

WB

Final Order No. DOH-08-1884-~~F01~~-MQA
FILED DATE - 9.2.08
Department of Health
By: Paahul Bhs
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2003-11022
LICENSE NO.: ME0051613

G.K. DWARAKA NATH, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on August 16, 2008, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Ephraim Livingston, Assistant General Counsel. Respondent was not present but was represented by Robert Swift, Esquire. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and

incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$10,000.00 to the Board within 30 days from the date this Final Order is filed.

2. Within six months from the date of entry of the Final Order, Respondent shall submit an affidavit which documents the reimbursement of patient A.R., or the patient's insurance company for the unnecessary surgery she had to undergo.

3. Respondent shall be placed on probation for a period on one year with said probation being tolled until he returns to practice in the State of Florida. The terms and conditions of said probation are as follows:

a. 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.

b. 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:

(1) Submit quarterly reports, in affidavit form, which shall include:

- A. Brief statement of why physician is on probation.
- B. Description of probationer's practice.
- C. Brief statement of probationer's compliance with terms of probation.
- D. Brief description of probationer's relationship with monitoring physician.
- E. Detail any problems which may have arisen with probationer.

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

(3) Review 25 percent of Respondent's patient records selected on a random basis at 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. At that time, the monitoring physician shall be responsible for making the random selection of the records to be reviewed by the monitoring physician.

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

c. ALTERNATE MONITOR. 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.

d. CONTINUITY OF PRACTICE

(1) 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:

- (A) The time period of probation shall be tolled.
- (B) The provisions regarding supervision whether direct or indirect by the monitor/supervisor, and required reports from the monitor/supervisor shall be tolled.

(2) 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.

4. Respondent shall be and is hereby issued a letter of concern by the Board.

RULING ON MOTION TO ASSESS COSTS

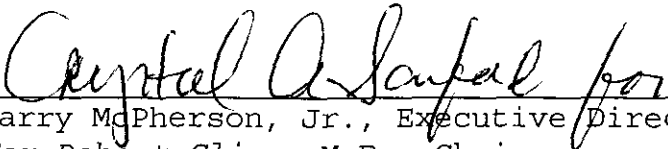
The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$1,271.16. Said costs are to be paid within 30 days from the date this Final Order is filed.

(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.)

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

DONE AND ORDERED this 29th day of August, 2008.

BOARD OF MEDICINE


Larry McPherson, Jr., Executive Director
For Robert Cline, 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 G.K. DWARAKA NATH, M.D., 1210 16th Street North, St. Petersburg, Florida 33705; to Aram P. Megerian, Esquire, and Robert Swift, Esquire, Cole, Scott & Kissane, P.A., Bridge Center, Suite 750, 5201 West Kennedy Boulevard, Tampa, Florida 33609; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 3rd day of September, 2008.

Rangel Sanders

Deputy Agency Clerk

Sanford, Crystal

From: McPherson, Larry
Sent: Wednesday, August 27, 2008 2:54 PM
To: DL MQA Management Team
Cc: Sanford, Crystal; Prine, Chandra; Gray, Melinda; Trexler, JoAnne; Nelson, Gloria J; Taylor, Natalie; 'Ed Tellechea'; Sanders, Sylvia (MQA)
Subject: Board of Medicine Delegation

Citizen Regulators,

During my absence on Thursday, August 28, 2008, through Monday, September 8, 2008, Board of Medicine Executive Director authority is delegated to Crystal Sanford, CPM, Program Operations Administrator, 245-4132.

Larry McPherson
Executive Director
Board of Medicine

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2003-11022

G. K. DWARAKA NATH, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, G. K. Dwaraka Nath, 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 51613.

3. Respondent's address of record is 1210 16th Street North, St. Petersburg, Florida 33705.

4. The American Board of Internal Medicine certifies that Respondent is board certified in Internal Medicine.

FACTS PERTAINING TO PATIENT W.M.

5. On or about January 13, 2002, Patient W.M., a sixty-five year-old male, presented to the emergency room (ER) at Saint Anthony's Hospital in St. Petersburg, Florida, via ambulance, after being found on the floor at his home nearly unconscious.

6. Patient W.M.'s chief complaint was "fatigue" and he was noted to be very drowsy, difficult to arouse, somewhat confused, and unable to give any detailed information at that time.

7. Patient W.M. had a history of peptic ulcer disease with GI (gastro-intestinal) bleeding for which he was previously admitted to Bayfront Medical Center in 1999.

8. Additionally, Patient W.M.'s past history included hypertensive cardiovascular disease, chronic renal insufficiency and a history of obstructive uropathy (a disorder involving the urinary tract).

9. The ER attending physician's physical examination revealed that Patient W.M. had profound weakness on both upper and lower extremities.

10. Patient W.M.'s initial laboratory studies revealed a WBC (white blood count) of 8760, hemoglobin level of 3.4, hematocrit level of 10.5, Bun level of 41, Creatinine level of 2.6, INR (international normalized ratio) level of 1.03 and the PTT (partial thromboplastin time) level of 24.7 seconds.

11. The ER attending physician diagnosed Patient W.M. with gastrointestinal bleeding with gastrointestinal blood loss anemia.

12. On or about January 13, 2002, the ER attending physician admitted Patient W.M. to St. Anthony's Hospital into the intensive care unit.

13. The attending physician ordered a cardiac monitor for Patient W.M., blood transfusions, hemoglobin and hematocrit laboratory studies to be checked closely every six hours and stool for occult blood times three.

