

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NOS.: 2003-25155
2004-19966
2007-30311
DOAH CASE NOS.: 09-4678PL
09-4679PL
09-4680PL
LICENSE NO.: ME0065595

MATTHEW JAY KACHINAS, 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 9, in Tampa, 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 Diane K. Kiesling, Assistant General Counsel. Respondent was present but 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.

RULING ON EXCEPTIONS

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

1. The Board denied Respondent's Exception to Paragraph 20 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 20 of the Recommended Order.

2. The Board denied Respondent's Exception to Paragraph 30 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 30 of the Recommended Order.

3. The Board denied Respondent's Exception to Paragraph 32 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 32 of the Recommended Order.

4. The Board denied Respondent's Exception to Paragraph 33 of the Recommended Order for the reasons stated in Petitioner's

written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 33 of the Recommended Order.

5. The Board denied Respondent's Exception to Paragraph 34 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 34 of the Recommended Order.

6. The Board denied Respondent's Exception to Paragraph 35 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 35 of the Recommended Order.

7. The Board denied Respondent's Exception to Paragraph 36 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 36 of the Recommended Order.

8. The Board denied Respondent's Exception to Paragraph 40 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraph 40 of the Recommended Order.

9. The Board denied Respondent's Exception to Paragraphs 51 - 53 of the Recommended Order for the reasons stated in Petitioner's written and oral response to Respondent's Exceptions. There is competent substantial evidence in the record to support the Administrative Law Judge's finding in Paragraphs 51 - 53 of the Recommended Order.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference with the exception to the following change to Paragraph 25 of the Recommended Order:

The phrase "internal fetal medicine" should read "maternal fetal medicine." Page 17, line 16 of the transcript of the proceeding demonstrates that the reference to "internal fetal medicine" was merely a misreading or a typographical error on the part of the Administrative Law Judge. Neither party objected to the change.

2. There is competent substantial evidence to support the findings of fact as amended.

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. In **DOAH Case No. 09-4678PL:**

a. Respondent shall pay an administrative fine in the amount of \$2,500.00 to the Board within 30 days from the date the Final Order is filed.

b. Respondent shall be placed on probation for a period of one (1) year subject to the following terms and conditions:

(1) Respondent shall appear before the Board's Probation Committee at the first meeting after said probation commences, at the last meeting of the Probation Committee preceding

termination of probation, quarterly, and at such other times requested by the Committee. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probation Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action. Unless otherwise provided in the Final Order, appearances at the Probation Committee shall be made quarterly.

(2) Respondent shall not practice except under the indirect supervision of a **BOARD CERTIFIED** physician fully licensed under Chapter 458 to be approved by the Board's Probation Committee. Absent provision for and compliance with the terms regarding temporary approval of a monitoring physician set forth below, Respondent shall cease practice and not practice until the Probationer's Committee approves a monitoring physician. Respondent shall have the monitoring physician present at the first probation appearance before the Probation Committee. Prior to approval of the monitoring physician by the committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. A failure of the Respondent or the monitoring physician to appear at the scheduled probation

meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the monitoring physician by the Committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed monitoring physician. Said materials shall be received in the Board office no later than fourteen days before the Respondent's first scheduled probation appearance. The attached definition of a monitoring physician is incorporated herein.

The responsibilities of a monitoring physician shall include:

A. Submit quarterly reports, in affidavit form, which shall include:

I. Brief statement of why physician is on probation.

II. Description of probationer's practice.

III. Brief statement of probationer's compliance with terms of probation.

IV. Brief description of probationer's relationship with monitoring physician.

V. Detail any problems which may have arisen with probationer.

B. Be available for consultation with Respondent whenever necessary, at a frequency of at least once per month.

C. Review 100% of Respondent's patient records least once every month. In order to comply with this responsibility of

random review, the monitoring physician shall go to Respondent's office once every month.

D. Report to the Board any violations by the probationer of Chapter 456 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

(3) In view of the need for ongoing and continuous monitoring or supervision, Respondent shall also submit the curriculum vitae and name of an alternate supervising/monitoring physician who shall be approved by Probation Committee. Such physician shall be licensed pursuant to Chapter 458, Florida Statutes, and shall have the same duties and responsibilities as specified for Respondent's monitoring/supervising physician during those periods of time which Respondent's monitoring/supervising physician is temporarily unable to provide supervision. Prior to practicing under the indirect supervision of the alternate monitoring physician or the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate monitoring/supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the

approved supervising/monitoring physician or the approved alternate.

(4) CONTINUITY OF PRACTICE

(A) TOLLING PROVISIONS.

In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Final Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida. **Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida.** Unless otherwise set forth in the Final Order, the following requirements and only the following requirements shall be tolled until the Respondent returns to active practice:

I. The time period of probation shall be tolled.

II. The provisions regarding supervision whether direct or indirect by the monitor/supervisor, and required reports from the monitor/supervisor 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 Respondent may be required to appear before the Board and demonstrate the ability

to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

2. In DOAH Case No. 09-4679PL:

a. Respondent shall pay an administrative fine in the amount of \$1,000.00 to the Board within 30 days from the date the Final Order is filed.

b. Respondent shall be placed on probation for a period of one (1) year to run concurrent with the term of probation set forth in paragraph 1.b., above, and subject to the same terms and conditions.

3. In DOAH Case No. 09-4680PL:

a. Respondent shall pay an administrative fine in the amount of \$2,000.00 to the Board within 30 days from the date the Final Order is filed.

b. Respondent shall be placed on probation for a period of one (1) year to run concurrent with the term of probation set forth in paragraph 1.b., above, and subject to the same terms and conditions.

c. Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

RULING ON MOTION TO ASSESS COSTS

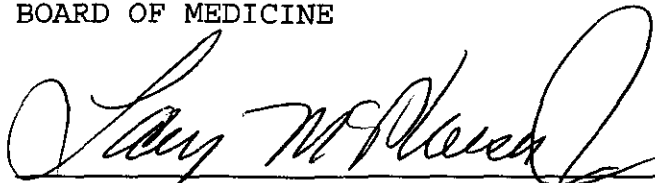
The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$37,157.76. Said costs are to be paid within 30 days from the date this Final Order is filed.

(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 16 day of APRIL,

2010.

BOARD OF MEDICINE


Larry McPherson, Jr., Executive Director
For Onelia Lage, 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 U.S. Mail to MATTHEW JAY KACHINAS, M.D., 1590 Harbor Cay Lane, Longboat Key, Florida 34228; to Susan B. Harrell, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Veronica Donnelly, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 19 day of April, 2010.

Angele Bactor

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| US POSTAL SERVICE | |
| CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i> | |
| For delivery information visit our website at www.usps.com | |
| OFFICIAL USE | |
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | 2007-30311 |
| Restricted Delivery Fee (Endorsement Required) | 2008-25155 |
| Total Postage & Fees | 2004-19966 |
| Sent To | |
| Street, Apt. No., or PO Box No. | |
| City, State, ZIP+4 | |

Longboat Key, FL

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2003-25155

MATTHEW KACHINAS, M.D.,

RESPONDENT.

m.c.71

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 Respondent, Matthew Kachinas, 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 65595.

3. Respondent's address of record is 1590 Harbor Cay Lane, Longboat Key, Florida 34228.

4. Respondent is Board Certified by the American Board of Obstetrics and Gynecology.

5. At all times material to this Complaint, Respondent was employed as a physician by the St. Petersburg Woman's Health Center, Inc. (SWHC), the Indian Rocks Woman's Center, Inc. (INRC), both owned and operated by the same individual.

6. On several occasions in 2002, Respondent was observed at work in the restroom strapping pharmaceutical vials to his leg and covering his leg with his sock and pants.

7. When questioned about this action, Respondent stated that he was "shuttling" controlled substances between clinics because they did not always have the same anesthesia drugs he liked to administer.

8. Several months later, in January of 2003, Respondent admitted that he had not recorded the administration of the "shuttled" drugs on the patient's chart.

9. A reasonably prudent similar physician would not remove drug vials from his practice at a clinic and transport the drugs attached to his leg to another clinic.

COUNT ONE

10. Petitioner reallages paragraphs one (1) through nine (9) as if set out herein.

11. Section 458.331(1)(t), Florida Statutes (2002), provides that 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 constitutes grounds for disciplinary action.

12. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician when he removed drug vials from a clinic and transported them to another clinic by strapping them to his leg and covering the vial with his sock and pants.

13. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2002), 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

14. Petitioner reallages paragraphs one (1) through nine (9) as if set out herein.

15. Section 458.331(1)(m), Florida Statutes, provides that failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician who is responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results, test results; records of drugs prescribed, dispensed or administered; and reports of consultations and hospitalizations is grounds for disciplinary action by the Board of Medicine.

16. Respondent failed to document the administration of drugs to patients that he removed from one clinic and transported to another clinic and he failed to justify his course of treatment.

17. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2002), that failing to keep legible, as

defined by department rule in consultation with the board, medical records that identify the licensed physician who is responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results, test results; records of drugs prescribed, dispensed or administered; and reports of consultations and hospitalizations.

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 12th day of December, 2006.

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

Carol L. Gregg

Carol L. Gregg
Assistant General Counsel
DOH Prosecution Services Unit
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Maria Stoffer*
DATE: *12/13/06*

PCP: December 8, 2006
PCP Members: *Leon, Beaumont, Beebe*

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 to any other discipline imposed.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,
PETITIONER,**

v.

CASE NO. 2004-19966

**Mathew J. Kachinas, M.D.,
RESPONDENT.**

FEB 27 2007

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, Mathew J. Kachinas, 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. Respondent's address of record is 1590 Harbor Cay Lane, Longboat Key, Florida 34228.

3. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 65595.

4. Respondent is not Board Certified.

5. On or about March 26, 2004, B.S. traveled from Jacksonville, Florida, and presented to Premier Institute for Women's Health (PIWH) for an elective termination of pregnancy.

6. Respondent is the Obstetrician/Gynecologist who handled B.S.'s procedure at PIWH.

7. On or about March 26, 2004, Respondent determined B.S.'s pregnancy at approximately twenty-three and a half (23½) to twenty-four (24) weeks gestation, the last week of the second trimester.

8. On or about March 26, 2004, Respondent states he ordered and then reviewed a sonogram of B.S. and diagnosed the gestational age at twenty-four weeks.

9. On or about March 26, 2004, Respondent began the induction of labor procedure, by ordering the insertion of a Laminaria, an osmotic cervical dilator which causes the cervix to open and allows easier emptying of the uterus. The fetus was injected with Digoxin, which is injected

directly into the fetus to stop the fetal heartbeat, causing an Intrauterine Fetal Demise (IUFD). B.S. was then released from PIWH.

10. On or about March 27, 2004, Respondent continued with the induction procedure by administering Cytotec and high does Pitocin to B.S. to induce labor.

11. On or about March 27, 2004, at approximately 6:30pm, Respondent transferred and had B.S. admitted to Doctors Hospital of Sarasota (DHS) for failure to progress with the induction of labor procedure.

12. Respondent's principal admitting diagnosis was an IUFD at twenty-four (24) weeks, failure to dilate, and intolerance to the induction of labor. B.S. was admitted for an Exploratory Laparotomy, Hysterotomy, evacuation of the fetus, and Bilateral Tubal Ligation.

13. Respondent performed the above described procedures on patient B.S.

14. On or about March 28, 2004, following B.S. surgery, Respondent listed the post-operative diagnosis as a failure to induce labor, an intrauterine fetal demise (IUFD), a thin umbilical cord, and asymmetric intrauterine growth retardation (IUGR), a condition in which the fetus is smaller than expected for the number of weeks of pregnancy.

15. Respondent lists in the DHS medical records that a single non-viable male fetus was removed from the uterine cavity. The condition of the fetus indicated an IUFD of at least forty eight hours.

16. On the fetal death certificate, Respondent listed the immediate causes for the IUFD as a probable cord incident and multiple placental infarctions. The fetus died before labor and the clinical estimate of gestation is twenty-four (24) weeks.

17. Placental infarctions are small deposits of a fibrous protein, caused by interference with the maternal circulation, which occur normally in the placenta as pregnancy progresses. Placental infarctions usually do not affect the fetus unless the process is extensive.

18. On the fetal death certificate, Respondent did not document the elective termination or the Digoxin injection.

19. There are no indications in the medical records or the autopsy report that suggests the fetus suffered a cord incident. This is in contradiction to Respondent's diagnoses.

20. On or about April 26, 2004, the autopsy report from Sarasota Pathology reported a stillborn male with no obvious congenital anomaly, no intracranial hemorrhage and normal heart, lungs, and liver. The autopsy report does not indicate extensive placental infarctions or that the

infarctions caused any harm to the fetus. This is in contradiction to Respondent's diagnoses.

21. Respondent does not document an adequate patient history in the medical records.

22. Respondent does not document a physical examination prior to the insertion of the Laminaria in the medical records.

23. Respondent does not document the use of the Digoxin in the medical records.

24. Respondent does not document the time of the fetal demise in the medical records.

25. Respondent falsified the cause of death on the fetal death certificate.

COUNT ONE

26. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25) as if fully set forth herein.

27. Section 456.072(1)(I), Florida Statutes (2003), provides making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so constitutes grounds for disciplinary action by the Board of Medicine.

28. Respondent made or filed a report which the licensee knows to be false in one or more of the following ways:

- a. By listing the cause of death on the fetal death certificate as stillborn by a probable cord incident, when the actual cause of death was the Digoxin injection administered during the elective termination procedure;
- b. By failing to include the elective termination of pregnancy, by digoxin injection, on the fetal death certificate.

29. Based on the foregoing, Respondent violated Section 458.331(1)(l), Florida Statutes (2003), by making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so.

COUNT TWO

30. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25) as if fully set forth herein.

31. Section 458.331(1)(m), Florida Statutes (2003), provides failing to keep legible, medical records, identifying the licensed physician by name and professional title, who is or are responsible for rendering, ordering,

supervising, or billing for each diagnostic or treatment procedure, and justifies the course of treatment of the Patient, including but not limited to, Patient histories; examination results; test results, records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations constitutes grounds for disciplinary action by the Board of Medicine.

32. Respondent failed to keep legible, medical records that document the justification for the course of treatment in one or more of the following ways:

- a. By failing to document an adequate patient history;
- b. By failing to document a physical examination prior to the insertion of the Laminaria;
- c. By failing to document the time of the fetal demise;
- d. By falsifying the fetal death certificate.

33. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2003), by failing to keep legible, medical records that identify the licensed physician by name and professional title, who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure, and justifies the course of treatment of the Patient, including but not limited to, Patient histories;

examination results; test results, records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

COUNT THREE

34. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25) as if fully set forth herein.

35. Section 458.331(1)(t), Florida Statutes (2003), provides that 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 constitutes grounds for disciplinary action by the Board of Medicine.

36. 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 circumstances, in one or more of the following ways:

- a. By failing to obtain an adequate patient history;
- b. By failing to perform a physical examination prior to the insertion of the Laminaria;
- c. By failing to document the time of the fetal demise.

37. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2003), 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.

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 26 day of February, 2007.

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



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Renee C. BA
DATE 2/27/07

MDM/tgc

PCP: February 23, 2007

PCP Members: Dr. El-Bahri and Dr. Winchester

CASE NAME: MATHEW J. KACHINAS, M.D. CASE NO.: 2004-19966

CASE NAME: MATHEW J. KACHINAS, M.D. CASE NO.: 2004-19966

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, on the Respondent in addition to any other discipline imposed.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2007-30311

MATTHEW J. KACHINAS, M.D.,

Respondent.

MAY 01 2008

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 Respondent, Matthew J. Kachinas, 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 medical doctor within the state of Florida, having been issued license number ME 65595.

3. Respondent's address of record is 6122 S. Tamiami Trail, Sarasota, Florida 34231.

4. Patient Ms. K.M. was evaluated at Florida Perinatal Associates on or about December 13, 2005, and was found to be pregnant with a dichorionic (separate placenta) diamniotic (separate sac) twin gestation of twelve weeks four days.

5. A non-septated cystic hygroma (internal cyst containing fluid without separate compartments) was noted for twin A.

6. Amniocentesis was performed and the result for twin A was 47,XY,+21 and consistent with a male fetus with Down Syndrome. At the time of the amniocentesis, several fetal anomalies were noted for twin A, including a non-septated cystic hygroma, a short femur, an absent nasal bone, and a cardiac anomaly.

7. The fetal anatomy survey for twin B was normal.

8. Ms. K.M. decided that she would seek a selective fetal reduction and was evaluated by Respondent at Premier Institute for Women's Health. A selective feticide was done on or about January 13, 2006.

9. When Ms. K.M. returned to Florida Perinatal Associates, on or about January 24, 2006, an ultrasound revealed that the remaining live fetus was the one with the congenital anomalies and Down Syndrome. Respondent had performed the feticide on the normal twin B.

10. On or about January 27, 2006, Ms. K.M. returned to the Respondent for termination of pregnancy of the fetus with the congenital anomalies.

