STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2014-21209
LICENSE NO.: ME0091815

GLEN EDWARD VANDERZALM, M.D.,

Respondent.

_________________________________________/  

FINAL ORDER  

THIS CAUSE came before the BOARD OF MEDICINE (Board)  
pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on  
April 7, 2017, in Fort Lauderdale, Florida, for the purpose of  
considering a Settlement Agreement (attached hereto as Exhibit  
A) entered into between the parties in this cause. Upon  
consideration of the Settlement Agreement, the documents  
submitted in support thereof, the arguments of the parties, and  
being otherwise fully advised in the premises,  

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement  
Agreement as submitted be and is hereby approved and adopted in  
toto and incorporated herein by reference with the following  
clarification:  

The costs set forth in Paragraph 3 of the Stipulated  
Disposition shall be set at $4,014.10.
Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

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

DONE AND ORDERED this 20th day of April, 2017.

BOARD OF MEDICINE

[Signature]
Claudia Kemp, J.D., Executive Director
For Magdalena Averhoff, 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 GLEN EDWARD VANDERZALM, M.D., 3885 Oakwater Circle, Orlando, Florida 32806; to Michael D'Lugo, Esquire, Wicker, Smith, et al., 390 N. Orange Avenue, Suite 1000, Orlando, Florida 32801; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at
Ed.Tellechea@myfloridalegal.com this 21st day of April, 2017.

Amy L. Carranza
Deputy Agency Clerk
MEMORANDUM

DATE: April 19, 2017

TO: Adrienne C. Rodgers, J.D. Bureau Chief
    Bureau of Health Care Practitioner Regulation

FROM: Claudia J. Kemp
      Executive Director, Board of Medicine

SUBJECT: Delegation of Authority

This is to advise you that while I am out of the office April 19, 2017 through April 21, 2017 the following Executive Director is delegated to serve as Acting Executive Director for the Board of Medicine.

Joe Baker    Executive Director   (850) 245-4158

CK/lw
cc:
Sylvia Sanders
Staff, Board of Medicine
Board and Council Chairs
Sanford, Crystal

From: Baker, Joe
Sent: Thursday, April 20, 2017 10:13 AM
To: Sanford, Crystal
Cc: Willis, Leonta; Kemp, Claudia J
Subject: Delegation

You are authorized to sign Orders for the BOM today and tomorrow.

Thank you.

Joe Baker, Jr., Exec. Dir.
Florida Board of Nursing
Sent from my DOH iPad
STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v. DOH Case No. 2014-21209

Glen E. Vanderzalm, M.D.,

Respondent.

________________________/

SETTLEMENT AGREEMENT

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

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

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 91815.

2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458, Florida
Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

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

**STIPULATED CONCLUSIONS OF LAW**

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

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

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

**STIPULATED DISPOSITION**

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

2. **Fine** - The Board shall impose an administrative fine of *Seven Thousand Five Hundred Dollars and No Cents* ($7,500.00) against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within sixty (60) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). **All fines shall be paid by cashier’s check or money order.** Any change in the terms of
payment of any fine imposed by the Board must be approved in advance by the
Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE
FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT
AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS
SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT
RECEIVED WRITTEN CONFIRMATION WITHIN SEVENTY FIVE (75) DAYS OF
THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE
FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO
CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN
CONFIRMATION FROM THE BOARD.

3. Reimbursement of Costs - Pursuant to Section 456.072, Florida Statutes,
Respondent agrees to pay the Department for the Department’s costs incurred in the
investigation and prosecution of this case ("Department costs"). Such costs exclude the
costs of obtaining supervision or monitoring of the practice, the cost of quality assurance
reviews, any other costs Respondent incurs to comply with the Final Order, and the
Board’s administrative costs directly associated with Respondent’s probation, if any.
Respondent agrees that the amount of Department costs to be paid in this case is
currently Three Thousand Four Hundred Fifty-Eight Dollars and Fourteen Cents
($3,458.14), but shall not exceed Five Thousand Four Hundred Fifty-Eight
Dollars and Fourteen Cents ($5,458.14). Respondent will pay such Department
costs to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O.
Box 6320, Tallahassee, FL 32314-6320, within sixty (60) days from the date of filing of the Final Order. **All costs shall be paid by cashier's check or money order.** Any change in the terms of payment of costs imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN SEVENTY FIVE (75) DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.**

4. **Continuing Medical Education – "Cardiovascular Medicine" –** Respondent shall complete this requirement and document such completion within one (1) year of the date of filing of the Final Order. Respondent shall satisfy this requirement the following way:

(a) Respondent shall complete ten (10) hours of CME in the cardiovascular medicine, or a Board approved equivalent course, after first obtaining written advance approval from the Board's Probation Committee of such proposed course, and shall submit documentation of such completion, in the form of certified copies of the receipts,
vouchers, certificates, or other official proof of completion, to the Board's Probation Committee.

