

MB

Final Order No. DOH-08-1646-FOF-MOA

FILED DATE - 7-17-08

Department of Health

By: Elisa R. ...
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

JORGE M. RIVERA, M.D.,

Respondent.

2008 JUL 18 A 11:09

DIVISION OF
ADMINISTRATIVE
HEARINGS

DOH CASE NO.: 2002-16774

DOAH CASE NO.: 07-2539PL

LICENSE NO.: ME0054619

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on June 7, 2008, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exceptions to the Recommended Order and Petitioner's Response to Respondent's Exceptions (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Diane Kiesling, Assistant General Counsel. Respondent was present and represented by John W. Bocchino, 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.

RULINGS ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions to the Recommended Order, and the Petitioner's Motion to Strike for Untimely Filing or, Alternatively, Response in Opposition to Exceptions, and denied the Petitioner's Motion to Strike. The exceptions and response to exceptions were heard by the Board.

1. The Board denied Respondent's Exception to Paragraph 4 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 4 of the Recommended Order.

2. The Board denied Respondent's Exception to Paragraph 9 of the Recommended Order because the record contains competent substantial evidence to support the Administrative Law Judge's finding in Paragraph 9 of the Recommended Order.

3. The Board denied Respondent's Exception to Paragraph 11 of the Recommended Order because the record contains competent substantial evidence to support the Administrative Law Judge's finding in Paragraph 11 of the Recommended Order.

4. The Board accepted Respondent's Exception to Paragraph 12 of the Recommended Order for the reasons stated in Respondent's exceptions. The last sentence of Paragraph 12 of the Recommended Order shall be stricken. Paragraph 12 shall read as follows:

Dr. Vo asked the supervising nurse, Ellen Haviland, to continue her efforts to locate a vascular surgeon. Nurse Haviland contacted Dr. Brian Kurland, a vascular surgeon. Dr. Kurland agreed to come to Gulf Coast.

5. The Board denied Respondent's Exception to Paragraph 15 of the Recommended Order because the record contains competent substantial evidence to support the Administrative Law Judge's finding in Paragraph 15 of the Recommended Order.

6. The Board denied Respondent's Exception to Paragraph 17 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 17 of the Recommended Order.

7. The Board denied Respondent's Exception to Paragraph 18 of the Recommended Order because the record contains competent substantial evidence to support the Administrative Law Judge's finding in Paragraph 18 of the Recommended Order.

8. The Board denied Respondent's Exception to Paragraph 21 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 21 of the Recommended Order.

9. The Board denied Respondent's Exception to Paragraph 23 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 23 of the Recommended Order.

10. The Board denied Respondent's Exception to Paragraph 25 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 25 of the Recommended Order.

11. The Board denied Respondent's Exceptions to Paragraph 26 through 28 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the

record to support the Administrative Law Judge's finding in Paragraphs 26 through 28 of the Recommended Order.

12. The Board denied Respondent's Exceptions to Paragraph 29 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 29 of the Recommended Order.

13. The Board accepts Respondent's exception to Paragraph 36 of the Recommended Order and found that its finding was as reasonable or more reasonable than that of the ALJ. The Department did not prove by clear and convincing evidence that Respondent left the hospital after he was told that Dr. Kurland was coming to the hospital and that surgery was to be performed on patient A.V.

14. The Board denied Respondent's Exceptions to Paragraph 37 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions.

15. The Board denied Respondent's Exceptions to Paragraph 38 of the Recommended Order for the reasons stated in

Petitioner's written and oral response to Respondent's Exceptions.

16. The Board denied Respondent's Exceptions to Paragraph 39 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions.

17. The Board denied Respondent's Exceptions to Paragraph 40 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference with the amendment to Paragraph 12 of the Recommended Order.

2. There is competent substantial evidence to support the findings of fact as amended.

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 with the exception to Paragraph 36 of the Recommended Order.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be modified. The modification is based on the fact that Respondent has no prior disciplinary history and because the Board rejected the ALJ's conclusion in paragraph 36 finding that Respondent violated Section 458.331(1)(t), Florida Statutes, for leaving the hospital after he was told that Dr. Kurland was coming to the hospital and that surgery was to be performed on patient A.V.

WHEREFORE, 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 this Final Order is filed.

2. Respondent shall document the completion of three (3) hours of continuing medical education (CME) in the area of medical ethics and five (5) hours of CME in risk management within one (1) year from the date this 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. Within one (1) year from the date this Final Order is filed, Respondent shall document the completion of 100 hours of community service. Community service shall be provided without fee or cost to the person or entity benefiting from the service, for the good of the people of the State of Florida. A community service plan must be pre-approved by the Board's Probation Committee. Affidavits detailing the completion of community service requirements shall be filed with the Board's Probation Committee.

4. Respondent shall be placed on probation for a period of one (1) year subject to the following terms and conditions:

a. Respondent shall appear before the Board's Probation Committee at the first meeting after said probation commences, at the last meeting of the Probation 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 Probation

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 Probation Committee shall be made quarterly.

b. Respondent shall submit quarterly reports in affidavit form, which shall include:

- (1) Brief statement of why physician is on probation.
- (2) Description of probationer's practice.
- (3) Brief statement of probationer's compliance with terms of probation.
- (4) Detail any problems which may have arisen during probation.

c. CONTINUITY OF PRACTICE

(1) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Final Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of

Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. Unless otherwise set forth in the Final Order, the following requirements and only the following requirements shall be tolled until the Respondent returns to active practice:

(A) The time period of probation shall be tolled.

(B) Any provisions regarding community service shall be tolled.

(2) ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

RULING ON MOTION TO ASSESS COSTS

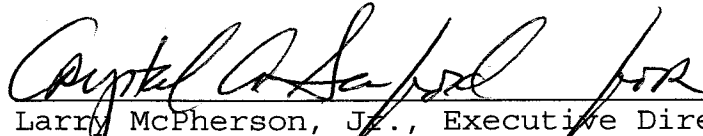
The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$13,930.64. Said costs are to be paid within 30 days from the date this Final Order is filed.

(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.)

DONE AND ORDERED this 16th day of July, 2008.

BOARD OF MEDICINE


Larry McPherson, Jr., Executive Director
For Fred Bearison, M.D., Vice-Chair

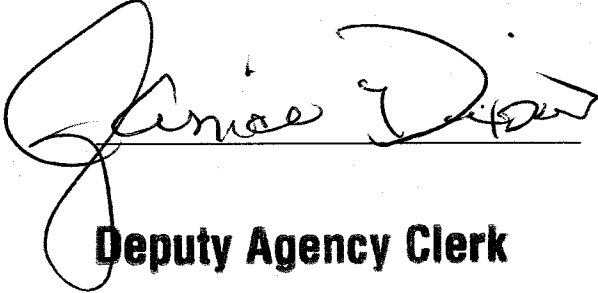
NOTICE OF RIGHT TO JUDICIAL REVIEW

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 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 JORGE M. RIVERA, M.D., 8876 Cypress Preserve Place, Fort Myers, Florida 33912; to John W. Bocchino, Esquire, Landmark Center One, Suite 510, Orlando, Florida 32801-1983; to Susan B. Harrell,

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 32399-3253 this 17th day of
July, 2008.


Deputy Agency Clerk

Sanford, Crystal

From: McPherson, Larry
Sent: Monday, July 14, 2008 7:20 PM
To: DL MQA Management Team
Cc: Prine, Chandra; Gray, Melinda; Sanford, Crystal; Nelson, Gloria J; Trexler, JoAnne; Sanders, Sylvia (MQA); Osterhouse, Donald; 'Ed Tellechea'
Subject: Board of Medicine Delegation

Citizen Regulators,

During my absence from Tuesday, July 15 - Friday, June 18, 2008, Board of Medicine Executive Director authority is delegated to Crystal Sanford, CPM, Program Operations Administrator. 245-4132. I will be at an FSMB Board of Directors meeting.

Larry McPherson
Executive Director
Board of Medicine

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2002-16774

JORGE MANUEL RIVERA, M.D.,

RESPONDENT.

SECOND AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Second Amended Administrative Complaint before the Board of Medicine against Respondent, Jorge Manuel Rivera, M.D., and in support thereof alleges:

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

3. Respondent's address of record is 8876 Cypress Preserve Place, Ft. Myers, Florida 33912.

4. On or about May 18, 2002, Respondent was the on-call anesthesiologist for Gulf Coast Hospital.

5. On or about May 11, 2002, Patient A.V., an eighty-two year-old male, presented to the emergency room of Gulf Coast Hospital complaining of shortness of breath. Patient A.V. had a history of chronic obstructive pulmonary disease. At this time, Patient A.V. was admitted to the hospital.

6. On or about May 18, 2002, Patient A.V. was examined and it was determined Patient A.V. could be discharged. Later that same day, prior to discharge, Patient A.V. developed severe abdominal pain and became hypotensive, experiencing abnormally low blood pressure.

7. An ultrasound revealed the presence of a 5.3 cm abdominal aortic aneurysm with a surrounding collection of fluid. An aortic aneurysm is an area of a localized widening (dilation) of the aorta, one of the large arteries that carries blood from the heart to the rest of the body.

8. A vascular surgeon was called and the surgeon ordered that Patient A.V. be prepared for emergency surgery to repair the abdominal aortic aneurysm and that a central line be inserted into Patient A.V.

9. A central line is performed by passing a catheter through a vein to end up in the thoracic (chest) portion of the vena cava, the large vein returning blood to the heart, or in the right atrium of the heart.

10. The vascular surgeon was to arrive at the hospital at or around 7:30 p.m. and Patient A.V. was to be in the operating room awaiting the emergency surgery.

11. At or around 7:00 p.m., Respondent was informed of the emergency situation and was asked to insert the central line, however Respondent believed that Patient A.V. was too unstable for surgery at Gulf Coast Hospital and noted in the record that Patient A.V. should be transferred to Southwest Florida Regional Hospital in Fort Myers.

12. Respondent ultimately refused to implant the central line into Patient A.V. There were no other anesthesiologists available at

Gulf Coast Hospital to insert the central line. Respondent did not attempt to get assistance in inserting a central line by calling in help or finding help within the hospital staff.

13. Without inserting the central line and after noting that the patient should be transferred to Southwest Florida Regional Hospital in Fort Myers, at or around 7:00 p.m., Respondent left the hospital and went home. Respondent did not notify the vascular surgeon or the attending physician that he was leaving the hospital.

14. At or around 7:30 p.m., the surgeon arrived at Gulf Coast Hospital to perform the surgery. At this time, the surgeon was apprised of the situation and was unable to perform the surgery upon A.V. due to the fact that Patient A.V. had not been properly anesthetized.

15. The surgeon contacted Respondent and advised the Respondent that emergency surgery was imperative in order for Patient A.V. to have any chance of survival. Respondent again declined to return to the hospital and administer anesthesia to Patient A.V. Respondent made no effort to call in the chief of

anesthesia or any other member of his team if Respondent felt uncomfortable or unable to care for this patient

16. As a result of Respondent's refusal to administer anesthesia to Patient A.V., it was decided that Patient A.V. should be transferred to Southwest Florida Regional Medical Center. Shortly after emergency medical personnel arrived to transport Patient A.V., Patient A.V. went into cardiac arrest.

17. At or around 8:15 p.m., Patient A.V. died as a result of hypovolemic shock, a condition where the heart is unable to supply enough blood to the body because of blood loss, or inadequate blood volume, caused by the rupturing of the abdominal aortic aneurysm.

18. Section 458.331(1)(t), Florida Statutes (2001), provides that gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances constitutes grounds for disciplinary action by the Board of Medicine.

19. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably

prudent similar physician as being acceptable under similar conditions and circumstances in one or more of the following ways:

- a. By refusing to insert a central line in Patient A.V.;
- b. After refusing to insert a central line in Patient A.V., by failing to offer other suggestions or assistance to Patient A.V.;
- c. By ordering transfer for a patient who was not his patient;
- d. By leaving the hospital and going home when surgery was imminent for Patient A.V.;
- e. By failing to attempt to find other qualified personnel to come to the hospital to assist in the care of Patient A.V.;
- f. By leaving the hospital without speaking with the vascular surgeon and telling him that no anesthesiologist would be there when he arrived;
- g. By refusing to return to the hospital and administer anesthesia to Patient A.V.

20. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2001), by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

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 3rd day of October, 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
Secretary of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Racquel*
DATE 10-6-07

Diane K. Kiesling
Diane K. Kiesling
Assistant General Counsel
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bln C-65
Tallahassee, Florida 32399-3265
Florida Bar # 233285
(850) 245-4640
(850) 245-4681 fax

PCP: 10/3/07
PCP Members: 6/13/07 ALJ
Rivera, DOH Case No. 2002-16774

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

PRACTITIONER REGULATION
LEGAL

2008 MAR 31 AM 10:16

PRACTITIONER REGULATION
LEGAL

STATE OF FLORIDA

DEPARTMENT OF ADMINISTRATIVE HEARINGS AM 10:16

DEPARTMENT OF HEALTH,

PETITIONER,

v.

JORGE MANUEL RIVERA, M.D.,

RESPONDENT.

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Raeuel*
DATE 3-31-08

DOH CASE NO. 2002-16774
DOAH CASE NO. 07-2539PL

**RESPONDENT JORGE MANUEL RIVERA, M.D.'S NOTICE OF
EXCEPTIONS TO RECOMMENDED ORDER OF SUSAN HARRELL**

COMES NOW the Respondent, JORGE MANUEL RIVERA, M.D., by and through his undersigned attorneys, and serves this, his exceptions to portions of the Recommended Order of Administrative Law Judge Susan Harrell and the basis for such exceptions, and in support thereof would note the exceptions as follows:

Paragraph 4 – The record evidence supports the findings of fact stated herein except that said finding of fact is incomplete based upon the record evidence. The evidence produced at hearing demonstrated that Gulf Coast Hospital in May 2002 was a small community hospital, however, omitted from this finding of fact was that said hospital did not do vascular surgery in 2002 and had not done such in years. Further, the record evidence demonstrated that critical equipment, cell savers, fluid warmers or central line pressure catheters were unavailable equipment necessary and utilized in the surgery that this patient would require (See Testimony of John Patrick, M.D., pg. 163-167, hearing transcript.)