11. The standard of care for selective termination of pregnancy requires that the correct fetus be identified prior to the feticide. Several ways exist to correctly identify the correct fetus, including the position of the fetus in relationship to the mother, differentiation by gender, and use of ultrasound findings.

12. Respondent failed to identify the position of twin A in relationship to the mother, even though the ultrasound from Florida Perinatal Associates states that twin B is located toward the maternal right.

13. Respondent failed to clearly differentiate the sex of the fetuses by ultrasound even though twin A (the affected one) was a male and twin B was a female.

14. Respondent failed to identify the affected twin by ultrasound even though the affected twin had multiple anomalies including a cystic hygroma, shortened long bones, and possible A-F canal, whereas twin B's ultrasound was normal.

15. Respondent failed to meet the standard of care by failing to perform a thorough ultrasound examination in order to identify the correct fetus.

16. Respondent did not document his attempts to identify the sex or multiple anomalies previously reported for twin A.

COUNT ONE

17. Petitioner realleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

18. Section 458.331(1)(t), Florida Statutes (2005), subjects a doctor to discipline for committing medical malpractice as defined in Section 456.50. Section 456.50, Florida Statutes (2005), defines medical malpractice as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure.

19. Level of care, skill, and treatment recognized in general law related to health care licensure means the standard of care specified in Section 766.102. Section 766.102(1), Florida Statutes (2005), defines the standard of care to mean " . . . The prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is

recognized as acceptable and appropriate by reasonably prudent similar health care providers. . . ."

20. Respondent failed to meet the prevailing standard of care in regard to patient Ms. K.M. in one or more of the following ways:

a. By failing to identify the position of twin A in relationship to the mother, even though the ultrasound from Florida Perinatal Associates states that twin B is located toward the maternal right;

b. By failing to clearly differentiate the sex of the fetuses by ultrasound even though twin A (the affected one) was a male and twin B was a female;

c. By failing to identify the affected twin by ultrasound even though the affected twin had multiple anomalies including a cystic hygroma, shortened long bones, and possible A-F canal, whereas twin B's ultrasound was normal;

d. By failing to perform a thorough ultrasound examination in order to identify the correct fetus;

e. By failing to document his attempts to identify the sex or multiple anomalies previously reported for twin A;

f. By performing a feticide in the non-affected fetus.

21. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes (2005), by committing medical malpractice.

COUNT TWO

22. Petitioner realleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

23. Section 458.331(1)(m), Florida Statutes (2005), provides that failing to keep legible, as defined by department rule in consultation with the board, medical records . . . that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations constitutes grounds for disciplinary action by the Board of Medicine.

24. Respondent failed to document his attempts to identify the sex or multiple anomalies previously reported for twin A.

25. Based on the foregoing, Respondent has violated Section 458.331(1)(m), Florida Statutes (2005), by failing to keep legible, as defined by department rule in consultation with the board, medical records . . . that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of

drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

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 28th day of April, 2008.

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

by: [Signature]

for: Diane K. Kiesling
Assistant General Counsel
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: [Signature]
DATE 5-1-08

PCP: 4-25-08
PCP Members: E.L. Bahri, Bearison, Long

Matthew J. Kachinas, M.D. DOH Case No. 2007-30311

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 to any other discipline imposed.

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF HEALTH, BOARD OF)
MEDICINE,)
)
Petitioner,)
)
vs.) Case Nos. 09-4678PL
) 09-4679PL
MATTHEW J. KACHINAS, M.D.,) 09-4680PL
)
Respondent.)
_____)

RECOMMENDED ORDER

Pursuant to notice, a final hearing was held in these cases on, November 18 and 19, 2009, in Sarasota, Florida, before Susan B. Harrell, a designated Administrative Law Judge of the Division of Administrative Hearings (DOAH).

APPEARANCES

For Petitioner: Diane K. Kiesling, Esquire
Grace Kim, Esquire
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399

For Respondent: Matthew J. Kachinas, M.D., pro se
1590 Harbor Cay Lane
Longboat Key, Florida 34228

STATEMENT OF THE ISSUES

The issues in these cases are whether Respondent violated Subsections 458.331(1)(m) and 458.331(1)(t), Florida Statutes (2002), in DOAH Case No. 09-4678PL; Subsections 456.072(1)(1),

458.331(1)(m), and 458.331(1)(t), Florida Statutes (2003), in DOAH Case No. 09-4679PL; and Subsections 458.331(1)(m) and 458.331(1)(t), Florida Statutes (2005), in DOAH Case No. 09-4680PL, and, if so, what discipline should be imposed.

PRELIMINARY STATEMENT

On December 13, 2006, the Department of Health (Department) filed a two-count Administrative Complaint before the Board of Medicine (Board) against Respondent, Matthew J. Kachinas, M.D. (Dr. Kachinas), alleging that Dr. Kachinas violated Subsections 458.331(1)(m) and 458.331(1)(t), Florida Statutes (2002). Dr. Kachinas requested an administrative hearing, and the case was forwarded to DOAH on August 26, 2009, for assignment to an Administrative Law Judge. The case was assigned DOAH Case No. 09-4678PL.

On February 27, 2007, the Department filed a three-count Administrative Complaint before the Board against Dr. Kachinas, alleging that Dr. Kachinas violated Subsections 456.072(1)(1), 458.331(1)(m), and 458.331(1)(t), Florida Statutes (2003). Dr. Kachinas requested an administrative hearing, and the case was forwarded to DOAH on August 26, 2009, for assignment to an Administrative Law Judge. The case was assigned DOAH Case No. 09-4679PL.

On May 1, 2008, the Department filed a two-count Administrative Complaint before the Board against Dr. Kachinas,

alleging that Dr. Kachinas violated Subsections 458.331(1)(m) and 458.331(1)(t), Florida Statutes (2005). Dr. Kachinas requested an administrative hearing, and the case was forwarded to DOAH on August 26, 2009, for assignment to an Administrative Law Judge. The case was assigned DOAH Case No. 09-4680PL.

On August 31, 2009, the Department filed Requests for Admissions in each of the three cases. By Order of Consolidation dated September 22, 2009, the three cases were consolidated. On October 7, 2009, the Department filed Petitioner's Motion to Compel, requesting, among other things, that Dr. Kachinas be compelled to respond to the Requests for Admissions. The motion was heard by telephonic conference call on October 26, 2009. During the motion hearing, the undersigned explained to Dr. Kachinas that a failure to respond to the Requests for Admissions would result in the requests being deemed admitted. An Order was entered on October 26, 2009, requiring Dr. Kachinas to respond to the Requests for Admissions on or before November 2, 2009. The time for serving the responses to the Requests for Admissions was extended to November 4, 2009, by an Order dated November 2, 2009.

On November 10, 2009, the Department filed Petitioner's Renewed Motion to Compel. Dr. Kachinas failed to file responses to some of the Requests for Admissions, and the requests for

which no responses were filed were deemed admitted by Order dated November 13, 2009.

At the final hearing, the Department called the following witnesses: Edgard Ramos-Santos, M.D.; Roberta Elaine Bruce; Jorge Gomez, M.D.; Carol Petraski; and Babette Smith Agett. Petitioner's Exhibits 1 through 11 and 13 through 17 were admitted in evidence. At the final hearing, Dr. Kachinas testified in his own behalf. Respondent's Exhibit 1 was admitted in evidence.

The three-volume Transcript of the final hearing was filed on December 15, 2009. The parties agreed to file their proposed recommended orders within ten days of the filing of the Transcript. Petitioner filed its Proposed Recommended Order on December 28, 2009. On December 28, 2009, Dr. Kachinas filed a post-hearing submittal, which included a blank Monthly Report of Induced Terminations of Pregnancy and a letter dated October 6, 2008, from the Agency for Health Care Administration to Dr. Kachinas. To the extent that Dr. Kachinas may have been relying on the report and letter as exhibits, those documents are not admitted in evidence.

FINDINGS OF FACT

1. At all times relating to the three Administrative Complaints at issue, Dr. Kachinas was a licensed medical doctor within the State of Florida, having been issued license number

ME 65595. He is board-certified by the American Board of Obstetrics and Gynecology.

DOAH CASE NO. 09-4678PL

2. In 2002, Dr. Kachinas was working at several clinics that were owned by the same individual. He received payment from Sarasota Women's Health Center and Tampa Women's Health Center. His primary office was located in Sarasota, but he rotated through the offices located in Clearwater and Tampa.

3. He was advised that he would be attending a patient in the Tampa office. One of the medications that he used in his method of sedating patients, Propofol, was not available in the Tampa office. He took a vial of the Propofol and took it to the Tampa office, holding the vial in his hand.

4. While at the Tampa office, Dr. Kachinas drew the Propofol into a syringe. He did not have to use the Propofol for the patient. He placed the syringe filled with Propofol inside the sock that he was wearing. Dr. Kachinas transported the syringe back to the Tampa office. He used this method of transport so that the office manager in the Tampa office would not know that he was transporting the drug.

5. When he got back to the Tampa office, he placed the filled syringe in a secure place. Propofol must be used within 24 hours after being drawn into a syringe. The next day it was decided that the drug would not be used on another patient, and

Dr. Kachinas wasted the syringe filled with Propofol. At the clinics where Dr. Kachinas worked, there were no logs to keep track of the drugs, except for the drug Fentanyl.

6. Dr. Kachinas acknowledged in a letter dated January 30, 2007, to the Department of Health that his method of transporting Propofol was "unorthodox." In the same letter, Dr. Kachinas acknowledged that "a reasonable and prudent doctor would not generally transport medication in that manner, but foolishness seemed reasonable in that aberrant environment."

DOAH CASE NO. 09-4679PL

7. On March 26, 2004, B.S. presented to Premier Institute for Women's Health (Premier) for an elective termination of pregnancy. Dr. Kachinas was the physician who handled the procedure.

8. Dr. Kachinas maintained records relating to B.S. at Premier. In 2004, Petitioner subpoenaed B.S.'s records from Dr. Kachinas' office. Petitioner received a packet of documents, which purported to be B.S.'s medical records. In July 2006, Lori Jacobs, an employee of Premier, sent Petitioner another copy of the documents sent in 2004. Neither the records provided in 2004 nor the records provided in 2006 contain progress notes for B.S.'s treatment on March 26, 2004, and March 27, 2004.

9. For the first time on November 5, 2009, Dr. Kachinas produced a three-page document, which he claimed was part of B.S.'s medical records that had been misplaced in B.S.'s insurance file. Two of the pages purported to be progress notes for March 26 and 27, 2004. The third page, which is also labeled as a progress note, is dated June 29, 2004, and appears to relate to insurance claims. The two pages relating to March 26 and 27 are on paper which is a different color from the progress note relating to insurance claims and the progress notes which were previously furnished in 2004 and 2006.¹ Additionally, the progress notes for March 26 and 27, 2004, contain a break in each of the ruled lines on the sheets on both the right and left sides of the sheets. The insurance progress note and the progress notes furnished in 2004 and 2006 do not have such breaks in the ruled lines.

10. Dr. Kachinas completed a Laminaria Insertion report documenting procedures done on March 26, 2004, and March 27, 2004. The March 26, 2004, report documents the insertion of Laminaria and administration of medications. The comment section of the report documents the removal of the Laminaria and administration of medications on March 27, 2004. The comment section continues to document the administration of medications and the taking of vital signs after the removal of the Laminaria and also the transfer of the patient to Doctors Hospital. The

detail on the comment sections suggests that Dr. Kachinas was making his progress notes in the Laminaria Insertion report.

11. The failure to produce the purported progress notes for March 26 and 27, 2004, until November 5, 2009; the difference in the color of the paper of the March 26 and 27, 2004, purported progress notes and the other progress notes in Dr. Kachinas' records; the presence of breaks in the ruled lines on the March 26 and 27, 2004, purported progress reports, which do not appear on the other progress notes; and the detail of the comments on the Laminaria Insertion report support the conclusion that the progress notes submitted as Respondent's Exhibit 1 were not done contemporaneously with the treatment given to B.S. on March 26 and 27, 2004, but were prepared for this proceeding. Thus, the progress notes for March 26 and 27, 2004, are not credited.

12. Dr. Kachinas determined B.S.'s pregnancy to be at approximately 23½-to-24 weeks' gestation, the last week of the second trimester. He confirmed by sonogram that the gestation period was 24 weeks.

13. On March 26, 2004, Dr. Kachinas began the induction of labor ordering the insertion of ten Laminaria, which are osmotic cervical dilators which cause the cervix to open and allow easier emptying of the uterus.

14. Dr. Kachinas' records do not show that B.S.'s medical history was taken prior to the insertion of the Laminaria. However, Dr. Kachinas did take a medical history of B.S. at the time of her admission to Doctors Hospital, and the history is recorded in the medical records.

15. Prior to the insertion of the Laminaria, Dr. Kachinas' records do show that a limited physical examination of B.S. was done. The Laminaria Insertion report shows that B.S.'s baseline blood pressure, temperature, and pulse were taken and recorded. There was no expert testimony of what other physical examination should have been done.

16. Dr. Kachinas injected the fetus with Digoxin, which is injected directly into the fetus to stop the fetal heartbeat, causing an Intrauterine Fetal Demise (IUFD). The injection of the Digoxin was not documented in B.S.'s medical records. B.S. was then released from Premier.

17. On March 27, 2004, B.S. returned to Premier. Prior to removing the Laminaria, Dr. Kachinas did an ultrasound and determined that there was still fetal heart activity and fetal movements. Dr. Kachinas continued the labor induction procedure by removing the Laminaria and administering Cytotec and high dosages of Pitocin. When the Laminaria were removed, there was a rupture of membranes with a loss of essentially all the amniotic fluid.

18. Sometime during the afternoon of March 27, 2004, Dr. Kachinas did another ultrasound and determined that there was no fetal heart activity. Based on the length of time from the Digoxin injection to the ultrasound showing no fetal heart activity, the loss of amniotic fluid, and the administering of medication to cause contractions, Dr. Kachinas determined that the Digoxin injection was not the cause of death.

19. On March 27, 2004, at approximately 6:30 p.m., Dr. Kachinas transferred B.S. to Doctors Hospital and had her admitted to the hospital for failure to progress with the induction of labor procedure. While at the hospital, B.S. continued to experience pain.

20. On March 28, 2004, Dr. Kachinas performed the following procedures on B.S.: mini-laparotomy, hysterotomy, removal of products of conception, and a modified Pomeroy bilateral tubal ligation. In his description of the procedures, he stated that the fetal demise was at least of 48 hours duration. However, Dr. Kachinas' records do not reflect the time of the fetal demise. Jorge Gomez, M.D., Petitioner's expert witness, credibly testified that a physician is required to document the time of the fetal demise.

21. In the hospital records following B.S.'s surgery, Dr. Kachinas listed the post-operative diagnosis as a failure to induce labor, an intrauterine fetal demise, a thin umbilical

cord, and asymmetric intrauterine growth retardation, a condition in which the fetus is smaller than expected for the number of weeks of pregnancy.

22. An autopsy was performed on the fetus. A surgical pathology report was also issued. The pathology report showed mild infarcts on the maternal side.

23. On the fetal death certificate, Dr. Kachinas listed the immediate causes for the IUFD as a possible cord incident and multiple placental infarctions. Dr. Kachinas did not document the elective termination or the Digoxin injection on the fetal death certificate.

24. Dr. Gomez disagrees with the reasons for IUFD given on the death certificate. His credible reading of the pathology report does not indicate that the infarcts were severe enough to have contributed to the fetal demise. His credible reading of the pathology report does not indicate that there was any evidence of a cord incident. Dr. Gomez is of the opinion that the cause of death should have been listed as elective termination. Dr. Gomez' opinion is credited. However, Dr. Gomez did not give an opinion on whether the fetal demise was caused by the injection of Digoxin.

DOAH CASE NO. 09-4680PL

25. On December 13, 2005, K.M. was seen by Walter J. Morales, M.D., at Florida Perinatal Associates, which

specializes in internal fetal medicine. Dr. Morales performed an ultrasound on K.M., who was pregnant with twins as a result of in vitro fertilization.

26. The ultrasound revealed that the twins were fraternal, meaning that each twin had a separate placenta and a separate sac. One of the twins, Twin A, had an anomaly called a cystic hygroma, which results from an obstruction, causing the lymphatic fluid, which normally drains into the jugular vein, to accumulate in the neck area. Approximately 50 percent of the fetuses which have this anomaly in the first trimester also have a chromosomal anomaly, such as Down syndrome.

27. The decision was made to have K.M. return to Florida Perinatal Associates in three weeks for further evaluation. On January 3, 2006, Edgard Ramos-Santos, M.D., a partner of Dr. Morales, performed another ultrasound on K.M. Dr. Ramos-Santos found that Twin A, a male, had a cystic hydroma, a thickening of the nuchal fold², and shortened femur and humerus. These findings are soft markers for abnormal chromosomes. The ultrasound also revealed a possible heart defect. At the time of the ultrasound, Twin A was cephalic bottom, meaning that Twin A was positioned lowest in the uterus.

