

STATE OF FLORIDA
BOARD OF MEDICINE

FILED

DEPARTMENT OF HEALTH,

Petitioner,

vs.

ALBERT ZAMEK, M.D.,

Respondent.

2011 DEC 15 A 11:27

DIVISION OF
ADMINISTRATIVE
HEARINGS

Final Order No. DOH- 11-3046-^{FOF}-MQA
FILED DATE - 12-14-11
Department of Health
By: Angela Sanders
Deputy Agency Clerk

DOH CASE NO.: 2006-04951
DOAH CASE NO.: 11-0546PL
LICENSE NO.: ME0062525

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 2, 2011, in Orlando, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Diane Kiesling, Assistant General Counsel. Respondent was not present but was represented by Mark Bakay, Esquire.

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

FINDINGS OF FACT

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

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

CONCLUSIONS OF LAW

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

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

PENALTY

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

1. Respondent shall pay an administrative fine in the amount of \$5,000.00 to the Board within 30 days from the date this Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent shall document the completion of six (6) hours of continuing medical education (CME) in the area of ethics within eighteen (18) months 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. Respondent shall document completion of the medical records course sponsored by the Florida Medical Association (FMA) within eighteen (18) months from the date this Final Order is filed.

4. Respondent shall be and is hereby issued a letter of concern by the Board.


MOTION TO ASSESS COSTS

The Board retains jurisdiction in this matter to address the Petitioner's Motion to Assess Costs and Respondent's Response to Petitioner's Motion to Assess Costs at a future time.

(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 12th day of December, 2011.

BOARD OF MEDICINE


Joy A. Hootle, Executive Director
For GEORGE THOMAS, 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 ALBERT ZAMEK, M.D., 424 90th Street, Surfside, Florida 33154; to Mark Bakay, Esquire, 2431 Aloma Avenue, Suite 254, Winter Park, Florida 32707; to Edward T. Bauer, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Veronica Donnelly, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 14th day of December, 2011.

Angel Sanders

Deputy Agency Clerk