

WB

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-08-1014-3-MOA
FILED DATE 5.16.08
Department of Health
By: *[Signature]*
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-06258
LICENSE NO.: ME0041607

CELINA POY-WING, 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 April 4, 2008, in West Palm Beach, 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 email dated May 13, 2008, counsel for Respondent 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 reduced to \$5,000.00.

2. The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$3,463.33.

3. The continuing medical education (CME) set forth in Paragraph 6 of the Stipulated Disposition shall be deleted.

4. The requirements set forth in Paragraph 7 of the Stipulated Disposition shall be deleted.

5. Respondent shall submit to the Florida CARES or a Board-approved equivalent evaluation and document compliance with said evaluation within one year from the date the Final Order is filed.

6. The probation required by Paragraph 9 of the Stipulated Disposition shall be amended to require Respondent to be placed on probation for a period of at least one year. The Board reserves jurisdiction to increase the term of Respondent's probation if recommended by the Florida CARES evaluation. In addition, Respondent's monitor shall be required to be a board-certified physician in the same specialty area as that of Respondent.

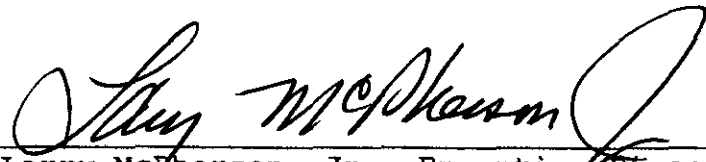
IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the amendments set forth above. Accordingly, the parties shall adhere to and

abide by all the terms and conditions of the Settlement Agreement as amended.

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

DONE AND ORDERED this 15 day of MAY, 2008.

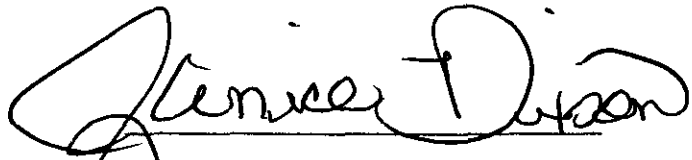
BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
For Robert Cline, 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 Celina Poy-Wing, M.D., 817 S. University Drive, Suite 100A, Plantation, Florida 33324; to Jon Pellett, Esquire, Barr, Murman & Tonelli, P.A., 201 East Kennedy Boulevard, Suite 1700, Tampa, Florida 33602; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 14th day of May, 2008.



Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2005-06258

CELINA POY-WING, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against the Respondent, Celina Poy-Wing, M.D., and in support thereof alleges:

1. Petitioner is the state department 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 a licensed physician within the State of Florida, having been issued license number ME 41607.

3. Respondent's address of record is 817 South University Drive Suite 100A, Plantation, Florida 33324.

4. On or about May 21, 1998, Patient P.R. a 40 year-old female presented to Respondent for a liposuction procedure.

5. Respondent performed a liposuction of the upper and lower abdomen, flanks and back.

6. The removal of 3600 ml of fat from the abdomen, flanks and back from a female weighing 163 pounds constitutes over-resection of fat during liposuction.

7. As a result of the over-resection of fat during the liposuction procedure, and a subsequent misdiagnosis of a post-operative infection, the patient suffered from pain, unanticipated scarring, and discoloration.

8. Medical records maintained by Respondent do not include documentation of the history, physical examination, or narrative of the procedure.

COUNT ONE

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

10. Section 458.331(1)(t), Florida Statutes (1998), sets forth grounds for disciplinary action by the Board of Medicine for gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

11. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances by removing 3600 ml of fat from the abdomen, flanks and back of a 40 year-old female weighing 163 pounds and by failing to appropriately diagnose post-operative infection.

12. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes (1998), by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

13. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

14. Section 458.331(1)(m), Florida Statutes (2004), sets forth grounds for disciplinary action by the Board of Medicine for failing to keep legible medical records that justify the course of treatment of the patient, including, but not limited to, patient history; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations.

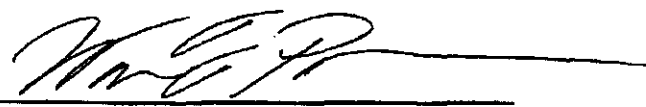
15. Respondent failed to maintain appropriate medical records justifying and detailing the course of Patient P.R.'s medical treatment wherein Subject removed 3600 ml of fat from the abdomen, flanks and back of a 40 year-old female weighing 163 pounds.

16. Based on the foregoing, Respondent has violated Section 458.331(1)(m), Florida Statutes (2004), by failing to maintain medical records justifying the course of Patient P.R.'s medical treatment.

