

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-16-0287-~~FD~~ -MQA

FILED DATE **FEB 16 2016**

Department of Health

By: Angel Saubers
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2014-21343

LICENSE NO.: ME0045611

LYCIA L. ALEXANDER-GUERRA, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on February 5, 2016, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Peter Delia, Assistant General Counsel. Respondent was present and represented by Holly Platter, Esquire. 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 \$10,000.00 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 the completion of 5 hours of continuing medical education (CME) in the area of medical ethics within 1 year from the date the Final Order is filed. These hours shall be in addition to those hours required for biennial renewal of licensure. Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

3. Respondent shall document the completion of 10 hours of continuing medical education (CME) in the area of professional boundaries within 1 year from the date the Final Order is filed. These hours shall be in addition to those hours required for biennial renewal of licensure. The Respondent may submit

documentation to the Board's Probation Committee to receive credit for CME courses she has already completed in the area of professional boundaries. The Board's Probation Committee shall determine whether these completed CMEs are appropriate for approval. Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

4. Respondent shall document completion of the Laws and Rules course sponsored by the Florida Medical Association (FMA) within one year from the date the Final Order is filed.

5. Respondent shall be and hereby is REPRIMANDED by 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 \$4,171.30. 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.)

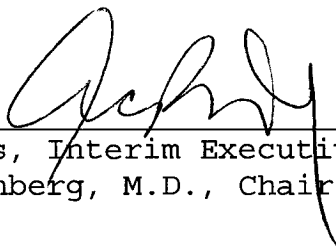
This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this

15 day of February

2016.

BOARD OF MEDICINE



Adrienne Rodgers, Interim Executive Director
For Steven Rosenberg, M.D., 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 APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

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 LYCIA L. ALEXANDER-GUERRA, M.D., 14206 Banbury Way, Tampa, Florida 33624; to Holly Platter, Esquire, 101 E. Kennedy Boulevard, #1700, Tampa, Florida 33602; by email to Yolonda Green, Assistant General Counsel, Department of Health, at Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea,

Chief Assistant Attorney General, at

Ed.Tellechea@myfloridalegal.com this

16th

day of

February, 2016.

Angel Saucedo

Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NUMBER 2014-21343

LYCIA L. ALEXANDER-GUERRA, 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 this case has resulted in costs in the total amount of \$6,362.18, based on the following itemized statement of costs:

- a. Total costs for Complaint \$43.73
- b. Total costs for Investigations \$2,426.59
- c. Total costs for Legal \$2,190.88
- d. Total costs for expenses \$1,700.98

4. The attached affidavit reflects the Department's costs for attorney time in this case as \$2,190.88 (Exhibit A). The cost of obtaining an affidavit from an outside attorney will be greater than \$2,000.00. The Department; therefore, is not seeking costs for attorney time in this case.


5. 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 \$4,171.30 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 \$4,171.30.

Respectfully submitted,


Corynn Gasbarro
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 68814
T: (850) 245-4444, Ext. 8243
F: (850) 245-4684
E: Corynn.Gasbarro@flhealth.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been provided to Holly B. Platter, Esquire, 101 East Kennedy Boulevard, Suite 1700, Tampa, Florida 33602, by U.S. Mail this 3rd day of December, 2015.

Corynn Gasbarro
Corynn Gasbarro
Assistant General Counsel

CG/tgc

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 **2014-21343** (Department of Health v. **Lycia L. Alexander-Guerra, M.D.**) are **SIX THOUSAND THREE HUNDRED SIXTY-TWO DOLLARS AND EIGHTEEN CENTS (\$6,362.18)**.
- 6) The costs for DOH case number **2014-21343** (Department of Health v. **Lycia L. Alexander-Guerra, 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 number **2014-21343** (Department of Health v **Lycia L. Alexander-Guerra, 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

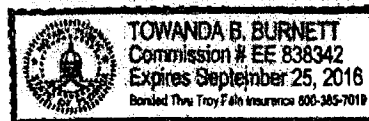
Shane Walters, Affiant

State of Florida
County of Leon

Sworn to and subscribed before me this 24th day of November, 2015,
by Shane Walters, who is personally known to me.