Paragraph 9 – The findings of fact state in paragraph 9 are not based upon competent substantial evidence. The record evidence demonstrates that at Gulf Coast Hospital in 2002 there were no monitors to utilize with central lines to monitor patients with a central venous catheter. Said evidence further supports the inadequate facilities at said hospital for a patient with A.V.'s medical conditions and specifically the capacity of said hospital to perform surgery on this patient and supports the need to transfer this patient to a properly-equipped hospital (See Testimony of John Patrick, M.D., pg. 163-164, hearing transcript.)

Paragraph 11 – The findings of fact contained in paragraph 11 are incomplete and not based upon competent substantial evidence. The record evidence demonstrates that Respondent JORGE MANUEL RIVERA, M.D. indicated he had not placed a central line in nineteen (19) years, was not credentialed to do so and communicated same to Dr. Vo. He did not refuse to place such (See Testimony of Jorge Rivera, M.D., pg. 190, hearing transcript.)

Paragraph 12 – The findings of fact contained in paragraph 12 are incomplete based upon the record evidence and not based upon substantial competent evidence. Nurse Haviland was presented via deposition dated October 5, 2007, at the hearing in this matter. She testified that she advised Respondent JORGE MANUEL RIVERA, M.D. that Dr. Kurland had agreed to come to Gulf Coast Hospital. But further testimony at page 48 line 12 was the exact opposite, wherein she indicated that while Respondent JORGE MANUEL RIVERA, M.D. was present at the unit, no surgeon had committed to treat and operate on patient A.V. Nurse Haviland's testimony is internally contradictory (See Testimony of Ellen Haviland, R.N., dated October 5, 2007.) Further, in patient A.V.'s

medical records, the acceptance of this case by Dr. Kurland occurred at 1915 hours, fifteen minutes after Respondent JORGE MANUEL RIVERA, M.D.'s departure from the unit (See page 175 of Joint Exhibit 2.) The record evidence associated with this finding of fact demonstrates internal conflict as to Nurse Haviland's testimony, which clearly shows a lack of clear and convincing evidence to support this finding of fact.

Paragraph 15 – The findings of fact contained within paragraph 15 are not based upon competent substantial evidence and are incomplete. Dr. Vo did not speak to Respondent JORGE MANUEL RIVERA, M.D. regarding Dr. Kurland's acceptance of this patient as the records clearly indicate, as does the testimony of Nurse Haviland, the nurse charged with contacting surgeons for Dr. Vo, that no surgeon's services were secured until after Respondent JORGE MANUEL RIVERA, M.D.'s departure from the unit (See Testimony of Ellen Haviland, R.N., dated October 5, 2007, page 48, line 12 and See pages 070 and 175 of Joint Exhibit 2.) Said records demonstrate the timing of Dr. Vo's note mentioning Dr. Kurland and conference with patient's wife, which documents these events at 1916 hours (See pg. 175 of Joint Exhibit 2.)

The evidence is clear that when Respondent JORGE MANUEL RIVERA, M.D. left the hospital, no surgeon had accepted this patient and Dr. Vo's testimony does not comport with that of Dr. Kurland, who she claims she advised of Respondent JORGE MANUEL RIVERA, M.D.'s reticence to provide anesthesia to patient A.V. (See Testimony of Tracey Vo, D.O., pg. 70.), a fact which Dr. Kurland expressly denies (See Testimony of Brian Kurland, M.D., pg. 136-137.) Further, Dr. Vo claims that Dr. Kurland was calling Respondent JORGE MANUEL RIVERA, M.D. while en route (See Testimony of Tracey Vo, D.O., pg. 70); however, Dr. Kurland indicates he did not call Respondent JORGE

MANUEL RIVERA, M.D. until after he arrived at the hospital (See Testimony of Brian Kurland, M.D., pg. 152). Petitioner DEPARTMENT OF HEALTH's own expert Dr. Kalra does not know what occurred in this case as to the timing of Dr. Kurland's acceptance of the patient and JORGE MANUEL RIVERA, M.D.'s departure from the hospital (See Testimony of Minnea Kalra, M.D., pg. 240 and 267.) These inconsistencies clearly demonstrate a lack of clear and convincing evidence to support the findings as stated herein.

Paragraph 17 – The findings of fact contained within paragraph 17 are not based upon competent substantial evidence and ignores the entirety of the testimony of John Patrick, M.D. (See Testimony of John Patrick, M.D., pgs. 160 to 185.) JORGE MANUEL RIVERA, M.D. was called by Dr. Kurland and advised he was taking this patient to surgery after JORGE MANUEL RIVERA, M.D. had left Gulf Coast Hospital. JORGE MANUEL RIVERA, M.D. was surprised that the patient had not been transferred as per his recommendation and when he attempted to discuss this with Dr. Kurland, Dr. Kurland hung up on him. He was not given the chance to refuse to provide services or discuss his position (See Testimony of Jorge Rivera, M.D., pg. 199.) As such, the record evidence relating to this factual recitation is not completely set forth within this finding of fact.

Paragraph 18 – The finding of fact contained within paragraph 18 is not based upon competent substantial evidence, as said finding of fact ignores the testimony of Dr. Patrick, wherein he indicated that when he spoke to Dr. Kurland he advised him that he had spoken to the medical personnel two hours earlier and advised them to send the patient to another facility (See Testimony of John Patrick, M.D., pg. 199.)

Paragraph 21 – The finding of fact contained within paragraph 21 is not based upon competent substantial evidence and the record evidence cited is incomplete as said finding of fact misstates the comment of Respondent JORGE MANUEL RIVERA, M.D., who was merely stating that Dr. Patrick was his employer and that Dr. Kurland had declared this an emergency surgery, which requires response by on-call anesthesiology (See Testimony of John Patrick, M.D., pg. 199.)

Paragraph 23 – The finding of fact contained within paragraph 23 is not based upon competent substantial evidence and the record evidence referenced is incomplete. Dr. Downs's testimony is completely ignored by Judge Harrell. It in fact is directly on point as this patient was not capable of having successful surgery at Gulf Coast Hospital. The testimony of fact witnesses John Patrick, M.D., Respondent JORGE MANUEL RIVERA, M.D., Ellen Haviland, R.N. and Brian Kurland, M.D., demonstrate that when this patient was assessed by Dr. Vo at 1715 to 1730 hours and the on-call surgeon and on-call anesthesiologist, who knew the surgical capabilities of this hospital, recommended transfer to a tertiary care center ten minutes away, that should have been carried out. Dr. Downs is a nationally recognized expert who knows at which institutions a patient should have surgery and has received patients from outlying hospitals for many years. To discredit his testimony and ignore such is unsupported by this record and the disjointed and different recollections of all involved. To do surgery at a center where a floor nurse needs to check a surgical storage room for grafts is precise evidence supporting Dr. Downs's opinions, as is the lack of available surgical equipment.

Paragraph 25 – The finding of fact contained within paragraph 25 is not predicated upon competent substantial evidence as the record evidence at this hearing

demonstrates. Dr. Kalra was deposed in this matter and queried about Respondent JORGE MANUEL RIVERA, M.D.'s contact with this patient regarding the central line and his initial evaluation. Dr. Kalra opined that if there was no commitment by a surgeon to take this patient to surgery at the time Respondent JORGE MANUEL RIVERA, M.D. saw this patient, she would not be critical of Respondent JORGE MANUEL RIVERA as there was no contact with the patient (See deposition testimony of Minnea Kalra, M.D. September 29, 2007, pg. 93; See hearing testimony of Minnea Kalra, M.D., pg. 239-240.) Nurse Haviland has testified that when Respondent JORGE MANUEL RIVERA, M.D. departed the unit, there was no such commitment (See deposition testimony of Ellen Haviland, R.N., pg. 48)

Dr. Kalra further testified that after being present at the entire hearing and hearing all witnesses, she does not know when Dr. Kurland accepted this patient in relationship to when Respondent JORGE MANUEL RIVERA, M.D. left the hospital (See Testimony of Minnea Kalra, M.D., pg. 267.) Further, Dr. Kalra admits that all the recollections of witnesses are in conflict with one another and possibly the record (See Testimony of Minnea Kalra, M.D., pg. 240-241.) Thus, Petitioner DEPARTMENT OF HEALTH's own expert does not know what happened in this case and has testified under oath that if there was no surgical commitment, there was no "contract" obligating Respondent JORGE MANUEL RIVERA, M.D. (See Testimony of Minnea Kalra, M.D., pg. 239-240.) The testimony of the DEPARTMENT OF HEALTH's own expert demonstrates a lack of understanding of the facts of this case as the facts produced among various witnesses were contradictory. As such, there can be no showing of establishing a failure on the part of JORGE MANUEL RIVERA, M.D. by clear and convincing evidence, when said expert

admits that she does not know what happened factually after hearing all the evidence, and this is not clear on the events of the case.

Paragraph 26 – Respondent JORGE MANUEL RIVERA, M.D., would merely adopt his factual exceptions and support identified in association with paragraph 25. Further, Dr. Kalra testified that with the knowledge of the limited capabilities of Gulf Coast Hospital, that recommendation of transfer made by Respondent JORGE MANUEL RIVERA, M.D. would be reasonable (See Testimony of Minnea Kalra, M.D., pg. 248.) The record is silent as to Dr. Vo announcing that she would not follow the recommendations of Dr. DeMoya (surgeon), Dr. Patrick (anesthesiologist) and JORGE MANUEL RIVERA, M.D. (anesthesiologist) or at best said record is replete with inconsistencies. Thus, if JORGE MANUEL RIVERA, M.D.'s recommendation was reasonable and there was no "contract" for surgery, Dr. Kalra's opinion is absent of a basis for criticism or at the very least fails to demonstrate clear and convincing evidence of such (See Testimony of Tracey Vo, D.O., pg. 64-66; See Testimony of John Patrick, M.D., pg. 199, pg. 70 & 175 of Joint Exhibit 2.)

Paragraph 27 – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above.

Paragraph 28 – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above.

Paragraph 29 – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above. Further, Respondent JORGE MANUEL RIVERA, M.D. would note that if Petitioner DEPARTMENT OF HEALTH's expert Dr. Kalra does not know what occurred factually in this case after sitting through

the entire hearing and hearing all evidence, then there is an absence of evidence of negligence so as to constitute clear and convincing evidence.

Paragraph 36 – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above. Further, Respondent JORGE MANUEL RIVERA, M.D. would note that if Petitioner DEPARTMENT OF HEALTH's expert Dr. Kalra does not know what occurred factually in this case after sitting through the entire hearing and hearing all evidence, then there is an absence of evidence of negligence so as to constitute clear and convincing evidence.

Paragraph 37. – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above. Further, Respondent JORGE MANUEL RIVERA, M.D. would note that if Petitioner DEPARTMENT OF HEALTH's expert Dr. Kalra does not know what occurred factually in this case after sitting through the entire hearing and hearing all evidence, then there is an absence of evidence of negligence so as to constitute clear and convincing evidence.

Paragraph 38 – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above. Further, Respondent JORGE MANUEL RIVERA, M.D. would note that if Petitioner DEPARTMENT OF HEALTH's expert Dr. Kalra does not know what occurred factually in this case after sitting through the entire hearing and hearing all evidence, then there is an absence of evidence of negligence so as to constitute clear and convincing evidence.

Paragraph 39 – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above. Further, Respondent JORGE MANUEL RIVERA, M.D. would note that if Petitioner DEPARTMENT OF HEALTH's

expert Dr. Kalra does not know what occurred factually in this case after sitting through the entire hearing and hearing all evidence, then there is an absence of evidence of negligence so as to constitute clear and convincing evidence.


Paragraph 40 – Respondent JORGE MANUEL RIVERA, M.D. would adopt exceptions noted as to paragraphs 25 and 26 above. Further, Respondent JORGE MANUEL RIVERA, M.D. would note that if Petitioner DEPARTMENT OF HEALTH's expert Dr. Kalra does not know what occurred factually in this case after sitting through the entire hearing and hearing all evidence, then there is an absence of evidence of negligence so as to constitute clear and convincing evidence.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been furnished U.S. Mail, this 28th day of March 2008, to: Diane Keisling, Esquire, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, FL 32399-3265.

BOBO, CIOTOLI, BOCCHINO,
& NEWMAN, P.D.
Suite 510, Landmark Center One
315 East Robinson Street
Orlando, FL 32801-1949
(407) 849-1060
Attorneys for Respondent

By: _____


JOHN W. BOCCHINO
Florida Bar No. 0522759

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Rashid*
DATE 4-4-08

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2002-16774

DOAH CASE NO. 07-2539PL

JORGE MANUEL RIVERA, M.D.,

RESPONDENT.

**MOTION TO STRIKE FOR UNTIMELY FILING OR,
ALTERNATIVELY, RESPONSE IN OPPOSITION TO
EXCEPTIONS**

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files its Motion to Strike Respondent's Exceptions for Untimely Filing, or, alternatively, Response to Respondent Jorge Manuel Rivera, M.D.'s Notice of Exceptions to Recommended Order of Susan Harrell. In response the Department states:

1. The Respondent failed to submit his Exceptions to the Agency that will issue the Final Order in this case within 15 days. See Section 120.57(1)(k), Florida Statutes, and the Notice of Rights to Submit Exceptions included in and made a part of the Recommended Order. The

Agency referred to is the Board of Medicine. Both the statute and the Recommended Order provide that the Exceptions must be submitted to the Agency within 15 days. Submitted does not mean mailed and the Division of Administrative Hearings (DOAH) is not the Agency. Respondent filed his Exceptions with only DOAH on the fifteenth day and then mailed the document to counsel for the Department, not the Agency that will issue the Final Order. The Exceptions were received by the Department on March 31, 2008, three days late. The Exceptions were never filed the Board of Medicine or the Agency Clerk's office until April 2, 2008, when the Department discovered that Respondent had failed to correctly file the Exceptions and the Department graciously filed for the Respondent. Should this Motion to Strike be denied, Petitioner herein also files its Response in Opposition to the Exceptions.