28. Dr. Ramos-Santos also performed an amniocentesis on Twin A on the same date as the ultrasound. The amniocentesis

showed that Twin A had an abnormal chromosome pattern compatible with trisomy 21 or Down syndrome.

29. Both ultrasounds showed that Twin B, a female, appeared to be normal. At the request of K.M., no amniocentesis was performed on Twin B on January 3, 2006. At the time of the ultrasound performed on January 3, 2006, the presentation of Twin B was cephalic right.

30. The findings of the January 3, 2006, ultrasound were discussed with K.M. and her husband. On January 9, 2006, Dr. Ramos-Santos discussed the results of the amniocentesis with K.M.'s husband. It was decided that a selective feticide would be performed on Twin A. Selective feticide is a procedure in which a solution of potassium hydroxide is injected into the fetus' heart to make the heart stop beating. K.M. was referred to Dr. Kachinas at Premier for the selective feticide.

31. On January 10, 2006, Roberta Bruce, a nurse at Florida Perinatal Associates, sent to Premier by facsimile transmission the January 3, 2006, ultrasound report for K.M. and K.M.'s insurance information. The cover page for the facsimile transmission included a note from Ms. Bruce, which stated: "FYI Fetus have different gender. The male is the affected one."

32. The standard of care as specified in Section 766.102, Florida Statutes (2005), requires a physician performing a

selective feticide to correctly identify the affected fetus.

Dr. Kachinas did not correctly identify Twin A prior to performing the selective feticide and performed the procedure on Twin B, the normal fetus.

33. Dr. Kachinas performed an ultrasound on K.M., but failed to identify the correct position of Twin A in relation to K.M. The ultrasound done on January 3, 2006, by Dr. Ramos-Santos showed that Twin A was located at the bottom and Twin B was located to the right of K.M. In his progress notes, Dr. Kachinas placed Twin A on the right and Twin B on the left. Although it is possible for twins to shift positions, it is not probable that the twins shifted from left to right.

34. Dr. Kachinas performed an ultrasound, but failed to identify that Twin A was the fetus with multiple anomalies. Although the standard of care required Dr. Kachinas to do a Level 2 ultrasound evaluation, a Level 1 ultrasound evaluation would have identified the cystic hygroma, the shortened long bones, and the sex of Twin A. Dr. Kachinas failed to perform an adequate ultrasound evaluation by failing to identify the anomalies and the gender of Twin A.

35. Dr. Kachinas' notes do not show whether Twin A or Twin B had anomalies. His notes did not identify the sex of each of the twins. His notes did not document the attempts that Dr. Kachinas made to identify the anomalies such as a recording

of the length of the long bones or any examination made to identify the sex of each of the twins.

36. On January 24, 2006, K.M. returned to Florida Perinatal Associates for another consultation. Dr. Morales performed another ultrasound, which revealed that Twin A, who had the anomalies, was still viable. The ultrasound revealed the continued presence of a cystic hygroma, the thickening of the nuchal fold, shortened extremities, and a congenital heart defect. The ultrasound also showed that the viable twin was male. The presentation of Twin A was shown by the ultrasound as cephalic bottom.

CONCLUSIONS OF LAW

37. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of this proceeding. §§ 120.569 and 120.57, Fla. Stat. (2009).

38. Subsection 458.331(1)(m), Florida Statutes (2002, 2003, 2005), provides that the following acts constitute grounds for discipline:

Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination

results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

39. Subsection 458.331(1)(t), Florida Statutes (2002, 2003), provides that disciplinary action may be taken for the following conduct:

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. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$50,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross 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," shall not be construed as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

In 2003, the following provision was added to Subsection 458.331(1)(t), Florida Statutes:

A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall

specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board must so specify.

DOAH CASE NO. 09-4678PL

40. In Count 1 of the Administrative Complaint, Petitioner alleges that Dr. Kachinas violated Subsection 458.331(1)(t), Florida Statutes (2002), by "remov[ing] drug vials from a clinic and transport[ing] them to another clinic by strapping them to his leg and covering the vial with his sock and pants." By his own admission in the January 30, 2007, letter to the Department, Dr. Kachinas agreed that a reasonable and prudent physician would not transport drugs in that manner. Petitioner has established by clear and convincing evidence that Dr. Kachinas failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances in violation of Subsection 458.331(1)(t), Florida Statutes (2002).

41. In Count 2 of the Administrative Complaint, Petitioner alleged that Dr. Kachinas violated Subsection 458.331(1)(m), Florida Statutes (2002), by "fail[ing] to document the administration of drugs to patients that he removed from one

clinic and transported to another clinic and [by failing] to justify his course of treatment." Petitioner has not established that Dr. Kachinas failed to document the administration of drugs to patients. The evidence did not establish that any drug which he transported was administered to a patient. Since no drugs were administered, Petitioner has failed to establish that Dr. Kachinas failed to justify his course of treatment. Thus, Petitioner has failed to establish that Dr. Kachinas violated Subsection 458.331(1)(m), Florida Statutes (2002).

DOAH CASE NO. 09-4679PL

42. In the Administrative Complaint, Petitioner alleges that Dr. Kachinas violated Subsection 456.072(1)(1), Florida Statutes (2003), which provides:

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

* * *

(1) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

43. Petitioner alleges that Dr. Kachinas violated Subsection 456.072(1)(1), Florida Statutes (2003), in one or more of the following ways:

- a. By listing the cause of death on the fetal death certificate as stillborn by a probable cord incident, when the actual cause of death was the Digoxin injection administered during the elective termination procedure;
- b. By failing to include the elective termination of pregnancy, by digoxin injection, on the fetal death certificate.

44. Petitioner has failed to establish by clear and convincing evidence that the Digoxin injection was the cause of death. Petitioner has failed to establish by clear and convincing evidence that Dr. Kachinas violated Subsection 456.072(1)(1), Florida Statutes (2003). The evidence does not establish that Dr. Kachinas knew that the cause of death which he listed was in error. He felt that the Digoxin injection did not cause the fetal demise.

45. Petitioner alleges that Dr. Kachinas violated Subsection 458.0331(1)(m), Florida Statutes (2003), in one or more of the following ways:

- a. By failing to document an adequate patient history;
- b. By failing to document a physical examination prior to the insertion of the Laminaria;

c. By failing to document the time of the fetal demise;

d. By falsifying the fetal death certificate.

46. Petitioner did not establish that Dr. Kachinas failed to document an adequate patient history. The evidence clearly shows that a patient history was documented at the time of B.S.'s admission to Doctors Hospital. Petitioner did not establish by clear and convincing evidence that Dr. Kachinas failed to document a physical examination of B.S. prior to the insertion of the Laminaria. The Laminaria Insertion report documents a limited physical examination. The evidence is not clear and convincing that Dr. Kachinas falsified the death certificate. Petitioner did establish by clear and convincing evidence that Dr. Kachinas failed to document the time of the fetal demise. Thus, Petitioner has established by clear and convincing evidence that Dr. Kachinas violated Subsection 458.331(1)(m), Florida Statutes (2003).

47. Petitioner alleges that Dr. Kachinas violated Subsection 458.331(1)(t), Florida Statutes (2003), in one or more of the following ways:

a. By failing to obtain an adequate patient history;

b. By failing to perform a physical examination prior to the insertion of the Laminaria;

c. By failing to document the time of the fetal demise.

48. Petitioner has failed to establish that Dr. Kachinas failed to obtain an adequate patient history. Petitioner's own expert stated that his review of the records showed that a history had been done.³ Petitioner did not establish by clear and convincing evidence that a physical examination was not done prior to the insertion of the Laminaria. The Laminaria Insertion report shows that at least B.S.'s blood pressure, temperature, and pulse were taken. Petitioner has established that Dr. Kachinas failed to document the time of the fetal demise; however, that failure is a violation of Subsection 458.331(1)(m), Florida Statutes (2003), rather than Subsection 458.331(1)(t), Florida Statutes (2003). Thus, Petitioner has failed to establish that Dr. Kachinas violated Subsection 458.331(1)(t), Florida Statutes (2003).

DOAH CASE NO. 09-4680PL

49. Subsection 458.331(1)(t), Florida Statutes (2005), provides that the following conduct may be grounds for disciplinary action:

Notwithstanding s. 456.072(2), but as specified in 456.50(2):

1. Committing medical malpractice as defined in 456.50. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. Medical malpractice shall not be construed to

require more than one instance, event, or act.

2. Committing gross medical malpractice.

3. Committing repeated medical malpractice as defined in 456.50. A person found by the board to have committed repeated medical malpractice based on s. 456.50 may not be licensed or continue to be licensed by this state to provide health care services as a medical doctor in this state.

Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross medical malpractice," "repeated medical malpractice," or "medical malpractice," or any combination thereof, and any publication by the board must so specify.

50. "Medical malpractice" is defined in Subsection 456.50(1)(g), Florida Statutes (2005), as the "failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure." Subsection 456.50(1)(e), Florida Statutes (2005), defines "level of care, skill, and treatment recognized in general law related to health care licensure" as "the standard of care specified in s. 766.102." Subsection 766.102(1), Florida Statutes (2005), defines "the prevailing professional standard of care for a given health care provider" as "that

level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers."

51. Petitioner alleges in Count 1 of the Administrative Complaint that Dr. Kachinas violated Subsection 458.331(1)(t), Florida Statutes (2005), in one or more of the following ways:

- a. By failing to identify the position of twin A in relationship to the mother, even though the ultrasound from Florida Perinatal Associates states that twin B is located toward the maternal right;
- b. By failing to clearly differentiate the sex of the fetuses by ultrasound even though twin A (the affected one) was a male and twin B was a female;
- c. By failing to identify the affected twin by ultrasound even though the affected twin had multiple anomalies including a cystic hygroma, shortened long bones, and possible A-F canal, whereas twin B's ultrasound was normal;
- d. By failing to perform a thorough ultrasound examination in order to identify the correct fetus;
- e. By failing to document his attempts to identify the sex or multiple anomalies previously reported for twin A;
- f. By performing a feticide in the non-affected fetus.

52. Petitioner has proved the allegations in above-paragraph 51 by clear and convincing evidence. Dr. Kachinas did

not identify the male fetus with the anomalies, did not correctly identify the position of the twins, failed to perform a thorough ultrasound examination, failed to document his attempts to identify the correct fetus, and performed a feticide on the normal twin. Thus, Petitioner has established that Dr. Kachinas violated Subsection 458.331(1)(t), Florida Statutes (2005), by committing gross medical malpractice.

53. In Count 2 of the Administrative Complaint, Petitioner alleges that Dr. Kachinas violated Subsection 458.331(1)(m), Florida Statutes (2005), by failing to document his attempts to identify the sex or multiple anomalies previously reported for Twin A. Petitioner has established this allegation by clear and convincing evidence. Dr. Kachinas violated Subsection 458.331(1)(m), Florida Statutes (2005).

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED as to DOAH Case No. 09-4678PL that a final order be entered finding that Dr. Kachinas violated Subsection 458.331(1)(t), Florida Statutes (2002), by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances; finding that Dr. Kachinas did not violate Subsection 458.331(1)(m),

Florida Statutes (2002); imposing an administrative fine of \$2,500; and placing Dr. Kachinas on probation for one year.

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED as to DOAH Case No. 09-4679PL that a final order be entered finding that Dr. Kachinas did not violate Subsections 456.072(1)(1) and 458.331(1)(t), Florida Statutes (2003); finding that Dr. Kachinas violated Subsection 458.331(1)(m), Florida Statutes (2003); imposing an administrative fine of \$1,000; and placing Dr. Kachinas on probation for one year.

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED as to DOAH Case No. 09-4680PL that a final order be entered finding that Dr. Kachinas violated Subsection 458.331(1)(t), Florida Statutes (2005), by committing gross medical malpractice; finding that Dr. Kachinas violated Subsection 458.331(1)(m), Florida Statutes (2005); imposing an administrative fine of \$2,000 and placing him on probation for one year for the violation of Subsection 458.331(1)(m), Florida Statutes (2005); and revoking his license for the violation of Subsection 458.331(1)(t), Florida Statutes (2005).

DONE AND ENTERED this 26th day of January, 2010, in
Tallahassee, Leon County, Florida.

Susan B. Harrell

SUSAN B. HARRELL
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 26th day of January, 2010.

ENDNOTES

1/ The original documents were produced at the final hearing and were inspected by the Administrative Law Judge. Copies of the original documents were submitted in evidence. The difference in the color of the paper was evident in the original, but, obviously, is not evident in a photocopy.

2/ The nuchal fold is the measurement of the back of the neck of the fetus of the skin to the inside part of the head.

3/ The Administrative Complaint did not allege that no history was taken prior to the insertion of the Laminaria. The Administrative Complaint alleged only that no history was taken.

COPIES FURNISHED:

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Grace Kim, Esquire
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Tallahassee, Florida 32399

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Longboat Key, Florida 34228

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Tallahassee, Florida 32399-1701

Larry McPherson, Executive Director
Board of Medicine
Department of Health
4052 Bald Cypress Way
Tallahassee, Florida 32399-1701

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

Please find exceptions for cases

DOA H cases: 09-4678 PL

09-4679 PL

09-4680 PL

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angela Bacht*
DATE 2/19/2010

M. Kachinas
941-685-6922
941-806-7401

BOARD OF MEDICINE
2010 FEB 11 PM 5:33

9670

EXCEPTIONS Case 09-4678PL

Item 40

Transport of medication is not the practice of medicine. Item 41 states as does the testimony that no medication transported was ever used. Dr. Kachinas acted only as a courier in this instance and not subject to rules of medical practice.

Case 09-4679PL

Item 20

As Gomez stated, he only uses KCl injection and has no experience with digoxin. Since KCl is essentially immediate his testimony of documenting time of death is the same as documenting the time of the amniocentesis. Digoxin, when it works, can as stated at trial up to 6 hours to effect demise, and patients are not monitored overnight. Even on Labor and Delivery previable fetuses are not monitored during the labor process and if demise occurs before delivery the exact time is unknown. The death certificate has only one box for fetal death: Did it occur before or during labor? Before was listed since the patient as stated in the hearing did not enter a true labor pattern until after her transfer to the hospital.

Case 09-4680PL

Item 30

Inaccurate synopsis. The patient was referred for both a selective fetucide and the second amniocentesis. Ramos was incapable of performing. The fetucide would be performed with digoxin where the demise was confirmed by ultrasound the following morning (in contrast to case 09-4679PL).

Item 32

Twin B at that time was classified as Twin A by the standard technique of relative position. (Vertex/footlin breech.)

Item 33

Dr. Ramos' own schematic diagram shows that the fetuses were more over and under than left and right. If the fetuses were right and left, why did the amniocentesis Dr. Kachinas did from the far left position return fluid from the targeted or "right sided" fetus?

Item 34

Level 2 ultrasounds are the standard of care for physicians held out as maternal fetal medicine specialists. General OB/GYN's standard of care ends with level 1 evaluation.

Item 35

As stated in the testimony, despite careful evaluation with a limited ultrasound machine Dr. Kachinas saw no cystic hygroma and the assessment

of the femurs were close enough that the mild growth discordance could have been present.

Item 36

Dr. Morales ultrasound report makes no mention of a cystic hygroma. This is consistent with Dr. Kachinas being unable to visualize this anomaly or use it as an identification criteria. Court deposition testimony also states that cystic hygromas can spontaneously resolve and further as Dr. Kachinas testified, no cystic hygroma was seen on the specimens after completion of the termination. Yes, the patient returned to Dr. Kachinas for removal of the entire pregnancy. Please note the confusion in the statements from items 34 and 36:

Item 34 "Dr. Kachinas failed to perform an adequate ultrasound evaluation by failing to identify the anomalies and gender of Twin A" ..(affected twin).

Item 36 "The presentation of Twin A was shown by ultrasound as cephalic bottom" (targeted twin whose amniotic sac was then sampled and determined to be nonafflicted).

Items 51-53

As stated during the hearing and deposition, despite careful evaluation with my limited ultrasound machine, no cystic hygroms could be identified, (no cystic hygroma is mentioned on the hard copy of the ultrasound done 1/24/06) and the assessment of the femurs were close enough that mild growth discordance could have just as easily been diagnosed.

Therefore as stated, the two main means of identification were the fetuses relative positions (Vertex/Breech) and gender assignment. Unfortunately, this is where the limitation of resolution and artefact resulted in gender misassignment. However, the misassignment occurred after many minutes of study. This could have been corroborated by the patient and her husband but the state chose not to subpoena them and I had no understanding of how to do either at the time. As the testimony records, the patient still had confidence to return to the office and have the pregnancy fully terminated, indicating that they were satisfied with the comprehensive evaluation and care she had received.

Therefore, it wasn't that Dr. Kachinas failed to identify the fetuses. Rather he utilized the standard methods of identification, that were left, when no overt anomaly could be identified and the positions of left and right was actually over and under (remember the access site for the 2nd amniosentesis on the left) Dr. Kachinas unknowingly confounded by the image resolution producing the error in gender assignment that led to the targeting of the wrong fetus.