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 2nd day of August,
2006.

M. Rony Francois, M.D., M.S.P.H., Ph. D.
Secretary, Department of Health



Warren James Pearson
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar No. 0711578
(850) 245-4640
(850) 245-4681 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Alicia Styfen
DATE 8/31/2006

Reviewed and approved by: _____(initials) _____(date)

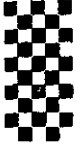
PCP: July 28, 2006
PCP Members: El-Bahri, Tucker, Long

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.



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2005-06258

CELINA POY-WING, M.D.

Respondent.

SETTLEMENT AGREEMENT

Celina Poy-Wing, M.D., referred to as the "Respondent," and 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 a 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 41607.
2. Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent with violations of Chapter 458,

Celina Poy-Wing, M.D.: Case No. 2005-06258

Agreement. All fines shall be paid by check or money order. The Board office does not have the authority to change the terms of payment of any fine imposed by 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 TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

3. **Reimbursement Of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay Department for any administrative costs incurred in the investigation and preparation of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this case shall not exceed six-thousand dollars (\$6,000.00). Respondent will pay costs to the Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Medicine Compliance Officer within thirty-days (30) from the entry of the Final Order in this cause. Any

post-Board costs, such as the costs associated with probation, are not included in this agreement.

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 TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

4. **Community Service** - Respondent shall perform fifty (50) hours of community service, within one year of the filing of the Final Order. Community Service shall be defined as the delivery of medical services directly to patients, or the delivery of other volunteer services in the community, without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician's regular practice setting. Respondent shall submit a written plan for performance and completion of the community service to the Probation Committee for approval prior to performance of said community service. Affidavits detailing the completion of community service requirements shall be filed with the Board as required by the Probation Committee.

5. **Laws And Rules Course** - Respondent shall complete the Laws and Rules Course, administered by the Florida Medical Association, within one (1) year of the date of filing of the Final Order of the Board. In addition, Respondent shall submit documentation 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 education course within one (1) year of the date of filing of the Final Order incorporating this Agreement. **All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department.** These hours shall be in addition to those required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education courses shall consist of a live, lecture format.

6. **Continuing Medical Education - "Risk Management"** - Respondent shall complete five (5) hours of Continuing Medical Education in "Risk Management" within one (1) year of the date of filing of the Final Order. Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said continuing medical education course(s). However, the Board has approved five (5) hours of risk management continuing education for attending the first day of a full Board of Medicine meeting.



Celina Poy-Wing, M.D., Case No. 2005-06258

7. **Required Re-Certification** - Respondent shall complete Board re-Certification with the American Board of Obstetrics and Gynecology, including, but not limited to, passing any annual oral and/or written examination and completion of additional annual Continuing Medical Education as required by the American Board of Obstetrics and Gynecology within one (1) year of the date of the Final Order adopting this Settlement Agreement. Respondent shall be required to report her completion or failure to complete the Board re-Certification to the Probation Committee by the end of the one (1) year period.

A) **Violation of this Re-Certification Requirement** - If Respondent is unable to complete, fails to complete, and/or report completion of the Board re-Certification with the American Board of Obstetrics and Gynecology within one (1) year of the date of the Final Order, she shall enroll in and pass the next available Special Purpose Examination (SPEX) and no later than eighteen (18) months from the date of the Final Order. If Respondent is unable to complete re-certification with the American Board of Obstetrics and Gynecology and the SPEX, she shall appear before the Board at the next available Board Meeting where the Board, at its option, may impose additional terms, conditions, restrictions, education, and/or monitoring upon Respondent's license to practice Medicine.

8. **Suspension Language:** Respondent's license shall be suspended for a period of one year; however, the Board will stay this suspension and Respondent shall be placed on probation for a period of one year. During the period of probation, if Respondent fails to complete her required Board re-Certification with

the American Board of Obstetrics and Gynecology and if Respondent is then unable to pass the SPEX as set forth in this Agreement, and/or Respondent otherwise fails any term or condition of this settlement agreement, the Board may lift the stay of suspension and Respondent's license shall be suspended for a period of one year.

