

STATE OF FLORIDA
BOARD OF MEDICINE

By: *Amy K. Long*
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-03424
LICENSE NO.: ME0066450

JOSE ALBERTO NUNEZ, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on February 4, 2012, in Orlando, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

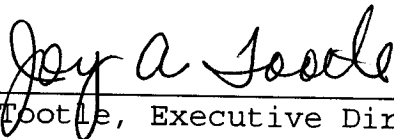
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon Respondent's license.

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

DONE AND ORDERED this 15th day of February, 2012.

BOARD OF MEDICINE



Joy A. Tootle, Executive Director
For Jason J. Rosenberg, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to JOSE ALBERTO NUNEZ, M.D., 10454 NW 31st Terrace, Miami, Florida 33172; and 1800 SW 27th Avenue, #200, Miami, Florida 33145; to Monica Rodriguez, Esquire, Dresnick, Rodriguez & Perry, P.A., 9100 South Dadeland Boulevard, Suite 1610, Miami, Florida 33156-7817; and by interoffice delivery to Veronica Donnelly, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 16 day of February, 2012.



Deputy Agency Clerk

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE OCT 31 2011

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Number: 2011-03424

JOSE ALBERTO NUNEZ, MD

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent JOSE ALBERTO NUNEZ, MD, license number 66450, hereby voluntarily relinquishes Respondent's license to practice Medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to section 456.072 (1) (f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as a Medical Doctor in the State of Florida.
3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing the Voluntary Relinquishment.
4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the case, the investigative report of the

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Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and case become public record and remain public record and that information is immediately accessible to the public, pursuant to Section 456.073 (10) Florida Statutes.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 11 day of October, 2011.



JOSE ALBERTO NUNEZ, MD

STATE OF FLORIDA
COUNTY OF: Miami-Dade

Before me, personally appeared, José A. Nunez, whose identity is known to me by _____ (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 1st day of October, 2011.

Tamara Manheimer
NOTARY PUBLIC

My Commission Expires: 12-1-12

NOTARY PUBLIC-STATE OF FLORIDA
Tamara Manheimer
Commission # EE041988
Expires DEC. 01, 2012
BONDED THROUGH ATLANTIC BONDING CO., INC.



INVESTIGATIVE REPORT

Office: CONSUMER SERVICES		Date of Complaint: August 30, 2011		Case Number: ME 2011-03424	
Subject: JOSE ALBERTO NUNEZ, MD 1800 SW 27 th Avenue #200 Miami, FL 33145 (305) 446-3845			Source: CONSUMER SERVICES UNIT 4052 BALD CYPRESS WAY, BIN #C-75 TALLAHASSEE, FLORIDA 32399-3265 (850) 245-4339		
Prefix: ME	License #: 66450	Profession: Medical Doctor	Board: Medicine	Report Date: September 1, 2011	
Period of Investigation: August 30, 2011 through September 1, 2011			Type of Report: FINAL		
<p>Alleged Violation: § 458.331(1)(c)(g)(h)(i)(k)(nn), F.S. § 456.072(1)(II): Being convicted or entering a plea of guilty of a crime in any jurisdiction.. Making or filing a report which the licensee knows to be false.... Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever..... Making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.. ... Entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.....</p>					
<p>Synopsis: This investigation is predicated from a US Department of Justice Press Release reporting NUNEZ was charged for fraud for his alleged role in schemes to defraud Medicare. On August 23, 2011 NUNEZ entered a guilty plea of fraud conspiracy in connection with ABC Home Health Care and Florida Home Health Care Providers. Certified documents from the United States District Court, Southern District of Florida confirm NUNEZ'S guilty plea to knowingly and willfully combined, conspired and agreed with others to commit health care fraud. NUNEZ billed Medicare for medically unnecessary services and provided home health and therapy prescriptions in exchange for kickbacks and bribes. NUNEZ entered a plea of guilty to a crime which relates to health care fraud. (Ex. #1)</p> <p>NUNEZ was notified of this complaint by letter dated August 30, 2011 sent to NUNEZ'S address of record by INVESTIGATOR SHONDRA WATSON. (Ex. #2) Forwarded with this letter was a copy of the UCF and the initiating documents including a copy of the documents from the United States District Court, Southern District of Florida. (Ex. #1)</p> <p>DOH computer information reflects the status of NUNEZ'S license to practice Medicine in the State of Florida is Clear and Active. (Ex. #3)</p> <p>No patient involved in this case, therefore patient notification was not required.</p> <p>US District Court, Southern District of Florida, Criminal Docket for Case # 1:11-cr-20113-JAL-1 reflects NUNEZ is represented by Jose Quinon, Jose M. Quinon, PA, 312 Minorca Avenue, Coral Gables, FL 33134 (305) 858-5700, Lead Attorney.</p> <p>Response from NUNEZ will be forwarded upon receipt.</p>					
Related Case:					
Investigator/Date: <i>Shondra A. Watson</i> September 1, 2011 Shondra A. Watson, Government Analyst, I (HA-73)			Approved By/Date: <i>Scott Flowers</i> for SEP 01 2011 Scott Flowers, Senior Management Analyst		
Distribution: PSU/Consumer Services Unit					

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