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Ang L. Carr*
DATE: 2-23-10

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOAH Case Nos. 09-4678PL, 09-4679PL,
& 09-4680PL
DOH Case Nos. 2003-25155, 2004-19966,
& 2007-30311

MATTHEW J. KACHINAS, M.D.,

Respondent.

**RESPONSE TO RESPONDENT'S EXCEPTIONS TO
RECOMMENDED ORDER**

COMES NOW the Department of Health, Petitioner, and files its Response
to Respondent's Exceptions to Recommended Order, and states:

1. The Board of Medicine may reject or modify a Recommended Order only
as allowed in Section 120.57(1)(l), Florida Statutes (2009), which provides as follows:

(l) The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rule and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the

findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

2. Respondent has asked the Board to reject or modify not only conclusions of law, but also findings of fact; however, Respondent has not satisfied the requirements of Section 120.57(1)(l), Florida Statutes (2009).

3. The Board and the Administrative Law Judge (ALJ) have very distinct, but equally important, roles in formal administrative hearings. It is the ALJ's function to consider all the evidence presented, resolve conflicts, assess credibility of witnesses, draw permissible inferences from the evidence, and reach ultimate findings of fact based upon competent substantial evidence. Heifetz v. Dept. of Business Regulation, 475 So. 2d 1277 (Fla. 1st DCA 1985); Goss v. District School Board of St. John's County, 601 So. 2d 1232 (Fla. 5th DCA 1992); Cenac v. Florida State Board of Accountancy, 399 So. 2d 1013 (Fla. 1981); and Bejarano v. Department of Education, Division of Vocational Rehabilitation, 901 So. 2d 891, 892 (Fla. 4th DCA 2005). This is not the province of the Board and is clearly the exclusive purview of the ALJ. The ALJ in this case fulfilled her role and the Respondent's request that this Board make ultimate findings of fact by reaching different facts or altering the facts found by the ALJ is improper.

4. The Board's role is to review the entire record and the Recommended Order, determine whether there is competent, substantial evidence to support the findings of fact that were made; whether the conclusions of law that are within the

Board's substantive jurisdiction are correct; and whether the penalty should be reduced or increased, based on a review of the entire record and findings that justify such a reduction or increase. Petitioner only reiterates these roles because of the unique exceptions that Respondent asserts regarding adding findings and then changing conclusions based on these added findings.

5. Respondent addresses exceptions without regard to whether each paragraph is a Finding of Fact or Conclusion of Law. To allow for more orderly presentation, Petitioner will reserve responses to exceptions to Conclusions of Law 40 and 51-53 until all exceptions to Findings of Fact have been addressed.

6. Respondent's first exception is to Finding of Fact 20. In this exception, he asks the Board to reweigh the evidence. The credible documentation does not indicate the time of the fetal demise. (Pet. Exh. 4 p. 83; TR Vol. 1 pp. 89-90; R. Exh. 1). The ALJ found that the testimony of Dr. Gomez was credible that a physician is required to document the time of the fetal demise. (TR Vol. I, p. 133). The remainder of the exception is comprised of rambling questions and statements that do not relate to Finding of Fact 20. The Department is unable to adequately understand or respond to this portion of the exception. This exception should be denied.

7. Respondent takes exception to Finding of Fact 30. Finding of Fact 30 is supported by competent, substantial evidence. (P. Exh. 8 p. 100; P. Exh. 11 p. 14; TR Vol. 1 pp. 23, 100, 101). This exception should be denied.

8. Respondent takes exception to Finding of Fact 32. Finding of Fact 32 is supported by competent, substantial evidence in the form of the testimony of Dr. Gomez. (TR Vol. 1 pp. 102-104). This exception should be denied.

9. Respondent takes exception to Finding of Fact 33. Finding of Fact 33 is supported by competent, substantial evidence. (TR Vol. I pp. 22, 106, 190; Exh. 9, p. 42). This exception should be denied.

10. Respondent takes exception to Finding of Fact 34. Finding of Fact 34 is supported by competent substantial evidence. (TR Vol. I pp. 100, 102-106, 188, 190-191). This exception should be denied.

11. Respondent takes exception to Finding of Fact 35. Finding of Fact 35 is supported by competent, substantial evidence. Further, the ALJ clearly found the testimony of Dr. Gomez in conjunction with the medical records to be more credible than that of Respondent as to whether he conducted an adequate ultrasound before terminating the incorrect twin. (TR Vol. 1 pp. 103, 104, 164, 166-167, 188, 189, 190; TR Vol. 3 pp. 88-92; P. Exh. 9). This exception should be denied.

12. Respondent takes exception to Finding of Fact 36. Finding of Fact 36 is supported by competent, substantial evidence. The ALJ clearly credited the deposition testimony of Dr. Morales regarding the existence of the cystic hygroma on ultrasound when Patient KM returned 11 days after the selective feticide. (P. Exh. 11, p. 16). There is no inconsistency between Findings of Fact 34 and 36 as argued by Respondent. This exception should be denied.

13. Respondent takes exception to Conclusion of Law 30 to the extent that transporting drugs "by remov[ing] drug vials from a clinic and transport[ing] them to another clinic by strapping them to his leg and covering the vial with his sock and pants" is contemplated within the term "practice of medicine." Because Section 458.331(1)(t), Florida Statutes (2002), is a statute within the substantive jurisdiction of the Board of Medicine, the Board can reject or modify the Conclusion of Law only if it determines that its interpretation of the statute is as or more reasonable than the ALJ's interpretation. Because the ALJ's conclusion is reasonable under the facts of this case, it should not be disturbed.

14. Respondent takes exception to Conclusion of Law 51-53 collectively. As discussed individually above, for the Board to reject or modify any of these Conclusions of Law, it would first have to reject or modify one or more Finding of Fact. The ALJ had appropriately resolved credibility issues and evaluated the competent, substantial evidence in making each Finding of Fact. Respondent is simply asking this Board to substitute its judgment for that of the ALJ in the face of overwhelming evidence supporting the Recommended Order. The exceptions to Conclusions of Law 51-53 should be denied.

Wherefore, the Department requests that Respondent's Exceptions to Recommended Final Order be denied.

Respectfully submitted this 23rd day of February, 2010.



Diane K. Kiesling, Assistant General Counsel
DOH-Prosecution Services Unit
4052 Bald Cypress Way Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar # 233285
(850) 245-4640
(850) 245-4681 fax

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Respondent's Exceptions to Recommended Order has been furnished to Matthew J. Kachinas, M.D., by second day over-night carrier at 1590 Harbor Cay Lane, Longboat Key, Florida 34228 by postage-paid U.S. Mail, Hand-Delivery, E-mail, Facsimile Transmission, and/or Second Day Over-Night Mail this 23rd day of February, 2010.



Diane K. Kiesling
Assistant General Counsel

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angela Baiter*
DATE 2/17/2010

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Numbers 2003-25155,
2004-19966, & 2007-30311
DOAH Case Numbers 09-4678PL,
09-4679PL, & 09-4680PL

MATTHEW JAY KACHINAS, M.D.,

Respondent.

MOTION TO ASSESS COSTS
IN ACCORDANCE WITH SECTION 456.072(4)

COMES NOW the Department of Health, by and through undersigned counsel, and moves the Board of Medicine for the entry of a Final Order assessing costs against the Respondent for the investigation and prosecution of these cases in accordance with Section 456.072(4), Florida Statutes (2000-2002), and Section 456.072(4), Florida Statutes (2003). As grounds therefore, the Petitioner states the following:

1. At its next regularly scheduled meeting, the Board of Medicine will take up for consideration the above-styled disciplinary actions and will enter a Final Order therein.

2. Section 456.072(4), Florida Statutes (2000-2002), the statute in effect and authorizing the Department to assess costs in Case Number 2003-25155, excluded costs for attorney's time. See Aldrete v. Department of Health, 879 So. 2d 1244 (Fla. 1st DCA 2004).

3. For this reason, the Department has not included costs associated with attorney time in assessing costs against Dr. Kachinas in Case Number 2003-25155.

4. Effective September 15, 2003, the date relative to Case Numbers 2004-19966 and 2007-30311, Section 456.072(4), Florida Statutes, was amended to specifically provide boards with the authority to assess costs including costs related to the time spent by an attorney working on a case and provides:

Section 456.072(4), Florida Statutes (2003),¹ states as follows:

In addition to any other discipline imposed through final order, or citation, entered on or after July 1, 2001, pursuant to this section or discipline imposed through final order, or citation, entered on or after July 1, 2001, for a violation of any practice act, the board, or the department when there is not board, shall assess costs related to the investigation and prosecution of the case. Such costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney

¹ Ch. 2003-416, § 19, Laws of Fla., effective September 15, 2003, amended Section 456.072(4), Florida Statutes (2003), to include the underlined language.

and other personnel working on the case, and any other expenses incurred by the department for the case. The board, or the department when there is no board, shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto. . . . (emphasis added)

5. Therefore, the investigation and prosecution of these cases, has resulted in costs in the total amount of \$37,157.76, based on the following itemized statement of costs:

- a. Total costs for Complaints \$250.45
- b. Total costs for Investigations \$7,293.11
- c. Total costs for Legal \$17,636.17
- d. Total costs for expenses \$11,978.03

The Petitioner seeks an assessment of costs against the Respondent in the amount of \$37,157.76, as evidenced in the attached affidavit. (Exhibit A).

6. Should the Respondent file written objections to the assessment of costs, within ten (10) days of the date of this motion, specifying the grounds for the objections and the specific elements of the costs to which the objections are made, the Petitioner requests that the Board determine the amount of costs to be assessed based upon its consideration of the affidavit attached as Exhibit A and any timely-filed written objections.

7. Petitioner requests that the Board grant this motion and assess costs in the amount of \$37,157.76 as supported by competent, substantial evidence. This assessment of costs is in addition to any other discipline imposed by the Board and is in accordance with Section 456.072(4), Florida Statutes (2001 - 2002), and Section 456.072(4), Florida Statutes (2003).

WHEREFORE, the Department of Health requests that the Board of Medicine enter a Final Order assessing costs against the Respondent in the amount of \$37,157.76.

DATED this 17th day of February, 2010.

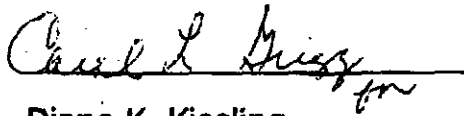
Respectfully submitted,



Diane K. Kiesling
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 233285
(850) 245-4640 EXT. 8137
(850) 245-4681 FAX

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Assess Costs has been provided by U.S. Mail this 17th day of February, 2010, to: Matthew Jay Kachinas, M.D., 1590 Harbor Cay Lane, Longboat Key, Florida 34228.



Diane K. Kiesling
Assistant General Counsel

AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

BEFORE ME, the undersigned authority, personally appeared **ELISA M. FLOYD** who was sworn and states as follows:

- 1) My name is Elisa M. Floyd.
- 2) I am over the age of 18, competent to testify, and make this affidavit upon my own personal knowledge and after review of the records at the Florida Department of Health (DOH).
- 3) I am a Regulatory Supervisor/ Consultant (RSC) for the Consumer Services and Compliance Management Unit for DOH. The Consumer Services Unit is where all complaints against Florida health care licensees (e.g., medical doctors, dentists, nurses, respiratory therapists) are officially filed. I have been in my current job position for more than one year. My business address is 4052 Bald Cypress Way, Bin C-75 Tallahassee, Florida 32399-3275.
- 4) As a RSC of the Consumer Services and Compliance Management Unit, my job duties include reviewing data in the Time Tracking System and verifying that the amounts correspond. The Time Tracking System is a computer program which records and tracks DOH's costs regarding the investigation and prosecution of cases against Florida health care licensees.
- 5) As of today, DOH's total costs for investigating and prosecuting DOH case numbers **2003-25155, 2004-19966, & 2007-30311** (Department of Health v. Matthew Jay Kachinas, M.D.) are **FORTY-THREE THOUSAND SIX HUNDRED NINETY-SEVEN DOLLARS AND NINETY-SIX CENTS (\$43,697.96)**.
- 6) The costs for DOH case numbers **2003-25155, 2004-19966, & 2007-30311** (Department of Health v. Matthew Jay Kachinas, M.D.) are summarized in Exhibit 1 (Cost Summary Report), which is attached to this document.
- 7) The itemized costs and expenses for DOH case numbers **2003-25155, 2004-19966, & 2007-30311** (Department of Health v. Matthew Jay Kachinas, M.D.) are detailed in Exhibit 2 (Itemized Cost Report and Itemized Expense Report and receipts), which is attached to this document.

- 8) The itemized costs as reflected in Exhibit 2 are determined by the following method: DOH employees who work on cases daily are to keep track of their time in six-minute increments (e.g., investigators and lawyers). A designated DOH employee in the Consumer Services Unit, Legal Department, and in each area office, inputs the time worked and expenses spent into the Time Tracking System. Time and expenses are charged against a state health care Board (e.g., Florida Board of Medicine, Florida Board of Dentistry, Florida Board of Osteopathic Medicine), and/or a case. If no Board or case can be charged, then the time and expenses are charged as administrative time. The hourly rate of each employee is calculated by formulas established by the Department. (See the Itemized Cost Report)
- 9) Elisa M. Floyd, first being duly sworn, states that she has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of her knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Elisa M. Floyd
Elisa M. Floyd, Affiant

State of Florida
County of Leon

Sworn to and subscribed before me this 16th day of Feb, 2010,
by Elisa M. Floyd, who is personally known to me.

[Handwritten Signature]

Notary Signature



Name of Notary Printed

Stamp Commissioned Name of Notary Public:

Complaint Cost Summary

Complaint Number: 200325155

Complainant's Name: PHYSICIANS RESOURCE NETWORK

Subject's Name: KACHINAS, MATTHEW JAY

| ***** Cost to Date ***** | | |
|-----------------------------|--------|-------------|
| | Hours | Costs |
| Complaint: | 0.50 | \$30.13 |
| Investigation: | 70.60 | \$4,067.22 |
| Legal: | 59.60 | \$6,540.20 |
| Compliance: | 0.00 | \$0.00 |
| | ***** | ***** |
| Sub Total: | 130.70 | \$10,637.55 |
| Expenses to Date: | | \$4,504.00 |
| Prior Amount: | | \$0.00 |
| Total Costs to Date: | | \$15,141.55 |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200325155

Report Date 02/16/2010

Page 1 of 5

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|------|---------------|---------------|----------------------|
|------------|----------------|------------|------|---------------|---------------|----------------------|

CONSUMER SERVICES UNIT

| | | | | | | |
|-----------|------|---------|---------|------------|----|--|
| HA15 | 0.50 | \$60.25 | \$30.13 | 10/17/2003 | 78 | INITIAL REVIEW AND ANALYSIS OF COMPLAINT |
| Sub Total | 0.50 | | \$30.13 | | | |

INVESTIGATIVE SERVICES UNIT

| | | | | | | |
|-------|------|---------|----------|------------|-----|--|
| TI40 | 2.00 | \$57.73 | \$115.46 | 10/29/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 0.50 | \$57.73 | \$28.87 | 10/30/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 2.00 | \$57.73 | \$115.46 | 11/13/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 2.00 | \$57.73 | \$115.46 | 11/14/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.00 | \$51.28 | \$51.28 | 12/03/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 2.00 | \$51.28 | \$102.56 | 12/11/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.00 | \$51.28 | \$51.28 | 12/16/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.00 | \$51.28 | \$51.28 | 12/17/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.00 | \$51.28 | \$51.28 | 12/30/2003 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 2.50 | \$51.28 | \$128.20 | 01/07/2004 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.50 | \$51.28 | \$76.92 | 01/08/2004 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 2.50 | \$51.28 | \$128.20 | 01/08/2004 | 76 | REPORT PREPARATION |
| TI40 | 1.00 | \$51.28 | \$51.28 | 03/17/2004 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI40 | 1.00 | \$51.28 | \$51.28 | 04/06/2004 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI45 | 1.50 | \$60.55 | \$90.83 | 04/07/2004 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI40 | 1.00 | \$51.28 | \$51.28 | 04/07/2004 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI40 | 1.00 | \$72.32 | \$72.32 | 07/10/2008 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI40 | 1.00 | \$63.04 | \$63.04 | 10/08/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI46 | 3.50 | \$63.04 | \$220.64 | 10/13/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI115 | 2.50 | \$69.44 | \$173.60 | 10/13/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI115 | 5.00 | \$69.44 | \$347.20 | 10/13/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI115 | 1.00 | \$69.44 | \$69.44 | 10/16/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI115 | 4.00 | \$49.97 | \$199.88 | 10/22/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI122 | 1.90 | \$65.23 | \$123.94 | 10/23/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200325155