14. On or about January 13, 2002, at approximately 1630 hours (4:30 p.m.), the attending physician ordered a consult with Respondent to treat Patient W.M.'s gastrointestinal bleeding and gastrointestinal blood loss anemia.

15. On or about January 13, 2002, at 2320 hours (11:30 p.m.) the Respondent gave a telephone order to transfuse two more units of PRBC's (packed red blood cells) after the third unit had been infused for a total of five units.

16. On or about January 14, 2002, at 10:58 a.m., the Respondent placed a telephone order requesting Patient W.M. receive two units of PRBC's STAT and D5NS IV fluids to run at 250 cc hr.

17. Respondent did not see Patient W.M. until 11:30 a.m. on or about January 14, 2002, at which time the Respondent went to St. Anthony's Hospital intensive care unit and performed a rectal examination on Patient W.M. that revealed a dark stool. Respondent diagnosed Patient W.M. with severe normocytic anemia and underlying renal insufficiency.

18. At approximately 11:30 a.m. on or about January 14, 2002, Respondent placed an order, that was taken off at 12:00 noon, requesting Patient W.M. to sign a consent form to undergo a EGD (esophagogastroduodenoscopy, endoscopic examination of the esophagus stomach and duodenum), clear to full liquid diet with NPO (nothing by mouth) after midnight and decrease Patient W.M.'s IV fluids to 80 cc/hr.

19. Despite being transfused with 9 units of blood in 24 hours, Patient W.M.'s hemoglobin rose no higher than 6.0 at approximately 9:30 p.m. on or about January 14, 2002.

20. On or about January 15, 2002, at 6:00 a.m., the Respondent placed a telephone order requesting two units of PRBC (packed red blood cells) and two units FFP (fresh frozen plasma) to be transfused to Patient W.M. stat.

21. On or about January 15, 2002, at 9:45 a.m., Patient W.M. had an episode of massive upper gastrointestinal bleeding with hematemesis (vomiting of blood) and hypotension and he arrested.

22. Despite efforts at resuscitation, Patient W.M. died at 9:52 a.m. The autopsy report listed the cause of death as penetrating gastric ulcer with 1450 grams of blood within the stomach.

COUNT ONE

23. Petitioner realleges and incorporates paragraphs one (1) through twenty-two (22) as if fully set forth herein.

24. Section 458.331(1)(t), Florida Statutes (2001), 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.

25. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in one or more of the following ways:

- a. Respondent's evaluation of Patient W.M. was incomplete as Respondent failed to perform an emergent consultation with Patient W.M. in the intensive care unit within a reasonable period of time.
- b. Respondent failed to order insertion of a nasogastric tube to determine the location of the bleeding and to access the ongoing degree of active bleeding despite clinical parameters that suggested severe continuous gastrointestinal blood loss.
- c. Respondent failed to order more aggressive resuscitation of the hypovolemic condition of the patient despite the progressive hypotension, pre renal azotemia and failure of the hemoglobin to respond appropriately to numerous

blood transfusions, indicating continuing significant blood loss.

- d. Respondent failed to monitor serial hemoglobin determinations for Patient W.M. on or about January 14, 2002.
- e. Respondent failed to perform a diagnostic upper GI endoscopic examination (EGD) on Patient W.M. on or about January 14, 2002.
- f. Respondent failed to order sufficient clinical parameters for the management of Patient W.M.'s severe acute gastrointestinal bleeding.
- g. Respondent delayed the performance of the EGD examination so that a combined bi-directional endoscopic exam could be performed when there was insufficient clinical evidence to justify such an approach.

26. Based on the foregoing, Respondent has violated Section 458.331(1) (t), Florida Statutes (2001), 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

27. Petitioner realleges and incorporates paragraphs one (1) through twenty-two (22) as if fully set forth herein.

28. Section 458.331(1)(m), Florida Statutes (2001), provides that failing to keep medical records that justify the course and scope 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, sets forth grounds for disciplinary action by the Board of Medicine.

29. Respondent failed to keep adequate medical records of treatment for Patient W.M. in that the hand-written consultation note and progress notes do not provide substantiation for the planned delay in scheduling of the diagnostic and potentially therapeutic upper GI endoscopic examination (EGD) and does not document the planned course of treatment of patient W.M.'s acute medical condition.

30. Based on the foregoing, Respondent has violated section 458.331(1)(m), Florida Statutes (2001), by failing to keep legible 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.

Facts Pertaining to Patient A.R.

31. On or about January 17, 2003, Patient A.R. presented to the emergency room (ER) of St. Anthony's Hospital status post hysterectomy two (2) weeks prior, with a complaint of nausea, vomiting, abdominal pain and constipation since the hysterectomy.

32. It was noted that Patient A.R. had not had a bowel movement since her discharge from St. Anthony's Hospital despite trying different remedies at home.

33. Patient A.R. was examined in the ER and admitted to St. Anthony's Hospital with a diagnosis of recurring nausea and vomiting, assumed gastroparesis.

34. On or about January 17, 2003, the ER physician ordered a consult with Respondent to evaluate and treat patient A.R.

35. On or about January 17, 2003, the Respondent performed an EGD (esophagogastroduodenoscopy), endoscopic examination (upper GI) of

the esophagus stomach and duodenum, on Patient A.R. that showed some distal esophagitis and perhaps non-erosive gastritis.

