

STATE OF FLORIDA
BOARD OF MEDICINE

By: Racourde
Deputy Agency Clerk
FILED

DEPARTMENT OF HEALTH,

Petitioner,

2007 JUN 28 P 1:58

vs.

DOH CASE NO.: 2005-06808
DOAH CASE NO.: 06-3357-PL
LICENSE NO.: ME0084357
DIVISION OF
ADMINISTRATIVE
HEARINGS

WILLIAM PAUL HOPKINS, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 2, 2007, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Ephraim Livingston, Assistant General Counsel. Respondent was not present but was represented by Christopher Schulte, Esquire.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.
2. There is competent substantial evidence to support the findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that

1. Respondent shall pay an administrative fine in the amount of \$5,000 to the Board within 30 days from the date this Final Order is filed.

2. Respondent shall be placed on probation for a period of one year subject to the following terms and conditions:

a. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation, quarterly, and at such other times requested by the committee. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure

of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action. Unless otherwise provided in the Final Order, appearances at the Probationer's Committee shall be made quarterly.

b. Respondent shall not practice except under the indirect supervision of a physician fully licensed under Chapter 458 to be approved by the Board's Probationer's Committee. Absent provision for and compliance with the terms regarding temporary approval of a monitoring physician set forth below, Respondent shall cease practice and not practice until the Probationer's Committee approves a monitoring physician. Respondent shall have the monitoring physician present at the first probation appearance before the Probationer's Committee. Prior to approval of the monitoring physician by the committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. A failure of the Respondent or the monitoring physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the monitoring physician by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed monitoring physician. Said materials shall be received in the Board office no later than

fourteen days before the Respondent's first scheduled probation appearance. The attached definition of a monitoring physician is incorporated herein. The responsibilities of a monitoring physician shall include:

(1) Submit quarterly reports, in affidavit form, which shall include:

- (A) Brief statement of why physician is on probation.
- (B) Description of probationer's practice.
- (C) Brief statement of probationer's compliance with terms of probation.
- (D) Brief description of probationer's relationship with monitoring physician.
- (E) Detail any problems which may have arisen with probationer.

(2) Be available for consultation with Respondent whenever necessary, at a frequency of at least once per month.

(3) Review 25 percent of Respondent's patient records selected on a random basis at least once every month.

In order to comply with this responsibility of random review, the monitoring physician shall go to Respondent's office once every month. At that time, the monitoring physician shall be responsible for making the random selection of the records to be reviewed by the monitoring physician.

- (4) Report to the Board any violations by the probationer of Chapter 456 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

c. In view of the need for ongoing and continuous monitoring or supervision, Respondent shall also submit the curriculum vitae and name of an alternate supervising/monitoring physician who shall be approved by Probationer's Committee. Such physician shall be licensed pursuant to Chapter 458, Florida Statutes, and shall have the same duties and responsibilities as specified for Respondent's monitoring/supervising physician during those periods of time which Respondent's monitoring/supervising physician is temporarily unable to provide supervision. Prior to practicing under the indirect supervision of the alternate monitoring physician or the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate monitoring/supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the approved supervising/monitoring physician or the approved alternate.

3. Respondent shall be and hereby is REPRIMANDED by the Board.

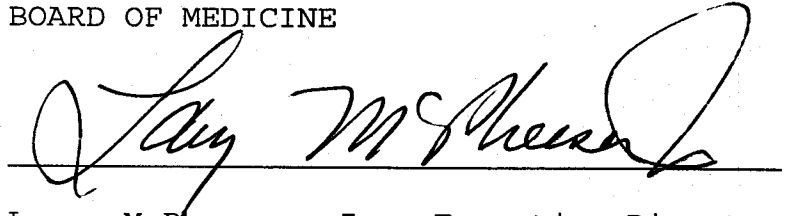
RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$17,515.17. Said costs are to be paid within 30 days from the date this Final Order is filed.

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

DONE AND ORDERED this 26 day of JUNE,
2007.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for H. FRANK FARMER, JR., 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 WILLIAM PAUL HOPKINS, M.D., 68 West Ludlow Place, Citrus Springs, Florida 34434; to Christopher Schulte, Esquire, Burton, Schulte, et al., 100 South Ashley Drive, Suite 600, Post Office Box 1772, Tampa, Florida 33602-1772; to Charles C. Adams, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 27 day of June, 2007.

Kelley Davidson

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Deputy Agency Clerk

FILED

Final Order # 07-1367 FOF

Date FO Filed JUN 27 2007

2007 JUN 28 11:58
DEPARTMENT OF HEALTH, BOARD OF MEDICINE

FINAL ORDER FACT SHEET

1. Respondent's/Petitioner's/Applicant's Name: WILLIAM PAUL HOPKINS, M.D.
2. License Number: ME0084357
3. Profession Type: Physician
4. Type of Order: X Discipline _____ Licensure _____ Declaratory Statement
5. DOH Case Number: 2005-06808
6. DOAH Case Numbers: 06-3357PL - FJU # 79040
7. Statutory reference for Violations/Reasons for Denial: 458.331(1)(t), F.S.
8. Violation Codes: 107
9. Penalties Imposed: \$5,000 fine; one year probation (indirect supervision); reprimand.
10. Costs Imposed: \$17,515.17
11. Closure code: 4050
12. Exhibits to be Attached to Final Order:
 - a. Administrative Complaint X
 - b. Consent Agreement/Stipulation _____
 - c. Recommended Order X
 Exceptions: Petitioner's _____ Respondent's _____
 Resp. To Exceptions: Petitioner's _____ Respondent's _____
 - d. Motions (Specify) Motion to Assess Costs
 - e. Other (Specify) _____
13. Special Handling Instructions _____
14. Fact Sheet Prepared By: Nancy Murphy
15. Codes Added to Fact Sheet By: Martha Moore
16. Exhibits Attached to Final Order By: Martha Moore