Towanda B. Burnett
Notary Signature

Towanda B. Burnett
Name of Notary Printed



Stamp Commissioned Name of Notary Public:

Complaint Cost Summary

Complaint Number: 201421343

Subject's Name: ALEXANDER GUERRA LUCIA I

***** Cost to Date *****		
	Hours	Costs
Complaint:	0.00	\$43.73
Investigation:	37.50	\$7,426.59
Legal:	20.80	\$2,190.88
Compliance:	0.00	\$0.00
Sub Total:	59.10	\$4,661.20
Expenses to Date:		\$1,700.98
Prior Amount:		\$0.00
Total Costs to Date:		\$6,362.18

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Time Tracking System
Itemized Cost by Complaint

Complaint 201421343

Report Date 11/24/2015

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Exhibit 2

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
CONSUMER SERVICES UNIT						
HA167	0.30	\$54.65	\$16.40	12/19/2014	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA167	0.20	\$54.65	\$10.93	01/09/2015	35	TELEPHONE CALLS
HA78	0.10	\$54.65	\$5.47	04/17/2015	137	PRIORITY DOWNGRADES/UPGRADES
HA167	0.20	\$54.65	\$10.93	07/02/2015	25	REVIEW CASE FILE
Sub Total	0.80		\$43.73			

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
INVESTIGATIVE SERVICES UNIT						
TI121	0.30	\$63.82	\$19.15	01/14/2014	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
TI121	1.50	\$63.82	\$95.73	01/14/2014	4	ROUTINE INVESTIGATIVE WORK
TI134	0.40	\$63.82	\$25.53	01/09/2015	4	ROUTINE INVESTIGATIVE WORK
TI156	1.00	\$63.82	\$63.82	01/09/2015	4	ROUTINE INVESTIGATIVE WORK
TI156	0.80	\$63.82	\$51.06	01/09/2015	58	TRAVEL TIME
TI121	3.00	\$63.82	\$191.46	01/12/2015	4	ROUTINE INVESTIGATIVE WORK
TI121	1.50	\$63.82	\$95.73	01/12/2015	58	TRAVEL TIME
TI121	1.00	\$63.82	\$63.82	01/13/2015	58	TRAVEL TIME
TI121	7.90	\$63.82	\$504.18	01/13/2015	4	ROUTINE INVESTIGATIVE WORK
TI121	1.50	\$63.82	\$95.73	01/20/2015	4	ROUTINE INVESTIGATIVE WORK
TI121	4.20	\$65.61	\$275.56	01/27/2015	4	ROUTINE INVESTIGATIVE WORK
TI121	1.00	\$65.61	\$65.61	01/29/2015	4	ROUTINE INVESTIGATIVE WORK
TI121	1.20	\$65.61	\$78.73	02/03/2015	4	ROUTINE INVESTIGATIVE WORK
TI121	2.50	\$65.61	\$164.03	02/03/2015	76	REPORT WRITING
TI121	0.30	\$65.61	\$19.68	02/09/2015	4	ROUTINE INVESTIGATIVE WORK
TI121	0.50	\$65.61	\$32.81	02/09/2015	76	REPORT WRITING
TI121	0.50	\$65.61	\$32.81	02/10/2015	76	REPORT WRITING
TI121	1.50	\$65.61	\$98.42	02/17/2015	6	SUPPLEMENTAL INVESTIGATION
TI121	1.00	\$65.61	\$65.61	03/02/2015	6	SUPPLEMENTAL INVESTIGATION
TI121	0.50	\$65.61	\$32.81	03/03/2015	76	REPORT WRITING
TI121	0.60	\$65.61	\$39.37	03/12/2015	4	ROUTINE INVESTIGATIVE WORK



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Time Tracking System
Itemized Cost by Complaint

Complaint 201421343

Report Date 11/24/2015

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
TI121	0.50	\$65.61	\$32.81	05/18/2015	6	SUPPLEMENTAL INVESTIGATION
TI121	1.00	\$65.61	\$65.61	07/01/2015	6	SUPPLEMENTAL INVESTIGATION
TI121	0.80	\$65.61	\$52.49	07/07/2015	6	SUPPLEMENTAL INVESTIGATION
TI121	1.00	\$65.61	\$65.61	07/09/2015	76	REPORT WRITING
TI121	0.50	\$65.61	\$32.81	07/30/2015	76	REPORT WRITING
TI121	1.00	\$65.61	\$65.61	07/30/2015	176	REPORT PREPARATION
Sub Total	37.50		\$2,426.59			

