

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-13753

RUBEN JOSE NUNEZ, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, files this Administrative Complaint before the Board of Medicine against the Respondent, Ruben Jose Nunez, M.D., and alleges:

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

2. At all times material to this Complaint, Respondent was licensed to practice as a physician within the State of Florida, having been issued license number ME 68512.

3. Respondent's address of record is 237 NW 12th Avenue, Suite B, Miami, Florida 33128. A second address of record for Respondent is 17924 SW 20th Street, Miramar, Florida 33029.

4. Respondent is not board certified in any of the member boards of the American Board of Medical Specialties.

5. On or about May 25, 2011, Clinica La Caridad, 285 NW 27th Avenue, Suite#14, Miami, Florida, was a "Clinic", as defined in Section 400.9905(4), Florida Statutes (2011), as an entity which health care services are provided to individuals and which tenders charges for reimbursement for such services.

6. On or about May 25, 2011, Teobaldo Humberto Fuentes ("Mr. Fuentes") practiced medicine at Clinica La Caridad, 285 NW 27th Avenue, Suite #14, Miami, Florida, in one or more of the following ways:

- a. by providing gynecological services;
- b. by performing general check-ups and physical examinations;
- c. by providing vaccinations; and/or
- d. by providing sexually transmitted disease testing and treatment.

7. On or about May 25, 2011, Mr. Fuentes was not a licensed medical doctor in the State of Florida.

8. On or about May 25, 2011, a copy of Respondent's medical license was displayed at Mr. Fuentes' business, Clinica La Caridad.

9. On or about May 25, 2011, a business card for Clinica La Caridad indicated, "Dr. Fuentes & Dr. Nunez", "Infection Disease & Internal Medicine", and listed an address, phone number, fax number, and website of Clinica La Caridad.

10. On or about May 25, 2011, Respondent acted as medical director at Clinica La Caridad. Respondent's supervisory duties at Clinica La Caridad included one or more of the following:

- a. compliance with licensing;
- b. review of billing;
- c. review of patient records; and/or
- d. providing opinions and guidance on patient cases.

11. At all times material to this complaint, while Mr. Fuentes practiced medicine at Clinica La Caridad, Respondent supervised and provided guidance to Mr. Fuentes.

12. As medical director of Clinica La Caridad, Respondent did not ensure that Mr. Fuentes had a current and unencumbered Florida license, and did not ensure that Mr. Fuentes had appropriate licensure for the level of care Mr. Fuentes provided to patients at Clinica La Caridad.

COUNT I

13. Petitioner realleges and incorporates paragraphs one (1) through twelve (12) as if fully set forth herein.

14. Section 458.331(1)(f), Florida Statutes (2010), provides that aiding, assisting, procuring, or advising any unlicensed person to practice medicine

contrary to Chapter 458 or to a rule of the department or the board constitutes grounds for disciplinary action.

15. Respondent aided and assisted Mr. Fuentes in the unlicensed practice of medicine at Clinica La Caridad in one or more of the following ways:

- a. by supervising Mr. Fuentes while Mr. Fuentes practiced medicine without a license;
- b. by providing opinions and guidance on patient cases while Mr. Fuentes practiced medicine without a license; and/or
- c. by acting as medical director at Clinica La Caridad while Mr. Fuentes practiced medicine without a license.

16. Based on the foregoing, Respondent has violated Section 458.331(1)(f), Florida Statutes (2010), by aiding, assisting procuring, or advising any unlicensed person to practice medicine contrary to Chapter 458, Florida Statutes.

COUNT II

17. Petitioner realleges and incorporates paragraphs one (1) through twelve (12) as if fully set forth herein.

18. Section 400.9935(1)(b) and (d), Florida Statutes (2010), provides that a medical director or the clinic director shall; ensure that all practitioners providing health care services or supplies to patients maintain a current active

and unencumbered Florida license, and ensure that all health care practitioners at the clinic have active appropriate certification or licensure for the level of care being provided.

19. Section 458.331(1)(g), Florida Statutes (2010), provides that failing to perform any statutory or legal obligation placed upon a licensed physician constitutes grounds for disciplinary action.

20. Respondent failed to ensure that Mr. Fuentes had a current active and unencumbered Florida license, and failed to ensure that Mr. Fuentes had appropriate licensure for the level of care Mr. Fuentes provided at Clinical La Caridad.

21. Based on the foregoing, Respondent violated Section 458.331(1)(g), Florida Statutes (2010), by violating Section 400.9935(1)(b) and (d), Florida Statutes (2010), by failing to ensure that all practitioners providing health care services or supplies to patients maintain a current active and unencumbered Florida license, and that all health care practitioners at the clinic have appropriate licensure for the level of care being provided at Clinica La Caridad.

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

SIGNED this 29 day of May, 2012.

John H. Armstrong, MD
State Surgeon General and Secretary of Health



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Sandra Soto*
DATE *5-30-12*

ACO/
PCP: 5/25/11
PCP Members: Dr. Miguel, Dr. Stringer, Mr. Levine

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.

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 the Respondent in addition any other discipline imposed.