

FILED

BEFORE THE BOARD OF MEDICAL EXAMINERS
Department of Professional Regulation
BOARD CLERK

DEPARTMENT OF PROFESSIONAL
REGULATION,

CLERK Jane Morgan

Petitioner,

DATE 8-26-85

EX: Legal

vs.

HOMERO CORTEGUERA, M.D.,

DPR CASE NO. 0045562
LICENSE NO. HE 0012556

Respondent.

FINAL ORDER OF THE
BOARD OF MEDICAL EXAMINERS

This matter came before the Board of Medical Examiners (Board) pursuant to Section 120.57(3), Florida Statutes, on August 3, 1985, in Amelia Island, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Petitioner was represented by Cecilia Bradley, Esquire; Respondent was present but was not represented by counsel. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Stipulation. This Order takes effect upon filing.

DONE AND ORDERED this 26th day of August, 1985.

BOARD OF MEDICAL EXAMINERS

J. Darrell Shea, M.D.
J. Darrell Shea, M.D.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Homero Corteguera, M.D., 5520 NE 18th Avenue, Ft. Lauderdale, Florida 33324 and by hand delivery to Cecilia Bradley, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, at 5:00 PM this 26th day of August, 1985.



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DOAH CASE NO. 84-3860

HOMERO CORTEGUERA, M.D.,

Respondent.

STIPULATION

HOMERO CORTEGUERA, M.D., hereinafter referred to as Respondent, and the Department of Professional Regulation, hereinafter referred to as Department, hereby stipulate and agree to the following joint Stipulation and a Final Order of the Board of Medical Examiners, hereinafter referred to as Board, incorporating this Stipulation and agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent herein Respondent was a licensed physician in the State of Florida having been issued license number ME 0012556.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto and made a part hereof by reference thereto as Exhibit "A".
3. Respondent does not admit the allegations of fact contained in the Administrative Complaint attached hereto as Exhibit "A", but stands on the explanation as set out in Paragraph No. 3 of Respondent's Answers to Petitioner's First Set of Interrogatories.

STIPULATED CONCLUSIONS OF LAW

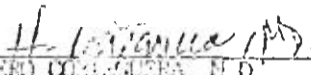
1. Respondent, in his capacity as a licensed physician, admits that in such capacity he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.
2. Respondent admits that the facts set forth in the Administrative Complaint constitute violations of Chapter 458, Florida Statutes.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455 and 458, Florida Statutes, or the rules promulgated pursuant thereto.
2. The Board shall impose an administrative fine in the amount of \$1,000.00 against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within 30 days of its imposition by Final Order of the Board.
3. It is expressly understood that this Stipulation is subject to approval of the Board and Department and has no force and effect until an Order is based upon it by the Board.
4. This Stipulation is entered into by the Respondent for the purpose of avoiding further administrative action with respect to this cause. 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 Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation 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.
5. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" issued in this cause.

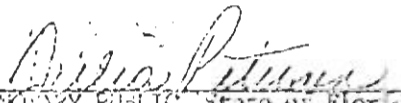
6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

SIGNED this 28th day of May, 1985.



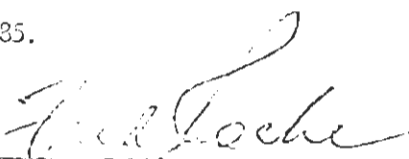
HOMERO CORRALES, M.D.

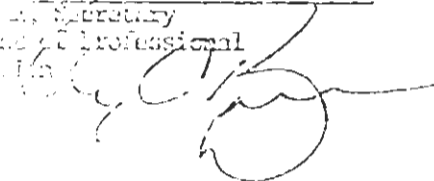
Sworn to and subscribed before
me this 28th day of May, 1985.



NOTARY PUBLIC, State of Florida
NOTARY PUBLIC, STATE OF FLORIDA
RE-DEED 1983 CH. 467, § 1.001(1)(b)
MY COMMISSION EXPIRES: MAY 23 1986

Approved this 4 day of June, 1985.



FRED ROCHE, Secretary
Department of Professional
Regulation


STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

CASE NO. 0045562

HOMERO CORTEQUERA, M.D.,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Amended Administrative Complaint before the Board of Medical Examiners against HOMERO CORTEQUERA, M.D., hereinafter referred to as "Respondent", and alleges:

1. Petitioner, Department of Professional Regulation, is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed physician in the State of Florida, having been issued license number ME 0012556. Respondent's last known address is 3520 N.E. 18th Avenue, Ft. Lauderdale, Florida 33324.

COUNT I

1. On or about December 10, 1983, Respondent made the following entry on a patient's chart at Ft. Lauderdale Hospital:
"Patient is more calm and satisfied with program today".

4. Respondent did not visit the patient for which the above noted entry was made on the date that said entry was made.

5. On or about December 11, 1983, Respondent made the following entry on the same patient's chart at Ft. Lauderdale Hospital:

"Pressured speech, anxious to talk. Patient showed her (illegible word) and need to be with her own mother. Not very cooperative yet tends to look down on others. Wants to take care

personally of husband's needs and distrusts staff."

6. Respondent did not visit the patient for which the entry noted in paragraph five was made on the date that said entry was made.

7. On or about December 10, 1983, Respondent made the following entry on a patient's chart at Ft. Lauderdale Hospital:
"More appropriate and cooperative. Supported."

8. Respondent did not visit the patient for which the entry noted in paragraph seven was made on the date that said entry was made.

9. On or about December 11, 1983, Respondent made the following entry on the chart, for the patient referred to in paragraph seven above, at Ft. Lauderdale Hospital:

"Active. Trying to get involved in this program. Supported."

10. Respondent did not visit the patient for which the entry noted in paragraph nine was made on the date that said entry was made.

11. On or about December 22, 1982, prior to the above described incidents, the Respondent was admonished in writing, by Dr. Luis Salcedo, the Medical Director for Ft. Lauderdale Hospital, to refrain from the practice of writing progress notes for patients whom he had not seen.

12. Based on the foregoing, Respondent violated Section 458.331 (1)(h), Florida Statutes (1981), by making or filing a report which the licensee knows to be false. Such reports or records shall include only those which are signed in the capacity as a licensed physician. Respondent violated Section 458.331 (1)(l), Florida Statutes (1981), by making deceptive, untrue or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the medical community.

WHEREFORE, Petitioner respectfully requests the Board of Medical Examiners to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 8 day of October, 1984.

Fred Roche
Fred Roche, Secretary

COUNSEL FOR DEPARTMENT:

Stephanie A. Daniel
Staff Attorney
Department of Professional
Regulation
130 North Monroe Street
Tallahassee, Florida 32301
(904) 468-0062

SAD/bg
10/03/84

PCP/09/13/84
WFB
RNW

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

Melinda H. Hoggins
CLERK

DATE October 8, 1984