36. On or about January 20, 2003, Respondent performed an intended colonoscopy on Patient A.R. during which time he was only able to advance the scope about 10 centimeters in what was believed to be the rectum with a significant kink that Respondent couldn't get past. He encountered what appeared to him to be a complete stenosis of the rectum with suture material, wherein Respondent obtained a biopsy of the area.

37. The pathology report for the "colonoscopy" biopsy found "benign squamous mucosa with acute inflammation." The finding was inconsistent with tissue from the rectum or colon, but consistent with tissue from the vagina. It became clear that Respondent had scoped the vagina and not the rectum.

38. Several hours after the "colonoscopy" procedure, Patient A.R. developed signs and symptoms of colonic perforation with abdominal pain and referred shoulder pain in association with leucocytosis, left shift and a pneumoperitoneum. It was noted that she had no severe pain prior to the (intended) colonoscopy.

39. Afterwards, Patient A.R. underwent a CT scan, which was apparently suspicious for bowel perforation. The CT scan confirmed that Patient A.R. had extensive pneumoperitoneum (free air in the peritoneum).

40. Based on these findings, and being unaware of the biopsy results, an exploratory laparotomy, sigmoidoscopy and sigmoid colostomy was performed by another surgeon on or about January 21, 2003.

41. Respondent states he was aware of the biopsy results and of its significance on or about January 24, 2003, but he failed to document the biopsy results or discuss it with the patient's other physicians until it was brought to his attention by Dr. Williams.

42. Surgical findings revealed that there was no documented site of colorectal perforation prior to the procedure performed by Respondent.

43. There was clear-cut evidence that there was perforation after the (intended) colonoscopy based on the CT findings of free air and actually the surgeons found free air when they went in through the abdomen during the exploratory surgery.

44. Postoperatively, Patient A.R. recovered well and she was discharged home on or about February 12, 2003.

45. The final conclusion was that Patient A.R. sustained the pneumoperitoneum and acute abdomen resulting from the Respondent's insertion of the endoscopy into the vaginal vault and biopsy of the recently sutured post hysterectomy anastomosis.

46. The symptoms reported did not warrant a colonoscopic examination in a thirty-seven year-old patient. The procedure was therefore not indicated.

COUNT THREE

47. Petitioner realleges and incorporates paragraphs one (1) through four (4) and thirty-one (31) through forty-six (46) as if fully set forth herein.

48. 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 by the Board of Medicine.

49. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar

physician as being acceptable under similar conditions and circumstances, in one or more of the following ways:


- a. Respondent failed to establish a sufficient differential diagnosis taking into an account all of the clinical history and the abnormal laboratory values.
- b. Respondent failed to adequately investigate the more likely clinical diagnoses of pancreatitis and/or ileus partial small bowel obstruction prior to performing an invasive intended colonoscopy examination.
- c. Respondent failed to establish a sufficient diagnostic indication for the performance of a colonoscopy examination based upon the clinical data.
- d. Respondent failed to recognize at the time of the procedure the error of inserting the colonoscope into the vaginal vault.
- e. Respondent failed to obtain additional radiographic studies including abdominal obstructive series, x-rays, CT scans or small bowel series to rule out the possibility of adhesive obstructive disease.

50. Based on the foregoing, Respondent has 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.

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 13th day of December, 2004.

John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary, Department of Health



S. J. DiConcilio, Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0949027
(850) 414-8126
(850) 414-1989

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK *Nathan Coleman*

DATE 12-13-04

SJD/lt

Reviewed and approved by: DJK (initials) 9/30/04 (date)

PCP: December 10, 2004

PCP Members: Gustavo Leon, M.D. (Chairperson), Mammen Zachariah, M.D., and John Beebe

G. K. Dwarka Nath, M.D.

DOH Case No. 2003-11022

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

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Julia M. ...*
DATE: 3/20/08

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2003-11022

G. K. Dwaraka Nath, 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 this case in accordance with 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 action and will enter a Final Order therein.
2. Section 456.072(4), Florida Statutes (2003),¹ states as follows:

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.

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 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)

3. The investigation and prosecution of this case has resulted in costs in the total amount of \$5,715.96, based on the following itemized statement of costs:

- a. Total costs for Complaints \$130.40
- b. Total costs for Investigations \$1,140.76
- c. Total costs for Legal \$4,120.75
- d. Total costs for expenses \$324.05

Therefore, the Petitioner seeks an assessment of costs against the Respondent in the amount of \$5,715.96, as evidenced in the attached affidavit. (Exhibit A).

4. 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.

5. Petitioner requests that the Board grant this motion and assess costs in the amount of \$5,715.96 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 (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 \$5,715.96.

DATED this 19th day of March, 2008.


