

FILED DATE - 5-13-13

Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Amy L. Camarero
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2010-14317

DOAH CASE NO.: 11-4240PL

LICENSE NO.: ME0061912

ZANNOS G. GREKOS, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on April 5, 2013, in Deerfield Beach, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, Exceptions to the Recommended Order, and Response to Exceptions to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Carol Gregg, Assistant General Counsel. Respondent was present and was represented by Richard G. Ozelie, 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.

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HEARINGS

RULING ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions and the Petitioner's Response to Exceptions to the Recommended Order and ruled as follows:

1. Respondent's exception number 1 to paragraph 3 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

2. Respondent's exception number 2 to paragraph 7 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

3. Respondent's exception number 3 to paragraph 9 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

4. Respondent's exception number 4 to paragraph 11 and the first sentence of paragraph 14 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

5. Respondent's exception number 5 to paragraph 12 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

6. Respondent's exception number 6 to paragraph 13 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

7. Respondent's exception number 7 to paragraph 15 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

8. Respondent's exception number 8 to paragraph 16 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

9. Respondent's exception number 9 to paragraph 17 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative

Law Judge's findings and based upon reasons written and stated by the Petitioner.

10. Respondent's exception number 10 to paragraph 19 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

11. Respondent's first exception number 11 to paragraph 20 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

12. Respondent's second exception number 11 to paragraph 21 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

13. Respondent's exception number 12 to paragraphs 23 through 26 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

14. Respondent's first exception number 13 to paragraphs 27 through 28 of the Recommended Order is rejected because there

is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

15. Respondent's second exception number 13 to paragraphs 29 through 32 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

16. Respondent's exception number 14 to paragraph 33 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

17. Respondent's exception number 15 to paragraph 35 of the Recommended Order is rejected because there is competent substantial evidence in the record to support the Administrative Law Judge's findings and based upon reasons written and stated by the Petitioner.

18. Respondent's exception to paragraphs 38, 39, 40, 41, and 43 of the Recommended Order is rejected based upon reasons written and stated by the Petitioner.

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 \$20,000.00 to the Board within 30 days from the date the Final Order is filed. Said fine shall be paid by money order or cashier's check.
2. Respondent's license to practice medicine in the State of Florida is hereby REVOKED.


RULING ON MOTION TO ASSESS COSTS

At the request of the Petitioner, the Board tabled consideration of the costs in this matter to a future meeting.

(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 10th day of May,
2013.

BOARD OF MEDICINE



Allison M. Dudley, J.D., Executive Director
For Zachariah P. Zachariah, 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 **Certified Mail** to ZANNOS G. GREKOS, M.D., 9500 Bonita Beach Road, Suite 310, Bonita Springs, Florida 34135; to Richard G. Ozelie, Esquire, 750 South Dixie Highway, Boca Raton, Florida 33432-6108; to J. Lawrence Johnston, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Doug Sunshine, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 13th day of May, 2013.

Amy L. Conway

Deputy Agency Clerk

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