Report Date 02/16/2010

Page 2 of 5

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------------|----------------|------------|-------------------|---------------|---------------|--|
| TI46 | 10.00 | \$49.97 | \$499.70 | 10/23/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI129 | 3.50 | \$58.56 | \$204.96 | 10/23/2009 | 9100 | UL-SERVICE OF A.C.'S, SUBPOENAS, NOTICE TO CEASE & DESIST |
| TI129 | 3.50 | \$58.56 | \$204.96 | 10/23/2009 | 9100 | UL-SERVICE OF A.C.'S, SUBPOENAS, NOTICE TO CEASE & DESIST |
| TI46 | 4.00 | \$49.97 | \$199.88 | 10/27/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI122 | 0.90 | \$65.23 | \$58.71 | 10/27/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI115 | 0.80 | \$69.44 | \$55.55 | 10/30/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI115 | 4.00 | \$69.44 | \$277.76 | 11/02/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI115 | 0.50 | \$69.44 | \$34.72 | 11/03/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| Sub Total | 70.60 | | \$4,067.22 | | | |

PROSECUTION SERVICES UNIT

| | | | | | | |
|-------|------|----------|----------|------------|----|---|
| HL12A | 1.50 | \$100.00 | \$150.00 | 01/23/2004 | 78 | INITIAL REVIEW AND ANALYSIS OF COMPLAINT |
| HL15A | 0.40 | \$78.08 | \$31.23 | 02/03/2004 | 35 | TELEPHONE CALLS |
| HL15A | 1.70 | \$78.08 | \$132.74 | 03/23/2004 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 0.50 | \$141.12 | \$70.56 | 05/17/2006 | 25 | REVIEW CASE FILE |
| HL12A | 1.00 | \$100.00 | \$100.00 | 08/09/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.20 | \$141.12 | \$28.22 | 08/09/2006 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.40 | \$141.12 | \$56.45 | 08/09/2006 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.20 | \$141.12 | \$28.22 | 08/09/2006 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.40 | \$141.12 | \$56.45 | 08/09/2006 | 70 | CONFERENCES WITH LAWYERS |
| HL12A | 1.00 | \$100.00 | \$100.00 | 08/09/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL12A | 1.00 | \$100.00 | \$100.00 | 08/15/2006 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT |
| HL12A | 1.70 | \$100.00 | \$170.00 | 12/05/2006 | 89 | PROBABLE CAUSE PREPARATION |
| HL12A | 1.70 | \$100.00 | \$170.00 | 12/05/2006 | 89 | PROBABLE CAUSE PREPARATION |
| HL58B | 0.20 | \$141.12 | \$28.22 | 12/05/2006 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.30 | \$141.12 | \$42.34 | 12/06/2006 | 70 | CONFERENCES WITH LAWYERS |
| HL12A | 1.00 | \$100.00 | \$100.00 | 12/12/2006 | 90 | POST PROBABLE CAUSE PROCESSING |
| HL12A | 0.50 | \$100.00 | \$50.00 | 01/05/2007 | 79 | STIPULATION |
| HL12A | 0.10 | \$100.00 | \$10.00 | 01/08/2007 | 79 | STIPULATION |
| HL12A | 1.00 | \$100.00 | \$100.00 | 01/09/2007 | 79 | STIPULATION |
| HL58B | 0.20 | \$141.12 | \$28.22 | 04/17/2007 | 70 | CONFERENCES WITH LAWYERS |

**Time Tracking System
Itemized Cost by Complaint**

Complaint: 200325155

Report Date 02/16/2010

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|---|
| HL58B | 0.40 | \$141.12 | \$56.45 | 04/17/2007 | 25 | REVIEW CASE FILE |
| HL58B | 0.60 | \$91.00 | \$54.60 | 12/04/2007 | 36 | PREPARATION OR REVISION OF LETTER |
| HL58B | 0.50 | \$91.00 | \$45.50 | 12/13/2007 | 35 | TELEPHONE CALLS |
| HL58B | 0.50 | \$91.00 | \$45.50 | 12/13/2007 | 35 | TELEPHONE CALLS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 01/18/2008 | 25 | REVIEW CASE FILE |
| HL58B | 0.40 | \$111.56 | \$44.62 | 01/18/2008 | 35 | TELEPHONE CALLS |
| HL12A | 0.20 | \$100.00 | \$20.00 | 01/22/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 01/22/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.30 | \$111.56 | \$33.47 | 07/07/2008 | 35 | TELEPHONE CALLS |
| HLL64A | 0.20 | \$111.56 | \$22.31 | 07/07/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.30 | \$111.56 | \$33.47 | 07/09/2008 | 35 | TELEPHONE CALLS |
| HL58B | 0.10 | \$111.56 | \$11.16 | 07/09/2008 | 79 | STIPULATION |
| HL58B | 0.10 | \$111.56 | \$11.16 | 07/11/2008 | 79 | STIPULATION |
| HL58B | 0.30 | \$111.56 | \$33.47 | 12/10/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.40 | \$111.56 | \$44.62 | 01/14/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.20 | \$111.56 | \$22.31 | 02/03/2009 | 36 | PREPARATION OR REVISION OF LETTER |
| HL58B | 0.20 | \$111.56 | \$22.31 | 02/03/2009 | 79 | STIPULATION |
| HLL69A | 2.50 | \$111.56 | \$278.90 | 02/19/2009 | 14 | TRAINING |
| HL58B | 0.70 | \$111.56 | \$78.09 | 02/24/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$114.59 | \$22.92 | 06/09/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.30 | \$114.59 | \$34.38 | 07/27/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 1.80 | \$114.59 | \$206.26 | 07/27/2009 | 39 | PREPARE/RESPOND TO DISCOVERY |
| HL58B | 1.70 | \$114.59 | \$194.80 | 07/28/2009 | 39 | PREPARE/RESPOND TO DISCOVERY |
| HL58B | 0.30 | \$114.59 | \$34.38 | 08/10/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.30 | \$114.59 | \$34.38 | 08/19/2009 | 39 | PREPARE/RESPOND TO DISCOVERY |
| HL58B | 0.20 | \$112.43 | \$22.49 | 08/26/2009 | 88 | PROOFING AND SIGNING LETTERS |
| HL58B | 0.10 | \$112.43 | \$11.24 | 08/27/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.30 | \$112.43 | \$33.73 | 08/28/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HLL61B | 0.20 | \$112.43 | \$22.49 | 09/01/2009 | 88 | PROOFING AND SIGNING LETTERS |
| HL58B | 0.50 | \$112.43 | \$56.22 | 09/23/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/06/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 0.30 | \$112.43 | \$33.73 | 10/07/2009 | 47 | TRIAL PREPARATION |

***** CONFIDENTIAL *****
Time Tracking System
Itemized Cost by Complaint

Complaint 200325155

Report Date 02/16/2010

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|--|
| HL58B | 0.60 | \$112.43 | \$67.46 | 10/21/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 0.60 | \$112.43 | \$67.46 | 10/22/2009 | 47 | TRIAL PREPARATION |
| HL12A | 0.50 | \$100.00 | \$50.00 | 10/23/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 2.00 | \$112.43 | \$224.86 | 10/25/2009 | 58 | TRAVEL TIME |
| HL58B | 0.40 | \$112.43 | \$44.97 | 10/25/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/26/2009 | 45 | PREHEARING MOTION/CONFERENCE CALL |
| HL58B | 1.00 | \$112.43 | \$112.43 | 10/26/2009 | 44 | DEPOSITIONS |
| HL58B | 2.00 | \$112.43 | \$224.86 | 10/27/2009 | 58 | TRAVEL TIME |
| HL58B | 0.30 | \$112.43 | \$33.73 | 11/05/2009 | 38 | REVIEW DISCOVERY REQUESTS/RESPONSES |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 11/06/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 0.60 | \$112.43 | \$67.46 | 11/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.90 | \$112.43 | \$101.19 | 11/12/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/12/2009 | 45 | PREHEARING MOTION/CONFERENCE CALL |
| HL58B | 0.20 | \$112.43 | \$22.49 | 11/13/2009 | 46 | LEGAL RESEARCH |
| HL58B | 1.00 | \$112.43 | \$112.43 | 11/13/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.30 | \$112.43 | \$33.73 | 11/13/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 1.40 | \$112.43 | \$157.40 | 11/16/2009 | 4 | ROUTINE INVESTIGATIVE WORK |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/17/2009 | 47 | TRIAL PREPARATION |
| HL58B | 2.00 | \$112.43 | \$224.86 | 11/17/2009 | 58 | TRAVEL TIME |
| HL58B | 2.30 | \$112.43 | \$258.59 | 11/18/2009 | 48 | FORMAL HEARING |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/18/2009 | 47 | TRIAL PREPARATION |
| HL58B | 2.00 | \$112.43 | \$224.86 | 11/19/2009 | 58 | TRAVEL TIME |
| HL58B | 1.50 | \$112.43 | \$168.65 | 11/19/2009 | 48 | FORMAL HEARING |
| HL58B | 0.50 | \$112.43 | \$56.22 | 12/14/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.00 | \$112.43 | \$112.43 | 12/15/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.00 | \$112.43 | \$112.43 | 12/16/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 1.90 | \$112.43 | \$213.62 | 12/17/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 2.00 | \$112.43 | \$224.86 | 12/18/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.20 | \$112.43 | \$134.92 | 12/21/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 0.50 | \$112.43 | \$56.22 | 01/27/2010 | 50 | REVIEW FINAL AGENCY ACTION CASES |

#itemizedcost

-- FOR INTERNAL USE ONLY --

Time Tracking System
Itemized Cost by Complaint

Complaint 200325155

Report Date 02/16/2010

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|-------------------|----------------|------------|-------------|---------------|---------------|----------------------|
| Sub Total | | | | | | |
| | 59.60 | | \$6,540.20 | | | |
| Total Cost | | | | | | |
| | | | \$10,637.55 | | | |

***** CONFIDENTIAL *****
Time Tracking System
Itemized Expense by Complaint
Complaint 200325155

Report Date: 02/16/2010

Page 1 of 1

| Staff Code | Expense Date | Expense Amount | Expense Code | Expense Code Description |
|----------------------------------|-----------------------|-------------------|--------------|---------------------------|
| PROSECUTION SERVICES UNIT | | | | |
| HLLSA | 04/30/2004 | \$1,600.00 | 131300 | CONSULTING |
| HL58B | 11/18/2009 | \$312.96 | 131400 | COURT REPORTING |
| HL58B | 11/19/2009 | \$193.96 | 131400 | COURT REPORTING |
| HL58B | 11/09/2009 | \$25.00 | 131400 | COURT REPORTING |
| HL58B | 11/13/2009 | \$161.33 | 131400 | COURT REPORTING |
| HL58B | 11/17/2009 | \$71.21 | 131400 | COURT REPORTING |
| HL58B | 11/18/2009 | \$1,600.00 | 131800 | EXPERT WITNESS FEES |
| HLL73B | 11/19/2009 | \$128.00 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HL58B | 11/19/2009 | \$115.83 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HLL73B | 10/26/2009 | \$40.50 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HL58B | 10/26/2009 | \$80.94 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HL58B | 11/09/2009 | \$65.33 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HLL73B | 11/09/2009 | \$108.94 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| | Sub Total | \$4,504.00 | | |
| | Total Expenses | \$4,504.00 | | |

Itemized Expense

— FOR INTERNAL USE ONLY —

Florida Department of Health

Complaint Cost Summary

Complaint Number: 200419966

Complainant's Name: DOH (B.E.S.) 0004307

Subject's Name: KACHINAS, MATTHEW JAY

| | ***** Cost to Date ***** | |
|-----------------------------|--------------------------|-------------|
| | Hours | Costs |
| Complaint: | 4.10 | \$220.32 |
| Investigation: | 27.80 | \$1,755.84 |
| Legal: | 89.20 | \$10,307.54 |
| Compliance: | 0.00 | \$0.00 |
| | ***** | ***** |
| Sub Total: | 121.10 | \$12,283.70 |
| Expenses to Date: | | \$3,370.00 |
| Prior Amount: | | \$0.00 |
| Total Costs to Date: | | \$15,653.70 |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200419966

Staff Code Activity Hours Staff Rate Activity Date Activity Code Activity Description

CONSUMER SERVICES UNIT

| | | | | | |
|------------------|-------------|-----------------|------------|----|---|
| HA78 | 0.70 | \$51.61 | 05/17/2004 | 82 | MQA REPORT ENTRY |
| HA78 | 0.20 | \$51.61 | 06/23/2004 | 5 | ROUTINE INSPECTION |
| HA78 | 0.40 | \$51.61 | 08/04/2004 | 5 | ROUTINE INSPECTION |
| HA78 | 0.30 | \$51.61 | 11/05/2004 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.10 | \$51.61 | 11/23/2004 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.40 | \$51.61 | 01/11/2005 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.30 | \$51.61 | 02/07/2005 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.40 | \$51.61 | 03/17/2005 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.20 | \$51.61 | 04/08/2005 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.50 | \$52.41 | 06/29/2005 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.30 | \$52.41 | 09/09/2005 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.60 | \$52.96 | 10/20/2005 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HA78 | 1.20 | \$53.87 | 01/24/2006 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 1.00 | \$53.87 | 04/06/2006 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA78 | 0.40 | \$53.87 | 04/17/2006 | 25 | REVIEW CASE FILE |
| HA78 | 1.00 | \$51.07 | 06/08/2006 | 78 | INITIAL REVIEW AND ANALYSIS OF COMPLAINT |
| HA78 | 0.80 | \$48.83 | 11/10/2009 | 25 | REVIEW CASE FILE |
| Sub Total | 8.80 | \$468.48 | | | |

INVESTIGATIVE SERVICES UNIT

| | | | | | |
|------|------|----------|------------|----|----------------------------|
| TI40 | 2.00 | \$62.33 | 06/20/2006 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.00 | \$62.33 | 07/11/2006 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.00 | \$62.33 | 07/27/2006 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 0.50 | \$62.33 | 07/27/2006 | 76 | REPORT PREPARATION |
| TI40 | 1.50 | \$62.33 | 07/28/2006 | 76 | REPORT PREPARATION |
| TI40 | 3.00 | \$186.99 | 07/28/2006 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI40 | 1.00 | \$62.33 | 08/01/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| TI40 | 1.00 | \$62.33 | 12/13/2006 | 6 | SUPPLEMENTAL INVESTIGATION |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200419966

Report Date 02/16/2010

Page 2 of 7

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------------|----------------|------------|-------------------|---------------|---------------|--|
| T140 | 1.00 | \$62.33 | \$62.33 | 12/14/2006 | 6 | SUPPLEMENTAL INVESTIGATION |
| T140 | 1.50 | \$72.32 | \$108.48 | 12/07/2007 | 6 | SUPPLEMENTAL INVESTIGATION |
| J175 | 0.50 | \$79.13 | \$39.57 | 12/12/2007 | 6 | SUPPLEMENTAL INVESTIGATION |
| J175 | 1.70 | \$79.13 | \$134.52 | 12/19/2007 | 58 | TRAVEL TIME |
| J175 | 0.30 | \$79.13 | \$23.74 | 12/19/2007 | 6 | SUPPLEMENTAL INVESTIGATION |
| J175 | 0.50 | \$79.13 | \$39.57 | 01/17/2008 | 6 | SUPPLEMENTAL INVESTIGATION |
| T140 | 0.40 | \$63.04 | \$25.22 | 07/21/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| T140 | 0.50 | \$63.04 | \$31.52 | 08/03/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| T140 | 1.50 | \$63.04 | \$94.56 | 08/06/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| T140 | 0.20 | \$63.04 | \$12.61 | 08/06/2009 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| T140 | 1.00 | \$63.04 | \$63.04 | 09/04/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| T1127 | 2.00 | \$63.04 | \$126.08 | 09/08/2009 | 58 | TRAVEL TIME |
| T140 | 0.50 | \$63.04 | \$31.52 | 09/08/2009 | 6 | SUPPLEMENTAL INVESTIGATION |
| T1129 | 0.50 | \$38.56 | \$29.28 | 09/08/2009 | 9004 | UL-ROUTINE INVESTIGATIVE WORK |
| Sub Total | 23.10 | | \$1,507.68 | | | |

PROSECUTION SERVICES UNIT

| | | | | | | |
|--------|------|----------|----------|------------|-----|---|
| HLL42B | 0.10 | \$120.63 | \$12.06 | 08/24/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HLL42B | 2.60 | \$120.63 | \$313.64 | 08/25/2006 | 25 | REVIEW CASE FILE |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 08/25/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 08/28/2006 | 99 | PREPARATION AND FOLLOW THROUGH OF CASES FOR EXPERT REVIEW |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 08/28/2006 | 31 | PREPARE OR REVISE CLOSING ORDER |
| HLL42B | 0.30 | \$120.63 | \$36.19 | 08/31/2006 | 99 | PREPARATION AND FOLLOW THROUGH OF CASES FOR EXPERT REVIEW |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 09/07/2006 | 99 | PREPARATION AND FOLLOW THROUGH OF CASES FOR EXPERT REVIEW |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 10/03/2006 | 60 | MISCELLANEOUS |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 10/03/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 10/05/2006 | 99 | PREPARATION AND FOLLOW THROUGH OF CASES FOR EXPERT REVIEW |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 10/06/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HLL42B | 0.40 | \$120.63 | \$48.25 | 10/10/2006 | 102 | REVIEW EXPERT WITNESS REPORT |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 10/10/2006 | 46 | LEGAL RESEARCH |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 10/11/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200419966