Respectfully submitted,



Allison M. Dudley
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar 159913
(850) 245-4640
(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 26th day of March, 2008, to Aram P. Megerian, Esquire, Cole, Scott & Kissane, P.A., Bridgeport Center, Suite 750, 5201 West Kennedy Boulevard, Tampa, Florida 33609:



Allison M. Dudley

AFFIDAVIT OF FEES AND COSTS EXPENDED

STATE OF FLORIDA
COUNTY OF LEON:

BEFORE ME, the undersigned authority, personally appeared **JAMES R. COOKSEY**, who was sworn and states as follows:

- 1) My name is James R. Cooksey.
- 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 an Operations Management Consultant for the Consumer Services 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 an Operations Management Consultant, 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 number 2003-11022 (Department of Health v. G. K. Dwaraka Nath, M.D., M.D.) are five thousand, seven hundred, fifteen dollars and ninety-six cents (**\$5,715.96**).
- 6) The costs for DOH case number 2003-11022 (Department of Health v. G. K. Dwaraka Nath, M.D., 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 number 2003-11022 (Department of Health v. G. K. Dwaraka Nath, M.D., 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) James R. Cooksey, first being duly sworn, states that he has read the foregoing Affidavit and its attachments and the statements contained therein are true and correct to the best of his knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

James R. Cooksey
James R. Cooksey, Affiant

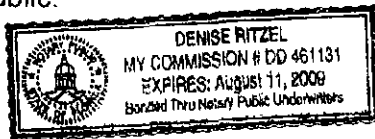
State of Florida
County of Leon

Sworn to and subscribed before me this 5th day of March, 2008
by James R. Cooksey, who is personally known to me.

Denise Ritzel
Notary Signature

Denise Ritzel
Name of Notary Printed

Stamp Commissioned Name of Notary Public:



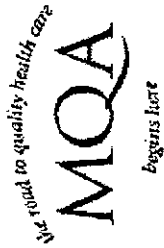
Complaint Cost Summary

Complaint Number: 200311022

Complainant's Name: DOH 0004215

Subject's Name: NATH. G K DWARAKA

	***** Cost to Date *****	
	Hours	Costs
Complaint:	2.70	\$130.40
Investigation:	19.00	\$1,140.76
Legal:	49.80	\$4,120.75
Compliance:	0.00	\$0.00
	*****	*****
Sub Total:	71.50	\$5,391.91
Expenses to Date:		\$324.05
Prior Amount:		\$0.00
Total Costs to Date:		\$5,715.96



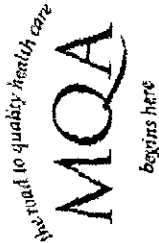
Time Tracking System Itemized Cost/Expense by Complaint

Complaint 200311022

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Record Type	Staff Code	Activity Hours	Staff Rate	Cost/Expense Amount	Cost/Expense Date	Cost/Expense Code	Cost/Expense Description
CONSUMER SERVICES UNIT							
Cost	HA78	0.80	\$46.79	\$37.43	04/28/2003	82	MQA REPORT ENTRY
Cost	HA78	0.30	\$46.79	\$14.04	04/30/2003	35	TELEPHONE CALLS
Cost	HA78	0.40	\$46.79	\$18.72	06/23/2003	5	ROUTINE INSPECTION
Cost	HA78	0.90	\$50.18	\$45.16	07/24/2003	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
Cost	HA78	0.30	\$50.18	\$15.05	04/21/2004	56	PREPARE CASE TO CLOSE OUT
				SubTotal			\$130.40
INVESTIGATIVE SERVICES UNIT							
Cost	PI06	0.30	\$60.04	\$18.01	07/30/2003	76	REPORT PREPARATION
Cost	PI06	0.20	\$60.04	\$12.01	07/30/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	1.50	\$60.04	\$90.06	09/05/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	1.50	\$60.04	\$90.06	09/05/2003	76	REPORT PREPARATION
Cost	PI06	0.50	\$60.04	\$30.02	09/09/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	0.50	\$60.04	\$30.02	09/16/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	0.50	\$60.04	\$30.02	10/09/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	2.00	\$60.04	\$120.08	10/10/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	3.00	\$60.04	\$180.12	10/10/2003	76	REPORT PREPARATION
Cost	PI06	0.50	\$60.04	\$30.02	10/17/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	1.00	\$60.04	\$60.04	10/17/2003	76	REPORT PREPARATION
Cost	PI06	2.00	\$60.04	\$120.08	10/21/2003	4	ROUTINE INVESTIGATIVE WORK
Cost	PI06	4.00	\$60.04	\$240.16	10/21/2003	76	REPORT PREPARATION
Cost	PI06	0.50	\$60.04	\$30.02	10/24/2003	6	SUPPLEMENTAL INVESTIGATION
Cost	PI06	1.00	\$60.04	\$60.04	10/24/2003	76	REPORT PREPARATION
Expense	PI06			\$58.50	09/22/2003	497010	OTHER CURRENT CHARGES - INVESTIGATIVE EVID
Expense	PI06			\$121.55	09/22/2003	497010	OTHER CURRENT CHARGES - INVESTIGATIVE EVID
				SubTotal			\$1,320.81



Time Tracking System Itemized Cost/Expense by Complaint

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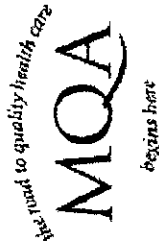
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Record Type	Staff Code	Activity Hours	Staff Rate	Cost/Expense Amount	Cost/Expense Date	Cost/Expense Code	Description
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PROSECUTION SERVICES UNIT

