

STATE OF FLORIDA
BOARD OF MEDICINE

FILED DATE - 4-27-16
Department of Health

By: Amy L. Comarck
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2013-20614
DOAH CASE NO.: 15-6206PL
LICENSE NO.: ME0039408

SIMION TSINKER, M.D.,

Respondent.

_____ /

FINAL ORDER

FILED
APR 28 PM 12:01
DIVISION OF
ADMINISTRATIVE
HEARINGS

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on April 8, 2016, in Altamonte Springs, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order, (copies of which are attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Michael Williams, Assistant General Counsel. Respondent was not present and was not represented by counsel.

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 \$20,000.00 to the Board within 180 days from the date the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent shall document the completion of 15 hours of continuing medical education (CME) as follows: 5 hours of CME in the area of abnormal presentations; 5 hours in the area of VBAC; and 5 hours in the area of fetal monitoring within one year from the date the 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 a Board-approved medical records course within one year from the date the Final Order is filed.

4. Respondent's license to practice medicine in the State of Florida is SUSPENDED for a period of 4 months.

RULING ON COSTS

Upon the Petitioner's oral request to bifurcate the costs in this matter, the Board voted to bifurcate the costs in this matter.

(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 19th day of April,
2016.

BOARD OF MEDICINE

Claudia Kemp
Claudia Kemp, J.D., Executive Director
For Steven Rosenberg, 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 SIMION TSINKER, M.D., 18720 North Bay Road, Sunny Isles, Florida 33160; and 2500 E. Hallandale Beach Boulevard, Suite 207, Hallandale Beach, Florida 33160; to F. Scott Boyd, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by email to Yolonda Green, Assistant General Counsel, Department of Health, at Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 27th day of April, 2016.

Sunny Isles

7014 2120 0003 8707 6499



Hallandale Beach

7014 2120 0003 8707 6505



Amy L. Conway

Deputy Agency Clerk