

FILED DATE - DEC 27 2018

Department of Health

By: *Amy R. Conway*  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2016-24699

LICENSE NO.: ME0085650

RAMON VAZQUEZ, M.D.,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 7, 2018, in Orlando, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise full advised in the premises, the Board rejected the Settlement Agreement and offered a Counter Settlement Agreement which Respondent was given 7 days to accept. By correspondence dated December 24, 2018, Counsel for Respondent timely accepted the Board's Counter Settlement Agreement on behalf of Respondent. The Counter Settlement Agreement incorporates the original Settlement Agreement with the following amendments:

1. The fine set forth in Paragraph 2 of the Stipulated Disposition shall be increased to \$3,000.00.

2. The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$4,817.90.

3. The continuing medical education (CME) set forth in Paragraph 4 of the Stipulated Disposition shall be amended to require the CME to be in the management of retroperitoneal masses.

4. Respondent shall document the completion of 3 hours of continuing medical education (CME) in the area of pre-operative evaluation of surgical patients 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).

5. Within six (6) months from the date the Final Order is filed, Respondent shall present a one hour lecture to the entire medical staff of the hospital at which the Respondent maintains staff privileges or healthcare facility at which Respondent performs surgical procedures. The lecture shall address the subject of wrong site surgery. Respondent shall submit a written plan to the Board's Probation Committee for approval prior to the performance of said lecture. Documentation of

completion of said lecture shall be provided to the Board's Probation Committee.

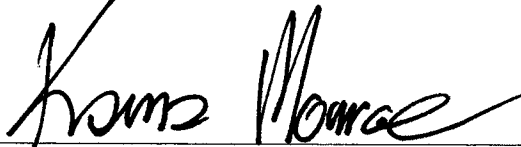
6. The requirement for the risk management continuing medical education set forth in Paragraph 5 of the Stipulated Disposition shall be deleted.

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted is hereby accepted with the amendments set forth above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 27 day of December, 2018.

BOARD OF MEDICINE



Claudia Kemp, J.D., Executive Director  
For Jorge J. Lopez, M.D., Chair

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 RAMON VAZQUEZ, M.D., 560 Village Boulevard, #200, West Palm Beach, Florida 33409; to Michael D. Burt, Esquire, Sonneborn, Rutter, et al., 1400 Centrepark Boulevard, Suite 400, West Palm Beach, Florida 33401-7403; by email to Allison Dudley, Assistant

General Counsel, Department of Health, at  
Allison.Dudley@flhealth.gov; and by email to Edward A.  
Tellechea, Chief Assistant Attorney General, at  
Ed.Tellechea@myfloridalegal.com this 27<sup>th</sup> day of  
December, 2018.



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**Deputy Agency Clerk**

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Rick Scott**  
Governor

**Celeste Philip, MD, MPH**  
State Surgeon General and Secretary

**Vision:** To be the Healthiest State in the Nation

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**MEMORANDUM**

**DATE:** December 19, 2018  
**TO:** Mark Whitten, Bureau Chief  
**FROM:** Claudia Kemp, J.D., Executive Director  
Board of Medicine  
**SUBJECT:** Delegation of Authority

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This is to advise that while I am out of the office December 19-28, 2018, the following Executive Directors will serve as Acting Executive Director for the Board of Medicine.

Jennifer Wenhold: December 19-21, 2018 - (850) 245-4460

Kama Monroe- December 26-28, 2018 – (850) 245-4162

CK/sl

Cc: Sylvia Sanders  
Staff, Board of Medicine  
Board and Council Chairs

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2016-24699**

**RAMON VAZQUEZ, M.D.,**

**RESPONDENT.**

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**SETTLEMENT AGREEMENT**

Ramon Vazquez, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

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

**STIPULATED FACTS**

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 85650.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458, Florida

Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

#### **STIPULATED CONCLUSIONS OF LAW**

1. Respondent admits that, in his/her capacity as a licensed physician, he/she is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

#### **STIPULATED DISPOSITION**

1. **Letter of Concern** – The Board shall issue a Letter of Concern against Respondent's license.

2. **Fine** - The Board shall impose an administrative fine of ***One Thousand Five Hundred Dollars (\$1,500.00)*** against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). **All fines shall be paid by cashier's check or money order.** Any change in the terms of payment of any fine

imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.**

3. **Reimbursement of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is ***Three Thousand Two Hundred Twenty-Two Dollars and Twenty-Nine Cents (\$3,222.29), but shall not exceed Five Thousand Two Hundred Twenty-Two Dollars and Twenty-Nine Cents (\$5,222.29).*** Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O.



Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order. **All costs shall be paid by cashier's check or money order.** Any change in the terms of payment of costs imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.**

4. **Continuing Medical Education** - Respondent shall document completion of three (3) hours of Continuing Medical Education (CME) in spine surgery within one (1) year from the date the Final Order is filed.