Cost	HL96A	0.20	\$86.54	\$17.31	02/12/2004	25	REVIEW CASE FILE
Cost	HLL7B	3.50	\$73.97	\$258.90	02/23/2004	25	REVIEW CASE FILE
Cost	HLL7B	0.20	\$73.97	\$14.79	02/23/2004	35	TELEPHONE CALLS
Cost	HLL7B	0.20	\$73.97	\$14.79	02/23/2004	74	MEETINGS WITH DEPARTMENT STAFF
Cost	HLL7B	0.30	\$73.97	\$22.19	02/25/2004	25	REVIEW CASE FILE
Cost	HLL7B	0.20	\$73.97	\$14.79	02/27/2004	35	TELEPHONE CALLS
Cost	HLL7B	0.10	\$73.97	\$7.40	02/27/2004	35	TELEPHONE CALLS
Cost	HLL7B	2.30	\$73.97	\$170.13	03/24/2004	25	REVIEW CASE FILE
Cost	HLL7B	0.40	\$73.97	\$29.59	03/24/2004	35	TELEPHONE CALLS
Cost	HLL7B	2.90	\$73.97	\$214.51	04/01/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	0.40	\$73.97	\$29.59	04/05/2004	37	REVIEW LETTER
Cost	HLL7B	0.40	\$73.97	\$29.59	05/27/2004	25	REVIEW CASE FILE
Cost	HLL7B	1.00	\$73.97	\$73.97	05/27/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	0.70	\$73.97	\$51.78	06/08/2004	38	REVIEW DISCOVERY REQUESTS/RESPONSES
Cost	HLL7B	2.40	\$73.97	\$177.53	06/23/2004	25	REVIEW CASE FILE
Cost	HLL7B	2.70	\$73.97	\$199.72	06/23/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	3.00	\$73.97	\$221.91	06/29/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	0.50	\$73.97	\$36.99	09/23/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	0.60	\$73.97	\$44.38	09/28/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	1.10	\$73.97	\$81.37	09/28/2004	1	ROUTINE ADMINISTRATIVE DUTIES
Cost	HLL7B	1.30	\$73.97	\$96.16	09/29/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	0.60	\$73.97	\$44.38	10/01/2004	29	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
Cost	HLL7B	1.10	\$73.97	\$81.37	01/03/2005	79	REVIEW ADMINISTRATIVE COMPLAINT
Cost	HLL7B	0.30	\$73.97	\$22.19	01/03/2005	37	STIPULATION
Cost	HLL7B	0.50	\$73.97	\$36.99	01/12/2005	26	REVIEW LETTER
Cost	HLL7B	0.60	\$73.97	\$44.38	01/12/2005	79	PREPARE OR REVISE MEMORANDUM
Cost	HLL7B	0.50	\$73.97	\$36.99	02/03/2005	37	STIPULATION
Cost	HLL7B	0.20	\$73.97	\$14.79	02/04/2005	35	REVIEW LETTER
Cost	HLL7B	0.30	\$73.97	\$22.19	02/15/2005	25	TELEPHONE CALLS
Cost	HLL7B	0.10	\$73.97	\$7.40	02/28/2005	35	REVIEW CASE FILE
Cost	HLL7B						TELEPHONE CALLS



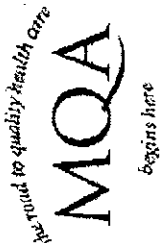
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Record Type	Staff Code	Activity Hours	Staff Rate	Cost/Expense Amount	Cost/Expense Date	Cost/Expense Code	Cost/Expense Description
Cost	HLL7B	0.70	\$73.97	\$51.78	03/02/2005	79	STIPULATION
Cost	HLL7B	0.30	\$73.97	\$22.19	03/03/2005	79	STIPULATION
Cost	HLL7B	0.20	\$73.97	\$14.79	03/14/2005	37	REVIEW LETTER
Cost	HLL7B	0.60	\$73.97	\$44.38	03/24/2005	79	STIPULATION
Cost	HLL7B	0.30	\$73.97	\$22.19	04/13/2005	79	STIPULATION
Cost	HLL7B	0.20	\$73.97	\$14.79	04/13/2005	70	CONFERENCES WITH LAWYERS
Cost	HLL7B	0.30	\$73.97	\$22.19	04/13/2005	35	TELEPHONE CALLS
Cost	HLL7B	0.30	\$73.97	\$22.19	04/26/2005	35	TELEPHONE CALLS
Cost	HLL7B	0.50	\$73.97	\$36.99	04/26/2005	25	REVIEW CASE FILE
Cost	HLL7B	1.20	\$73.97	\$88.76	06/09/2005	25	REVIEW CASE FILE
Cost	HLL7B	0.40	\$73.97	\$29.59	06/24/2005	35	TELEPHONE CALLS
Cost	HLL7B	0.40	\$73.97	\$29.59	06/24/2005	36	PREPARATION OR REVISION OF LETTER
Cost	HLL7B	0.80	\$73.97	\$59.18	06/24/2005	79	STIPULATION
Cost	HLL7B	0.40	\$73.97	\$29.59	06/27/2005	37	REVIEW LETTER
Cost	HLL7B	0.40	\$73.97	\$29.59	07/05/2005	35	TELEPHONE CALLS
Cost	HLL7B	1.60	\$73.97	\$118.35	07/05/2005	45	PREHEARING MOTION/CONFERENCE CALL
Cost	HLL7B	0.30	\$73.97	\$22.19	07/06/2005	35	TELEPHONE CALLS
Cost	HLL7B	0.30	\$73.97	\$22.19	08/01/2005	35	TELEPHONE CALLS
Cost	HLL7B	0.50	\$73.97	\$36.99	08/11/2005	26	PREPARE OR REVISE MEMORANDUM
Cost	HLL25B	0.40	\$70.94	\$28.38	08/31/2005	91	BOARD MEETING PREPARATION
Cost	HLL25B	0.20	\$70.94	\$14.19	09/01/2005	91	BOARD MEETING PREPARATION
Cost	HLL7B	0.30	\$73.97	\$22.19	09/07/2005	79	STIPULATION
Cost	HLL7B	0.30	\$73.97	\$22.19	11/03/2005	70	CONFERENCES WITH LAWYERS
Cost	HLL7B	0.30	\$73.97	\$22.19	11/09/2005	35	TELEPHONE CALLS
Cost	HLL7B	0.30	\$73.97	\$22.19	11/28/2005	25	REVIEW CASE FILE
Cost	HL70A	0.10	\$137.48	\$13.75	02/16/2006	25	REVIEW CASE FILE
Cost	HLL45A	0.60	\$123.54	\$74.12	08/11/2006	25	REVIEW CASE FILE
Cost	HLL45A	0.20	\$123.54	\$24.71	10/19/2006	35	TELEPHONE CALLS
Cost	HLL45A	1.00	\$123.54	\$123.54	10/19/2006	47	TRIAL PREPARATION
Cost	HLL45A	1.00	\$123.54	\$123.54	10/20/2006	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMEND
Cost	HLL45A	0.50	\$123.54	\$61.77	10/23/2006	79	STIPULATION
Cost	HLL45A	0.40	\$123.54	\$49.42	10/24/2006	47	TRIAL PREPARATION
Cost	HLL45A	0.30	\$123.54	\$37.06	12/15/2006	47	TRIAL PREPARATION



