and shall be maintained in the licensed physician's office or in the possession of the licensed physician.

58. Respondent failed to maintain full and total responsibility for and control of all records relating to her care of J.F.

59. Based on the foregoing, Respondent violated Section 456.072(1)(dd), Florida Statutes (2012-2013), by violating Rule 64B8-10.002(2), Florida Administrative Code (2012-2013).

**COUNT EIGHT – PATIENT J.F.**

60. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 8 and 50 through 54, as if fully set forth herein.

61. Section 456.072(1)(k), Florida Statutes (2012-2013), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action by the Board of Medicine.

62. Section 456.057(12), Florida Statutes (2012-2013), provides that records owners shall place an advertisement in the local newspaper or notify patients, in writing, when they are terminating practice, retiring, or relocating, and no longer available to patients, and offer patients the opportunity to obtain a copy of their medical record.

63. Respondent failed to place an advertisement in the local newspaper or notify patients, in writing, when she terminated her practice and relocated and was no longer available to her patients.

64. Based on the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2012-2013), by violating Section 456.057(12), Florida Statutes (2012-2013).

**COUNT NINE – PATIENT J.F.**

65. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 8 and 50 through 54, as if fully set forth herein.

66. Section 456.072(1)(k), Florida Statutes (2012-2013), provides that failing to perform any statutory or legal obligation placed upon a licensee is grounds for disciplinary action by the Board of Medicine.

67. Section 456.057(13), Florida Statutes (2012-2013), provides that record owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

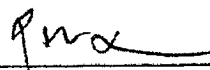
68. Respondent failed to notify the Board of Medicine when she terminated her practice and relocated and was no longer available to her patients. Respondent also failed to notify the Board of Medicine of any new records owner and where the medical records can be found.

69. Based on the foregoing, Respondent violated Section 456.072(1)(k), Florida Statutes (2012-2013), by violating Section 456.057(13), Florida Statutes (2012-2013).

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** January, **2016.**

John H. Armstrong, MD, FACS  
State Surgeon General  
and Secretary of Health



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FILED  
Department Of Health  
Deputy Clerk  
CLERK *Angel Sanders*  
DATE **JAN 25 2016**

PVD/crv  
PCP Date: January 22, 2016  
PCP Members: Dr. El-Bahri, Dr. Terkonda and Ms. Goersch

**DOH v. DIANA RAE FISCHER, M.D.  
CASE NOS. 2014-07942, 2014-09374 & 2014-10037**

**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. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

**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 any other discipline imposed.**