Report Date 02/16/2010

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|--|
| HLL42B | 0.60 | \$120.63 | \$72.38 | 10/16/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF |
| HLL42B | 0.40 | \$120.63 | \$48.25 | 10/16/2006 | 26 | PREPARE OR REVISE MEMORANDUM |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 10/16/2006 | 27 | REVIEW MEMORANDUM |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 11/15/2006 | 46 | LEGAL RESEARCH |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 11/15/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 11/15/2006 | 60 | MISCELLANEOUS |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 11/29/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 11/29/2006 | 60 | MISCELLANEOUS |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 11/29/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF |
| HLL42B | 0.60 | \$120.63 | \$72.38 | 11/29/2006 | 25 | REVIEW CASE FILE |
| HLL42B | 0.30 | \$120.63 | \$36.19 | 12/01/2006 | 114 | CONTACT WITH EXPERTS |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 12/01/2006 | 26 | PREPARE OR REVISE MEMORANDUM |
| HLL42B | 1.20 | \$120.63 | \$144.76 | 12/11/2006 | 46 | LEGAL RESEARCH |
| HLL42B | 0.60 | \$120.63 | \$72.38 | 12/11/2006 | 81 | ESO/ERO |
| HLL42B | 0.40 | \$120.63 | \$48.25 | 12/11/2006 | 102 | REVIEW EXPERT WITNESS REPORT |
| HLL42B | 0.70 | \$120.63 | \$84.44 | 12/11/2006 | 25 | REVIEW CASE FILE |
| HLL42B | 2.00 | \$120.63 | \$241.26 | 12/12/2006 | 46 | LEGAL RESEARCH |
| HLL42B | 2.00 | \$120.63 | \$241.26 | 12/12/2006 | 81 | ESO/ERO |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 12/12/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 12/12/2006 | 115 | CONTACT WITH INVESTIGATORS |
| HLL42B | 0.70 | \$120.63 | \$84.44 | 12/12/2006 | 25 | REVIEW CASE FILE |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 12/12/2006 | 17 | COPYING (HOSPITAL/PATIENT RECORDS) |
| HLL42B | 0.30 | \$120.63 | \$36.19 | 12/12/2006 | 60 | MISCELLANEOUS |
| HLL42B | 0.30 | \$120.63 | \$36.19 | 12/12/2006 | 102 | REVIEW EXPERT WITNESS REPORT |
| HLL42B | 2.40 | \$120.63 | \$289.51 | 12/13/2006 | 25 | REVIEW CASE FILE |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 12/13/2006 | 115 | CONTACT WITH INVESTIGATORS |
| HLL42B | 0.30 | \$120.63 | \$36.19 | 12/13/2006 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 12/13/2006 | 60 | MISCELLANEOUS |
| HLL42B | 2.00 | \$120.63 | \$241.26 | 12/13/2006 | 81 | ESO/ERO |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 12/14/2006 | 103 | REVIEW SUPPLEMENTAL REPORT |
| HLL42B | 0.70 | \$120.63 | \$84.44 | 01/09/2007 | 81 | ESO/ERO |
| HLL42B | 0.50 | \$120.63 | \$60.32 | 01/09/2007 | 46 | LEGAL RESEARCH |
| HLL42B | 0.70 | \$120.63 | \$84.44 | 01/10/2007 | 81 | ESO/ERO |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200419966

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description | Itemized Cost |
|------------|----------------|------------|----------|---------------|---------------|---|---------------|
| HLL42B | 0.30 | \$120.63 | \$36.19 | 01/10/2007 | 102 | REVIEW EXPERT WITNESS REPORT | |
| HLL42B | 0.40 | \$120.63 | \$48.25 | 01/12/2007 | 81 | ESO/ERO | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 01/12/2007 | 25 | REVIEW CASE FILE | |
| HL12A | 2.00 | \$100.00 | \$200.00 | 01/16/2007 | 81 | ESO/ERO | |
| HL58B | 0.30 | \$141.12 | \$42.34 | 01/16/2007 | 70 | CONFERENCES WITH LAWYERS | |
| HLL42B | 1.30 | \$120.63 | \$156.82 | 01/16/2007 | 81 | ESO/ERO | |
| HLL42B | 0.90 | \$120.63 | \$108.57 | 01/16/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. | |
| HLL42B | 0.30 | \$120.63 | \$36.19 | 01/16/2007 | 26 | PREPARE OR REVISE MEMORANDUM | |
| HLL42B | 0.80 | \$120.63 | \$96.50 | 01/16/2007 | 25 | REVIEW CASE FILE | |
| HLL42B | 1.50 | \$120.63 | \$180.95 | 01/16/2007 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT | |
| HLL42B | 0.40 | \$120.63 | \$48.25 | 01/16/2007 | 29 | REVIEW ADMINISTRATIVE COMPLAINT | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 01/16/2007 | 102 | REVIEW EXPERT WITNESS REPORT | |
| HLL42B | 0.30 | \$120.63 | \$36.19 | 01/17/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. | |
| HLL42B | 1.00 | \$120.63 | \$120.63 | 01/17/2007 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 01/17/2007 | 102 | REVIEW EXPERT WITNESS REPORT | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 01/17/2007 | 114 | CONTACT WITH EXPERTS | |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 01/17/2007 | 26 | PREPARE OR REVISE MEMORANDUM | |
| HL12A | 0.90 | \$100.00 | \$90.00 | 01/17/2007 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT | |
| HL12A | 0.60 | \$100.00 | \$60.00 | 01/18/2007 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT | |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 01/18/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. | |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 01/18/2007 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT | |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 01/19/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 01/19/2007 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT | |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 01/19/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 01/22/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. | |
| HLL42B | 0.40 | \$120.63 | \$48.25 | 02/23/2007 | 62 | REVIEW OF CASES FOR PROBABLE CAUSE PANEL | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 02/23/2007 | 63 | PRESENTATION OF CASES TO PROBABLE CAUSE PANEL | |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 02/26/2007 | 90 | POST PROBABLE CAUSE PROCESSING | |
| HLL42B | 0.10 | \$120.63 | \$12.06 | 02/26/2007 | 68 | SIGNING CLOSING ORDERS, ADMINISTRATIVE COMPLAINTS AND REASONAB | |
| HLL42B | 0.60 | \$120.63 | \$72.38 | 03/01/2007 | 79 | STIPULATION | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 03/01/2007 | 79 | STIPULATION | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 03/01/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. | |
| HLL42B | 0.20 | \$120.63 | \$24.13 | 03/02/2007 | 79 | STIPULATION | |

Time Tracking System
Itemized Cost by Complaint

Complaint 200419966

Report Date 02/16/2010

Page 5 of 7

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|---|
| HL42B | 0.10 | \$120.63 | \$12.06 | 03/02/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL42B | 0.20 | \$120.63 | \$24.13 | 03/02/2007 | 90 | POST PROBABLE CAUSE PROCESSING |
| HL42B | 0.10 | \$120.63 | \$12.06 | 03/30/2007 | 35 | TELEPHONE CALLS |
| HL42B | 0.20 | \$120.63 | \$24.13 | 04/02/2007 | 25 | REVIEW CASE FILE |
| HL42B | 0.20 | \$120.63 | \$24.13 | 04/02/2007 | 25 | REVIEW CASE FILE |
| HL42B | 0.10 | \$120.63 | \$12.06 | 04/13/2007 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL48B | 0.20 | \$102.99 | \$20.60 | 09/04/2007 | 25 | REVIEW CASE FILE |
| HL58B | 2.10 | \$141.12 | \$296.35 | 09/27/2007 | 25 | REVIEW CASE FILE |
| HL58B | 0.30 | \$141.12 | \$42.34 | 10/01/2007 | 35 | TELEPHONE CALLS |
| HL58B | 0.20 | \$141.12 | \$28.22 | 10/10/2007 | 36 | PREPARATION OR REVISION OF LETTER |
| HL58B | 1.00 | \$91.00 | \$91.00 | 10/31/2007 | 25 | REVIEW CASE FILE |
| HL58B | 0.50 | \$91.00 | \$45.50 | 11/02/2007 | 60 | MISCELLANEOUS |
| HL58B | 0.20 | \$91.00 | \$18.20 | 11/07/2007 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.10 | \$91.00 | \$9.10 | 11/07/2007 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.60 | \$91.00 | \$54.60 | 12/04/2007 | 36 | PREPARATION OR REVISION OF LETTER |
| HL58B | 0.50 | \$111.56 | \$55.78 | 12/13/2007 | 35 | TELEPHONE CALLS |
| HL58B | 0.90 | \$111.56 | \$100.40 | 01/07/2008 | 113 | CONTACT WITH WITNESSES |
| HL58B | 0.20 | \$111.56 | \$22.31 | 01/18/2008 | 25 | REVIEW CASE FILE |
| HL58B | 0.40 | \$111.56 | \$44.62 | 01/18/2008 | 35 | TELEPHONE CALLS |
| HL12A | 0.20 | \$100.00 | \$20.00 | 01/22/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 01/22/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.30 | \$111.56 | \$33.47 | 07/07/2008 | 35 | TELEPHONE CALLS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 07/07/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 07/07/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 07/07/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 07/07/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL64A | 0.20 | \$111.56 | \$22.31 | 07/09/2008 | 35 | TELEPHONE CALLS |
| HL58B | 0.30 | \$111.56 | \$33.47 | 07/09/2008 | 79 | STIPULATION |
| HL58B | 0.10 | \$111.56 | \$11.16 | 07/11/2008 | 79 | STIPULATION |
| HL58B | 0.30 | \$111.56 | \$33.47 | 12/10/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.40 | \$111.56 | \$44.62 | 01/14/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.20 | \$111.56 | \$22.31 | 02/03/2009 | 36 | PREPARATION OR REVISION OF LETTER |
| HL58B | 0.20 | \$111.56 | \$22.31 | 02/03/2009 | 79 | STIPULATION |

Time Tracking System
Itemized Cost by Complaint

Complaint 200419966

Report Date 02/16/2010

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|---|
| HL58B | 0.70 | \$111.56 | \$78.09 | 02/24/2009 | 47 | TRIAL PREPARATION |
| HL69A | 1.00 | \$111.56 | \$111.56 | 02/26/2009 | 14 | TRAINING |
| HL58B | 0.40 | \$114.59 | \$45.84 | 03/30/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.30 | \$114.59 | \$34.38 | 06/04/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.20 | \$114.59 | \$22.92 | 06/09/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.30 | \$114.59 | \$34.38 | 07/27/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 1.80 | \$114.59 | \$206.26 | 07/27/2009 | 39 | PREPARE/RESPOND TO DISCOVERY |
| HL58B | 0.30 | \$114.59 | \$34.38 | 08/10/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.30 | \$114.59 | \$34.38 | 08/19/2009 | 39 | PREPARE/RESPOND TO DISCOVERY |
| HL58B | 0.20 | \$112.43 | \$22.49 | 08/26/2009 | 88 | PROOFING AND SIGNING LETTERS |
| HL58B | 0.10 | \$112.43 | \$11.24 | 08/27/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.30 | \$112.43 | \$33.73 | 08/28/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL61B | 0.20 | \$112.43 | \$22.49 | 09/01/2009 | 88 | PROOFING AND SIGNING LETTERS |
| HL58B | 0.50 | \$112.43 | \$56.22 | 09/23/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/06/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 0.30 | \$112.43 | \$33.73 | 10/07/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.60 | \$112.43 | \$67.46 | 10/21/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 0.60 | \$112.43 | \$67.46 | 10/22/2009 | 47 | TRIAL PREPARATION |
| HL58B | 2.00 | \$112.43 | \$224.86 | 10/25/2009 | 58 | TRAVEL TIME |
| HL58B | 0.80 | \$112.43 | \$89.94 | 10/25/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/26/2009 | 45 | PREHEARING MOTION/CONFERENCE CALL |
| HL58B | 1.00 | \$112.43 | \$112.43 | 10/26/2009 | 44 | DEPOSITIONS |
| HL58B | 2.00 | \$112.43 | \$224.86 | 10/27/2009 | 58 | TRAVEL TIME |
| HL58B | 0.30 | \$112.43 | \$33.73 | 11/05/2009 | 38 | REVIEW DISCOVERY REQUESTS/RESPONSES |
| HL58B | 0.60 | \$112.43 | \$67.46 | 11/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 11/06/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 1.20 | \$112.43 | \$134.92 | 11/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.90 | \$112.43 | \$101.19 | 11/12/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/12/2009 | 45 | PREHEARING MOTION/CONFERENCE CALL |
| HL58B | 0.20 | \$112.43 | \$22.49 | 11/13/2009 | 45 | PREHEARING MOTION/CONFERENCE CALL |
| HL58B | 1.00 | \$112.43 | \$112.43 | 11/13/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.30 | \$112.43 | \$33.73 | 11/13/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |

***** CONFIDENTIAL *****
Time Tracking System
Itemized Cost by Complaint

Complaint 200419966

Report Date 02/16/2010

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------------|----------------|------------|--------------------|---------------|---------------|--|
| HL58B | 1.30 | \$112.43 | \$146.16 | 11/15/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/16/2009 | 114 | CONTACT WITH EXPERTS |
| HL58B | 1.40 | \$112.43 | \$157.40 | 11/16/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/17/2009 | 47 | TRIAL PREPARATION |
| HL58B | 2.00 | \$112.43 | \$224.86 | 11/17/2009 | 58 | TRAVEL TIME |
| HL58B | 2.30 | \$112.43 | \$258.59 | 11/18/2009 | 48 | FORMAL HEARING |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/18/2009 | 47 | TRIAL PREPARATION |
| HL58B | 1.50 | \$112.43 | \$168.65 | 11/19/2009 | 48 | FORMAL HEARING |
| HL58B | 2.00 | \$112.43 | \$224.86 | 11/19/2009 | 58 | TRAVEL TIME |
| HL58B | 0.50 | \$112.43 | \$56.22 | 12/14/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.00 | \$112.43 | \$112.43 | 12/15/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.00 | \$112.43 | \$112.43 | 12/16/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 1.90 | \$112.43 | \$213.62 | 12/17/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 2.00 | \$112.43 | \$224.86 | 12/18/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.20 | \$112.43 | \$134.92 | 12/21/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 0.50 | \$112.43 | \$56.22 | 01/27/2010 | 50 | REVIEW FINAL AGENCY ACTION CASES |
| Sub Total | 89.70 | | \$10,307.54 | | | |

Total Cost **\$12,283.70**

*** CONFIDENTIAL ***
Time Tracking System
Itemized Expense by Complaint
Complaint 200419966

Report Date: 02/16/2010

Page 1 of 1

| Staff Code | Expense Date | Expense Amount | Expense Code | Expense Code Description |
|------------------------------------|--------------|-----------------------|-------------------|--------------------------------------|
| INVESTIGATIVE SERVICES UNIT | | | | |
| T140 | 09/03/2009 | \$66.00 | 497000 | PAYMENT FOR INFORMATION AND EVIDENCE |
| | | SubTotal | \$66.00 | |
| PROSECUTION SERVICES UNIT | | | | |
| HL58B | 11/18/2009 | \$312.96 | 131400 | COURT REPORTING |
| HL58B | 11/19/2009 | \$193.96 | 131400 | COURT REPORTING |
| HL58B | 11/09/2009 | \$25.00 | 131400 | COURT REPORTING |
| HL58B | 11/13/2009 | \$161.33 | 131400 | COURT REPORTING |
| HL58B | 11/17/2009 | \$71.21 | 131400 | COURT REPORTING |
| HLL42B | 09/11/2006 | \$400.00 | 131630 | EXPERT WITNESS |
| HL58B | 11/18/2009 | \$1,600.00 | 131800 | EXPERT WITNESS FEES |
| HLL73B | 11/19/2009 | \$128.00 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HL58B | 11/19/2009 | \$115.83 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HLL73B | 10/26/2009 | \$40.50 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HL58B | 10/26/2009 | \$80.94 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HL58B | 11/09/2009 | \$65.33 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| HLL73B | 11/09/2009 | \$108.94 | 261010 | TRAVEL - EMLOYEE - IN FLA |
| | | SubTotal | \$3,304.00 | |
| | | Total Expenses | \$3,370.00 | |

Itemized Expense

-- FOR INTERNAL USE ONLY --

Florida Department of Health

Complaint Cost Summary

Complaint Number: 200730311

Complainant's Name: DEPARTMENT OF HEALTH/DEPARTMENT OF FINAN

Subject's Name: KACHINAS, MATTHEW JAY

| ***** Cost to Date ***** | | |
|-----------------------------|--------------|--------------------|
| | Hours | Costs |
| Complaint: | 0.00 | \$0.00 |
| Investigation: | 22.20 | \$1,470.05 |
| Legal: | 65.20 | \$7,328.63 |
| Compliance: | 0.00 | \$0.00 |
| | ***** | ***** |
| Sub Total: | 87.40 | \$8,798.68 |
| Expenses to Date: | | \$4,104.03 |
| Prior Amount: | | \$0.00 |
| Total Costs to Date: | | \$12,902.71 |