2. The Board of Medicine may reject or modify a Recommended Order only as allowed in Section 120.57(1)(l), Florida Statutes (2007), which provides as follows:

(l) The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over

which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rule and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

3. Respondent has asked the Board to reject or modify not only conclusions of law, but also findings of fact and the recommended penalty, however, Respondent has not satisfied any of the requirements of Section 120.57(1)(I).

4. The Board and the Administrative Law Judge (ALJ) have very distinct, but equally important, roles in formal administrative hearings. It is the ALJ's function to consider all the evidence presented, resolve conflicts, assess credibility of witnesses, draw permissible inferences from the

evidence, and reach ultimate findings of fact based upon competent substantial evidence. Heifetz v. Dept. of Business Regulation, 475 So. 2d 1277 (Fla. 1st DCA 1985); Goss v. District School Board of St. John's County, 601 So. 2d 1232 (Fla. 5th DCA 1992); Cenac v. Florida State Board of Accountancy, 399 So. 2d 1013 (Fla. 1981); and Bejarano v. Department of Education, Division of Vocational Rehabilitation, 901 So. 2d 891, 892 (Fla. 4th DCA 2005). This is not the province of the Board and is clearly the exclusive purview of the ALJ. The ALJ in this case fulfilled her role and the Respondent's request that this Board make ultimate findings of fact by adding additional facts is improper.

5. The Board's role is to review the entire record and the Recommended Order, determine whether there is competent, substantial evidence to support the findings of fact that were made; whether the conclusions of law that are within the Board's substantive jurisdiction are correct; and whether the penalty should be reduced or increased, based on a review of the entire record and findings that justify such a reduction or increase. Petitioner only reiterates these roles because of the unique exceptions that Respondent asserts regarding adding findings and then changing conclusion based on these added findings.

6. Respondent takes exception to Finding for Fact 4. Finding of Fact 4 is supported by competent, substantial evidence. (Joint Exh. 3, p. 6-7, p.35; TR p. 27, p. 54). While Respondent wants the Board to add facts to this finding, as noted above, adding facts that the ALJ did not deem necessary to a resolution of the case is improper. Petitioner relies on its arguments in paragraphs 3-5, above. This exception should be denied.

7. Respondent takes exception to Finding of Fact 9; however, the exception has nothing to do with Finding of Fact 9. Finding of Fact 9 is supported by the testimony of Dr. Vo at TR p. 49. Other than that, Petitioner relies on its arguments in paragraphs 3-5, above. This exception should be denied.

8. Respondent takes exception to paragraph 11, again arguing that the findings are incomplete. Finding of Fact 11 is supported by competent, substantial evidence (TR p. 49). In fact, the ALJ recognizes in Conclusion of Law 34 that the Department conceded that Respondent was not credentialed to insert central lines and had a valid reason for refusing to do so. The point of this Finding of Fact is that he did not tell anyone that he was not credentialed, but used other excuses to refuse to insert the central line. This exception should be denied

9. Respondent takes exception to Finding of Fact 12, arguing that the ALJ should have resolved conflicts and drawn different inferences in the deposition testimony of Nurse Haviland. Nurse Haviland testified that she had been directed by Dr, Vo, the physician in charge, to find a surgeon, and specifically to find a vascular surgeon. (Joint Exh. 3, pgs. 7, 10, 11, 37-39, TR. p. 50-52). Any alleged conflicts or different inferences are within the purview of the ALJ and cannot be changed here. See paragraphs 3-5 above. This exception should be denied.

10. Respondent takes exception to Finding of Fact 15, even though there is competent, substantial evidence to support the findings. Again, Respondent argues that there are conflicts in evidence and therefore the conflicts should be resolved solely in the Respondent's favor. Respondent is incorrect. First, based on the above-cited cases, the ALJ is charged with resolving conflicts and has fulfilled that charge in this case. Second, Respondent argues that the evidence is clear that Respondent did not know that a vascular surgeon was on his way when Respondent left the hospital. The competent, substantial evidence shows otherwise and supports Finding of Fact 15. (TR pgs. 50-52, 69-71, 122-124, 155-158,

202, 218, 219, 221, 225, 226, 237-239; Joint Exh. 3, p. 15; Pet. Comp. Exh. 2, Admission 13). This exception should be denied.

11. Respondent next takes exception to Finding of Fact 17.

Respondent's argument is stunning in its implausibility. It is based on the testimony of a witness who was not even there. Dr. Patrick was hundreds of miles away and only knows what he thinks happened as a result of telephone calls with Respondent and the vascular surgeon. The testimony that the ALJ obviously credited was that of the vascular surgeon, who testified that Respondent had left the hospital before he had arrived. Dr. Kurland called Respondent at his home and asked Respondent to return to the hospital to provide anesthesia for the emergency surgery for the patient. Respondent refused. Only after Dr. Kurland called Respondent's employer and declared an emergency would the employer agree to order Respondent to return to the hospital and administer anesthesia. These are all facts supported by the record. (TR pgs. 122, 123, 124, 126, 127, 149, 153, 154, 157, 158, 172, 173). Finding of Fact 17 is supported by competent, substantial evidence and should be denied.

12. Respondent takes exception to Finding of Fact 18; however, the exception does not address the facts actually in the recommended finding.

It actually appears to ask that the finding be rejected and a new finding be inserted. However, Finding of Fact 18 is supported by competent, substantial evidence and the exception should be denied. (TR 172-173).

13. Respondent takes exception to Finding of Fact 21. Again, Respondent apparently does not recall his direct quotes from the record that support this Finding of Fact. (TR p. 118-119, 172-174). Both Respondent and his employer were clear that Respondent only considered returning because his employer, who was paying his paycheck, told him to. This exception should be denied because Finding of Fact 21 is supported by competent, substantial evidence.

14. Respondent takes exception to Finding of Fact 23 because he simply does not believe that the ALJ should be given the authority to consider all the evidence presented, resolve conflicts, assess credibility of witnesses, draw permissible inferences from the evidence, and reach ultimate findings of fact based upon competent substantial evidence. That is what the ALJ did here. Judge Harrell accepted and credited the testimony of the two nurses, Dr. Kurland, and Dr. Vo, together with the Department's expert, Minnea Kalra, M.D. While recognizing the exceptional credentials of Dr. Downs, the ALJ found that he had not practiced as an on call

anesthesiologist in a similar setting (150 bed community hospital) since 1985 and that, for the reasons given, in this case only, Dr. Downs' testimony was not credited because he is not familiar with the standard of care applicable in that setting where no backup is available. (R. Exhs. 2 & 9-B, p. 9; R. Exh.9-A p. 44-45, 50). Further, Dr. Downs' testimony was based on numerous faulty hypothetical questions regarding what Respondent knew and when he knew it. He based his opinions on information he was given by Respondent's counsel. As it turned out, the credible evidence did not support the hypotheticals and the ALJ did not credit the testimony that was based on those hypothetical questions. Finally, the ALJ did not credit Dr. Downs' opinion of the appropriate standard of care because he acknowledged that his opinions might change if the sequence of events was different. They are different. The ALJ did her job and Finding of Fact 23 should be upheld.

15. Respondent next takes exception with Finding of Fact 25 by attacking the testimony and credibility of the Department's expert, Minnea Kalra, M.D. In attacking Dr. Kalra's credibility and the ALJ's reliance on the testimony of Dr. Kalra, Respondent relies extensively on Dr. Kalra's deposition. However Respondent fails to recognize that Dr. Kalra is a similarly situated physician who is and has been practicing under similar

conditions and circumstances. (TR pgs. 209-211, 223-224). Dr. Kalra forms her opinion based on her experience, the medical records, the testimony of the two nursing supervisors, Dr. Vo, Dr. Kurland, and Dr. Rivera, the depositions of Dr. Downs and the stipulated facts contained in the unilateral pre-hearing statements of the parties. (TR p. 212). At the time of her deposition, she only had the medical records in front of her. From all of the evidence, Dr. Kalra, at the time of her testimony at the hearing, was very concretely sure of her opinions that Respondent should have stayed at the hospital and tried to find someone else to insert a central line; that Respondent had a "major responsibility" to stay at the hospital, discuss his concerns with Dr. Kurland, and tell Dr. Kurland why he had reservations; and that Respondent should never leave the hospital thinking that something would happen (transfer), especially when Dr. Vo had told him that the patient was too unstable for transfer. (TR pgs. 51, 217-219, 229-231). The standard of care is that the doctor stays until alternative help arrives. (TR p. 221, 229-231). The anesthesiologist can never assume that a patient has been transferred, but must stay and try to help out when the patient is unstable. (TR pgs. 225-226, 229-231). The standard of care is to stay even if the anesthesiologist does not know a surgeon is on the way because this is

clearly a surgical case. (TR P. 231). It is below the standard of care for the anesthesiologist to leave the facility without consulting with the surgeon.

(TR p. 237-239). As the on call anesthesiologist, it is below the standard of care to leave the facility and to refuse to return to the facility. (TR p. 232).

This exception should be denied because Finding of Fact 25 is supported by competent, substantial evidence.

16. Respondent excepts to Finding of Fact 26. Petitioner's response is the same as that found in paragraph 14. Additionally, the ALJ specifically credited all the testimony of Dr. Kalra as she enumerated the various ways that the Respondent failed to do his duty and meet the standard of care. The findings are supported by the competent, substantial evidence as set forth in paragraph 14. The exception to finding of Fact 26 should be denied.

17. Respondent next takes exception to Findings of Fact 27 and 28. Petitioner adopts its response as set forth in paragraph 15 above. The exceptions to Findings of Fact 27 and 28 should be denied.

18. Respondent takes exception to Finding of Fact 29 for the same reasons alleged regarding Findings of Fact 25 and 26 and the Petitioner's response is the same as in paragraph 15. Additionally, Respondent asserts that Dr. Kalra does not know what happened factually in this case and there

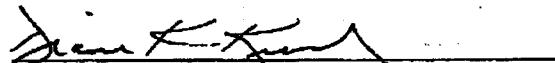
is an absence of evidence of negligence. It is clear from the testimony that Dr. Kalra knows what happened in this case. Further, negligence is not an issue and need not be addressed. The exception to Finding of Fact 29 should be denied.

19. Respondent takes exception to Conclusions of Law 36-40, asserting that a different conclusion should be reached as to each because the Department's expert does not know what occurred factually in this case and there is an absence of evidence of negligence so as to constitute clear and convincing evidence. Respondent fails to recognize that Section 120.57(1)(l), Florida Statutes, specifically prohibits the Board from rejecting or modifying a conclusion of law if it would form the basis for rejection or modification of a finding of fact. That is exactly what Respondent is trying to get this Board to do by going through the backdoor. The Board cannot reject or modify Findings of Fact unless they are not supported by any competent, substantial evidence. The Department has already addressed above each exception and shown how each Finding of Fact from which Respondent has taken an exception is supported by competent, substantial evidence. Now, Respondent is trying to disguise an attempt to get the Board to reject or modify those same Findings of Fact by attacking the

Department's expert and inserting and issue of negligence which was never a part of the administrative proceeding. Section 120.57(1)(I), Florida Statutes, exists explicitly to prevent such a backdoor attack on Findings of Fact. Conclusions of Law 36-40 should not be rejected or modified because Respondent has stated no reason to reject or modify Conclusions of Law 36-40 except to reject or modify findings of Fact. Section 120.57(1)(I) makes that inappropriate. The conclusions of the ALJ are supported by clear and convincing evidence. The exceptions to Conclusions of Law 36-40 should be denied.

WHEREFORE, the Department of Health respectfully asks that Respondent's Exceptions be DENIED and that the Recommended Order in DOH Case No. 2002-16774 be adopted in its entirety.

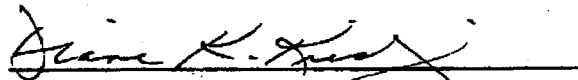
Respectfully submitted,



Diane K. Kiesling
Assistant General Counsel
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar # 233285
(850) 245-4640
(850) 245-4681 fax

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy this Response in Opposition to Petitioner's Notice of Exceptions to Recommended Order has been furnished to John W. Bocchino, Esquire, Landmark Center One, Suite 510, Orlando, Florida 32801-1983 by postage-paid U.S. Mail, Hand-Delivery, E-mail (bocchino@bobolaw.com), Facsimile Transmission (407-843-4751), and/or Over-Night Mail, this 4th day of April, 2008.



Diane K. Kiesling
Assistant General Counsel

**STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *[Signature]*
DATE: *9/29/08*

DEPARTMENT OF HEALTH,

Petitioner,

v.

**DOH Case Number 2002-16774
DOAH Case Number 07-2539PL**

JORGE RIVERA, M.D.,

Respondent.

MOTION TO ASSESS COSTS
IN ACCORDANCE WITH SECTION 456.072(4), FLORIDA STATUTES

COMES NOW the Department of Health, by and through undersigned counsel, and moves the Board of Medicine for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of this case in accordance with Section 456.072(4), Florida Statutes (2001). 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 therein.

2. Section 456.072(4), Florida Statutes (2001), the statute authorizing the assessment of costs that was effective on the date this incident occurred, excluded costs for attorney's time. Section 456.072(4), Florida Statutes (2001), states:

In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case.

3. Section 456.072(4), Florida Statutes (2001 - 2002), the statute authorizing the assessment of costs that was effective on the date these incidents occurred, excluded costs for attorney's time. See also, Aldrete v. Department of Health, 879 So. 2d 1244 (Fla. 1st DCA 2004). Section 456.072(4), Florida Statutes (2001 - 2002), states:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant to 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. (Emphasis added).

Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of thirteen thousand nine hundred thirty dollars and sixty-four cents (\$13,930.64), which excludes the costs associated with attorney time.