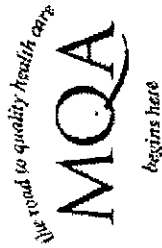
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Record Type	Staff Code	Activity Hours	Staff Rate	Cost/Expense Amount	Cost/Expense Date	Cost/Expense Code	Cost/Expense Code	Description
Cost	HLL45A	0.10	\$123.54	\$12.35	01/24/2007	47		TRIAL PREPARATION
Cost	HLL45A	0.10	\$123.54	\$12.35	03/02/2007	47		TRIAL PREPARATION
Cost	HLL45A	0.10	\$123.54	\$12.35	03/13/2007	35		TELEPHONE CALLS
Cost	HLL45A	0.10	\$123.54	\$12.35	03/21/2007	25		REVIEW CASE FILE
Cost	HLL45A	0.10	\$123.54	\$12.35	04/02/2007	35		TELEPHONE CALLS
Cost	HLL45A	0.50	\$123.54	\$61.77	04/02/2007	25		REVIEW CASE FILE
Cost	HLL45A	1.00	\$123.54	\$123.54	04/02/2007	47		TRIAL PREPARATION
Cost	HLL45A	0.20	\$123.54	\$24.71	04/03/2007	35		TELEPHONE CALLS
Cost	HLL45A	0.50	\$123.54	\$61.77	04/12/2007	47		TRIAL PREPARATION
Cost	HLL45A	0.10	\$123.54	\$12.35	05/10/2007	35		TELEPHONE CALLS
Cost	HLL45A	0.10	\$91.00	\$9.10	10/29/2007	70		CONFERENCES WITH LAWYERS
Cost	HLL45A	0.50	\$91.00	\$45.50	12/19/2007	79		STIPULATION
Cost	HLL45A	0.80	\$111.56	\$89.25	01/03/2008	102		REVIEW EXPERT WITNESS REPORT
Cost	HLL45A	0.60	\$111.56	\$66.94	01/03/2008	36		PREPARATION OR REVISION OF LETTER
Cost	HLL45A	0.30	\$111.56	\$33.47	01/07/2008	35		TELEPHONE CALLS
Cost	HLL45A	0.40	\$111.56	\$44.62	01/08/2008	79		STIPULATION
Cost	HLL45A	0.10	\$111.56	\$11.16	02/06/2008	36		PREPARATION OR REVISION OF LETTER
Expense	HLL45A			\$144.00	10/20/2006	131400		COURT REPORTING
				SubTotal				\$4,264.75
				Total Cost/Expense				\$5,715.96



Time Tracking System Itemized Cost by Complaint

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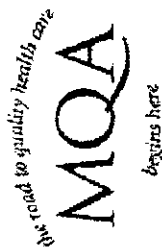
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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
CONSUMER SERVICES UNIT						
HA78	0.80	\$46.79	\$37.43	04/28/2003	82	MQA REPORT ENTRY
HA78	0.30	\$46.79	\$14.04	04/30/2003	35	TELEPHONE CALLS
HA78	0.40	\$46.79	\$18.72	06/23/2003	5	ROUTINE INSPECTION
HA78	0.90	\$50.18	\$45.16	07/24/2003	78	INITIAL REVIEW AND ANALYSIS OF COMPLAINT
HA78	0.30	\$50.18	\$15.05	04/21/2004	56	PREPARE CASE TO CLOSE OUT
Sub Total	2.70		\$130.40			