5. **Continuing Medical Education – "Risk Management"** – Respondent shall complete this requirement and document such completion within one (1) year from the date the Final Order is filed. **Respondent shall satisfy this requirement in one of the two following ways:**

(a) Respondent shall complete five (5) hours of CME in "Risk Management" after first obtaining written advance approval from the Board's Probation

Committee of such proposed course, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board's Probation Committee; or

(b) Respondent shall complete (5) five hours of CME in risk management by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Medicine. In order to receive such credit, Respondent must sign in with the Executive Director of the Board before the meeting day begins, Respondent must remain in continuous attendance during the full day or eight (8) hours of disciplinary hearings, whichever is more, and Respondent must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. Respondent may not receive CME credit in risk management for attending the disciplinary hearings portion of a Board meeting unless the Respondent is attending the disciplinary hearings portion for the **sole** purpose of obtaining the CME credit in risk management. In other words, Respondent may not receive such credit if appearing at the Board meeting for any other purpose, such as pending action against Respondent's medical license.

#### **STANDARD PROVISIONS**

1. **Appearance** - Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.
2. **No Force or Effect until Final Order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force

and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days of any changes of said addresses

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine to include, but not limited to, all statutory requirements related to practitioner

profile and licensure renewal updates. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. **No Preclusion Of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against

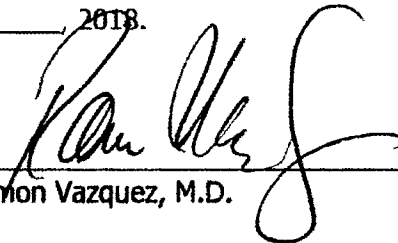
Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver Of Attorney's Fees And Costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** - Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

*[Signatures appear on the following page.]*

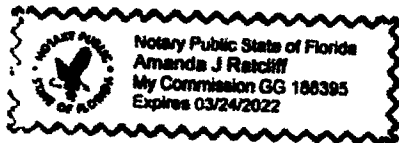
SIGNED this 24<sup>th</sup> day of May, 2018.

  
Ramon Vazquez, M.D.

STATE OF FLORIDA  
COUNTY OF Palm Beach

BEFORE ME personally appeared Ramon Vazquez, whose identity is known to me or who produced \_\_\_\_\_ (type of identification) and who, under oath, acknowledges that his/her signature appears above.

SWORN TO and subscribed before me this 24<sup>th</sup> day of May, 2018.

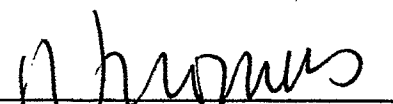


  
NOTARY PUBLIC

My Commission Expires:

APPROVED this 15<sup>th</sup> day of June, 2018.

Celeste Philip, M.D., M.P.H.  
Surgeon General & Secretary

  
By: Natalia S. Thomas  
Assistant General Counsel  
Department of Health

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2016-24699**

**RAMON VAZQUEZ, M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Florida Department of Health, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Ramon Vazquez, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine in the state of Florida pursuant to section 20.43, Florida Statutes, and chapters 456 and 458, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 85650.

3. Respondent's address of record is 560 Village Blvd., #200, West Palm Beach, Florida 33409.

4. At all times material to this Administrative Complaint, Respondent practiced as a surgeon at Wellington Regional Medical Center (WRMC), located in Wellington, Florida.

5. Respondent is board-certified in General Surgery by the American Board of Surgery.

6. On or about April 29, 2016, through on or about April 30, 2016, M.P., a then fifty-one (51) year-old female was admitted to WRMC for an L5-S1 instrumented anterior lumbar Interbody fusion in which Respondent was assigned to assist.

7. During the surgical procedure, Respondent noted a pelvic mass and provided a presumptive diagnosis of a gynecologic malignancy, lymphoma, and/or other metastatic disease.

8. Respondent determined that the surgical procedure would continue and that a biopsy of the mass was not indicated given the potential malignancy.

9. The pelvic mass was clipped, transected, and removed in its entirety.

10. On or about May 2, 2016, a pathologist at WRMC confirmed the pelvic mass removed by Respondent was an intact pelvic kidney.



11. Respondent's removal of the pelvic kidney was not related to M.P.'s diagnosis and/or medical condition and was therefore a medically unnecessary procedure.

12. Section 456.072(1)(bb), Florida Statutes (2015), subjects a licensee to discipline for performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing or attempting to perform health care services includes the preparation of the patient.

13. Respondent performed a medically unnecessary procedure on M.P. by removing a pelvic kidney during a lumbar fusion.


14. Based on the foregoing, Respondent violated section 456.072(1)(bb), Florida Statutes (2015), by removing a pelvic kidney during a lumbar fusion.

*{Signature follows on the next page.}*

WHEREFORE, Petitioner respectfully requests the Board 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 Respondent on probation, corrective action, refund of fees billed or collected, remedial education, and/or any other relief the Board deems appropriate.

SIGNED this 15<sup>th</sup> day of December, 2017.

Celeste Philip, M.D., M.P.H.  
Surgeon General and Secretary



Natalia S. Thomas  
Assistant General Counsel  
Florida Bar No. 83826  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Telephone (850) 558-9907  
Facsimile (850) 245-4684  
E-mail Natalia.Thomas@flhealth.gov

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: 

DATE DEC 15 2017

PCP: December 15, 2017

PCP Members: Dr. Georges El-Bahri, Dr. Hector Vila, Ms. Brigitte Goersch

### **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.**

**A request or petition for an administrative hearing must be in writing and must be received by the Department of Health within twenty-one (21) days from the day Respondent received this Administrative Complaint, pursuant to rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within twenty-one (21) days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in this Administrative Complaint must conform to rule 28-106.2015(5), Florida Administrative Code.**

**Mediation under section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.**

### **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 Respondent in addition to any other discipline imposed.**