4. The investigation and prosecution of this case has resulted in costs in the total amount of thirteen thousand nine hundred thirty dollars and sixty-four cents (\$13,930.64) based on the following itemized statement of costs:

- a. Total costs for Complaints \$109.13
- b. Total costs for Investigations \$1,770.52
- c. Total costs for expenses \$12,050.

Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of thirteen thousand nine hundred thirty dollars and sixty-four cents (\$13,930.64), as evidenced in the attached affidavit. (Exhibit A).


5. Should the 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 the objections are made, the 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 thirteen thousand nine hundred thirty dollars and sixty-four cents (\$13,930.64) 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 (2001).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against the Respondent in the amount thirteen thousand nine hundred thirty dollars and sixty-four cents (\$13,930.64).

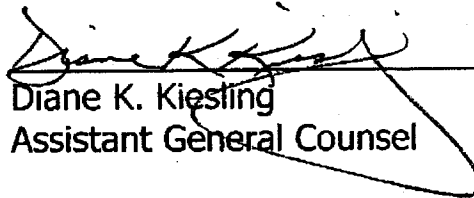
Respectfully submitted,



Diane K. Kiesling
Assistant General Counsel
Florida Bar No. 233285
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32317-4229
(850) 245-4640
(850) 245-4681 FAX

CERTIFICATE OF SERVICE

I CERTIFY that a copy hereof has been furnished to John W. Bocchino, Esquire, BoBo, Ciotoli, Bocchino, & Newman, P.D., Suite 510, Landmark Center One, 315 E. Robinson Street, Orlando, FL 32801-1949 by postage-paid U.S. Mail, Hand-Delivery, E-mail, Facsimile Transmission (407) 843-4751, E-mail address, Over-Night Mail, this 29th day of April, 2008.


Diane K. Kiesling
Assistant General Counsel

AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

BEFORE ME, the undersigned authority, personally appeared **SONDRA NELSON ALLEN**, who was sworn and states as follows:

- 1) My name is Sondra Nelson Allen.
- 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 a Regulation Specialist III for the Consumer Services 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 five years. My business address is 4052 Bald Cypress Way, Bin C-75, Tallahassee, Florida 32399-3275.
- 4) As a Regulation Specialist III, my job duties include reviewing data in the Time Tracking System, printing the cost summary and itemized cost reports when a cost affidavit is received, 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 2002-16774 (Department of Health v. Jorge M. Rivera, M.D.) are forty three thousand seven hundred ninety-one dollars and fifty-five cents (\$43,791.55).
- 6) The costs for DOH case number 2002-16774 (Department of Health v. Jorge M. Rivera, 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 2002-16774 (Department of Health v. Jorge M. Rivera, 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) Sondra Nelson Allen, first being duly sworn, states that she 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.

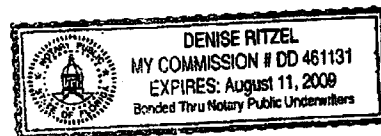
Sondra Nelson Allen
Sondra Nelson Allen, Affiant

State of Florida
County of Leon

Sworn to and subscribed before me this 24th day of April, 2008,
by Sondra Nelson Allen, who is personally known to me.

Denise Ritzel
Notary Signature

Denise Ritzel
Name of Notary Printed



Stamp Commissioned Name of Notary Public:

Complaint Cost Summary

Complaint Number: 200216774

Complainant's Name: DOH (A.V.) 0004441

Subject's Name: RIVERA, JORGE MANUEL

	***** Cost to Date *****	
	Hours	Costs
Complaint:	2.50	\$109.13
Investigation:	36.00	\$1,770.52
Legal:	250.70	\$29,860.91
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	289.20	\$31,740.56
Expenses to Date:		\$12,050.99
Prior Amount:		\$0.00
Total Costs to Date:		\$43,791.55

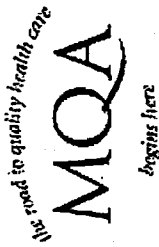
Time Tracking System Itemized Cost by Complaint

Complaint 200216774

Report Date: 04/24/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
CONSUMER SERVICES UNIT						
HA78	0.80	\$43.65	\$34.92	07/01/2002	82	MQA REPORT ENTRY
HA78	0.70	\$43.65	\$30.56	09/11/2002	5	ROUTINE INSPECTION
HA78	1.00	\$43.65	\$43.65	11/05/2002	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
Sub Total	2.50		\$109.13			

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
INVESTIGATIVE SERVICES UNIT						
FI60	3.00	\$43.10	\$129.30	11/08/2002	4	ROUTINE INVESTIGATIVE WORK
FI60	2.00	\$43.10	\$86.20	12/11/2002	4	ROUTINE INVESTIGATIVE WORK
FI60	1.00	\$43.10	\$43.10	12/13/2002	58	TRAVEL TIME
FI60	2.00	\$43.10	\$86.20	12/13/2002	4	ROUTINE INVESTIGATIVE WORK
FI60	1.00	\$43.10	\$43.10	12/13/2002	76	REPORT PREPARATION
FI60	1.50	\$43.10	\$64.65	12/20/2002	4	ROUTINE INVESTIGATIVE WORK
FI60	0.50	\$43.10	\$21.55	12/27/2002	4	ROUTINE INVESTIGATIVE WORK
FI60	1.00	\$43.10	\$43.10	01/03/2003	4	ROUTINE INVESTIGATIVE WORK
FI60	1.00	\$43.10	\$43.10	01/07/2003	4	ROUTINE INVESTIGATIVE WORK
FI60	1.00	\$43.10	\$43.10	01/08/2003	58	TRAVEL TIME
FI60	2.00	\$43.10	\$86.20	01/08/2003	4	ROUTINE INVESTIGATIVE WORK
FI60	1.00	\$43.10	\$43.10	01/10/2003	4	ROUTINE INVESTIGATIVE WORK
FI60	1.50	\$43.10	\$64.65	01/13/2003	4	ROUTINE INVESTIGATIVE WORK
FI60	2.00	\$51.86	\$103.72	01/28/2003	76	REPORT PREPARATION
FI60	1.50	\$51.86	\$77.79	01/29/2003	76	REPORT PREPARATION
FI60	0.50	\$51.86	\$25.93	01/29/2003	4	ROUTINE INVESTIGATIVE WORK
FI60	1.50	\$51.86	\$77.79	01/29/2003	1	ROUTINE ADMINISTRATIVE DUTIES
FI60	1.00	\$51.86	\$51.86	02/04/2003	76	REPORT PREPARATION
FI60	1.00	\$51.86	\$51.86	02/28/2003	6	SUPPLEMENTAL INVESTIGATION
FI60	1.00	\$51.86	\$51.86	02/28/2003	76	REPORT PREPARATION
FI60	1.00	\$51.86	\$51.86	03/05/2003	6	SUPPLEMENTAL INVESTIGATION
FI60	1.00	\$51.86	\$51.86	03/05/2003	76	REPORT PREPARATION



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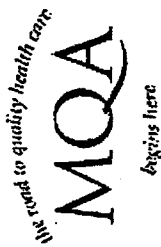
Report Date: 04/24/2008

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
FI29	1.00	\$38.57	\$38.57	12/07/2005	6	SUPPLEMENTAL INVESTIGATION
FI65	2.00	\$62.84	\$125.68	10/02/2007	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
FI65	0.50	\$62.84	\$31.42	10/03/2007	4	ROUTINE INVESTIGATIVE WORK
FI58	1.00	\$69.32	\$69.32	10/03/2007	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
FI62	1.50	\$65.46	\$98.19	10/09/2007	100	SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE
FI62	1.00	\$65.46	\$65.46	10/10/2007	6	SUPPLEMENTAL INVESTIGATION
Sub Total	36.00		\$1,770.52			

PROSECUTION SERVICES UNIT

HLL14A	0.10	\$62.73	\$6.27	07/09/2003	25	REVIEW CASE FILE
HLL14A	0.90	\$62.73	\$56.46	07/21/2003	25	REVIEW CASE FILE
HLL14A	3.00	\$62.73	\$188.19	07/22/2003	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL14A	0.40	\$62.73	\$25.09	07/25/2003	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL14A	0.10	\$62.73	\$6.27	08/07/2003	88	PROOFING AND SIGNING LETTERS
HLL14A	0.20	\$62.73	\$12.55	09/12/2003	25	REVIEW CASE FILE
HLL14A	0.20	\$63.27	\$12.65	12/01/2003	90	POST PROBABLE CAUSE PROCESSING
HLL14A	0.30	\$63.27	\$18.98	12/01/2003	79	STIPULATION
HLL14A	0.60	\$63.27	\$37.96	12/02/2003	79	STIPULATION
HLL14A	0.10	\$63.27	\$6.33	12/03/2003	88	PROOFING AND SIGNING LETTERS
HLL14A	0.20	\$62.73	\$12.55	12/10/2003	90	POST PROBABLE CAUSE PROCESSING
HLL14A	0.10	\$63.27	\$6.33	12/29/2003	90	POST PROBABLE CAUSE PROCESSING
HLL14A	0.10	\$63.27	\$6.33	12/29/2003	35	TELEPHONE CALLS
HLL14A	0.30	\$63.27	\$18.98	12/29/2003	36	PREPARATION OR REVISION OF LETTER
HLL14A	0.10	\$63.27	\$6.33	12/30/2003	36	PREPARATION OR REVISION OF LETTER
HLL14A	0.20	\$63.27	\$12.65	12/31/2003	35	TELEPHONE CALLS
HLL14A	0.30	\$63.27	\$18.98	01/05/2004	25	REVIEW CASE FILE
HLL14A	0.20	\$63.27	\$12.65	01/05/2004	35	TELEPHONE CALLS
HLL14A	0.10	\$63.27	\$6.33	01/05/2004	74	MEETINGS WITH DEPARTMENT STAFF
HLL14A	0.10	\$63.27	\$6.33	03/03/2004	25	REVIEW CASE FILE
HLL14A	0.20	\$63.27	\$12.65	03/03/2004	36	PREPARATION OR REVISION OF LETTER
HLL14A	0.10	\$63.27	\$6.33	03/25/2004	74	MEETINGS WITH DEPARTMENT STAFF



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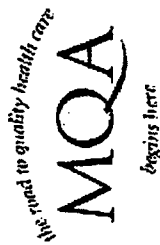
Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL14A	0.10	\$63.27	\$6.33	03/31/2004	74	MEETINGS WITH DEPARTMENT STAFF
HLL14A	0.10	\$63.27	\$6.33	04/01/2004	74	MEETINGS WITH DEPARTMENT STAFF
HLL14A	0.50	\$63.27	\$31.64	04/08/2004	25	REVIEW CASE FILE
HLL14A	0.20	\$63.27	\$12.65	04/08/2004	35	TELEPHONE CALLS
HLL14A	0.30	\$63.27	\$18.98	06/02/2004	25	REVIEW CASE FILE
HLL14A	0.30	\$63.27	\$18.98	06/03/2004	74	MEETINGS WITH DEPARTMENT STAFF
HLL14A	0.20	\$63.27	\$12.65	06/14/2004	36	PREPARATION OR REVISION OF LETTER
HLL14A	0.40	\$63.27	\$25.31	06/14/2004	26	PREPARE OR REVISE MEMORANDUM
HLL21B	0.50	\$71.05	\$35.53	06/16/2004	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HLL10A	0.20	\$76.76	\$15.35	06/22/2004	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HLL21B	0.30	\$71.05	\$21.32	06/22/2004	70	CONFERENCES WITH LAWYERS
HLL21B	0.30	\$71.05	\$21.32	07/12/2004	35	TELEPHONE CALLS
HLL21B	0.30	\$71.05	\$21.32	08/09/2004	25	REVIEW CASE FILE
HLL21B	0.20	\$71.05	\$14.21	08/09/2004	35	TELEPHONE CALLS
HLL21B	0.30	\$71.05	\$21.32	08/09/2004	36	PREPARATION OR REVISION OF LETTER
HLL10A	0.30	\$76.76	\$23.03	08/25/2004	36	PREPARATION OR REVISION OF LETTER
HLL21B	0.30	\$71.05	\$21.32	09/17/2004	37	REVIEW LETTER
HLL16A	0.40	\$74.29	\$29.72	12/13/2004	25	REVIEW CASE FILE
HLL16A	0.40	\$74.29	\$29.72	12/14/2004	35	TELEPHONE CALLS
HLL16A	0.40	\$74.29	\$29.72	12/14/2004	35	TELEPHONE CALLS
HLL16A	0.30	\$74.29	\$22.29	12/20/2004	35	TELEPHONE CALLS
HLL16A	0.30	\$74.29	\$22.29	01/27/2005	25	REVIEW CASE FILE
HLL16A	1.60	\$74.29	\$118.86	01/27/2005	40	PREPARATION OF OR REVISION OF A PLEADING
HLL16A	0.20	\$74.29	\$14.86	02/07/2005	74	MEETINGS WITH DEPARTMENT STAFF
HLL16A	0.40	\$74.29	\$29.72	06/13/2005	40	PREPARATION OF OR REVISION OF A PLEADING
HLL16A	0.40	\$74.29	\$29.72	09/06/2005	35	TELEPHONE CALLS
HLL16A	0.80	\$74.29	\$59.43	09/07/2005	35	TELEPHONE CALLS
HLL16A	0.10	\$74.29	\$7.43	09/07/2005	72	PERSONNEL ACTIONS
HLL16A	0.20	\$74.29	\$14.86	09/07/2005	35	TELEPHONE CALLS
HLL16A	0.40	\$74.29	\$29.72	09/08/2005	40	PREPARATION OF OR REVISION OF A PLEADING
HLL16A	0.30	\$74.29	\$22.29	09/08/2005	25	REVIEW CASE FILE
HLL16A	0.10	\$74.29	\$7.43	09/08/2005	35	TELEPHONE CALLS
HLL16A	0.20	\$74.29	\$14.86	09/08/2005	35	TELEPHONE CALLS