INVESTIGATIVE SERVICES UNIT						
PI06	0.30	\$60.04	\$18.01	07/30/2003	76	REPORT PREPARATION
PI06	0.20	\$60.04	\$12.01	07/30/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	1.50	\$60.04	\$90.06	09/05/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	1.50	\$60.04	\$90.06	09/05/2003	76	REPORT PREPARATION
PI06	0.50	\$60.04	\$30.02	09/09/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	0.50	\$60.04	\$30.02	09/16/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	0.50	\$60.04	\$30.02	10/09/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	2.00	\$60.04	\$120.08	10/10/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	3.00	\$60.04	\$180.12	10/10/2003	76	REPORT PREPARATION
PI06	0.50	\$60.04	\$30.02	10/17/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	1.00	\$60.04	\$60.04	10/17/2003	76	REPORT PREPARATION
PI06	2.00	\$60.04	\$120.08	10/21/2003	4	ROUTINE INVESTIGATIVE WORK
PI06	4.00	\$60.04	\$240.16	10/21/2003	76	REPORT PREPARATION
PI06	0.50	\$60.04	\$30.02	10/24/2003	6	SUPPLEMENTAL INVESTIGATION
PI06	1.00	\$60.04	\$60.04	10/24/2003	76	REPORT PREPARATION
Sub Total	19.00		\$1,140.76			

PROSECUTION SERVICES UNIT						
Sub Total						



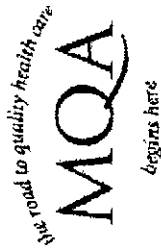
Time Tracking System Itemized Cost by Complaint

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL96A	0.20	\$86.54	\$17.31	02/12/2004	25	REVIEW CASE FILE
HLL7B	3.50	\$73.97	\$258.90	02/23/2004	25	REVIEW CASE FILE
HLL7B	0.20	\$73.97	\$14.79	02/23/2004	35	TELEPHONE CALLS
HLL7B	0.20	\$73.97	\$14.79	02/23/2004	74	MEETINGS WITH DEPARTMENT STAFF
HLL7B	0.30	\$73.97	\$22.19	02/25/2004	25	REVIEW CASE FILE
HLL7B	0.20	\$73.97	\$14.79	02/27/2004	35	TELEPHONE CALLS
HLL7B	0.10	\$73.97	\$7.40	02/27/2004	35	TELEPHONE CALLS
HLL7B	2.30	\$73.97	\$170.13	03/24/2004	25	REVIEW CASE FILE
HLL7B	0.40	\$73.97	\$29.59	03/24/2004	35	TELEPHONE CALLS
HLL7B	2.90	\$73.97	\$214.51	04/01/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL7B	0.40	\$73.97	\$29.59	04/05/2004	37	REVIEW LETTER
HLL7B	0.40	\$73.97	\$29.59	05/27/2004	25	REVIEW CASE FILE
HLL7B	1.00	\$73.97	\$73.97	05/27/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL7B	0.70	\$73.97	\$51.78	06/08/2004	38	REVIEW DISCOVERY REQUESTS/RESPONSES
HLL7B	2.40	\$73.97	\$177.53	06/23/2004	25	REVIEW CASE FILE
HLL7B	2.70	\$73.97	\$199.72	06/23/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL7B	3.00	\$73.97	\$221.91	06/29/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL7B	0.50	\$73.97	\$36.99	09/23/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL7B	0.60	\$73.97	\$44.38	09/28/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL7B	1.10	\$73.97	\$81.37	09/28/2004	1	ROUTINE ADMINISTRATIVE DUTIES
HLL7B	1.30	\$73.97	\$96.16	09/29/2004	28	PREPARE OR REVISE ADMINISTRATIVE COMPLAINT
HLL7B	0.60	\$73.97	\$44.38	10/01/2004	29	REVIEW ADMINISTRATIVE COMPLAINT
HLL7B	1.10	\$73.97	\$81.37	01/03/2005	79	STIPULATION
HLL7B	0.30	\$73.97	\$22.19	01/03/2005	37	REVIEW LETTER
HLL7B	0.50	\$73.97	\$36.99	01/12/2005	26	PREPARE OR REVISE MEMORANDUM
HLL7B	0.60	\$73.97	\$44.38	01/12/2005	79	STIPULATION
HLL7B	0.50	\$73.97	\$36.99	02/03/2005	37	REVIEW LETTER
HLL7B	0.20	\$73.97	\$14.79	02/04/2005	35	TELEPHONE CALLS
HLL7B	0.30	\$73.97	\$22.19	02/15/2005	25	REVIEW CASE FILE
HLL7B	0.10	\$73.97	\$7.40	02/28/2005	35	TELEPHONE CALLS
HLL7B	0.70	\$73.97	\$51.78	03/02/2005	79	STIPULATION
HLL7B	0.30	\$73.97	\$22.19	03/03/2005	79	STIPULATION
HLL7B	0.20	\$73.97	\$14.79	03/14/2005	37	REVIEW LETTER



