STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

ROBERT B. KROOPNICK, M.D.,

Respondent.

DOH CASE NO.: 2014-15635
LICENSE NO.: ME0113960

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 7, 2015, in Tampa, 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 $1,311.68.
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 17 day of August, 2015.

BOARD OF MEDICINE

André Ourso, J.D., M.P.H., Executive Director
For Bernardo Fernandez, 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 ROBERT B. KROOPNICK, M.D., 3100 Stone Cliff Drive, Unit 403, Baltimore, Maryland 21209; and 4000 Old Court Road, Suite 300, Baltimore, Maryland 21208; to Allen R. Grossman, Esquire, Grossman, Furlow & Bayo, LLC, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308; and by email to Yolonda Green, Assistant General Counsel, Department of Health, at Yolonda.Green@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 18th day of August, 2015.

Angel Sanders
Deputy Agency Clerk
STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2014-15635

ROBERT B. KROOPNICK, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Robert B. Kroopnick, 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 113960

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/her capacity as a licensed physician, he/she 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. **Reprimand** - The Board shall issue a Reprimand against Respondent’s license.

2. **Fine** - The Board shall impose an administrative fine of *Five Thousand Dollars ($5,000.00)* 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 thirty (30) 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/HER 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 45 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"). Any costs that Respondent incurs to comply with the Final Order, including but not limited to, the costs associated with quality assurance reviews and/or the probationary supervision of Respondent’s practice, are the separate and sole responsibility of Respondent. Respondent agrees that the amount of Department costs to be paid in this case is **Seven Hundred Fifty-three Dollars and Forty-three Cents ($753.43), but shall not exceed Two Thousand Seven Hundred Fifty-three Dollars and Forty-three Cents ($2,753.43)**. 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 thirty (30) 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/HER 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 45 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. Restriction Language - Respondent’s Florida medical license is RESTRICTED in that Respondent shall not provide any treatment (including, but not limited to, writing prescriptions) to patients in Florida for the purpose of addressing “chronic nonmalignant pain” as that term is defined in Sections 458.3265 and 456.44, Florida Statutes (2014). Additionally, Respondent’s Florida medical license is RESTRICTED in that Respondent shall not own, operate, or work on behalf of a Florida “pain management clinic” as that term is defined in Section 458.3265, Florida Statutes (2014). The restrictions shall take effect upon the filing of the Final Order in this matter, and shall remain in effect at least until:
(a) Respondent provides the Board with written proof of Respondent’s successful completion of the controlled substances and medical recordkeeping continuing medical education courses mandated by the Consent Order in Maryland State Board of Physicians Case Number 2013-0643;

(b) Respondent provides the Board with written proof that any practice limitations, restrictions, and/or probation imposed on Respondent’s Maryland medical license through the Consent Order in Maryland State Board of Physicians Case Number 2013-0643 have been lifted;

(c) Respondent provides the Board with written proof that Respondent has timely paid in full all fines and costs referenced in this Settlement Agreement and imposed through the Final Order in this matter;

(d) Respondent provides the Board with written proof that Respondent has timely and successfully completed the Laws and Rules Course referenced in this Settlement Agreement and imposed through the Final Order in this matter; and

(e) Respondent submits a written petition to the Board to lift the practice restrictions, personally appears before the Board in furtherance of his petition, and has his practice restriction lifted by the Board.

The Board retains jurisdiction in this matter to impose additional practice restrictions on Respondent’s Florida medical license, which may include, but are not limited to, a period of probation. The terms and conditions of said practice restrictions and/or probation, if any, shall be determined by the Board at such time that Respondent appears before the Board to seek the lifting of the restrictions set forth in this paragraph of the Settlement Agreement.

5. **Laws And Rules Course** - Within eighteen (18) months of the filing of the Final Order, Respondent shall complete the course “Legal and Ethical Implications in Medicine: Physician’s Survival Guide - Laws and Rules” administered by the Florida Medical Association, or a Board-approved equivalent, 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.

**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 64B8, 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 pages]
SIGNED this 15th day of May 2015.

ROBERT M. KROOPNICK, M.D.

STATE OF FLORIDA
COUNTY OF Baltimore

BEFORE ME personally appeared Robert Kroopnick M.D., whose identity is known to me or who produced MD-Driver's License (type of identification) and who, under oath, acknowledges that his/her signature appears above.

SWORN TO and subscribed before me this 15 day of May 2015.

NOTARY PUBLIC

My Commission Expires: 02/23/2019
APPROVED this 12th day of May, 2015.

John H. Armstrong, MD, FACS, FCCP
State Surgeon General & Secretary of Health, State of Florida

[Signature]

Jack F. Wise
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
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Florida Bar Number 0103953
(P) 850-245-4444, ext. 8229
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STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2014-15635

ROBERT B. KROOPNICK, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Robert B. Kroopnick, 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 113960.

3. Respondent's address of record is 4000 Old Court Road, Suite 300, Baltimore, Maryland 21208.

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4. The Maryland State Board of Physicians (hereinafter "Maryland Board") is the licensing authority regulating the practice of medicine in the State of Maryland.

5. At all times relevant to this Complaint, Respondent was a licensed physician within the State of Maryland, having been issued licensed number D14753.

6. On or about July 15, 2014, the Maryland Board took disciplinary action against Respondent's Maryland medical license by entering into a Consent Order placing Respondent on probation (hereinafter "Consent Order").

7. The Consent Order was offered in response to or in anticipation of the filing of administrative charges against Respondent's Maryland medical license.

8. Section 458.331(1)(b), Florida Statutes (2014), subjects a licensee to discipline for having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. The licensing authority's acceptance of a consent order offered in response to or in anticipation of the filing of administrative charges against the
physician's license shall be construed as action against the physician's license.

9. The Maryland Board acted against Respondent's Maryland medical license by entering into a Consent Order on or about July 15, 2014.

10. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes (2014), by having his Maryland medical license acted against by the licensing authority of Maryland.

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

[Signature appears on the following page.]
SIGNED this 20th day of February, 2015.

John H. Armstrong, MD, FACS, FCCP
State Surgeon General &
Secretary of Health, State of Florida

Louise Wilhite-St Laurent
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar No. 91244
(850) 245-4444 Telephone
(850) 245-4684 FAX

PCP Date: February 20, 2015
PCP Members: Fuad Ashkar, M.D.; Enrique Ginzburg, M.D.; Carolyn Pardue
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.