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL16A	0.10	\$74.29	\$7.43	09/08/2005	74	MEETINGS WITH DEPARTMENT STAFF
HLL16A	0.10	\$74.29	\$7.43	09/15/2005	35	TELEPHONE CALLS
HLL16A	0.20	\$74.29	\$14.86	09/28/2005	74	MEETINGS WITH DEPARTMENT STAFF
HLL16A	0.10	\$74.29	\$7.43	09/28/2005	35	TELEPHONE CALLS
HLL16A	0.10	\$74.29	\$7.43	09/28/2005	35	TELEPHONE CALLS
HLL16A	0.20	\$74.29	\$14.86	09/28/2005	40	PREPARATION OF OR REVISION OF A PLEADING
HLL16A	0.10	\$74.29	\$7.43	09/29/2005	74	MEETINGS WITH DEPARTMENT STAFF
HLL16A	0.10	\$74.29	\$7.43	10/03/2005	35	TELEPHONE CALLS
HLL16A	0.10	\$74.29	\$7.43	10/03/2005	35	TELEPHONE CALLS
HLL16A	0.30	\$74.29	\$22.29	10/03/2005	35	TELEPHONE CALLS
HLL16A	0.10	\$74.29	\$7.43	10/03/2005	35	TELEPHONE CALLS
HLL16A	0.10	\$74.29	\$7.43	10/03/2005	35	TELEPHONE CALLS
HLL16A	0.20	\$74.29	\$14.86	10/05/2005	35	TELEPHONE CALLS
HLL16A	0.20	\$74.29	\$14.86	10/10/2005	35	TELEPHONE CALLS
HLL16A	0.40	\$80.81	\$32.32	11/10/2005	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HL58B	0.50	\$120.23	\$60.12	11/23/2005	70	CONFERENCES WITH LAWYERS
HL58B	0.20	\$120.23	\$24.05	11/23/2005	47	TRIAL PREPARATION
HL58B	0.30	\$120.23	\$36.07	11/23/2005	59	LOCATING CASE FILE
HL58B	1.40	\$120.23	\$168.32	11/23/2005	25	REVIEW CASE FILE
HLL16A	0.20	\$74.29	\$14.86	11/23/2005	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HL58B	0.60	\$120.23	\$72.14	12/05/2005	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	1.80	\$120.23	\$216.41	12/05/2005	46	LEGAL RESEARCH
HL58B	0.20	\$120.23	\$24.05	12/06/2005	35	TELEPHONE CALLS
HL58B	0.50	\$120.23	\$60.12	12/06/2005	6	SUPPLEMENTAL INVESTIGATION
HL58B	0.30	\$120.23	\$36.07	12/07/2005	36	PREPARATION OR REVISION OF LETTER
HL58B	0.10	\$120.23	\$12.02	12/07/2005	103	REVIEW SUPPLEMENTAL REPORT
HL58B	0.50	\$120.23	\$60.12	12/07/2005	35	TELEPHONE CALLS
HL58B	0.30	\$120.23	\$36.07	12/07/2005	35	TELEPHONE CALLS
HL58B	0.30	\$120.23	\$36.07	12/14/2005	102	REVIEW EXPERT WITNESS REPORT
HL58B	0.60	\$120.23	\$72.14	12/14/2005	35	TELEPHONE CALLS
HL58B	0.30	\$141.12	\$42.34	12/19/2005	102	REVIEW EXPERT WITNESS REPORT
HL58B	2.30	\$141.12	\$324.58	12/19/2005	33	PREPARE OR REVISE RECONSIDERATION
HL58B	0.20	\$141.12	\$28.22	12/19/2005	35	TELEPHONE CALLS
HL58B	0.20	\$141.12	\$28.22	01/27/2006	89	PROBABLE CAUSE PREPARATION



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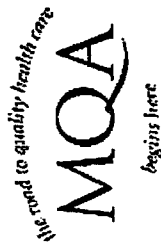
Report Date: 04/24/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HL58B	1.00	\$141.12	\$141.12	02/14/2006	26	PREPARE OR REVISE MEMORANDUM
HL58B	0.30	\$141.12	\$42.34	02/24/2006	102	REVIEW EXPERT WITNESS REPORT
HL58B	0.20	\$141.12	\$28.22	02/27/2006	102	REVIEW EXPERT WITNESS REPORT
HL58B	0.30	\$141.12	\$42.34	06/12/2006	102	REVIEW EXPERT WITNESS REPORT
HL58B	0.40	\$141.12	\$56.45	08/09/2006	25	REVIEW CASE FILE
HL58B	0.40	\$141.12	\$56.45	08/09/2006	25	REVIEW CASE FILE
HL58B	1.40	\$141.12	\$197.57	08/16/2006	39	PREPARE/RESPOND TO DISCOVERY
HL58B	0.30	\$141.12	\$42.34	08/16/2006	36	PREPARATION OR REVISION OF LETTER
HL58B	0.40	\$141.12	\$56.45	01/26/2007	25	REVIEW CASE FILE
HL58B	0.20	\$141.12	\$28.22	03/02/2007	37	REVIEW LETTER
HL58B	0.30	\$141.12	\$42.34	03/02/2007	70	CONFERENCES WITH LAWYERS
HL58B	0.30	\$141.12	\$42.34	03/02/2007	70	CONFERENCES WITH LAWYERS
HL58B	0.30	\$100.00	\$30.00	03/02/2007	25	REVIEW CASE FILE
HL58B	0.70	\$141.12	\$98.78	03/02/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	0.10	\$141.12	\$14.11	04/18/2007	35	TELEPHONE CALLS
HL58B	0.20	\$141.12	\$28.22	05/02/2007	35	TELEPHONE CALLS
HL58B	0.40	\$141.12	\$56.45	06/07/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	0.20	\$141.12	\$28.22	06/08/2007	35	TELEPHONE CALLS
HL58B	0.30	\$141.12	\$42.34	06/08/2007	70	CONFERENCES WITH LAWYERS
HLL22B	0.20	\$127.22	\$25.44	06/11/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HLL22B	0.40	\$127.22	\$50.89	06/11/2007	35	TELEPHONE CALLS
HLL22B	0.30	\$127.22	\$38.17	06/11/2007	35	TELEPHONE CALLS
HL58B	1.30	\$141.12	\$183.46	09/10/2007	47	TRIAL PREPARATION
HL58B	1.00	\$141.12	\$141.12	09/12/2007	47	TRIAL PREPARATION
HL58B	3.00	\$141.12	\$423.36	09/14/2007	47	TRIAL PREPARATION
HL58B	1.40	\$141.12	\$197.57	09/14/2007	25	REVIEW CASE FILE
HL58B	1.10	\$141.12	\$155.23	09/17/2007	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HL58B	3.40	\$141.12	\$479.81	09/18/2007	47	TRIAL PREPARATION
HL58B	4.50	\$141.12	\$635.04	09/19/2007	47	TRIAL PREPARATION
HL58B	2.60	\$141.12	\$366.91	09/20/2007	47	TRIAL PREPARATION
HL58B	0.50	\$141.12	\$70.56	09/24/2007	47	TRIAL PREPARATION
HL58B	0.60	\$141.12	\$84.67	09/24/2007	114	CONTACT WITH EXPERTS
HL58B	1.50	\$141.12	\$211.68	09/25/2007	47	TRIAL PREPARATION

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Itemized cost

Florida Department of Health



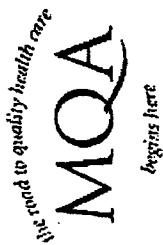
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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HL58B	1.70	\$141.12	\$239.90	09/27/2007	47	TRIAL PREPARATION
HL58B	0.20	\$141.12	\$28.22	09/28/2007	35	TELEPHONE CALLS
HL58B	0.70	\$141.12	\$98.78	09/28/2007	47	TRIAL PREPARATION
HL58B	4.80	\$141.12	\$677.38	09/28/2007	58	TRAVEL TIME
HL58B	1.00	\$141.12	\$141.12	09/29/2007	114	CONTACT WITH EXPERTS
HL58B	0.40	\$141.12	\$56.45	09/29/2007	114	CONTACT WITH EXPERTS
HL58B	4.50	\$141.12	\$635.04	09/29/2007	58	TRAVEL TIME
HL58B	4.00	\$141.12	\$564.48	09/29/2007	44	DEPOSITIONS
HL58B	3.60	\$141.12	\$508.03	10/02/2007	47	TRIAL PREPARATION
HL58B	0.80	\$141.12	\$112.90	10/02/2007	113	CONTACT WITH WITNESSES
HL58B	0.20	\$141.12	\$28.22	10/02/2007	113	CONTACT WITH WITNESSES
HL58B	2.80	\$141.12	\$395.14	10/03/2007	47	TRIAL PREPARATION
HL58B	0.80	\$141.12	\$112.90	10/03/2007	113	CONTACT WITH WITNESSES
HL58B	1.50	\$141.12	\$211.68	10/03/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	1.30	\$141.12	\$183.46	10/03/2007	25	REVIEW CASE FILE
HL58B	1.70	\$141.12	\$239.90	10/04/2007	47	TRIAL PREPARATION
HL58B	0.90	\$141.12	\$127.01	10/05/2007	47	TRIAL PREPARATION
HL58B	1.50	\$141.12	\$211.68	10/05/2007	44	DEPOSITIONS
HL58B	1.80	\$141.12	\$254.02	10/05/2007	47	TRIAL PREPARATION
HL58B	3.70	\$141.12	\$522.14	10/08/2007	47	TRIAL PREPARATION
HL58B	0.30	\$141.12	\$42.34	10/08/2007	45	PREHEARING MOTION/CONFERENCE CALL
HL58B	5.00	\$141.12	\$705.60	10/08/2007	58	TRAVEL TIME
HL58B	4.00	\$141.12	\$564.48	10/09/2007	47	TRIAL PREPARATION
HL58B	3.50	\$141.12	\$493.92	10/09/2007	44	DEPOSITIONS
HL58B	5.50	\$141.12	\$776.16	10/09/2007	58	TRAVEL TIME
HL58B	0.40	\$111.56	\$44.62	10/10/2007	36	PREPARATION OR REVISION OF LETTER
HL58B	3.50	\$111.56	\$390.46	10/10/2007	47	TRIAL PREPARATION
HL58B	0.80	\$141.12	\$112.90	10/10/2007	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	0.50	\$141.12	\$70.56	10/10/2007	58	TRAVEL TIME
HL58B	0.80	\$141.12	\$112.90	10/10/2007	113	CONTACT WITH WITNESSES
HL58B	0.30	\$141.12	\$42.34	10/10/2007	60	MISCELLANEOUS
HL58B	5.90	\$141.12	\$832.61	10/11/2007	47	TRIAL PREPARATION
HL58B	0.40	\$141.12	\$56.45	10/11/2007	114	CONTACT WITH EXPERTS

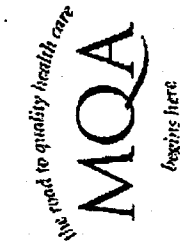


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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HL58B	6.00	\$141.12	\$846.72	10/12/2007	47	TRIAL PREPARATION
HL58B	0.60	\$141.12	\$84.67	10/12/2007	46	LEGAL RESEARCH
HL58B	0.70	\$141.12	\$98.78	10/12/2007	113	CONTACT WITH WITNESSES
HL47A	0.30	\$105.06	\$31.52	10/12/2007	64	LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF.
HL58B	5.00	\$141.12	\$705.60	10/13/2007	58	TRAVEL TIME
HL58B	1.50	\$141.12	\$211.68	10/14/2007	58	TRAVEL TIME
HL58B	5.80	\$141.12	\$818.50	10/14/2007	47	TRIAL PREPARATION
HL58B	3.70	\$141.12	\$522.14	10/14/2007	113	CONTACT WITH WITNESSES
HL58B	8.00	\$141.12	\$1,128.96	10/15/2007	48	FORMAL HEARING
HL58B	6.50	\$141.12	\$917.28	10/16/2007	58	TRAVEL TIME
HL58B	1.50	\$141.12	\$211.68	10/16/2007	26	PREPARE OR REVISE MEMORANDUM
HL58B	1.00	\$91.00	\$91.00	10/17/2007	60	MISCELLANEOUS
HL58B	5.30	\$91.00	\$482.30	10/19/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	0.60	\$91.00	\$54.60	10/22/2007	60	MISCELLANEOUS
HL58B	4.20	\$91.00	\$382.20	12/04/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	7.30	\$91.00	\$664.30	12/05/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	4.40	\$91.00	\$400.40	12/06/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	1.80	\$91.00	\$163.80	12/07/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	4.50	\$91.00	\$409.50	12/10/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	5.80	\$91.00	\$527.80	12/11/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	4.20	\$91.00	\$382.20	12/12/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	3.70	\$91.00	\$336.70	12/13/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	3.70	\$91.00	\$336.70	12/13/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	5.70	\$91.00	\$518.70	12/14/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	2.20	\$91.00	\$200.20	12/16/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	1.20	\$91.00	\$109.20	12/17/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	0.30	\$91.00	\$27.30	12/18/2007	35	TELEPHONE CALLS
HL58B	2.10	\$91.00	\$191.10	12/18/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	2.60	\$91.00	\$236.60	12/19/2007	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	0.80	\$91.00	\$72.80	12/19/2007	60	MISCELLANEOUS
HL58B	0.90	\$111.56	\$100.40	01/03/2008	41	REVIEW PLEADING
HL58B	0.30	\$111.56	\$33.47	01/04/2008	35	TELEPHONE CALLS
HL58B	0.30	\$111.56	\$33.47	01/07/2008	45	PREHEARING MOTION/CONFERENCE CALL



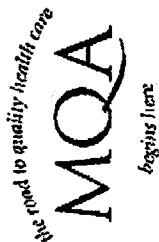
**Time Tracking System
Itemized Cost by Complaint**