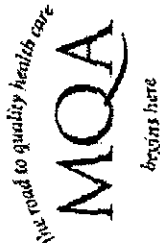
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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL7B	0.60	\$73.97	\$44.38	03/24/2005	79	STIPULATION
HLL7B	0.30	\$73.97	\$22.19	04/13/2005	79	STIPULATION
HLL7B	0.20	\$73.97	\$14.79	04/13/2005	70	CONFERENCES WITH LAWYERS
HLL7B	0.30	\$73.97	\$22.19	04/13/2005	35	TELEPHONE CALLS
HLL7B	0.30	\$73.97	\$22.19	04/26/2005	35	TELEPHONE CALLS
HLL7B	0.50	\$73.97	\$36.99	04/26/2005	25	REVIEW CASE FILE
HLL7B	1.20	\$73.97	\$88.76	06/09/2005	25	REVIEW CASE FILE
HLL7B	0.40	\$73.97	\$29.59	06/24/2005	35	TELEPHONE CALLS
HLL7B	0.40	\$73.97	\$29.59	06/24/2005	36	PREPARATION OR REVISION OF LETTER
HLL7B	0.80	\$73.97	\$59.18	06/24/2005	79	STIPULATION
HLL7B	0.40	\$73.97	\$29.59	06/27/2005	37	REVIEW LETTER
HLL7B	0.40	\$73.97	\$29.59	07/05/2005	35	TELEPHONE CALLS
HLL7B	1.60	\$73.97	\$118.35	07/05/2005	45	PREHEARING MOTION/CONFERENCE CALL
HLL7B	0.30	\$73.97	\$22.19	07/06/2005	35	TELEPHONE CALLS
HLL7B	0.30	\$73.97	\$22.19	08/01/2005	35	TELEPHONE CALLS
HLL7B	0.50	\$73.97	\$36.99	08/11/2005	26	PREPARE OR REVISE MEMORANDUM
HLL25B	0.40	\$70.94	\$28.38	08/31/2005	91	BOARD MEETING PREPARATION
HLL25B	0.20	\$70.94	\$14.19	09/01/2005	91	BOARD MEETING PREPARATION
HLL7B	0.30	\$73.97	\$22.19	09/07/2005	79	STIPULATION
HLL7B	0.30	\$73.97	\$22.19	11/03/2005	70	CONFERENCES WITH LAWYERS
HLL7B	0.30	\$73.97	\$22.19	11/09/2005	35	TELEPHONE CALLS
HLL7B	0.30	\$73.97	\$22.19	11/28/2005	25	REVIEW CASE FILE
HL70A	0.10	\$137.48	\$13.75	02/16/2006	25	REVIEW CASE FILE
HLL45A	0.60	\$123.54	\$74.12	08/11/2006	25	REVIEW CASE FILE
HLL45A	0.20	\$123.54	\$24.71	10/19/2006	35	TELEPHONE CALLS
HLL45A	1.00	\$123.54	\$123.54	10/19/2006	47	TRIAL PREPARATION
HLL45A	1.00	\$123.54	\$123.54	10/20/2006	49	REVIEW TRANSCRIPTS AND PREPARE RECOMMENDED ORDER
HLL45A	0.50	\$123.54	\$61.77	10/23/2006	79	STIPULATION
HLL45A	0.40	\$123.54	\$49.42	10/24/2006	47	TRIAL PREPARATION
HLL45A	0.30	\$123.54	\$37.06	12/15/2006	47	TRIAL PREPARATION
HLL45A	0.10	\$123.54	\$12.35	01/24/2007	47	TRIAL PREPARATION
HLL45A	0.10	\$123.54	\$12.35	03/02/2007	47	TRIAL PREPARATION
HLL45A	0.10	\$123.54	\$12.35	03/13/2007	35	TELEPHONE CALLS



Time Tracking System Itemized Cost by Complaint

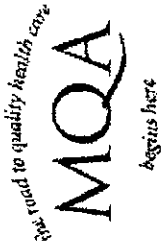
Complaint 200311022

Report Date: 03/05/2008

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Staff Code	Activity Hours	Staff Rate	Cost	Activity Date	Activity Code	Activity Description
HLL45A	0.10	\$123.54	\$12.35	03/21/2007	25	REVIEW CASE FILE
HLL45A	0.10	\$123.54	\$12.35	04/02/2007	35	TELEPHONE CALLS
HLL45A	0.50	\$123.54	\$61.77	04/02/2007	25	REVIEW CASE FILE
HLL45A	1.00	\$123.54	\$123.54	04/02/2007	47	TRIAL PREPARATION
HLL45A	0.20	\$123.54	\$24.71	04/03/2007	35	TELEPHONE CALLS
HLL45A	0.50	\$123.54	\$61.77	04/12/2007	47	TRIAL PREPARATION
HLL45A	0.10	\$123.54	\$12.35	05/10/2007	35	TELEPHONE CALLS
HLL45A	0.10	\$91.00	\$9.10	10/29/2007	70	CONFERENCES WITH LAWYERS
HLL45A	0.50	\$91.00	\$45.50	12/19/2007	79	STIPULATION
HLL45A	0.80	\$111.56	\$89.25	01/03/2008	102	REVIEW EXPERT WITNESS REPORT
HLL45A	0.60	\$111.56	\$66.94	01/03/2008	36	PREPARATION OR REVISION OF LETTER
HLL45A	0.30	\$111.56	\$33.47	01/07/2008	35	TELEPHONE CALLS
HLL45A	0.40	\$111.56	\$44.62	01/08/2008	79	STIPULATION
HLL45A	0.10	\$111.56	\$11.16	02/06/2008	36	PREPARATION OR REVISION OF LETTER
Sub Total	49.80		\$4,120.75			

Total Cost	\$5,391.91
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**Time Tracking System
Itemized Expense by Complaint**
Complaint 200311022

Report Date: 03/05/2008

Staff Code	Expense Date	Expense Amount	Expense Code	Expense Code Description
INVESTIGATIVE SERVICES UNIT				
P106	09/22/2003	\$58.50	497010	OTHER CURRENT CHARGES - INVESTIGATIVE EVIDENCE
P106	09/22/2003	\$121.55	497010	OTHER CURRENT CHARGES - INVESTIGATIVE EVIDENCE
	SubTotal	\$180.05		
PROSECUTION SERVICES UNIT				
HLL45A	10/20/2006	\$144.00	131400	COURT REPORTING
	SubTotal	\$144.00		
	Total Expenses	\$324.05		