9. **Probation Language** - Effective on the date of the filing of the Final Order incorporating the terms of this Agreement, Respondent's license to practice medicine shall be placed on probation for a period of one year. The purpose of probation is not to prevent Respondent from practicing medicine. Rather, probation is a supervised educational experience designed by the Board to make Respondent aware of certain obligations to Respondent's patients and the profession and to ensure Respondent's continued compliance with the high standards of the profession through interaction with another physician in the appropriate field of expertise. To this end, during the period of probation, Respondent shall comply with the following obligations and requirements:

(A) Restrictions During Probation - During the period of probation, Respondent's license shall be restricted as follows:

1. **Indirect Supervision** - Respondent shall practice only under the indirect supervision of a Board-approved physician, hereinafter referred to as the "monitor", whose responsibilities are set by the Board. Indirect supervision does not require that the monitor practice on the same premises as Respondent, however, the monitor shall practice within a reasonable geographic proximity to Respondent, which shall be within 20 miles unless otherwise provided

by the Board and shall be readily available for consultation. The monitor shall be Board Certified in Respondent's specialty or practice in the same or similar specialty as Respondent's specialty area unless otherwise provided by the Board. In this regard, Respondent shall allow the monitor access to Respondent's medical records, calendar, patient logs or other documents necessary for the monitor to supervise Respondent as detailed below.

ii. **Required Supervision:**

a) If the terms of the Settlement Agreement include indirect monitoring of the licensee's practice or direct monitoring of the licensee's practice, Respondent shall not practice medicine without an approved monitor/supervisor, as specified by the Agreement, unless otherwise ordered by the Board.

b) The monitor/supervisor must be a licensee under Chapter 458, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board may reject any proposed monitor/supervisor on the basis that he/she has previously been subject to any disciplinary action against his medical license in this or any other jurisdiction, is currently under investigation, or is the subject of a pending disciplinary action. The monitor/supervisor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board and be practicing within a reasonable distance of Respondent's practice, a distance of twenty (20) miles unless otherwise

specifically provided for in the Settlement Agreement. The Board may also reject any proposed monitor/supervisor for good cause shown.

iii. **Mechanism For Approval Of Monitor/Supervisor:**

a) **Temporary Approval** - The Board confers authority on the Chairman of the Probation Committee to temporarily approve Respondent's monitor/supervisor. Temporary Approval shall not be unreasonably withheld. To obtain this temporary approval, Respondent shall submit to the Chairman of the Probation Committee the name and curriculum vitae of the proposed monitor/supervisor. Respondent may submit the name and curriculum vitae to the Chair of the Probation Committee prior to or in conjunction with the Board meeting at which this Settlement Agreement is considered. **Once a Final Order adopting the Agreement is filed, Respondent shall not practice medicine without an approved monitor/supervisor. Unless otherwise approved by the Chair of the Probation Committee, temporary approval shall only remain in effect until the next meeting of the Probation Committee.**

b) **Formal Approval** - Respondent shall have the monitor/supervisor with Respondent at Respondent's first probation appearance before the Probation Committee. Prior to the consideration of the monitor/supervisor by the Probation Committee, Respondent shall provide to the monitor/supervisor a copy of the Administrative Complaint and Final Order in this case. Respondent shall submit a current curriculum vita and a description of

to

current practice from the proposed monitor/supervisor to the Board office no later than fourteen (14) days before Respondent's first scheduled probation appearance. Respondent's monitor/supervisor shall also appear before the Probation Committee at such other times as directed by the Probation Committee. It shall be Respondent's responsibility to ensure the appearance of the monitor/supervisor as directed. Unless excused by the Chair of the Probation Committee, failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of this Settlement Agreement and shall subject Respondent to disciplinary action and the lifting of the stay of the suspension.

iv. **Change In Monitor/Supervisor** - In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill the responsibilities of a monitor/supervisor as described above, Respondent shall immediately advise the Probation Committee of this fact. Respondent shall immediately submit to the Chairman of the Probation Committee the name of a temporary monitor/supervisor for consideration. Temporary approval shall not be unreasonably withheld. Respondent shall not practice pending approval of this temporary monitor/supervisor by the Chairman of the Probation Committee. Furthermore, Respondent shall make arrangements with his temporary monitor/supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the monitor/supervisor by the Probation Committee. Respondent shall only practice under the auspices of the temporary monitor/supervisor (approved by the Chairman) until the next regularly scheduled meeting of the

Probation Committee at which the issue of the Probation Committee's approval of Respondent's new monitor/supervisor shall be addressed.

v. **Responsibilities Of The Monitor/Supervisor** - Any additional responsibilities of the Monitor shall be set by the Board and/or the Probation Committee, as may be appropriate at the time. During the period of probation, the Monitor shall:

a) Review ten percent (10%) of Respondent's active patient records at least once every quarter for compliance with the Board's record keeping requirements. The monitor shall go to Respondent's office once every quarter and shall review Respondent's calendar or patient log and shall select the records to be reviewed.

b) Discuss with Respondent the selected cases if deficiencies are found. For the purposes of this Stipulation, the scope of discussion shall be as follows:

1) Discuss any other records review requirements; and

2) Maintain contact with Respondent on a frequency of at least once per quarter. In the event that the monitor is not timely contacted by Respondent, then the monitor shall immediately report this fact in writing to the Probation Committee.