Complaint 200216774

Report Date: 04/24/2008

Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HL58B	5.60	\$111.56	\$624.74	02/01/2008	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HL58B	0.80	\$111.56	\$89.25	02/05/2008	55	REVIEW OF BRIEF
HL58B	0.40	\$111.56	\$44.62	02/08/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	0.60	\$111.56	\$66.94	02/11/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	1.00	\$111.56	\$111.56	03/13/2008	50	REVIEW FINAL AGENCY ACTION CASES
HL58B	7.30	\$111.56	\$814.39	04/01/2008	40	PREPARATION OF OR REVISION OF A PLEADING
HL58B	1.90	\$111.56	\$211.96	04/02/2008	40	PREPARATION OF OR REVISION OF A PLEADING
Sub Total	250.70		\$29,860.91			

Total Cost	\$31,740.56
-------------------	--------------------

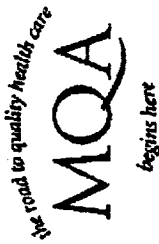


**Time Tracking System
Itemized Expense by Complaint**
Complaint 200216774

Report Date: 04/24/2008

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
PROSECUTION SERVICES UNIT				
HL58B	10/09/2007	\$178.75	131400	COURT REPORTING
HL58B	10/11/2007	\$20.00	131400	COURT REPORTING
HL58B	10/12/2007	\$271.35	131400	COURT REPORTING
HL58B	10/09/2007	\$516.50	131400	COURT REPORTING
HL58B	10/22/2007	\$582.18	131400	COURT REPORTING
HL58B	12/12/2007	\$1,260.10	131400	COURT REPORTING
HL34B	06/17/2003	\$625.00	131630	EXPERT WITNESS
HL34B	02/24/2006	\$500.00	131630	EXPERT WITNESS
HL34B	06/07/2006	\$500.00	131630	EXPERT WITNESS
HL34B	10/19/2007	\$1,600.00	131630	EXPERT WITNESS
HL34B	11/09/2007	\$2,080.00	131630	EXPERT WITNESS
HL34B	11/09/2007	\$2,240.00	131630	EXPERT WITNESS
HL58B	10/09/2007	\$373.51	261010	TRAVEL - EMLOYEE - IN FLA
HL58B	10/16/2007	\$599.70	261010	TRAVEL - EMLOYEE - IN FLA
HL58B	09/29/2007	\$260.47	261010	TRAVEL - EMLOYEE - IN FLA
HL34B	10/16/2007	\$443.43	261010	TRAVEL - EMLOYEE - IN FLA

SubTotal \$12,050.99
Total Expenses \$12,050.99



**Time Tracking System
Itemized Expense by Complaint
Complaint 200216774**

Report Date: 04/23/2008

Page 1 of 1

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
PROSECUTION SERVICES UNIT				
HL58B	10/09/2007	\$178.75	131400	COURT REPORTING
HL58B	10/11/2007	\$20.00	131400	COURT REPORTING
HL58B	10/12/2007	\$271.35	131400	COURT REPORTING
HL58B	10/09/2007	\$516.50	131400	COURT REPORTING
HL58B	10/22/2007	\$582.18	131400	COURT REPORTING
HL58B	12/12/2007	\$1,260.10	131400	COURT REPORTING
HL34B	06/17/2003	\$625.00	131630	EXPERT WITNESS
HL34B	02/24/2006	\$500.00	131630	EXPERT WITNESS
HL34B	06/07/2006	\$500.00	131630	EXPERT WITNESS
HL34B	10/19/2007	\$1,600.00	131630	EXPERT WITNESS
HL34B	11/09/2007	\$2,080.00	131630	EXPERT WITNESS
HL34B	11/09/2007	\$2,240.00	131630	EXPERT WITNESS
HL58B	10/09/2007	\$373.51	261010	TRAVEL - EMOLYOYEE - IN FLA
HL58B	10/16/2007	\$599.70	261010	TRAVEL - EMOLYOYEE - IN FLA
HL58B	09/29/2007	\$260.47	261010	TRAVEL - EMOLYOYEE - IN FLA
HL34B	10/16/2007	\$443.43	261010	TRAVEL - EMOLYOYEE - IN FLA
	SubTotal	\$12,050.99		
	Total Expenses	\$12,050.99		



FRACTITIONER REGULATION
LEGAL

BERRYHILL & ASSOCIATES, INC.
General Court Reporting Services
501 E. Kennedy Blvd. Suite 1225
Tampa, Florida 33602-5239
(813) 229-8225 Fax: (813) 229-8722

2007 OCT 17 AM 10:30

INVOICE NO. : 152799
INVOICE DATE: 10/11/2007
REPORTER:
EVE BARRETT

DEPARTMENT OF HEALTH
4052 BALD CYPRESS WAY
BIN C-65
TALLAHASSEE, FL 32399-3265

DIANE KIESLING, ESQ. **HL58B**
DEPT. OF HEALTH V. RIVERA
07-2539 (CONTRACT #05-1302)

ID# 59-3280942

2002 16774

Date	Description	Amount
10/09/2007	DEPO: JOHN DOWNS, M.D. (1:00-4:11)	
	FIRST HR OR PORTION THEREOF \$55.00	55.00
	ADDT'L HR TO NEAREST QRT \$ 55.00	123.75
	INV. PREPARED BY: DEBBIE BAKER	
	Sub Total	178.75
	Paid	0.00
	Balance Due	178.75

PSU
INVOICE RECEIVED 10/17/07
GOODS OR SVCS. REC'D. 10/9/07
GOODS OR SVCS. APPROVED 10/19/07
MENT APPROVED BY Donna Brown
PROCESS IN 5 WORKING DAYS DONNA BROWN
FINANCE & ACCOUNTING
JECT CODE 131400
ORGANIZATION CODE 64-22-05-01 015
ED: PA
OCA: mQAPS

For Credit Card Payment, Please Refer to Yellow Remittance Copy, **THANK YOU!**

11.12.07
PE

TERMS:
PAYMENT DUE UPON RECEIPT. PAYMENT IS NOT CONTINGENT ON CLIENT REIMBURSEMENT. ACCOUNTS
OVER 30 DAYS PAST DUE MAY BE SUBJECT TO A MONTHLY LATE FEE. ALL DISPUTES MUST BE MADE IN
WRITING WITHIN 30 DAYS OF THE DATE OF INVOICE.

10/17/07

ROBERT A. DEMPSTER & ASSOCIATES
 1875 N. BELCHER ROAD SUITE 102
 INTERVEST BANK BUILDING
 CLEARWATER, FL 33765
 (727) 725-9157 Fax (727) 725-8749

FRACTITIONER REGULATION
 LEGAL

2007 OCT 15 AM 10:27

INVOICE

INVOICE NO.	DATE	JOB NUMBER
55812	10/10/2007	01-57768
JOB DATE	REPORTER(S)	CASE NUMBER
10/09/2007	DANIJO	072539PL2002167
CASE CAPTION		
DEPT OF HEALTH -V- JORGE RIVERA 2002 16 774		
TERMS		
Due upon receipt		

Diane K. Kiesling, Esq. **HLS&B**
 FLORIDA DEPARTMENT OF HEALTH
 4052 BALD CYPRESS WAY
 BIN #C65
 TALLAHASSEE, FL 32399-3265

VIDEOGRAPHY - MISCELLANEOUS
 DR. JOHN DOWNS
 VHS Video Tape Copy 20.00

TOTAL DUE >>>> 20.00

OFFICE SECTION PSU
 DATE INVOICE RECEIVED 10/15/07
 DATE GOODS OR SVCS. REC'D 10/11/07
 DATE GOODS OR SVCS. APPROVED 10/19/07
 PAYMENT APPROVED BY Diane Kiesling
 PROCESS IN 5 WORKING DAYS
 RETURN FINANCE & ACCOUNTING
 OBJECT CODE 131400
 ORGANIZATION CODE 64-22-05-01-015
EO PA
OCA MQAPS

TAX ID NO. : 22-3955148

(850) 245-4640 Fax (850) 245-4680

Please detach bottom portion and return with payment.

Diane K. Kiesling, Esq.
 FLORIDA DEPARTMENT OF HEALTH
 4052 BALD CYPRESS WAY
 BIN #C65
 TALLAHASSEE, FL 32399-3265

Invoice No. : 55812
 Date : 10/10/2007
 TOTAL DUE : 20.00

Job No. : 01-57768
 Case No. : 072539PL200216774
 DEPT OF HEALTH -V- JORGE RIVERA

Remit To: ROBERT A. DEMPSTER & ASSOCIATES
 1875 N. BELCHER ROAD SUITE 102
 CLEARWATER, FL 33765

10/14/07

11-12-07
 PB



FRACTITIONER REGULATION
LEGAL

2007 OCT 17 AM 10:30

BERRYHILL & ASSOCIATES, INC.
General Court Reporting Services
501 E. Kennedy Blvd. Suite 1225
Tampa, Florida 33602-5239
(813) 229-8225 Fax: (813) 229-8722

DEPARTMENT OF HEALTH
4052 BALD CYPRESS WAY
BIN C-65
TALLAHASSEE, FL 32399-3265

DIANE KIESLING, ESQ. *HLSBB*
DEPT. OF HEALTH V. RIVERA
07-2539 (CONTRACT #05-1302).

INVOICE NO. : 152800
INVOICE DATE: 10/11/2007
REPORTER:
EVE BARRETT

ID# 59-3280942

2002-16774

Date	Description	Amount
10/09/2007	DEPO: JOHN DOWNS, M.D. (53 PGS) ORIG TRANS., REG. \$3.95 PER VIDEO: JOHN DOWNS, M.D. (62 PGS) ONE COPY TRANSCRIPT, \$1.00 PER PG	209.35 62.00
10/11/2007	DHL SERVICE W/CLIENT ACCT. INV. PREPARED BY: DEBBIE BAKER	

Sub Total	271.35
Paid	0.00
Balance Due	271.35

PSU
 DATE INVOICE RECEIVED 10/17/07
 DATE GOODS OR SVCS. REC'D 10/12/07
 DATE GOODS OR SVCS. APPROVED 10/19/07
 PAYMENT APPROVED BY Donna Brown
 PROCESS IN 5 WORKING DAYS DONNA BROWN
 RETURN FINANCE & ACCOUNTING
 OBJECT CODE 131400
 ORGANIZATION CODE 64-22-05-01-05
 EO: *PA*
 OCA: *MQAPS*

For Credit Card Payment, Please Refer to Yellow Remittance Copy, **THANK YOU!**

*11-12-07
PE*

TERMS:
PAYMENT DUE UPON RECEIPT. PAYMENT IS NOT CONTINGENT ON CLIENT REIMBURSEMENT. ACCOUNTS
OVER 30 DAYS PAST DUE MAY BE SUBJECT TO A MONTHLY LATE FEE. ALL DISPUTES MUST BE MADE IN
WRITING WITHIN 30 DAYS OF THE DATE OF INVOICE.

*10/17/07
22*

INVOICE

U.S. Legal Support, Inc.
 4350 West Cypress Street
 Suite 701
 Tampa, FL 33607
 Phone: 813-876-4722 Fax: 813-877-2675

PRACTITIONER REGULATION
 LEGAL

2007 OCT 11 AM 9:27

Invoice No.	Invoice Date	Job No.
551885	10/4/2007	488332
Job Date	Case No.	
9/29/2007		
Case Name		
Department of Health, Board of Medicine vs. Jorge Rivera, M.D.		
Payment Terms		
Due upon receipt		

Diane Kiesling, Esquire
 Department of Health
 Prosecution Service Unit
 4052 Bald Cypress Way Bin C-65
 Tallahassee, FL 32399-3265

CERTIFIED COPY OF TRANSCRIPT OF			
Minnick, Kalra, M.D.	138.00	Pages	215
Exhibit	129.00	Page	650
Shipping/Handling/Processing			25.50
TOTAL DUE			516.50

Please contact us immediately with questions or corrections regarding billing or payment.
 No adjustments or refunds will be made after 20 days from date of payment.

Tax ID: 59-177-9907

Phone: 850-488-4721 Fax: 850-488-1855

Please detach bottom portion and return with payment.

Diane Kiesling, Esquire
 Department of Health
 Prosecution Service Unit
 4052 Bald Cypress Way Bin C-65
 Tallahassee, FL 32399-3265

Job No. : 488332 BU ID : 54-TAMPA
 Case No. :
 Case Name : Department of Health, Board of Medicine vs:
 Jorge Rivera, M.D.
 Invoice No. : 551885 Invoice Date : 10/4/2007
 Total Due : \$ 516.50

Remit To: U.S. Legal Support, Inc.
 P.O. Box 671057
 Dallas, TX 75267-1057

2005
 10/19/07

PAYMENT WITH CREDIT CARD	
Cardholder's Name:	PHYLLIS EEDSON FL D.O.H.
Card Number:	[REDACTED]
Exp. Date:	06/08 Phone#: 245-4640 EXT 827
Billing Address:	4052 BALD CYPRESS WAY
Zip:	32399 Amount to Charge: \$516.50
Cardholder's Signature:	

Atkinson-Baker

Court Reporters

500 NORTH BRAND BOULEVARD, THIRD FLOOR
 GLENDALE, CA 91203-4725
 800-288-3376, 800-925-5910 fax

Phyllis Eidson
 Florida Department of Health
 4052 Bald Cypress Way
 Bin C65 - Prosecution Services Unit
 Tallahassee, FL 32399-

Please refer to the Invoice No. and your Firm No. in any correspondence.
 Contact Beau Brakestraw, brakestraw@depo.com

ABI'S Federal ID No.: 95-4189037

Setting Firm: Florida Department of Health
 Taking Attorney: Diane Kiesling
 Case Name: Dept of Health vs Jorge Rivera MD
 Case No.: 07-2539PL;2002-16774
 Claim No.:
 Insurance Co.:
 Insured: DOL
 Clients Ref.#1:
 Clients Ref.#2:
 Adjuster:
 Description: Reporter's transcript of the deposition of Ellen Haviland, RN, taken 10/5/2007. Expedited

INVOICE NO. A108719 AA
 FIRM NO. 1194268
 INVOICE DATE 10/10/2007
 DUE UPON RECEIPT

This charge has not been previously paid. Original invoice not available.

