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STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-10-0374 <sup>EF</sup>-MOA  
FILED DATE - 2/19/2010  
Department of Health  
By: Anaela Berton  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

2010 FEB 22 P 12:13

Petitioner,

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

vs.

DOH CASE NO.: 2004-11189  
DOAH CASE NO.: 09-2722PL  
LICENSE NO.: ME0038304

GUILLELRMO ACHONG, M.D.,

Respondent.

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FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on February 6, 2010, in Tampa, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Respondent's Exceptions to the Recommended Order, Petitioner's Response to Exceptions to the Recommended Order, Petitioner's Exception to Penalty and Motion to Increase Penalty (copies of which are attached hereto as Exhibits A, B, C and D, respectively) in the above-styled cause. Petitioner was represented by Diane K. Kiesling, Assistant General Counsel. Respondent was present and represented by Charles B. Patrick, 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, Petitioner's Response to Respondent's Exceptions and ruled as follows:

1. The Board denied Respondent's exception to Paragraph 28 of the Recommended Order for the reasons both written and stated by the Petitioner in its Response to Respondent's Exceptions and its presentation to the Board.

2. The Board denied Respondent's exception to Paragraph 47 of the Recommended Order for the reasons both written and stated by the Petitioner in its Response to Respondent's Exceptions and its presentation to the Board.

3. The Board denied Respondent's exception to Paragraph 54 of the Recommended Order for the reasons both written and stated by the Petitioner in its Response to Respondent's Exceptions and its presentation to the Board.

4. The Board denied Respondent's general exception to the Recommended Order for the reasons both written and stated by the Petitioner in its Response to Respondent's Exceptions and its presentation to the Board.

5. The Board voted to amend the first sentence of Paragraph 22 of the Recommended Order to read as follows:

"It is also appropriate to order a DIC profile when there is concern about placental abruption, which is the separation of the placenta from the walls of the uterus."

Neither party objected to the change and both acknowledged that the original finding as set forth in paragraph 22 was not supported by competent substantial evidence.

#### FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference as amended above.

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.

#### PENALTY

The Board reviewed the Petitioner's Exception to Penalty and Motion to Increase Penalty and denied the Motion to Increase

Penalty. Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be ACCEPTED. WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$2,500 to the Board within 30 days from the date this Final Order is filed.

2. Should Respondent re-enter the practice of medicine in Florida, he shall be required to appear before the Board and be placed on probation for a period of 6 months with the terms and conditions of said probation to be set at that time.

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

#### RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and Respondent's Objections to Motion to Assess Costs and imposes the costs associated with this case in the amount of \$61,134.09. 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

18<sup>th</sup>

day of

February,

2010.

BOARD OF MEDICINE

Crystal A. Sanford for

Larry McPherson, Jr., Executive Director  
For Onelia Lage, M.D., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to GUILLELRMO ACHONG, M.D., 19601 West Saint Andrews Drive, Hialeah, Florida 33015; to Charles B. Patrick, Esquire, 1648 South Bayshore Drive, Miami, Florida 33133; to Patricia M. Hart, Administrative Law Judge, Division of Administrative Hearings,

The DeSoto Building, 1230 Apalachee Parkway, Tallahassee,  
Florida 32399-3060; and by interoffice delivery to Kathryn  
Price, Department of Health, 4052 Bald Cypress Way, Bin #C-65,  
Tallahassee, Florida 32399-3253 this 19 day of  
February, 2010.

Angela Barton  
**Deputy Agency Clerk**

**Sanford, Crystal**

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**From:** McPherson, Larry  
**Sent:** Thursday, February 18, 2010 11:06 AM  
**To:** DL MQA Management Team  
**Cc:** Sanford, Crystal; Prine, Chandra; Trexler, JoAnne; Johnson, George; Nelson, Gloria J; Sanders, Sylvia (MQA)  
**Subject:** Board of Medicine Delegation

Citizens,

During my absence on Thursday February 18 and on Friday 19, 2010, Board of Medicine Executive Director authority is delegated to:

Crystal Sanford, Program Operations Administrator, 245-4132.

Larry McPherson  
Executive Director  
Florida Board of Medicine