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|------|---------------|---------------|----------------------|
|------------|----------------|------------|------|---------------|---------------|----------------------|

CONSUMER SERVICES UNIT

| | | | | | | |
|------------------|-------------|---------|----------------|------------|---|----------------------------|
| HA108 | 0.30 | \$35.00 | \$10.50 | 10/03/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA108 | 0.30 | \$35.00 | \$10.50 | 10/08/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| HA108 | 0.40 | \$35.00 | \$14.00 | 10/18/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| Sub Total | 1.00 | | \$35.00 | | | |

INVESTIGATIVE SERVICES UNIT

| | | | | | | |
|------------------|--------------|---------|-------------------|------------|-----|--|
| TI120 | 1.00 | \$67.69 | \$67.69 | 10/24/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 0.50 | \$67.69 | \$33.85 | 10/24/2007 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI120 | 1.00 | \$67.69 | \$67.69 | 10/24/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 0.50 | \$67.69 | \$33.85 | 10/24/2007 | 100 | SERVICE OF ADMINISTRATIVE COMPLAINTS, SUBPOENAS, NOTICE TO CEASE |
| TI120 | 1.60 | \$67.69 | \$108.30 | 10/29/2007 | 58 | TRAVEL TIME |
| TI120 | 1.20 | \$67.69 | \$81.23 | 10/29/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 1.50 | \$67.69 | \$101.54 | 11/28/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 0.50 | \$67.69 | \$33.85 | 11/29/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 3.00 | \$67.69 | \$203.07 | 12/07/2007 | 58 | TRAVEL TIME |
| TI120 | 2.50 | \$67.69 | \$169.23 | 12/07/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 1.50 | \$67.69 | \$101.54 | 12/10/2007 | 76 | REPORT PREPARATION |
| TI120 | 1.00 | \$67.69 | \$67.69 | 12/10/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 0.80 | \$67.69 | \$54.15 | 12/17/2007 | 4 | ROUTINE INVESTIGATIVE WORK |
| TI120 | 3.80 | \$67.69 | \$257.22 | 12/20/2007 | 76 | REPORT PREPARATION |
| TI120 | 0.80 | \$67.69 | \$54.15 | 12/21/2007 | 76 | REPORT PREPARATION |
| Sub Total | 21.20 | | \$1,435.05 | | | |

PROSECUTION SERVICES UNIT

| | | | | | | |
|-------|------|----------|---------|------------|----|------------------|
| HL58B | 0.80 | \$111.56 | \$89.25 | 02/11/2008 | 25 | REVIEW CASE FILE |
| HL58B | 0.30 | \$111.56 | \$33.47 | 02/12/2008 | 25 | REVIEW CASE FILE |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200730311

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|---|
| HL58B | 3.40 | \$111.56 | \$379.30 | 03/04/2008 | 28 | PREPARE OR REVISE ADMINISTRATIVE COMPLAINT |
| HL58B | 0.50 | \$111.56 | \$55.78 | 03/04/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.50 | \$111.56 | \$55.78 | 04/25/2008 | 89 | PROBABLE CAUSE PREPARATION |
| HL58B | 1.00 | \$111.56 | \$111.56 | 04/25/2008 | 63 | PRESENTATION OF CASES TO PROBABLE CAUSE PANEL |
| HL58B | 0.20 | \$111.56 | \$22.31 | 05/13/2008 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.40 | \$111.56 | \$44.62 | 05/21/2008 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.30 | \$111.56 | \$33.47 | 07/07/2008 | 35 | TELEPHONE CALLS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 07/07/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.20 | \$111.56 | \$22.31 | 07/09/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.30 | \$111.56 | \$33.47 | 07/09/2008 | 35 | TELEPHONE CALLS |
| HL58B | 0.10 | \$111.56 | \$11.16 | 07/09/2008 | 79 | STIPULATION |
| HL58B | 0.10 | \$111.56 | \$11.16 | 07/11/2008 | 79 | STIPULATION |
| HL58B | 0.30 | \$111.56 | \$33.47 | 12/10/2008 | 70 | CONFERENCES WITH LAWYERS |
| HL58B | 0.40 | \$111.56 | \$44.62 | 01/14/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.20 | \$111.56 | \$22.31 | 02/03/2009 | 36 | PREPARATION OR REVISION OF LETTER |
| HL58B | 0.20 | \$111.56 | \$22.31 | 02/03/2009 | 79 | STIPULATION |
| HL58B | 0.70 | \$111.56 | \$78.09 | 02/24/2009 | 47 | TRIAL PREPARATION |
| HL58B | 1.00 | \$111.56 | \$111.56 | 02/26/2009 | 14 | TRAINING |
| HL58B | 0.40 | \$114.59 | \$45.84 | 03/30/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.30 | \$114.59 | \$34.38 | 06/04/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.20 | \$114.59 | \$22.92 | 06/09/2009 | 25 | REVIEW CASE FILE |
| HL58B | 0.30 | \$114.59 | \$34.38 | 07/27/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 1.80 | \$114.59 | \$206.26 | 07/27/2009 | 39 | PREPARE/RESPOND TO DISCOVERY |
| HL58B | 0.30 | \$114.59 | \$34.38 | 08/10/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.30 | \$114.59 | \$34.38 | 08/19/2009 | 39 | PREPARE/RESPOND TO DISCOVERY |
| HL58B | 0.20 | \$112.43 | \$22.49 | 08/26/2009 | 88 | PROOFING AND SIGNING LETTERS |
| HL58B | 0.10 | \$112.43 | \$11.24 | 08/27/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.30 | \$112.43 | \$33.73 | 08/28/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 0.20 | \$112.43 | \$22.49 | 09/01/2009 | 88 | PROOFING AND SIGNING LETTERS |
| HL58B | 0.50 | \$112.43 | \$56.22 | 09/23/2009 | 64 | LEGAL ADVICE/DISCUSSION - BOARD OFFICE, DEPT STAFF OR ATTY GEN OFF. |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/06/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 0.30 | \$112.43 | \$33.73 | 10/07/2009 | 47 | TRIAL PREPARATION |

***** CONFIDENTIAL *****
Time Tracking System
Itemized Cost by Complaint

Complaint 200730311

Report Date 02/16/2010

Page 3 of 4

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------|----------------|------------|----------|---------------|---------------|--|
| HL58B | 0.60 | \$112.43 | \$67.46 | 10/21/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 0.60 | \$112.43 | \$67.46 | 10/22/2009 | 47 | TRIAL PREPARATION |
| HL58B | 2.00 | \$112.43 | \$224.86 | 10/25/2009 | 58 | TRAVEL TIME |
| HL58B | 0.90 | \$112.43 | \$101.19 | 10/25/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 10/26/2009 | 45 | PREHEARING MOTION/CONFERENCE CALL |
| HL58B | 1.00 | \$112.43 | \$112.43 | 10/26/2009 | 44 | DEPOSITIONS |
| HL58B | 2.00 | \$112.43 | \$224.86 | 10/27/2009 | 58 | TRAVEL TIME |
| HL58B | 0.30 | \$112.43 | \$33.73 | 11/05/2009 | 38 | REVIEW DISCOVERY REQUESTS/RESPONSES |
| HL58B | 0.60 | \$112.43 | \$67.46 | 11/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 11/06/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 1.00 | \$112.43 | \$112.43 | 11/06/2009 | 47 | TRIAL PREPARATION |
| HL58B | 5.80 | \$112.43 | \$652.09 | 11/08/2009 | 58 | TRAVEL TIME |
| HL58B | 1.30 | \$112.43 | \$146.16 | 11/09/2009 | 43 | PREPARE FOR DEPOSITION |
| HL58B | 3.20 | \$112.43 | \$359.78 | 11/09/2009 | 44 | DEPOSITIONS |
| HL58B | 6.00 | \$112.43 | \$674.58 | 11/09/2009 | 58 | TRAVEL TIME |
| HL58B | 0.90 | \$112.43 | \$101.19 | 11/12/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.20 | \$112.43 | \$22.49 | 11/12/2009 | 35 | TELEPHONE CALLS |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/12/2009 | 45 | PREHEARING MOTION/CONFERENCE CALL |
| HL58B | 0.20 | \$112.43 | \$22.49 | 11/13/2009 | 46 | LEGAL RESEARCH |
| HL58B | 1.00 | \$112.43 | \$112.43 | 11/13/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.30 | \$112.43 | \$33.73 | 11/13/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/15/2009 | 47 | TRIAL PREPARATION |
| HL58B | 1.00 | \$112.43 | \$112.43 | 11/15/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.30 | \$112.43 | \$33.73 | 11/16/2009 | 114 | CONTACT WITH EXPERTS |
| HL58B | 1.40 | \$112.43 | \$157.40 | 11/16/2009 | 47 | TRIAL PREPARATION |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/17/2009 | 47 | TRIAL PREPARATION |
| HL58B | 2.00 | \$112.43 | \$224.86 | 11/17/2009 | 58 | TRAVEL TIME |
| HL58B | 2.30 | \$112.43 | \$258.59 | 11/18/2009 | 48 | FORMAL HEARING |
| HL58B | 0.40 | \$112.43 | \$44.97 | 11/18/2009 | 47 | TRIAL PREPARATION |
| HL58B | 1.50 | \$112.43 | \$168.65 | 11/19/2009 | 48 | FORMAL HEARING |
| HL58B | 2.00 | \$112.43 | \$224.86 | 11/19/2009 | 58 | TRAVEL TIME |
| HL58B | 0.50 | \$112.43 | \$56.22 | 12/14/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.00 | \$112.43 | \$112.43 | 12/15/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |

**Time Tracking System
Itemized Cost by Complaint**

Complaint 200730311

Report Date 02/16/2010

| Staff Code | Activity Hours | Staff Rate | Cost | Activity Date | Activity Code | Activity Description |
|------------------|----------------|------------|-------------------|---------------|---------------|--|
| HL58B | 1.00 | \$112.43 | \$112.43 | 12/16/2009 | 40 | PREPARATION OF OR REVISION OF A PLEADING |
| HL58B | 1.90 | \$112.43 | \$213.62 | 12/17/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 2.00 | \$112.43 | \$224.86 | 12/18/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 1.20 | \$112.43 | \$134.92 | 12/21/2009 | 49 | REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER |
| HL58B | 0.50 | \$112.43 | \$56.22 | 01/27/2010 | 50 | REVIEW FINAL AGENCY ACTION CASES |
| Sub Total | 65.20 | | \$7,328.63 | | | |

| | |
|-------------------|-------------------|
| Total Cost | \$8,798.68 |
|-------------------|-------------------|



***** CONFIDENTIAL *****
Time Tracking System
Itemized Expense by Complaint
 Complaint 200730311

Report Date: 02/16/2010

Page 1 of 1

| Staff Code | Expense Date | Expense Amount | Expense Code | Expense Code Description |
|----------------------------------|-----------------------|-------------------|--------------|-----------------------------|
| PROSECUTION SERVICES UNIT | | | | |
| HL58B | 11/18/2009 | \$312.96 | 131400 | COURT REPORTING |
| HL58B | 11/19/2009 | \$193.96 | 131400 | COURT REPORTING |
| HL58B | 11/09/2009 | \$25.00 | 131400 | COURT REPORTING |
| HL58B | 11/13/2009 | \$161.34 | 131400 | COURT REPORTING |
| HL58B | 11/17/2009 | \$71.21 | 131400 | COURT REPORTING |
| HL34B | 02/28/2008 | \$1,200.00 | 131800 | EXPERT WITNESS FEES |
| HL58B | 11/18/2009 | \$1,600.00 | 131800 | EXPERT WITNESS FEES |
| HLL73B | 11/19/2009 | \$128.00 | 261010 | TRAVEL - EMOLYOYEE - IN FLA |
| HL58B | 11/19/2009 | \$115.84 | 261010 | TRAVEL - EMOLYOYEE - IN FLA |
| HLL73B | 10/26/2009 | \$40.50 | 261010 | TRAVEL - EMOLYOYEE - IN FLA |
| HL58B | 10/26/2009 | \$80.94 | 261010 | TRAVEL - EMOLYOYEE - IN FLA |
| HLL73B | 11/09/2009 | \$108.94 | 261010 | TRAVEL - EMOLYOYEE - IN FLA |
| HL58B | 11/09/2009 | \$65.34 | 261010 | TRAVEL - EMOLYOYEE - IN FLA |
| | Sub Total | \$4,104.03 | | |
| | Total Expenses | \$4,104.03 | | |

Itemized expense

-- FOR INTERNAL USE ONLY --

Florida Department of Health

STATE OF FLORIDA
 TRAVELER Diane K. Keating
 SOCIAL SECURITY NO. 4779
 TALLAHASSEE-PSU
 HEADQUARTERS
 RESIDENCE (CITY) Tallahassee
 TRAVELER'S ADDRESS 4052 Bald Cypress Way, Bin C-65
 OFFICER/EMPLOYEE / NONEMPLOYEE MID CONTRACTOR
 OPS
 CHECK ONE: OFFICER/EMPLOYEE NONEMPLOYEE MID CONTRACTOR

TRAVEL EXPENSES OF THE STATE
 TRAVEL PERFORMED FROM POINT OF ORIGIN TO ORIGIN
 TRAVELER'S SIGNATURE: *[Signature]*
 SIGNATURE DATE: 11/3/09
 TITLE: Assistant General Counsel

FOR AGENCY USE:
 Invoice No. _____
 Voucher/SWD No. _____
 RF Ck./Warant No. _____
 RF Ck./Warant Date _____
 Agency Voucher No. _____

| TR | ORG | EO_PA | VR | CF | OCA | MOAPS | INVOICE # | TRAN DATE | OBJECT | AMOUNT | OBJECT | AMOUNT | NET AMOUNT DUE THE STATE | PERIOD | AMOUNT | OTHER EXPENSES | TYPE | PCARD CHARGE | |
|------------|-----------------------------|-------|----|----|-----|-------|-----------|-----------|---|---------|--------------|--------|--------------------------|----------|--------------|----------------|------|--------------|--------|
| 10/23/2009 | Tallahassee to Jacksonville | | | | | | | | Travel for Trial | 6:00 AM | | | | | | | | | 133.75 |
| | | | | | | | | | DOH v. Isabelle Shupe M.D. - 2009-01870 | | | | | | | | | | 68.51 |
| | | | | | | | | | DOAH Case No. 09-5241R | | | | | | | | | | |
| | | | | | | | | | Tallahassee to Tallahassee | 5:30 PM | | | | | | | | | 11.50 |
| | | | | | | | | | Tallahassee to Sarasota | 9:00 AM | | | | | | | | | 30.00 |
| | | | | | | | | | DOH v. Matthew Kucharski, M.D. | | | | | | | | | | |
| | | | | | | | | | DOH Case Nos. 2007-2515, 2004-1996 | | | | | | | | | | |
| | | | | | | | | | 2007-39311 | | | | | | | | | | |
| | | | | | | | | | DOAH Case Nos. 09-7679PL, 09-7679PL | | | | | | | | | | |
| | | | | | | | | | 09-7669PL | | | | | | | | | | |
| 10/29/2009 | Deposition in Sarasota | | | | | | | | Travel performed before shuttle pickup | 8:00 PM | | | | | | | | | 80.00 |
| | | | | | | | | | Attorney returned rental car to location in Venice, FL. Attorney went on family sick leave due to family illness. | | | | | | | | | | |
| | | | | | | | | | Notes: The Attorney stayed in Venice with relatives. No hotel charge. | | | | | | | | | | |
| | | | | | | | | | The attorney returned from Jacksonville after 4:00 p.m. Car due back on Saturday before 4:00 p.m. Rental Car used for Attorney having to leave personal car at airport and incurring higher costs by paying airport parking fees. | | | | | | | | | | |
| | | | | | | | | | Statement of Benefits to the State (Conference or Convention) Critical to Carrying out the Mission of the Department of Health. | | | | | | | | | | |
| | | | | | | | | | Column Total | 30.00 | Column Total | 80.00 | 0 MI | 0.445 MI | Column Total | 11.50 | | | 121.50 |
| | | | | | | | | | Column Total | 30.00 | Column Total | 80.00 | 0 MI | 0.445 MI | Column Total | 11.50 | | | 121.50 |

TR _____ SET _____
 ORG 84230601015
 EO_PA _____ VR _____ CF _____ OCA _____ MOAPS _____
 INVOICE # _____ TRAN DATE _____

Traveler certifies and declares that the claim for reimbursement is true and correct in every material matter, that the travel expenses were actually incurred by the traveler, that the performance of official duties, that the claimant has been appropriately reduced by any meals or lodging included in the computation or conference registration fees claimed by me, and that the voucher conforms to every respect with the requirements of Section 112.081, Florida Statute.