Celine Poy-Wing, M.D : Case No. 2005-06258

c) Submit reports on a quarterly basis, in affidavit form, which shall include:

-
- 1) ~~A brief statement of why Respondent is on probation;~~
 - 2) A description of Respondent's practice (type and composition);
 - 3) A statement addressing Respondent's compliance with the terms of probation;
 - 4) A brief description of the monitor's relationship with Respondent;
 - 5) A statement advising the Probation Committee of any problems which have arisen; and
 - 6) A summary of the dates the monitor went to Respondent's office, the number of records reviewed, and the overall quality of the records reviewed, and the dates Respondent contacted the monitor pursuant to subsection c), 3), above.

d) Report immediately to the Board any violations by Respondent of Chapters 456 or 458, Florida Statutes, and the rules promulgated thereto.

vi. **Reports from Respondent** - Respondent shall submit quarterly reports, in affidavit form, the contents of which may be further specified by the Board, but which shall include:


- a) A brief statement of why Respondent is on probation;
- b) A description of practice location;
- c) A description of current practice (type and composition);
- d) A brief statement of compliance with probationary terms;
- e) A description of the relationship with monitoring physician;
- f) A statement advising the Board of any problems which have arisen; and
- g) A statement addressing compliance with any requirements imposed including the requirement for re-certification and/or passage of SPEX.

vii. **Continuity Of Practice:**

a) **Tolling Provisions** - In the event Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of the probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida:

- 1) The time period of probation shall be tolled;
- 2) The provisions regarding supervision whether direct or indirect by another physician, appearances before the Probation Committee, and required reports from the monitor/supervisor shall be tolled;
- 3) The provisions regarding preparation of investigative reports detailing compliance with this Settlement Agreement shall be tolled; and
- 4) Any provisions regarding community service shall be tolled.

b) **Active Practice** - In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Board may require Respondent to appear before the Board and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.



(B) Obligations/Requirements Of Probation -

During the period of probation, Respondent shall comply with the following
 _____ obligations and requirements:

i. Respondent shall appear before the Probation Committee of the Board of Medicine at the first Committee meeting after probation commences, at the last meeting of the Committee preceding scheduled termination of the probation, and at such other times as requested by the Committee. Respondent shall be noticed by the Board staff of the date, time and place of the Committee meeting at which Respondent's appearance is required. Failure of Respondent to appear as requested or directed or failure of Respondent to comply with **any** of the terms of this agreement shall be considered a violation of the terms of this Agreement, and shall subject Respondent to disciplinary action disciplinary action and the lifting of the stay of the suspension.

viii. SUPERVISION OF PHYSICIAN

ASSISTANTS AND/OR ANESTHESIOLOGIST ASSISTANTS - Respondent is required to notify, in writing, any physician assistant and/or anesthesiologist assistant which the Probationer supervises, of his or her probationary status and of her inability to supervise the physician assistant and/or anesthesiology assistant during the period of probation. A copy of said written notification(s) shall be submitted to the Board's Compliance Officer within 10 days of entry of the Final Order.

STANDARD PROVISIONS

10. **Appearance** - Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

11. **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.

12. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within fifteen (15) days of any changes of said addresses.

13. **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. 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.

14. **Violation of terms considered** - 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.

15. **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.

16. **No preclusion of additional proceedings** - Respondent and Department fully understand that this Agreement and subsequent Final Order incorporating same 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.

17. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, ~~the parties hereby agree~~ that with the exception of 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.

18. **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.

SIGNED this 28 day of February, 2008

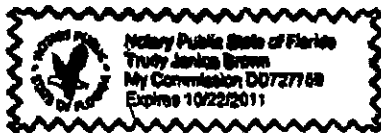

Celina Poy-Wing, M.D.

Before me, personally appeared Celina Poy Wing, whose identity is known to me by _____ (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 28 day of February, 2008.


NOTARY PUBLIC

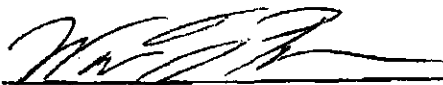
My Commission Expires: 10/22/11



APPROVED this 28 day of February, 2008.



Ana M. Viamonte Ros, M.D., M.P.H.
Secretary, Department of Health



By: Warren James Pearson
Assistant General Counsel
Department of Health

to