Revised invoice CS 10-24-07

ITEM	QTY	PRICE	LINE TOTAL
Pages - O&I - Medical/Expert	71.00	\$ 4.50	\$ 319.50
Expedite: 3 working days - 80%	71.00	\$ 2.08	\$ 147.68
CD	1.00	\$ 15.00	\$ 15.00
Credit CD	1.00	-\$ 15.00	-\$ 15.00
Condensed Transcript	1.00	\$ 15.00	\$ 15.00
Credit Condensed	1.00	-\$ 15.00	-\$ 15.00
E-Transcript	1.00	\$.00	\$.00
Processing & Handling	1.00	\$ 25.00	\$ 25.00
Attendance Flat Fee	1.00	\$ 90.00	\$ 90.00
Conference Room N/C	1.00	\$.00	\$.00
UPS Overnight	1.00	\$ 25.00	\$ 25.00
Credit	1.00	-\$ 25.00	-\$ 25.00

*Phyllis Eidson
 10/24/07*

PAYMENT			
BALANCE DUE			\$ 582.18
			\$.00

A service fee of 1.5% per month may be added to any invoice over 30 days old.

Fold and tear at this perforation, then return stub with payment.

BALANCE DUE \$.00

For: Reporter's transcript of the deposition of Ellen Haviland, RN, taken 10/5/2007. Expedited

INVOICE NO. A108719 AA
 FIRM NO. 1194268

From: Phyllis Eidson
 Florida Department of Health
 4052 Bald Cypress Way
 Bin C65 - Prosecution Services Unit
 Tallahassee, FL 32399-

Remit To: Atkinson-Baker, Inc.
 500 NORTH BRAND BOULEVARD,
 THIRD FLOOR
 GLENDALE, CA 91203-4725

If you have already paid for this service by GOD, then this invoice is for your records only.

MARTINA REPORTING SERVICES

Courtney Building, Suite 201
 2069 First Street
 Ft. Myers, Florida 33901
 (239) 334-6545 • Fax (239) 332-2913

W-500
 KIESLING, DIANE
 FLORIDA DEPARTMENT OF HEALTH
 4052 BALD CYPRESS WAY
 BIN C-85
 TALLAHASSEE, FL 32388-3285

STATEMENT DATE
12/11/2007
INVOICE NUMBER
79800

65-0603193

PLEASE REFERENCE THIS INVOICE NUMBER
 WHEN REMITTING

DATE TAKEN	REFERENCE	CHARGE
10/15/2007	FLORIDA DEPARTMENT OF HEALTH VS. JOERGE RIVERA, MD <i>2002 16774</i> 07-2539 FL CONTRACT #052001 REPORTER: SIGG TRANSCRIPT OF PROCEEDINGS BEFORE: ADMIN. JUDGE SUSAN HARREL APPEARANCE FEE @ \$300. FULL DAY 9:00 - 5:15 ORIGINAL & ONE @ \$3.95 238 PAGES SENT UPS OVERNIGHT (NO CHARGE) ORG. TO JUDGE COPY TO DEPT. OF HEALTH	OFFICE SECTION <u>PSU</u> DATE INVOICE RECEIVED <u>12/12/07</u> DATE GOODS OR SVCS. REC'D. <u>12/12/07</u> DATE GOODS OR SVCS. APPROVED <u>12/13/07</u> PAYMENT APPROVED BY <u>Donna S. Brown</u> 320.00 PROCESS IN 5 WORKING DAYS RETURN FINANCE & ACCOUNTING 940.10 OBJECT. CODE <u>131400</u> ORGANIZATION CODE <u>6422-05-01-015</u> TOTAL 1,260.10
	TOTAL BALANCE DUE	1,260.10

LEGAL ACTIONER REGULATION
 60:111W 21301002
 12/20/07 12 AM 11:09

copy 12/11/07

ID#: 65-0603193

*12/26/07
 PE*



DEPARTMENT OF HEALTH
PROSECUTION SERVICES UNIT
4052 Bald Cypress Way, BIN # C-65 • Tallahassee, Florida 32399-3265

No. WA 0905

EXPERT WITNESS WORK AUTHORIZATION AND INVOICE

SECTION ONE - WORK AUTHORIZATION

The expert named below is authorized to perform expert services in this case, per terms of the DOH Expert Witness Agreement.

1. Expert: Christie Joan 2. SSN/FEID: _____ 3. Expiration Date: 6/30/03
Last First
4. MAXIMUM AUTHORIZED FUNDS: \$ 625.00 5. Type of Service(s): case review
6. Case No.(s): 2002-16774 7. Subject's Last Name: Rivera 8. Board: ME
8. Requestor's Full Name: Sheila Autrey 9. Requestor's Phone: (850) 414-8126
11. Issuing Authority: Amarilys Martinez Wj 2-Beaton for Assembly Working 5/27/03
Type/Print Name Signature Date Signed

SECTION TWO - EXPERT'S INVOICE FOR SERVICES AND EXPENSES

- **DO NOT EXCEED** the Maximum Authorized Funds.
- **DO NOT** include Travel Expenses on this form. They require a separate travel voucher.
- Enter services and incidental expenses separately (use designated boxes).
- Hourly rate is set as per the terms of the DOH Expert Witness Agreement.
- Be sure to sign and return this original form. Attach any receipts for incidental expenses.
- Contact the Requestor if your expert services require additional funding or if you have any other questions.

SERVICES ONLY

(12) Date of Service	(13) Description of Services	(14) Hourly Fee	(15) Hours	(16) Total Fee
6/12/03	Jorge Rivera, MD Compl #2002-16774	125.00	5	625.00

INCIDENTAL EXPENSES ONLY (i.e. copying, phone calls, film developing costs, etc.) Please attach receipts.

(17) Date Incurred	(18) Description of Expenses	(19) Amount \$

GRAND TOTAL FEES & EXPENSES: \$ 625.00

I have performed the services and incurred the expenses referenced above in accordance with the DOH Expert Witness Agreement.

20. Expert's Signature: Tom Christie 21. Date Signed: 6/12/03

SECTION THREE - REQUESTOR'S ACKNOWLEDGMENT OF SERVICES

The above referenced services have been satisfactorily received.

22. Requestor's Signature: Sheila Autrey 23. Date Signed: 6-17-03

SECTION FOUR - ORIGINATING OFFICE INFORMATION

DATE INVOICE REC'D: _____ DATE GOODS /SVCS. REC'D: _____ EXPANSION OPTION: DM
OBJECT CODE: 131800 CM APPROVAL: [Signature] DATE: 6/17/03
ORGANIZATIONAL CODE: 64220600015 CMS APPROVAL: _____ DATE: _____

PROCESS IN 5 WORKING DAYS AND RETURN TO FINANCE AND ACCOUNTING
DISTRIBUTION: YELLOW COPY TO EXPERT - WHITE COPY TO ORIGINATING OFFICE



DEPARTMENT OF HEALTH
PROSECUTION SERVICES UNIT
4052 Bald Cypress Way, BIN # C-65 - Tallahassee, Florida 32399-

Work Authorization: 06-5620

EXPERT WITNESS WORK AUTHORIZATION AND INVOIC

SECTION ONE - WORK AUTHORIZATION

The expert named below is authorized to perform expert services in this case, per terms of the DOH Expert Witness Agreement.

1. Expert Last Name Kalra First Name Minnea 2. SSN/FEID: _____ 3. Expiration Date: 3/2/06
 4. MAXIMUM AUTHORIZED FUNDS: \$500.00 5. Type of Service: Case Review
 6. Case Number: 2002-16774 7. Subject Last Name: Rivera 8. Board: ME
 9. Requestor's Full Name: Lakisha Nix 10. Requestor Phone Number: 850-245-4640
 11. Issuing Authority: Donna Brown *Donna S. Brown* Signature Date Signed: 2/16/2006

SECTION TWO - EXPERT'S INVOICE FOR SERVICES AND EXPENSE

- **DO NOT EXCEED** the Maximum Authorized Funds.
- **DO NOT** include Travel Expenses on this form. They require a separate travel voucher.
- Enter services and incidental expenses separately (use designated boxes).
- Hourly rate is set as per the terms of the DOH expert Witness Agreement
- Be Sure to sign and return this original form. Attach any receipts for incidental expenses.
- Contact the Requestor if your expert services require additional funding or if you have any other questions.

2006 FEB 28 AM 3:14
PRACTITIONER REGULATION
LEGAL

SERVICES ONLY

(12) Date of Servic	(13) Description of Service	(14) Hourly Fee	(15) Hours	(16) Total Fee
<u>Feb 20, 06</u>	<u>Case Review</u>	<u>\$125.00</u>	<u>4 hr</u>	<u>\$500</u>

INCIDENTAL EXPENSES ONLY (i.e. copying, phone calls, film developing costs, etc.) Please attach receipt

(17) Date Incurred	(18) Description of Expense	(19) Amount \$

GRAND TOTAL FEES EXPENSES: \$500

I have performed the services and incurred the expenses referenced above in accordance with the DOH Expert Witness Agreement.

20. Expert's Signature: *B. Kalra* 21. Date Signed: 2/20/06

SECTION THREE - REQUESTOR'S ACKNOWLEDGEMENT OF SERVICE

The above referenced services have been satisfactorily received.

22. Requestor's Signature: *Lakisha Nix* 23. Date Signed: 2/24/06

SECTION FOUR - ORIGINATING OFFICE INFORMATION

Date Invoiced Rec'd 2/24/06 Date Goods/Svcs. Rec'd 2/24/06 OCA - MGAAPS
 Object Code: 131800 CM Approval *[Signature]* EXPANSION OPTION: Q1-PA
 Organizational Code: 64220501-015 CMS Approval *[Signature]* Date: 2/24/06

Address: Minnea B. Kalra, MD
85 Huron Avenue
Tampa, FL 33606

PROCESS IN 5 WORKING DAYS AND RETURN TO FINANCE AND ACCOUNTING



DEPARTMENT OF HEALTH
PROSECUTION SERVICES UNIT
4052 Bald Cypress Way, BIN # C-65 - Tallahassee, Florida 32399-3265

Work Authorization: 07-8917

EXPERT WITNESS WORK AUTHORIZATION AND INVOICE

SECTION ONE - WORK AUTHORIZATION

The expert named below is authorized to perform expert services in this case, per terms of the DOH Expert Witness Agreement.

1. Expert Last Name: Kabra First Name: Minnea B. 2. SSN/FEID: [REDACTED]
 4. MAXIMUM AUTHORIZED FUNDS: 1600.00 5. Type of Service: Deposition Preparation
 6. Case Number: 2002-16774 7. Subject Last Name: Rivera 8. Board: ME
 9. Requestor's Full Name: Melba L. Apellaniz/Diane Kiesling 10. Requestor Phone Number: 850-245-4640
 11. Issuing Authority: Irene Lake Signature: [Signature] Date Signed: 9/13/2007

SECTION TWO - EXPERT'S INVOICE FOR SERVICES AND EXPENSES

- DO NOT EXCEED the Maximum Authorized Funds.
- DO NOT include Travel Expenses on this form. They require a separate travel voucher.
- Enter services and incidental expenses separately (use designated boxes).
- Hourly rate is set as per the terms of the DOH expert Witness Agreement
- Be Sure to sign and return this original form. Attach any receipts for incidental expenses.
- Contact the Requestor if your expert services require additional funding or if you have any other questions.

2007 OCT 19 PM 11:13

PRACTITIONER REGULATION
LEGAL

SERVICES ONLY

(12) Date of Service	(13) Description of Service	(14) Hourly Rate	(15) Hours	(16) Total
9/23/07	Review the case document	\$160.00	3	480
9/24/07	Telephone conference with D. Kiesling		1	160
9/28/07	Preparation for deposition		6	960
	Total		10	1600

INCIDENTAL EXPENSES ONLY (i.e. copying, phone calls, film developing costs, etc.) Please attach receipts.

(17) Date Incurred	(18) Description of Expenses	(19) Amount \$

GRAND TOTAL OF THESE EXPENSES \$ 1600.00

I have performed the services and incurred the expenses referenced above in accordance with the DOH Expert Witness Agreement.

Signature: [Signature] Date: 10-16-07

SECTION THREE - REQUESTOR'S ACKNOWLEDGEMENT OF SERVICES

The above referenced services have been satisfactorily received.

22. Requestor's Signature: [Signature] 23. Date Signed: 10/19/07

SECTION FOUR - ORIGINATING OFFICE INFORMATION

Date Invoiced Rec'd: 10/19/07 Date Goods/Svcs. Rec'd: 10/19/07 EXPANSION OPTION: PA
 Object Code: 131800 CM Approval: [Signature] OCA: MQAPS
 Organizational Code: 64220501015 CMS Approval: [Signature] Date: 10/19/07

Address: Minnea B. Kabra, MD
85 Huron Avenue
Tampa, FL 33606

PROCESS IN 5 WORKING DAYS AND RETURN TO FINANCE AND ACCOUNTING

10/19/07
[Signature]



P 5 3

DEPARTMENT OF HEALTH
PROSECUTION SERVICES UNIT
4052 Bald Cypress Way, BIN # C-65 - Tallahassee, Florida 32399-3265

Work Authorization: ✓ 07-8918

EXPERT WITNESS WORK AUTHORIZATION AND INVOICE

SECTION ONE - WORK AUTHORIZATION

The expert named below is authorized to perform expert services in this case, per terms of the DOH Expert Witness Agreement.

1. Expert Last Name: Kaira First Name: Minnea B. 2. SSN/FEID: _____ 3. Expiration Date: 11/15/07

4. MAXIMUM AUTHORIZED FUNDS: \$2,240.00 5. Type of Service: Trial Preparation/Testimony

6. Case Number: 2002-16774 7. Subject Last Name: Rivera 8. Board: Me

9. Requestor's Full Name: Melba L. Apellaniz/ Diane Kiesel 10. Requestor Phone Number: 850-245-2240

11. Issuing Authority: Irene Lake *[Signature]* Date Signed: 9/13/07

Signature

PRACTITIONER REGULATION
LEGAL

NOV-9 AM 10:18

SECTION TWO - EXPERT'S INVOICE FOR SERVICES AND EXPENSES

- DO NOT EXCEED the Maximum Authorized Funds.
- DO NOT include Travel Expenses on this form. They require a separate travel voucher.
- Enter services and incidental expenses separately (use designated boxes).
- Hourly rate is set as per the terms of the DOH expert Witness Agreement.
- Be Sure to sign and return this original form. Attach any receipts for incidental expenses.
- Contact the Requestor if your expert services require additional funding or if you have any other questions.