TRAVELER'S SIGNATURE: *[Signature]*
 SUPERVISOR'S SIGNATURE: *[Signature]*
 SIGNATURE DATE: 11/3/09
 TITLE: Assistant General Counsel

FOR AGENCY USE:
 Advance _____
 Voucher No. _____
 Voucher Date _____
 Agency Voucher No. _____
 Agency Name _____
 Agency Address _____
 Agency Phone No. _____

DATE PREPARED: _____
 PREPARED BY: _____
 SOCIAL SECURITY NO. _____
 RESIDENCE (CITY) _____
 HEADQUARTERS _____
 TRAVELER'S SIGNATURE _____
 SIGNATURE DATE _____

9796

JORGE L. GOMEZ, M.D., P.A.

PRACTITIONER REGULATION -
LEGAL

2010 JAN -8 AM 9:42

Invoice date: January 5, 2010

In Re: DOH Case Nos. 2003-25155, 2004-19966, 2007-30311
DOAH Case Nos. 09-4678PL, 09-4679PL, 09-4680PL

| | | |
|---------------------------------|--|------------|
| November 14, 2009 | Review of "Petitioner's First Request for Admision | 2.0 hours |
| November 16, 2009 | Final Hearing Preparation with Ms. Diane K. Klesling over the phone | 2.0 hours |
| November 18, 2009 | Testimony | 8.0 hours |
| Total time: | | 12.0 hours |
| Amount billed (\$400 per hour): | | \$4,800.00 |

Please send make your payment to:
Jorge L. Gomez, M.D., P.A.,
Tax ID: 65-0723830
Address: 6200 Sunset Place
Suite 301
Miami, Florida 33143

PSU

1/8/10

11/14-18/09

11/15/10

Dana S. Brown
DANA BROWN

131830

64-22-05-01-015

ED: PA
OAH: mQAPS

DO A104BD

FTN
Fay Brown

For the Record Reporting, Inc.
1500 Mahan Drive, Suite 140
Post Office Box 12042
Tallahassee, FL 32317-2042
(850) 222-5491 Phone (850) 224-5316 Fax
Tax ID: 59-3616998

Inv
1964211
005 1117109
FBrown
Brown

November 5, 2009

Ms. Grace Kim, Esq.
Department of Health
4052 Bald Cypress Way
Bin A02
Tallahassee, FL 32399-1703
(850) 245-4005

PAID w/
VISA
11/17/09

Invoice Number
050201J 7941

Re: DOH vs. Matthew J. Kachinas, M.D.
Case No 09-4678PL, 09-4679PL & 09-4680PL
Telephonic Depo. Carol L. Gregg, Esquire

| Description of Services | | Pgs/Qty | Rate | Extension |
|------------------------------------|--|---------|-------|-----------|
| Appearance-telephone | Inv. No. 7941, Taken on 10/28/09, 12:00-12:40 | 1.00 | 78.75 | 78.75 |
| O+1 | | 33.00 | 4.04 | 133.32 |
| ASCII disk - n/c | Per contract | 1.00 | 0.00 | 0.00 |
| Exhibit copy | | 3.00 | 0.52 | 1.56 |
| Mini-transcript and index - n/c | | 1.00 | 0.00 | 0.00 |

Invoice total: \$213.63

Payment due upon receipt. Thank you

FOR THE RECORD
REPORTING
1500 MAHAN DR STE 140
TALLAHASSEE FL 32308
(850) 222-5491

PHONE: 856
534-65-DR-14
#891
0660811542

REF: 3681
TO TYPE: 0159
IN TYPE: PURCHASE
DATE: 10/17/09 04:58:34

TOTAL \$213.63
ACT: 050201J
#P: 201117
TOTAL AMOUNT DND 1100
CUST. 18.09
TAX

MEMBER ACKNOWLEDGES RECEIPT OF GOODS
AND/OR SERVICES IN THE AMOUNT OF THE
TOTAL SHOWN HEREIN AND AGREES TO PAY THE
SAME ACCORDING TO THE TERMS SET FORTH BY THE
CARRIER'S AGREEMENT WITH THE ISSUER

THANK YOU! COME AGAIN!

MEMORIAL COPY

9801

TIME NOT
ENTERED
11/17/09
FB

Bay Park Reporting

4010 W. State Street
Tampa, FL 33609
Phone: 813-490-0003
Fax: 813-831-1599

PRACTITIONER REGULATION
LEGAL

2009 DEC 28 AM 10: 53

1990948
11/18/09
F Brown
A Brown

2/1/2010

Diane K Kiesling, Esq
Department of Health- C-65
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265

Invoice #32602

| Date | Terms |
|------------|--------|
| 12/22/2009 | Net 30 |

| Job | Number | Reporter | Order Shipped | Shipped Via |
|-----------------|--------|---------------------------------------|---------------|-------------|
| 11/18/2009 | 2208 | Patti Pilarski | | US Mail |
| Contract Number | | Case | | |
| 051201 | | DOH vs. Matthew Kachinas hrg Sarasota | | |

| Description | Price | Qty | Amount |
|---|------------|------|------------------|
| Original Transcript of Hearing | | | |
| Appearance Fee - Full Day | \$ 155.400 | 1.00 | \$ 155.40 |
| Mileage (108 Units) | \$ 0.445 | 1.00 | \$ 48.06 |
| Original and one copy of transcript (206 Pages) | \$ 3.570 | 1.00 | \$ 735.42 |
| | | | <u>\$ 938.88</u> |

Amount Due: \$ 938.88
Paid: \$ 0.00

| | |
|--------------|------------|
| Balance Due: | \$ 938.88 |
| Payment Due: | 01/21/2010 |

FEIN NO: 80-0021322
Thank you for letting us serve you.

Diane K Kiesling
1-12-10

*TIME TRACK
ENTERED
2/12/10
PC*

9802

Bay Park Reporting

4010 W. State Street
Tampa, FL 33609
Phone: 813-490-0003
Fax: 813-831-1599

PRACTITIONER REGULATION
LEGAL

2009 DEC 28 AM 10:49

4/10
Inv. 1990949
12/22/09
F. Brown
J. Brown

Diane K Kiesling, Esq
Department of Health- C-65
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265

Invoice #32603

| Date | Terms |
|------------|--------|
| 12/22/2009 | Net 30 |

| Job | Number | Reporter | Order Shipped | Shipped Via |
|-----------------|--------|---------------------------------------|---------------|-------------|
| 11/19/2009 | 2209 | Patti Pilarski | | US Mail |
| Contract Number | | Case | | |
| 051201 | | DOH vs. Matthew Kachinas hrg Sarasota | | |

| Description | Price | Qty | Amount |
|---|------------|------|------------------|
| Original Transcript of Hearing | | | |
| Appearance Fee - Full Day | \$ 155.400 | 1.00 | \$ 155.40 |
| Mileage (108 Units) | \$ 0.445 | 1.00 | \$ 48.06 |
| Original and one copy of transcript (106 Pages) | \$ 3.570 | 1.00 | \$ 378.42 |
| | | | \$ 581.88 |

Amount Due: \$ 581.88
Paid: \$ 0.00

| | |
|--------------|------------|
| Balance Due: | \$ 581.88 |
| Payment Due: | 01/21/2010 |

FEIN NO: 80-0621322

Thank you for letting us serve you.

Diane S. Brown
1-14-10

9803

*TDmerck
ENTERED
11/21/09*

ATKINSON-BAKER, INC.
 500 NORTH BRAND BOULEVARD, THIRD FLOOR
 GLENDALE, CA 91203-4725
 800-288-3376, 800-925-5910 fax
 www.depo.com

11/09/09
 FBrown
 John

Diane K. Kiesling
 Florida Department of Health
 4052 Bald Cypress Way
 Bin C65 - Prosecution Services Unit
 Tallahassee, FL 32399-

Please refer to the Invoice No. and your Firm No. in any correspondence.
 Contact Ann Kabenjian
 akabenjian@depo.com

ABI'S Federal ID No.: 95-4189037

Setting Firm: Florida Department of Health
 Taking Attorney: Diane K. Kiesling
 Case Name: Dept of Health vs Matthew J Kachinas MD
 Case No.: 09-4978PL, 09-4679PL
 Claim No.:
 Insurance Co.:
 Insured: DOL:
 Clients Ref.#1:
 Clients Ref.#2:
 Adjuster:

Description: Reporter's fee for taking the deposition of Danielle Boucher, M.D., taken 11/9/2009. No transcript ordered.

INVOICE NO. A309C85 AA
 FIRM NO. 1194268
 INVOICE DATE 11/18/2009
 DUE UPON RECEIPT

| ITEM | QTY | PRICE | LINE TOTAL |
|----------------------------------|------|----------|------------|
| Hold-Notes Hourly, No Transcript | 1.00 | \$ 75.00 | \$ 75.00 |
| PAYMENTS | | | - \$ 0.00 |
| BALANCE DUE | | | \$ 75.00 |

A service fee of 1.5% per month may be added to any invoice over 30 days old.

Diane K. Kiesling
 12-15-09

Fold and tear at this perforation, then return stub with payment.

BALANCE DUE \$ 75.00
 INVOICE NO. A309C85 AA
 FIRM NO. 1194268

For: Reporter's fee for taking the deposition of Danielle Boucher, M.D., taken 11/9/2009. No transcript ordered.

From: Diane K. Kiesling
 Florida Department of Health
 4052 Bald Cypress Way
 Bin C65 - Prosecution Services Unit
 Tallahassee, FL 32399-

Remit To: Atkinson-Baker, Inc.
 500 NORTH BRAND BOULEVARD,
 THIRD FLOOR
 GLENDALE, CA 91203-4725

If you have already paid for this service by COD, then this invoice is for your records only.

9804

TIME TAKEN
 ENTERED
 11/21/09
 PL

ATKINSON-BAKER, INC.
 500 NORTH BRAND BOULEVARD, THIRD FLOOR
 GLENDALE, CA 91203-4725
 800-288-3376, 800-925-5910 fax
 www.depo.com

11/23
 Invo. 196745
 11/13/09
 FBrown
 J Brown

Diane K. Kiesling
 Florida Department of Health
 4052 Bald Cypress Way
 Bin C65 - Prosecution Services Unit
 Tallahassee, FL 32399-

Please refer to the Invoice No. and your Firm No. in any correspondence.
 Contact Ann Kabenjian
 akabenjian@depo.com

ABI'S Federal ID No.: 95-4189037

Selling Firm: Florida Department of Health
 Taking Attorney: Diane K. Kiesling
 Case Name: Dept of Health vs Matthew J Kachinas MD
 Case No.: 09-4978PL, 09-4679PL

Claim No.:
 Insurance Co.:
 Insured: | DOL |
 Clients Ref.#1:
 Clients Ref.#2:
 Adjuster:

Description: Reporter's transcript of the deposition of Walter Morales, M.D., taken 11/9/2009. Expedited.

INVOICE NO. A309C76 AA
 FIRM NO. 1194268
 INVOICE DATE 11/13/2009
 DUE UPON RECEIPT

| ITEM | QTY | PRICE | LINE TOTAL |
|--------------------------------|-------|----------|------------|
| Pages - O&1 - Medical/Expert | 45.00 | \$ 4.00 | \$ 180.00 |
| Expedite: 3 working days - 80% | 45.00 | \$ 3.20 | \$ 144.00 |
| CD: Ascii/etrans/PDF | 1.00 | \$ 20.00 | \$ 20.00 |
| Condensed Transcript | 1.00 | \$ 15.00 | \$ 15.00 |
| Processing & Handling Fee | 1.00 | \$ 25.00 | \$ 25.00 |
| Hourly - 1st Hour | 1.00 | \$ 75.00 | \$ 75.00 |
| UPS Overnight | 1.00 | \$ 25.00 | \$ 25.00 |

| | |
|-------------|-----------|
| PAYMENTS | - \$ 0.00 |
| BALANCE DUE | \$ 484.00 |

A service fee of 1.5% per month may be added to any invoice over 30 days old.

Fold and tear at this perforation, then return stub with payment.

BALANCE DUE \$ 484.00

INVOICE NO. A309C76 AA
 FIRM NO. 1194268

For: Reporter's transcript of the deposition of Walter Morales, M.D., taken 11/9/2009. Expedited.

From: Diane K. Kiesling
 Florida Department of Health
 4052 Bald Cypress Way
 Bin C65 - Prosecution Services Unit
 Tallahassee, FL 32399-

Remit To: Atkinson-Baker, Inc.
 500 NORTH BRAND BOULEVARD,
 THIRD FLOOR
 GLENDALE, CA 91203-4725

If you have already paid for this service by COD, then this invoice is for your records only.

9805

Diane K. Kiesling
 12-4-09
 TIME TRAX
 ENTERED
 2/11/10
 PE



State of Florida
 Department of Health
 Headquarters Purchasing

PO NUMBER MUST APPEAR ON ALL
 CORRESPONDENCE, SHIPMENTS, AND
 INVOICES. SEE REVERSE SIDE FOR
 ADDITIONAL TERMS AND CONDITIONS.

Purchase Order #
S 6480 QT2583

| Vendor (Not Transferable) | |
|----------------------------|----------|
| ASLANIAN, JAKE MD PA | |
| 4370 S TAMiami TRL STE 151 | |
| SARASOTA | FL 34231 |

| Ship To: | |
|--|--|
| DEPT. OF HEALTH PRACTITIONER REGULATIONS 2727 MAHAN DRIVE, BLDG. 3 TALLAHASSEE FL 32308 | |
| Invoice To: | |
| DEPARTMENT OF HEALTH ATTN: ACCOUNTS PAYABLE PO BOX 2647 TALLAHASSEE FL 32316-2647 | |

| Issue Date | Terms | FOB | Freight | |
|----------------|------------------------------|-------------------|-----------------------|----------------|
| APRIL 08, 2004 | | DESTINATION | FRT INCLUDED IN PRICE | |
| Vendor No. | CMBE | Bid/Quote/Cont # | Contact / Telephone | |
| F650455689002 | A | N/A | THOMAS 850/414-8076 | |
| P.O. Line | Commodity Code / Description | Quantity And unit | Unit Price | Extended Total |

YOU'RE INVITED TO ATTEND A VENDOR INFORMATION SESSION!
 THE STATE OF FLORIDA IS BEGINNING AN EXCITING INITIA-
 TIVE TO DESIGN, BUILD AND OPERATE A WEB-BASED PROCURE-
 MENT SYSTEM. THIS NEW "EPROCUREMENT" SYSTEM, NAMED
 "MYFLORIDAMARKETPLACE" WILL BE DESIGNED TO STREAMLINE
 AGENCY-PURCHASING PROCESSES AND PROVIDE A USER-FRIENDLY
 INTERNET PORTAL FOR VENDORS TO INTERACT WITH STATE
 GOVERNMENT BUYERS. PLEASE LOG ON TO WWW.MYFLORIDA.COM,
 AND CLICK ON THE 'MYFLORIDAMARKETPLACE' LINK UNDER 'HOT
 TOPICS' TO FIND OUT MORE INFORMATION AND TO SIGN UP FOR
 A SESSION. SESSIONS ARE STARTING IN MARCH, AND WILL BE
 HELD STATEWIDE OVER THE UPCOMING MONTHS.

ADVANCED NARRANT REQUESTED

REQUISITION NO.: 03-38133

STATE SALES TAX EXEMPT

| | | | | |
|---|---------------------------------------|------|-------------------|------------|
| 1 | 973 500 000 0000 | 1 | \$1,600.000 | \$1,600.00 |
| | MENTAL AND PHYSICAL EVALUATION ON THE | EACH | 0.000% DISC TAKEN | |
| | SUBJECT IN RE: DOH VS KACHINAS | | | |
| | (2003-25155) | | | |
| | DELIVER ON OR BEFORE: 05/08/2004 | | | |
| | PURCHASE CODE: 0 SINGLE SOURCE | | | |

TOTAL \$1,600.00

9806

State of Florida
Department of Health
Headquarters Purchasing

Purchase Order #
S 6480 QT2583

Page 2

| P.O. Line | Commodity Code / Description | Quantity And unit | Unit Price | Extended Total |
|-----------|------------------------------|-------------------|------------|----------------|
|-----------|------------------------------|-------------------|------------|----------------|

| ORG. CODE | EO / VR / OBJECT | ENCUMBRANCE | AMOUNT | P/A NAME |
|-----------------|------------------|-------------|------------|--------------------------------|
| 64 22 06 00 015 | QM 02 131340 | \$1,600.00 | \$1,600.00 | MARY MCALISTER 850-245-4199 |

| | | | |
|----------------|------|--|------|
| Invoice Number | Date | Goods/Services Received | Date |
| 9807 | | Order Status: <input type="checkbox"/> Partial <input type="checkbox"/> Complete | |

BY *Mary McAlister*
AS AGENT FOR ABOVE NAMED GOVERNMENT ENTITY

JORGE L. GOMEZ, M.D., P.A.

Invoice date October 5, 2006

DOH v. Matthew Kachinas, M.D.
Complaint No. 2004-19966

| | |
|--|----------|
| Review of the records provided and preparation of report | 1 hour |
| Total | \$400.00 |

JORGE L.GOMEZ, M.D., P.A.

Invoice date February 22, 2008

DOH v. Matthew J. Kachinas
DOH Complaint No 2007-30311

Review of the records provided and preparation of the report

3 hours

Total billed

\$1,200.00