PROSECUTION SERVICES UNIT

HLL119B	1.90	\$105.33	\$200.13	04/14/2015	25	REVIEW CASE FILE
HLL119B	0.10	\$105.33	\$10.53	04/15/2015	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE,DEPT STAFF OR ATTY GEN OFFI
HLL119B	1.40	\$105.33	\$147.46	04/15/2015	26	PREPARE OR REVISE MEMORANDUM
HLL122A	1.30	\$105.33	\$136.93	05/11/2015	25	REVIEW CASE FILE
HLL122A	1.50	\$105.33	\$158.00	05/18/2015	25	REVIEW CASE FILE
HLL122A	0.10	\$105.33	\$10.53	05/18/2015	35	TELEPHONE CALLS
HLL122A	0.30	\$105.33	\$31.60	05/18/2015	35	TELEPHONE CALLS
HLL122A	0.20	\$105.33	\$21.07	05/18/2015	6	SUPPLEMENTAL INVESTIGATION
HLL122A	0.10	\$105.33	\$10.53	05/19/2015	35	TELEPHONE CALLS
HLL122A	0.40	\$105.33	\$42.13	05/19/2015	35	TELEPHONE CALLS
HLL122A	0.20	\$105.33	\$21.07	05/20/2015	70	CONFERENCES WITH LAWYERS
HLL122A	0.20	\$105.33	\$21.07	05/20/2015	35	TELEPHONE CALLS
HLL122A	0.10	\$105.33	\$10.53	05/21/2015	114	CONTACT WITH EXPERTS
HLL122A	1.00	\$105.33	\$105.33	05/27/2015	25	REVIEW CASE FILE
HLL122A	0.30	\$105.33	\$31.60	05/27/2015	35	TELEPHONE CALLS
HLL122A	0.40	\$105.33	\$42.13	05/27/2015	25	REVIEW CASE FILE
HLL122A	0.40	\$105.33	\$42.13	05/27/2015	74	MEETINGS WITH DEPARTMENT STAFF
HLL122A	0.30	\$105.33	\$31.60	05/28/2015	60	MISCELLANEOUS
HLL122A	0.10	\$105.33	\$10.53	05/28/2015	114	CONTACT WITH EXPERTS
HLL122A	0.20	\$105.33	\$21.07	06/02/2015	60	MISCELLANEOUS
HLL122A	0.10	\$105.33	\$10.53	06/09/2015	25	REVIEW CASE FILE
HLL122A	0.10	\$105.33	\$10.53	06/10/2015	114	CONTACT WITH EXPERTS

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Time Tracking System
Itemized Cost by Complaint

Complaint 201421343

Report Date 11/24/2015

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL122A	0.30	\$105.33	\$31.60	06/16/2015	114	CONTACT WITH EXPERTS
HLL122A	0.10	\$105.33	\$10.53	06/23/2015	114	CONTACT WITH EXPERTS
HLL122A	0.10	\$105.33	\$10.53	06/23/2015	114	CONTACT WITH EXPERTS
HLL122A	0.30	\$105.33	\$31.60	06/23/2015	102	REVIEW EXPERT WITNESS REPORT
HLL122A	0.70	\$105.33	\$73.73	06/23/2015	25	REVIEW CASE FILE
HLL122A	0.50	\$105.33	\$52.67	06/23/2015	31	PREPARE OR REVISE CLOSING ORDER
HLL122A	0.50	\$105.33	\$52.67	06/25/2015	31	PREPARE OR REVISE CLOSING ORDER
HLL122A	1.50	\$105.33	\$158.00	07/01/2015	31	PREPARE OR REVISE CLOSING ORDER
HLL122A	0.10	\$105.33	\$10.53	07/01/2015	74	MEETINGS WITH DEPARTMENT STAFF
HLL122A	0.10	\$105.33	\$10.53	07/01/2015	74	MEETINGS WITH DEPARTMENT STAFF
HLL122A	0.10	\$105.33	\$10.53	07/08/2015	115	CONTACT WITH INVESTIGATORS
HLL122A	0.20	\$105.33	\$21.07	07/10/2015	103	REVIEW SUPPLEMENTAL REPORT
HLL122A	0.10	\$105.33	\$10.53	07/15/2015	74	MEETINGS WITH DEPARTMENT STAFF
HLL122A	0.30	\$105.33	\$31.60	07/16/2015	89	PROBABLE CAUSE PREPARATION
HLL122A	0.20	\$105.33	\$21.07	07/20/2015	88	PROOFING AND SIGNING LETTERS
HLL122A	0.30	\$105.33	\$31.60	07/28/2015	89	PROBABLE CAUSE PREPARATION
HLL122A	0.10	\$105.33	\$10.53	07/30/2015	115	CONTACT WITH INVESTIGATORS
HLL122A	0.10	\$105.33	\$10.53	07/30/2015	103	REVIEW SUPPLEMENTAL REPORT
HLL122A	0.20	\$105.33	\$21.07	09/10/2015	89	PROBABLE CAUSE PREPARATION
HLL122A	0.30	\$105.33	\$31.60	09/18/2015	63	PRESENTATION OF CASES TO PROBABLE CAUSE PANEL
HLL122A	1.50	\$105.33	\$158.00	09/21/2015	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL122A	0.10	\$105.33	\$10.53	09/21/2015	74	MEETINGS WITH DEPARTMENT STAFF
HLL122A	0.10	\$105.33	\$10.53	09/22/2015	88	PROOFING AND SIGNING LETTERS
HLL122A	1.00	\$105.33	\$105.33	09/22/2015	89	PROBABLE CAUSE PREPARATION
HLL122A	0.20	\$105.33	\$21.07	09/23/2015	29	REVIEW ADMINISTRATIVE COMPLAINT
HLL122A	0.20	\$105.33	\$21.07	09/25/2015	60	MISCELLANEOUS
HLL122A	0.20	\$105.33	\$21.07	09/25/2015	90	POST PROBABLE CAUSE PROCESSING
HLL122A	0.10	\$105.33	\$10.53	09/29/2015	37	REVIEW LETTER
HLL122A	0.20	\$105.33	\$21.07	10/05/2015	60	MISCELLANEOUS
HLL122A	0.10	\$105.33	\$10.53	10/16/2015	60	MISCELLANEOUS
HLL122A	0.20	\$105.33	\$21.07	10/27/2015	70	CONFERENCES WITH LAWYERS
HLL122A	0.10	\$105.33	\$10.53	10/27/2015	74	MEETINGS WITH DEPARTMENT STAFF