5. **Continuing Medical Education — “Risk Management”** — Respondent shall complete this requirement and document such completion within one (1) year of the date of filing of the Final Order. **Respondent shall satisfy this requirement in one of the two following ways:**

   (a) Respondent shall complete five (5) hours of CME in “Risk Management” after first obtaining written advance approval from the Board’s Probation Committee of such proposed course, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board’s Probation Committee; or

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

**STANDARD PROVISIONS**

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

2. **No Force or Effect until Final Order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board’s Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician’s recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board’s Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board’s Probation Committee, such CME course(s) shall consist of a formal, live lecture format.
4. **Addresses** - Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days of any changes of said addresses and shall also comply with all statutory requirements related to practitioner profile and licensure renewal updates.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 6488, Florida Administrative Code.

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

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

8. **No Preclusion of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

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

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

  
  
  [Signatures appear on the following page.]
  
  

DCH v Glen E. Vanderzalm M.D., Case Number 2014-21209
SIGNED this 2nd day of February, 2017.

Glen E. Vanderzalm, M.D.

STATE OF FLORIDA
COUNTY OF Orange

BEFORE ME personally appeared Glen Vanderzalm, whose identity is known to me or who produced (type of identification) and who, under oath, acknowledges that his signature appears above.

SWORN TO and subscribed before me this 2nd day of February, 2017.

Lisa G. Burdoo
NOTARY PUBLIC

My Commission Expires: 4/28/2020

APPROVED this 7th day of February, 2017.

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

By: Maciej Lewandowski
Assistant General Counsel
Department of Health

DOH v Glen E. Vanderzalm M.D., Case Number 2014-21209
STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v. 

GLEN EDWARD VANDERZALM, M.D.,

Respondent.

CASE NO.: 2014-21209

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Glen Edward Vanderzalm, M.D., and in support thereof alleges:

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

2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 91815.

3. Respondent's address of record is 3885 Oakwater Circle, Orlando, Florida 32806.
4. Respondent is Board Certified in Internal Medicine and Gastroenterology by the American Board of Internal Medicine.

5. From on or about February 22, 2010, through on or about November 2, 2011, ("the treatment period"), Patient T.M. presented to Respondent for medical assessment and/or treatment.

6. Patient T.M. presented to Respondent with chest pain, unknown family medical history, several comorbid medical problems related to possible heart disease, and possible reflux esophagitis.

7. On or about June 22, 2011, during a medical evaluation, Respondent noted changed pain in Patient T.M.'s chest that radiated to his arms.

8. Despite the change in chest pain that noted by Respondent on or about June 22, 2011, Respondent did not recommend a cardiologic evaluation and continued to treat Patient T.M. for possible reflux esophagitis.

9. On or about October 4, 2011, during a medical evaluation, Respondent noted no complaints of heartburn but continued complains of chest pain in Patient T.M.

10. At all times material to the charge set forth herein, the prevailing professional standard of care required Respondent to refer a patient with T.M.'s conditions and/or symptoms for cardiologic evaluation.


13. Section 458.331(1)(t), Florida Statutes (2010-11), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50(1)(g), Florida Statutes. Section 456.50(1)(g), Florida Statutes (2010-11), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102, Florida Statutes (2010-11), provides that the prevailing standard of care for a given healthcare 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.


15. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2010-11), in his treatment of Patient T.M.
WHEREFORE, 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 19 day of August, 2016.

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

Maciej Lewandowski
Assistant General Counsel
Florida Bar No. 0115515
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bln C-65
(850) 245-4444, Ext. 8146
(850) 245-4684 fax
Maciej.Lewandowski@flhealth.gov

ML/sdw
PCP: August 19, 2016
PCP Members: Fuad Ashkar, M.D, Ms. Joy Tootle

DOH v Glen Edward Vanderzalm, M.D.
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NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

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

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

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.