SERVICES ONLY

(12) Date of Service	(13) Description of Service	(14) Hourly Fee	(15) Hours	(16) Total Fee
		\$160.00		
oct 14, 2007	travel from Tampa to Fort Myers	160.00	2.5 hrs	400.00
oct 16, 2007	loss of income - TRIAL IL	160.00	8.0 hrs	1280.00
oct 16, 2007	travel to Tampa	160.00	2.5 hrs	400.00

\$ 2080

INCIDENTAL EXPENSES ONLY (i.e. copying, phone calls, film developing costs, etc.) Please attach receipts

(17) Date Incurred	(18) Description of Expenses	(19) Amount \$

GRAND TOTAL FEES EXPENSES: \$ 2080

I have performed the services and incurred the expenses referenced above in accordance with the DOH Expert Witness Agreement.

20. Expert's Signature: *[Signature]* 21. Date Signed: 11/06/07

SECTION THREE - REQUESTOR'S ACKNOWLEDGEMENT OF SERVICES

The above referenced services have been satisfactorily received.

22. Requestor's Signature: *[Signature]* 23. Date Signed: 11/9/07

SECTION FOUR - ORIGINATING OFFICE INFORMATION

Date Invoiced Rec'd: 11/9/07 Date Goods/Svcs. Rec'd: 11/9/07 EXPANSION OPTION: PA
 Object Code: 131800 CM Approval: *[Signature]* OCA: MQAPS
 Organizational Code: 64220501015 CMS Approval: *[Signature]* Date: 11/9/07
 Date: 11/13/07

Address: Minnea B. Kaira, MD
85 Huron Avenue
Tampa, FL 33606

PROCESS IN 5 WORKING DAYS AND RETURN TO FINANCE AND ACCOUNTING

11/13/07
MK



DEPARTMENT OF HEALTH
PROSECUTION SERVICES UNIT
4052 Bald Cypress Way, BIN # C-65 - Tallahassee, Florida 32399-3265

Work Authorization: /07-9108

EXPERT WITNESS WORK AUTHORIZATION AND INVOICE

SECTION ONE - WORK AUTHORIZATION

The expert named below is authorized to perform expert services in this case, per terms of the DOH Expert Witness Agreement.

1. Expert Last Name Kakra First Name Minnea B. 2. SSN/FEID: _____ 3. Expiration Date: 11/15/07
 4. MAXIMUM AUTHORIZED FUNDS: \$2,240.00 5. Type of Service: Trial Preparation/Testimony
 6. Case Number: 2002-16774 7. Subject Last Name: Rivera 8. Board: Me
 9. Requestor's Full Name: Melba L. Apellaniz/ Diane Kiesling 10. Requestor Phone Number: 850-245-2240
 11. Issuing Authority: Irene Lake Signature: [Signature] Date Signed: 9/13/07

PRACTITIONER REGULATION
LEGAL
SECTION 9 AM 10:19

SECTION TWO - EXPERT'S INVOICE FOR SERVICES AND EXPENSES

- DO NOT EXCEED the Maximum Authorized Funds.
- DO NOT include Travel Expenses on this form. They require a separate travel voucher.
- Enter services and incidental expenses separately (use designated boxes).
- Hourly rate is set as per the terms of the DOH expert Witness Agreement
- Be Sure to sign and return this original form. Attach any receipts for incidental expenses.
- Contact the Requestor if your expert services require additional funding or if you have any other questions.

SERVICES ONLY

(12) Date of Service	(13) Description of Service	(14) Hourly Fee	(15) Hours	(16) Total Fee
10/07/07	Review of deposition and mail back	\$160.00	2 hr	320.00
10/10/07	Review deposition of Ellen Haulin		1 hr.	160.00
10/12/07	Review deposition of Dr. Downs		2 hr	320.00
10/14/07	Conference w/ D. Kiesling		1 hr.	160.00
10/15/07	Court appearance - 9A-5P		8 hrs	1280.00

INCIDENTAL EXPENSES ONLY (i.e. copying, phone calls, film developing costs, etc.) Please attach receipts

(17) Date Incurred	(18) Description of Expenses	(19) Amount \$

GRAND TOTAL FEES EXPENSES: \$ 2240

I have performed the services and incurred the expenses referenced above in accordance with the DOH Expert Witness Agreement.

20. Expert's Signature: [Signature] 21. Date Signed: 11/06/07

SECTION THREE - REQUESTOR'S ACKNOWLEDGEMENT OF SERVICES

The above referenced services have been satisfactorily received.

22. Requestor's Signature: [Signature] 23. Date Signed: 11/9/07

SECTION FOUR - ORIGINATING OFFICE INFORMATION

Date Invoiced Rec'd: 11/9/07 -Date Goods/Svcs. Rec'd: 11/9/07 EXPANSION OPTION: PA
 Object Code: 131800 CM Approval: [Signature] OCA: MQAPS Date: 11/9/07
 Organizational Code: 64220501015 CMS Approval: [Signature] Date: 11/13/07

Address: Minnea B. Kakra, MD
85 Huron Avenue
Tampa, FL 33606

PROCESS IN 5 WORKING DAYS AND RETURN TO FINANCE AND ACCOUNTING

11/13/07
[Signature]

DATE	TRAVEL EXPENSES	PURPOSE OF TRIP	Hour of Departure and Hour of Return	Meals for Class A & B Travel	Per Diem or Actual Lodging Expenses	Mileage Claimed	Other Expenses	PCARD Charges
10/19/2007	Tallahassee to Tampa	Travel for trial	3:15 PM - 19:00				Tolls 9.50 Gas 55.51 valet parking 16.00 Avis Rental Car 50.00 Hotel 80.00	16.00
10/19/2007	Tampa to Monticello	Deposition of Expert Downs	8P - 11P				Hotel Airport parking Tips for Bags Tips for Valet Park	
No Self parking available. Only valet at hotel. Attorney used valet parking to avoid parking at deposition site. Attorney walked to deposition site. Myra economical for State. Airway returned car on 10/19/07 before 10:55 a.m.								
TOTAL \$ 191.13								

TR	SEL	AMOUNT	OBJECT	AMOUNT	Column Total	Column Total	Column Total	Summary Total
		\$ 19.00	Meals					
		\$ 80.00	Per Diem					
		\$ 7.12	Mileage					
		\$ 85.01	Other					
		\$ 191.13	Total					

Statement of Expenses to the State: (Conference or Convention)
 Critical to Carrying out the Mission of the Department of Health.

TR _____ SEL _____
 ORG 8422051015
 EO_PA ___ VR ___ CF ___ OCA ___ MQAPS ___
 INVOICE # _____ TRAN DATE _____

I hereby certify and affirm that this claim for reimbursement is true and correct in every material matter, that the travel expenses were actually incurred by me as necessary in the performance of official duties; that per diem claimed has been appropriately reduced by any meals or lodging included in the convention or conference registration fees claimed by me; and that this voucher conforms in every respect with the requirements of Section 112.061, Florida Statutes.

TRAVELER'S SIGNATURE: *Diane K. Kieling*
 SIGNATURE DATE: 10/17/07
 TITLE: Assistant General Counsel

SUPERVISOR'S SIGNATURE: *John Depuy*
 SUPERVISOR'S TITLE: Interim Deputy General Counsel

Preparer's Name: Sherry D. Wilson
 Preparer's Phone No: 245-4640 ext. 8137
 Date Prepared: 11/26/07

FOR AGENCY USE:
 Invoice No. _____
 Voucher/SWO No. _____
 RF Ch. Warrant No. _____
 RF Ch. Warrant Date _____

STATE OF FLORIDA
VOUCHER FOR REIMBURSEMENT
OF IN-STATE TRAVEL EXPENSES

TRAVELER Diane K. Kiepling HLSRB Social Security No. _____
 Address 4052 Bald Cypress Way, Bin C-65 Tallahassee-PSU HEADQUARTERS Tallahassee-PSU
 CHECK ONE: OFFICER/EMPLOYEE NONEMPLOYEE IND. CONTRACTOR OPS RESIDENCE (CITY) Tallahassee

DATE	Travel Particulars (From Point of Origin To Destination)	Purpose or Reason (Name of Conference) (Purchasing Card Description)	Hour of Departure And Hour of Return	Meals for Class A & B Travel	Per Diem or Actual Lodging Expenses	Map Mileage Claimed	Vicinity Mileage Claimed	Other Expenses		PCARD Charges
								Amount	Type	
10/13/2007	Tallahassee to Venice	Travel for Trial	10:45 AM	30.00			B	\$ 11.50	Tolls	
10/14/2007	Venice to Ft. Myers	DOH v. Rivera, DOH Case No. 2002-18774	M	38.00				81.07	Tolls	
10/15/2007	Trial	DOAH Case No. 07-2539PL	M	38.00					Avis Rental Car	118.01
10/16/2007	Ft. Myers to Monticello		7 PM		80.00				Hotel	166.00
									Airport parking	32.00
							B			
		On 10/13 Attorney preppted for trial.								
		On 10/14 - Attorney met and preppted trial witnesses in anticipation of trial. Spent time in trial preparation and review of case.								
		Attorney returned case at 10:10 a.m. on 10/17/07 before the expiration of the 24 hour change time by Avis.								
		Attorney spent one night with Mother saving the cost of 1 night in a hotel.								
Statement of Benefits to the State. (Conference of Convention) Critical to Carrying out the Mission of the Department of Health.										
TR _____ SEL _____			Column Total		Column Total	16 Mi.	Column Total	Summary Total		
ORG 642206601016			\$ 102.00		\$ 80.00	0.445 Mi.	7.12	\$ 92.97	\$	281.69
EO_PA _____ VR _____ CF _____ OCA _____ MQAPS _____			OBJECT AMOUNT		OBJECT AMOUNT	LESS ADVANCE RECEIVED				
INVOICE # _____ TRAN DATE _____			281100 Per Diem		281100 Air	LESS NON-REIMBURSABLE ITEMS INCLUDED ON PCARD				
			281200 Meals		281003 incidental	NET AMOUNT DUE TRAVELER				
			281300 Mileage		281006 Rnd Car	NET AMOUNT DUE THE STATE				
			281400 Lodging		281	PURSUANT TO SECTION 112.061 (3)(b), FLORIDA STATUTES, I HEREBY CERTIFY OR AFFIRM THAT TO THE BEST OF MY KNOWLEDGE THE TRAVEL WAS ON OFFICIAL BUSINESS OF THE STATE OF FLORIDA AND WAS FOR THE PURPOSE(S) STATED ABOVE.				

TRAVELER'S SIGNATURE: Diane K. Kiepling
 SIGNATURE DATE: 10/23/07 TITLE: Assistant General Counsel
 SUPERVISOR'S SIGNATURE: Sherry D. Wilson
 SUPERVISOR'S TITLE: Director of Policy and Counsel
 SIGNATURE DATE: 10/24/07
 PREPARER'S NAME: Sherry D. Wilson
 PREPARER'S PHONE NO.: 245-6840 ext. 8137
 DATE PREPARED: _____
 ADVANCE: _____ WARRANT NO.: _____
 WARRANT DATE: _____ SUSPENSE DOC. NO.: _____
 AGENCY VOUCHER NO.: _____

11/20/07

STATE OF FLORIDA

VOUCHER FOR REIMBURSEMENT

TRAVELER Diane K. Klasing

Address 4052 Bald Cypress Way, Bin C-65

Social Security No.

HEADQUARTERS Tallahassee-PSU

TRAVEL EXPENSES

CHECK ONE: OFFICER/EMPLOYEE NONEMPLOYEE IND. CONTRACTOR

RESIDENCE (CITY) Tallahassee

Tallahassee-PSU

DATE	Travel Performed From Point of Origin To Destination	Purpose or Reason (Name of Conference) (Purchasing Card Description)	Hour of Departure and Hour of Return	Mileage Class A, B Travel	Per Diem or Actual Lodging Expenses	Map Mileage Claimed	Vicinity Mileage Claimed	Other Expenses Amount	Type	PCARD Charges
5/26/2007	Tallahassee to Venice	Travel for Depositions	2:00 AM - 8:00 PM	M	80.00		8	8.50	Tolls	
		DCH v. Rivera, DOH Case No. 2002-16774		M				72.02	gas	
		DDAH Case No. 07-2539PL		M				24.00	airport parking	
9/29/2007	Venice to Tampa	Deposition of Expert		M					Avis Rental Car	104.28
				M						
9/30/2007	Venice to Tallahassee		8:00 AM	M				116.50	Extra mileage	
10/1/2007	Returned Car		9:20 AM	M			8	(26.50)	Extra day on car	
				M				(4.31)	10% airport fee	
				M				(1.00)	1 day extra airport parking	
		Explanation of Expenses: Attorney stayed with in-laws in Venice, FL. No hotel expense incurred. However, extra mileage was incurred. The extra mileage on the Avis Rental car was between Tampa & Venice which totaled 276 miles. Additionally, the attorney stayed an extra day at a hotel on 9/30/07 at 7:30 p.m. This would have been the day of arrival back in Tallahassee if travel had occurred on that day. Hotel expenses are listed and the attorney's personal fees been deducted.		M						
		Statement of Benefits to the State: (Conference or Convention) Official to Carry out the Mission of the Department of Health.		M						

RECEIVED

TRAVELER'S SIGNATURE: [Signature] DATE: 10/4/07 TITLE: Assistant General Counsel

SUPERVISOR'S SIGNATURE: _____ DATE: _____

FOR AGENCY USE: _____

Preparer's Name: Sherry D. Wilson
 Preparer's Phone No.: 245-4840 ext. 8137
 Date Prepared: _____