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Time Tracking System
Itemized Cost by Complaint

Complaint 201421343

Report Date 11/24/2015

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
Sub Total	20.80		\$2,190.88			

Total Cost			\$4,661.20			
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*** CONFIDENTIAL ***

Time Tracking System
Itemized Expense by Complaint
Complaint 201421343

Report Date: 11/24/2015

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Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
INVESTIGATIVE SERVICES UNIT				
TI121	02/05/2015	\$151.73	497000	PAYMENT FOR INFORMATION AND EVIDENCE
TI121	05/15/2015	\$64.25	497000	PAYMENT FOR INFORMATION AND EVIDENCE
	SubTotal	\$215.98		
PROSECUTION SERVICES UNIT				
HL34B	06/15/2015	\$1,485.00	131800	EXPERT WITNESS FEES
	SubTotal	\$1,485.00		
	Total Expenses	\$1,700.98		

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STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Amy Larraway*

DATE 10-27-15

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2014-21343

LYCIA L. ALEXANDER-GUERRA, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health hereby files this Administrative Complaint before the Board of Medicine against Respondent Lycia L. Alexander-Guerra, M.D., and 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 45611.
3. Respondent's address of record is 14206 Banbury Way, Tampa, Florida 33624.

4. Respondent is board certified in psychiatry by the American Board of Psychiatry and Neurology.

5. On or about June 16, 2010, Patient T.L., a then 36 year old male, presented to the Respondent at her private practice at 14043 North Dale Mabry Highway, Tampa, Florida 33618, for an initial visit for mood and substance abuse problems.

6. Patient T.L. had a history of major depressive disorder, generalized anxiety disorder and social phobia.

7. Following his initial visit with Respondent, Patient T.L. continued to see Respondent three times per week for regular psychiatric sessions until at or around November 2014.

8. During the period of time that Respondent was providing psychiatric treatment to Patient T.L., Respondent committed boundary violations by inappropriately meeting with Patient T.L. approximately twelve times outside of the office, including places like her residence, his residence, and restaurants.

9. During the period of time that Respondent was providing psychiatric treatment to Patient T.L., Respondent committed boundary

violations by inappropriately allowing Patient T.L. to stay overnight in her personal residence.

10. During the period of time that Respondent was providing psychiatric treatment to Patient T.L., Respondent committed boundary violations by inappropriately disclosing to Patient T.L. during one of their sessions that she had been sexually assaulted in the past.

11. Section 458.331(1)(t), Florida Statutes (2009-2014), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2009-2014), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102, Florida Statutes (2009-2014), provides that the prevailing standard of care for a given healthcare provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

12. Respondent fell below the minimum standard of care in her treatment of Patient T.L. by committing boundary violations in one or more of the following ways:

- a. By inappropriately meeting with T.L. outside of the office on approximately twelve occasions;
- b. By inappropriately allowing T.L. to stay overnight at her personal residence;
- c. By inappropriately disclosing to T.L. during one of their sessions that she had been sexually assaulted in the past.

13. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2009-2014), by committing medical malpractice.

14. 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.

[Signature appears on the following page]

SIGNED this 25th day of September, 2015.

JOHN ARMSTRONG, MD, FACS
Surgeon General and Secretary of Health

Corynn Gasbarro

Corynn Gasbarro
Assistant General Counsel
Florida Bar Number 68814
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
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PCP Date: September 18, 2015

PCP Members: Mark Avila, M.D.; Zachariah P. Zachariah, M.D.; Brigitte Goersch

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 to any other discipline imposed.